

## **FORMAL COMMISSION MEETING AGENDA**

**MARCH 14, 2016**

**CALL TO ORDER** - Sheriff Fuson

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Chaplain Joe Creek

**ROLL CALL** – County Clerk

**PROCLAMATIONS**

1. Retired First Sergeant Lawrence Koontz – Designating section of 101<sup>st</sup> North Parkway
2. Mallory Fundora – Governor’s Volunteers Stars Award Youth Volunteer
3. David Wesner – Governor’s Volunteers Stars Award Adult Volunteer
4. Dr. Toi Dennis w/Serenity House Women’s Shelter – Governor’s Volunteers Stars Award Non-Profit Organization

**APPROVAL OF FEBRUARY 8, 2016 MINUTES**

**VOTE ON ZONING RESOLUTIONS**

**CZ-3-2016:** Application of Erle M. Butts from R-1 to C-5

**VOTE ON RESOLUTIONS**

**16-3-1:** Resolution in Support of Fiscal Year 2016 THDA Home Grant Application

**16-3-2:** Resolution Accepting a Donation for the Horseshoe Pit Area at Civitan Park and Amending the Budget of the Parks and Recreation Department Relative to that Donation

**16-3-3:** Resolution Amending the Budget of the Montgomery County Engineering Department

**16-3-4:** Resolution of Support for Enhanced, Sustainable Funding for Transportation Needs for the State of Tennessee and Local Communities

**16-3-5:** Resolution Amending the Budget of the Montgomery County Juvenile Court for Acceptance of Grant Funds and Purchase of Software and Licenses

- 16-3-6:** Resolution Giving the Director of Parks & Recreation Authority to Create Rules & Regulations for Special Events in Montgomery County and Providing Permits for Those Events
- 16-3-7:** Resolution to Contribute \$14,293.00 to the Clarksville-Montgomery County Community Action Agency for Payment of Delinquent Taxes
- 16-3-8:** Resolution to Retain a Delinquent Tax Attorney for Tax Year 2014

### **UNFINISHED BUSINESS**

- 16-2-1:** Resolution to Acquire Certain Real Estate Located at 4662 Old Ashland City Road Adjacent to the Fredonia School (tabled February 8, 2016)

### **REPORTS**

1. County Clerk's Report – (requires approval by Commission)

### **REPORTS FILED**

1. Adequate Facilities Tax and Permit Revenue Reports for February, 2016
2. Trustee's Report
3. **School System's Construction and Financial Quarterly Reports**
4. **Montgomery County Soil Conservation District Annual Report**
5. **Accounts & Budgets Monthly Report**

### **COUNTY MAYOR NOMINATIONS** – Commissioner John Gannon, Mayor Pro Tem

### **ANNOUNCEMENTS**

1. The 21<sup>st</sup> Annual 4-H Chili Luncheon will be held on Wednesday, March 16, from 11:00 to 1:00 in the large conference room. Tickets are \$5 for a bowl of chili, drink and dessert, dine in or carry out. Local deliveries will be made with pre-orders by March 15 by calling 648-5725. All proceeds benefit Montgomery County 4-H so please come out and support our youth and their involvement in county government.

### **ADJOURN** – Sheriff Fuson

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF  
COMMISSIONERS  
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF  
ERLE M. BUTTS**

WHEREAS, an application for a zone change from R-1 Single-Family Residential District to C-5 Highway & Arterial Commercial District has been submitted by Erle M. Butts and

WHEREAS, said property is identified as County Tax Map 53, parcel 6.01, 56.00, p.o. 57.00, containing 2.11 acres, situated in Civil District 13, located in the northeast corner of the Dover Rd. & Butts Rd. intersection; and

WHEREAS, said property is described as follows:

Beginning at an existing iron pin in the east margin of Butts Road, said iron pin being located 69.7 feet north of the centerline of Dover Road, aka SR 76, US Hwy 79; thence along the east margin of Butts Road North 00 Degrees 04 Minutes 09 Seconds East 144.28 feet to an existing iron pin; thence South 89 Degrees 03 Minutes 44 Seconds West 1.62 feet to an existing iron pin; thence North 00 Degrees 45 Minutes 17 Seconds East 124.94 feet to an existing iron pin in the south line of the Barbara Jensen Property (ORV 493, Page 118); thence along said property North 88 Degrees 47 Minutes 21 Seconds East 327.23 feet to an existing iron pin in the west line of the Erle M. Butts and L. Jewel Butts Revocable Living Trust Property (ORV 727, Page 781); thence along said property South 06 Degrees 19 Minutes 01 Seconds West 113.05 feet to an existing iron pin; thence South 03 Degrees 35 Minutes 13 Seconds West 174.53 feet to an existing iron pin in the north margin of Dover Road, aka SR 76, US Hwy 79; thence along margin of said road with a curve turning to the right with an arc length of 280.29 feet, with a radius of 1867.86 feet and with a chord of South 87 Degrees 00 Minutes 46 Seconds West 280.03 feet to an existing iron pin; thence with a compound curve turning to the right with an arc length of 38.66 feet, with a radius of 25.00 feet and with a chord of North 44 Degrees 11 Minutes 56 Seconds West 34.92 feet to the point of beginning and containing an area of 2.12 acres

WHEREAS, the Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends APPROVAL of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 14h day of March, 2016, that the zone classification of the property of Erle M. Butts from R-1 to C-5 is hereby approved.

Duly passed and approved this 14th day of March, 2016.

Sponsor David J. Pappalardo  
Commissioner [Signature]  
Approved [Signature]

Attested: \_\_\_\_\_  
County Clerk

County Mayor

**RESOLUTION IN SUPPORT OF FISCAL YEAR 2016  
THDA HOME GRANT APPLICATION**

**WHEREAS**, funds are available through the State of Tennessee, HOME Program; and

**WHEREAS**, Montgomery County wishes to improve housing within Montgomery County; and

**WHEREAS**, Montgomery County may apply for HOME funds in an amount not to exceed \$500,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of County Commissioners meeting in regular business session on this 14<sup>th</sup> day of March, 2016, that application be made for HOME funds for housing improvements, and that Jim Durrett, County Mayor, be authorized to sign the application and all assurances necessary to filing said application.

**Duly passed and approved this 14<sup>th</sup> day of March, 2016.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION ACCEPTING A DONATION FOR THE HORSESHOE PIT AREA  
AT CIVITAN PARK AND AMENDING THE BUDGET OF THE PARKS AND  
RECREATION DEPARTMENT RELATIVE TO THAT DONATION**

**WHEREAS**, the Montgomery County Parks and Recreation Department has been offered a monetary donation from a private donor for the construction of a cover for ten horseshoe pits at Civitan Park; and

**WHEREAS**, the Montgomery County Parks and Recreation Department will oversee the installation and design of the cover to fit over ten horseshoe pits; and

**WHEREAS**, the private donor agrees to donate to the Montgomery County Parks and Recreation Department the sum of \$45,000.00 for the construction of said cover; and

**WHEREAS**, the Montgomery County Parks and Recreation Department agrees to pay expenses related to monthly operations of the cover such as electricity and any required maintenance of the cover and surrounding landscaping; and

**WHEREAS**, the Director of the Montgomery County Parks and Recreation Department has determined that an additional \$15,000.00 would need to be appropriated in his budget to meet the additional cost to fully construct the structure to cover the said pits.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in regular session on this 14<sup>th</sup> day of March, 2016, that this legislative body agrees to accept a private monetary donation in the amount of \$45,000.00 for the specific purpose of constructing a cover for ten horseshoe pits at Civitan Park; and that the budget of the Montgomery County Parks and Recreation Department be amended to include an additional \$15,000.00 for the additional cost for completion.

**SECTION 1.** Montgomery County hereby accepts the following donation for the purpose herein stated and as detailed below:

DONATIONS	101-56700-00000-56-48160	\$45,000.00
OTHER CONSTRUCTION	101-56700-00000-56-57910	\$60,000.00

**Duly passed and approved this the 14<sup>th</sup> day of March, 2016.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION AMENDING THE BUDGET OF THE  
MONTGOMERY COUNTY ENGINEERING DEPARTMENT**

**WHEREAS**, Montgomery County is a thriving community with a growing need for a variety of infrastructure and facility construction and renovation projects, and the Montgomery County Engineering Department along with the Montgomery County Mayor's Office and the Montgomery County Commission want to meet the needs of the citizens and the community; and

**WHEREAS**, the Montgomery County Engineering Department has surpassed the reasonably expected threshold for the number and size of projects that circulate through the responsibility of this office with only one (1) Engineer and one (1) Administrative Assistant staff position to manage this important oversight and project leadership roll; and

**WHEREAS**, Tennessee Code Annotated § 5-9-407 provides a procedure for amending the budget, specifically providing that, "the budget, including line items and major categories, may be amended by passage of an amendment by a majority of the members of the county legislative body;" and

**WHEREAS**, the Montgomery County Engineering Department would like to request an additional full time Engineering or Architectural position which would accommodate the additional work being performed presently in the Engineering Department, and would assist this office in keeping the high level of professionalism and quality that this office exemplifies and requires of itself; and

**WHEREAS**, there are multiple upcoming and future projects that will sustain this project management demand and oversight into the foreseeable future, and while it is difficult to place an exact value added by the Engineering Department, the value is seen and realized by the quality and quantity of projects that have been developed, reviewed, managed and inspected by this department with a spotless record in financial management of multiple millions of dollars in Capital Projects.

**NOW, THEREFORE BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 14<sup>th</sup> day of March, 2016, that the Montgomery County Engineering Department's Fiscal Year 2015 – 2016 operating budget is hereby amended to be funded from County General Unappropriated Fund Balance as follows:

		<u>3 Month</u>	<u>Full Year</u>
101-51730-51030	Engineer	\$15,000.00	\$60,000.00
101-51730-52010	Social Security	\$ 930.00	\$ 3,720.00
101-51730-52120	Medicare	\$ 218.00	\$ 870.00
101-51730-52040	TCRS	\$ 2,073.00	\$ 8,292.00
101-51730-52070	Medical Insurance	\$ 3,475.00	\$13,899.36
101-51730-52060	Life Insurance	\$ 14.00	\$ 52.80
101-51730-57180	Motor Vehicles	\$33,500.00	\$ -
101-57130-57090	Data Processing Equip.	\$ 1,600.00	\$ -
101-57130-57110	Furniture & Fixtures	<u>\$ 3,000.00</u>	<u>\$ -</u>
TOTALS		\$59,810.00	\$86,834.16

**Duly passed and approved this 14<sup>th</sup> day of March, 2016.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**



**RESOLUTION OF SUPPORT FOR ENHANCED, SUSTAINABLE FUNDING FOR TRANSPORTATION NEEDS FOR THE STATE OF TENNESSEE AND LOCAL COMMUNITIES**

**WHEREAS**, transportation in its many forms is the backbone for the economic vitality and quality of life for communities across the State of Tennessee; and

**WHEREAS**, maintaining our vital transportation infrastructure is a critical role shared by federal, state, and local governments; and

**WHEREAS**, the transportation needs of the State of Tennessee and Tennessee communities require more than a one-time allocation of resources; and

**WHEREAS**, the State of Tennessee’s funding structure for transportation has not been modified in over a quarter of a century while inflationary pressures and improved vehicle fuel efficiency have lessened the capacity of existing funding sources; and

**WHEREAS**, the State of Tennessee has an opportunity to show leadership in partnering with communities across the state in meeting critical transportation needs through providing much needed planning and sustainable funding assistance.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in regular session on this 14<sup>th</sup> day of March, 2016, that Governor Haslem and the Tennessee General Assembly is urged to take action regarding transportation funding that incorporates the following key components:

1. Identify addition, ongoing State funding for transportation needs that incorporates a mechanism to keep pace with future inflation
2. Ensure that the Tennessee Department of Transportation continues to have the discretion to select transportation projects working collaboratively with local communities
3. Allow for a local option for dedicated revenue to fund local transportation and transit initiatives

**Duly passed and approved this the 14<sup>th</sup> day of March, 2016.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION AMENDING THE BUDGET OF THE MONTGOMERY COUNTY  
JUVENILE COURT FOR ACCEPTANCE OF GRANT FUNDS AND  
PURCHASE OF SOFTWARE AND LICENSES**

**WHEREAS**, the population of Clarksville, Montgomery County exceeds 160,000 and is considered one of the fastest growing cities in Tennessee according to the Clarksville Chamber of Commerce. Last year the Montgomery County Sheriff's Office reported 16,305 docketed cases for 2014. Information demands are increasing and the Tennessee Department of Children's Services expects the Court to provide them with case information as part of the Child and Family Intervention Program; and

**WHEREAS**, Juvenile Probation is using an outdated Microsoft program used to build data bases which is unsecure and cannot be repaired. The Foster Care Review Board facilitator is using Professional File, which is a program from a private vendor developed during the 1980's; and

**WHEREAS**, the Juvenile Court Clerk's Office recently replaced the HTE program with the TNSIS program which focuses on collections rather than case management. The TNSIS program does not allow case workers to view documents from home during on-call emergencies; and

**WHEREAS**, the Tennessee Administrative Office of the Courts has offered the Montgomery County Juvenile Court a \$20,000.00 grant for the implementation of the Quest Case Management System, a web based system, for the purpose of the collection of accurate statistical data from the juvenile court; and

**WHEREAS**, Montgomery County would be required to enter in to a five-year contract with Gottlieb and Wertz Inc., in which Montgomery County would be required to purchase a license agreement for \$750.00 per user annually. The Montgomery County Juvenile Court currently has nine potential users which would total \$6,750.00 payable when the court goes live; and

**WHEREAS**, Gottlieb and Wertz, Inc. would like to begin training the Juvenile Court staff in March, 2016 with the anticipation of going live in June or July, 2016.

**NOW, THEEFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in regular session on this 14<sup>th</sup> day of March, 2016, that the Montgomery County Juvenile Court be awarded the funding to begin training on the Quest computer system, the funds will be appropriated to the following accounts:

101-53500-00000-53-46980-G1604	\$20,000
101-53500-00000-53-57990-G1604	\$20,000
101-53500-00000-53-53330-G1604	\$ 6,750

**Duly passed and approved this the 14<sup>th</sup> day of March, 2016.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION GIVING THE DIRECTOR OF PARKS AND RECREATION  
AUTHORITY TO CREATE RULES & REGULATIONS FOR  
SPECIAL EVENTS IN MONTGOMERY COUNTY AND  
PROVIDING PERMITS FOR THOSE EVENTS**

**WHEREAS**, the Director of the Montgomery County Parks & Recreation Department provides direction and administration of park facilities to include rentals, volunteer events and other special events; and

**WHEREAS**, there is a need for the Director to be able to promulgate rules and regulations for special events in Montgomery County such as road races, bike races, etc; and

**WHEREAS**, there is also a need for the Montgomery County Parks and Recreation Department to handle permits for such events; and

**WHEREAS**, the Montgomery County Parks Committee met on Tuesday, February 16, 2016 and voted unanimously for the Director of the Montgomery County Parks & Recreation Department to be in charge of creating a set of Rules & Regulations for special events in Montgomery County and that they be disseminated on the county website and available for public access. The committee also agreed that the same department would be responsible for providing permits for such events.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 14<sup>th</sup> day of March, 2016, that the Director of Parks and Recreation for Montgomery County create Rules and Regulations for special events in Montgomery County, circulate those rules and regulations publicly along with providing permits for such events.

**Duly passed and approved this 14<sup>th</sup> day of March, 2016.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION TO CONTRIBUTE \$14,293.00 TO THE CLARKSVILLE-MONTGOMERY COUNTY COMMUNITY ACTION AGENCY FOR PAYMENT OF DELINQUENT TAXES**

**WHEREAS**, the Clarksville-Montgomery County Community Action Agency (CMCCAA) is a non-profit organization; and

**WHEREAS**, the CMCCAA purchased real property at 150 Lafayette Road, Clarksville, TN, on March 16, 2011 for the consideration of \$1,250,000.00; and

**WHEREAS**, property tax exemptions are applied for and granted by the State Board of Equalization (SBOE) according to TCA 67-5-201 thru 67-5-226; and

**WHEREAS**, CMCCAA applied for property tax exemption on April 15, 2011 and again after substantial renovations were complete in 2012 and received a partial property tax exemption from the SBOE on June 6, 2012; and

**WHEREAS**, in a letter from the SBOE dated August 24, 2015, the SBOE upheld their initial determination of a partial exemption due to real property owned by CMCCAA that was not being used for lawfully exempt purposes; and

**WHEREAS**, CMCCAA has incurred property taxes since 2014 which are now delinquent in the amount of \$14,293.00 and the organization does not have the funds to pay said taxes; and

**WHEREAS**, the CMCCAA is requesting this legislative body to appropriate funds to pay the county's portion of the delinquent and current taxes with penalties and interest, which is as follows:

Tax Year 2014 (if paid by 3/28/16)	\$11,223.44
Tax Year 2015 (if paid by 3/31/16)	3,069.36

**NOW, THEREFORE BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 14<sup>th</sup> day of March, 2016, that \$14,293.00 be appropriated to pay the county's portion of the delinquent and current taxes with penalties and interest.

**Duly passed and approved this 14<sup>th</sup> day of March, 2016.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION TO RETAIN A DELINQUENT TAX ATTORNEY  
FOR TAX YEAR 2014**

**WHEREAS**, pursuant to Tennessee Code Annotated (T.C.A.) § 67-5-101, et seq., and more specifically in T.C.A. § 67-5-2404(a)(1) and (a)(2)(b), Montgomery County is to annually retain an attorney for the purposes of recovery of delinquent taxes; and

**WHEREAS**, these statutes generally call for the attorney to be chosen by the Trustee with the approval of the County Mayor and provides for a compensation rate to be negotiated in the case of Montgomery County for no more than ten (10%) percent of all delinquent land taxes collected; and

**WHEREAS**, the delinquent tax attorney shall be determined in advance through this process and subject to the approval of the County Legislative Body, meaning in advance of February 1 for the tax recovery year; and

**WHEREAS**, it is the duty of the County Mayor and the County Trustee to cause an attorney to be employed and institute suits for the collection of delinquent taxes within the time provided and the duty of the Trustee to deliver to said delinquent tax attorney a list of delinquent taxes; and

**WHEREAS**, said duty needs to be met on a yearly basis as required by the statutes to fiscally and responsibly recover delinquent taxes and, through negotiation, to negotiate a reasonable fee for the services of a delinquent tax attorney, so the funds received in excess of those amounts paid to the delinquent tax attorney from the delinquent tax penalty of twenty (20%) percent may be returned to the General Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this the 14<sup>th</sup> day of March, 2016, and upon approval of the County Mayor, the County Trustee has selected Ray Runyon to act as Delinquent Tax Attorney for Montgomery County, Tennessee, and to make recovery of all delinquent taxes

allowable under applicable laws under T.C.A. § 67-5-101, et seq., for the 2014 Tax Year, delinquent tax attorney shall be paid a fee of Ten (10%) Percent of all delinquent taxes collected; and to the extent that penalties of Twenty (20%) Percent for delinquent taxes are collected, those funds shall be paid to the General Fund of Montgomery County, Tennessee, for which the County Legislative Body may then allocate said funds as allowed under all other applicable laws.

**Duly passed and approved this the 14<sup>th</sup> day of March, 2016.**

**Sponsor** Brenda L. Radford

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_  
**County Mayor**

**Attested** \_\_\_\_\_  
**County Clerk**



**RESOLUTION TO ACQUIRE CERTAIN REAL ESTATE  
LOCATED AT 4662 OLD ASHLAND CITY ROAD  
ADJACENT TO THE FREDONIA SCHOOL**

**WHEREAS**, Deborah Blake owns certain real estate located at 4662 Old Ashland City Road South in Montgomery County, Tennessee, described as Official Map 109, Parcel 89, consisting of approximately 1.88 acres, a copy of which is attached hereto; and

**WHEREAS**, the Montgomery County Parks Committee desires to acquire said real estate to provide additional acreage of park land to the citizens of Montgomery County, and voted unanimously to do so at a Parks Committee meeting held January 11, 2016; and

**WHEREAS**, the compensation for this parcel of real estate will be an amount not to exceed \$119,000.00 consisting of real property and for a survey and miscellaneous expenses, which will be taken from the unappropriated fund balance of the general fund to the following account: 101-56700-00000-56-57150.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 8<sup>th</sup> day of February, 2016, that the County Mayor is authorized to sign all necessary documents to purchase certain real estate located at 4662 Old Ashland City Road South, Montgomery County, Tennessee, consisting of 1.88 acres, for an amount not to exceed \$119,000.00, and that the funds to purchase be appropriated from the unappropriated fund balance of the general fund.

**Duly passed and approved this 8<sup>th</sup> day of February, 2016.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**