

BOARD OF COMMISSIONERS

AGENDA

DECEMBER 12, 2011

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Joe Creek

ROLL CALL

APPROVAL OF NOVEMBER 14, 2011 MINUTES

VOTE ON ZONING RESOLUTIONS

CZ-9-2011: Application of Wayne Darnell (Urban Farms) from R-1 to M-2

CZ-15-2011: Resolution of Rowland Smith c/o Ted Winn/Holly Point LLC from AG to R-1

VOTE ON OTHER RESOLUTIONS

- 11-12-1:** Resolution Initiating an Amendment to the County Zoning Resolution Regarding the Location of Vacation Trailer Parks
- 11-12-2:** Resolution of the Montgomery County Board of Commissioners Accepting EESI Funds for Montgomery Central High School
- 11-12-3:** Resolution to Adopt the 2012 Legislative Agenda as Presented by the Legislative Liaison Committee
- 11-12-4:** Resolution to Transfer Interest Monies from the County General Fund Balance to the Emergency Communications Fund

UNFINISHED BUSINESS

REPORTS

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

REPORTS FILED

1. Projects & Facilities Report
2. Trustee's Release List – (Requires approval from County Commission)
3. November 2011 Adequate Facilities Tax Report and Permit Revenue Report
4. Accounts and Budgets - Monthly Report
5. Trustee's Report

NOMINATING COMMITTEE NOMINATIONS – Ed Baggett, Chairman

COUNTY MAYOR APPOINTMENTS AND NOMINATIONS – Mayor Bowers

ANNOUNCEMENTS

1. Reminder: Legislative Reception, Wednesday, December 14, at 5:00 p.m. in the large conference room of the Historic Courthouse.

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
WAYNE DARNELL (URBAN FARMS)**

WHEREAS, an application for a zone change from R-1 Single-Family Residential District to M-2 General Industrial District / has been submitted by Wayne Darnell (Urban Farms) and

WHEREAS, said property is identified as County Tax Map 054, parcel 011.00 (portion), containing 55+/- acres, situated in Civil District 13, located on the north bank of the Cumberland River 750+/- feet. 1550+/- feet east of the terminus of Rusty Lane. North line follows TVA easement; and

WHEREAS, said property is described as follows:

Beginning at a point in the southern easement line of the TVA line which crosses the Urban Farms Inc Property (Map 54, Parcel 11.0); said point being at the intersection of the South margin of a TVA Easement Line and Donelson Creek; thence with said south easement line in a Northeast direction an approximate distance of 2300' to the intersection of the South margin of the TVA easement line and the Montgomery County and City of Clarksville line; thence with said line and in a southerly direction approximately 1520' to the northern edge of the Cumberland River; thence with the Cumberland River and in a Southwest direction approximately 750'; thence leaving the Cumberland River and with the Winn Materials, LLC Lease line which is also the current AG Zone Line in a westerly direction approximately 1450' to a point in Donelson Creek; thence continuing with said Winn Lease line and with said Creek in a northwest direction approximately 350' to the point of beginning containing approximately 55+/- acres (Tax Map 54 Parcel 11.00 p/o)

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 12th day of December, 2011, that the zone classification of the property of Wayne Darnell (Urban Farms) from R-1 to M-2 is hereby approved.

Duly passed and approved this 12th day of December, 2011.

Sponsor David A. Reggis
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
ROWLAND SMITH C/O TED WINN / HOLLY POINT L L C**

WHEREAS, an application for a zone change from AG Agricultural District to R-1 Single-Family Residential District has been submitted by Rowland Smith C/o Ted Winn / Holly Point L L C and

WHEREAS, said property is identified as County Tax Map 087, parcel 033.00 p/o, 033.03, containing 116.56 acres, situated in Civil District 13, located 2 Tracts located North & South of Smith Brothers Lane. East of Smith Lane & West of Bagwell Road.; and

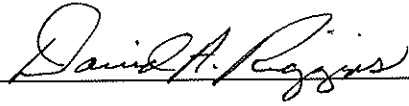
WHEREAS, said property is described as follows:

"EXHIBIT A"

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 12th day of December, 2011, that the zone classification of the property of Rowland Smith C/o Ted Winn / Holly Point L L C from AG to R-1 is hereby approved.

Duly passed and approved this 12th day of December, 2011.

Sponsor 
Commissioner _____
Approved _____

County Mayor

Attested: _____
County Clerk

"EXHIBIT A"

TRACT 1: Beginning at a point in the west right of way of said Bagwell Road, said point being the northeast corner of herein described tract, also being the point of beginning. Thence along said west right of way of said Bagwell Road, South 07 degrees 47 minutes 46 seconds West for a distance of 1000.04 feet to a point, said point being the southeast corner of herein described tract, also lying in the north right of way of said Hwy 41-A; Thence along said Hwy 41-A north right of way, North 72 degrees 59 minutes 55 seconds West for a distance of 2323.98 feet to a point, said point being the southwest corner of herein described tract, also lying in the east right of way of said Smith Lane; Thence leaving said Hwy 41-A along said east right of way, North 09 degrees 21 minutes 52 seconds East for a distance of 510.26 feet to a point, said point lying in the south right of way of the Smith Brothers Lane; Thence leaving said Smith Lane and along the south right of way of said Smith Brothers Lane for the next 15 calls; Thence South 75 degrees 46 minutes 16 seconds East for a distance of 145.42 feet to a point; Thence on a curve to the left having a radius of 227.35 feet, an arc length of 138.97 feet, a delta of 35 degrees 01 minutes 24 seconds, a tangent of 71.73 feet, a chord bearing of North 85 degrees 32 minutes 48 seconds East for a distance of 136.82 feet to a point; Thence North 67 degrees 23 minutes 58 seconds East for a distance of 242.71 feet to a point; Thence on a curve to the right having a radius of 224.96 feet, an arc length of 131.15 feet, a delta of 33 degrees 24 minutes 16 seconds, a tangent of 67.50 feet, a chord bearing of North 82 degrees 57 minutes 50 seconds East for a distance of 129.30 feet to a point; Thence South 80 degrees 10 minutes 52 seconds East for a distance of 141.42 feet to a point; Thence on a curve to the right having a radius of 18,114.44 feet, an arc length of 369.68 feet, a delta of 01 degrees 10 minutes 09 seconds, a tangent of 184.85 feet, a chord bearing of South 80 degrees 17 minutes 08 seconds East for a distance of 369.67 feet to a point; Thence South 80 degrees 41 minutes 32 seconds East for a distance of 326.77 feet to a point; Thence on a curve to the left having a radius of 1162.91 feet, an arc length of 121.46 feet, a delta of 05 degrees 59 minutes 03 seconds, a tangent of 60.78 feet, a chord bearing of South 83 degrees 23 minutes 29 seconds East for a distance of 121.40 feet to a point; Thence on a curve to the left having a radius of 256.14 feet, an arc length of 73.84 feet, a delta of 16 degrees 31 minutes 01 seconds, a tangent of 37.18 feet, a chord bearing of North 85 degrees 21 minutes 29 seconds East for a distance of 73.58 feet to a point; Thence on a curve to the right having a radius of 160.91 feet, an arc length of 80.60 feet, a delta of 28 degrees 41 minutes 52 seconds, a tangent of 41.16 feet, a chord bearing of South 88 degrees 33 minutes 06 seconds East for a distance of 79.76 feet to a point; Thence South 74 degrees 12 minutes 09 seconds East for a distance of 94.98 feet to a point; Thence on a curve to the left having a radius of 2650.95 feet, an arc length of 100.56 feet, a delta of 02 degrees 10 minutes 24 seconds, a tangent of 50.28 feet, a chord bearing of South 75 degrees 17 minutes 21 seconds East for a distance of 100.55 feet to a point; Thence South 76 degrees 17 minutes 09 seconds East for a distance of 249.74 feet to a point; Thence on a curve to the left having a radius of 517.65 feet, an arc length of 82.22 feet, a delta of 09 degrees 06 minutes 03 seconds, a tangent of 41.20 feet, a chord bearing of South 80 degrees 39 minutes 10 seconds East for a distance of 82.14 feet to a point; Thence South 85 degrees 03 minutes 48 seconds East for a distance of 33.23 feet to the point of beginning. Said tract-containing 43.02 acres more or less.

TRACT 2: Beginning at an iron pin new, (a Y2" rebar capped DBS & Associates), said pin being at the intersection of the westerly right of way of said Bagwell Road and the northerly right of way of said Smith Brothers Lane, said pin also bearing Tennessee State Plane Coordinates with a northing of 788106.8347 and an easting of 1618096.9552 North American Datum 83/Grid North, said pin also being the southeastern corner of the herein described tract; THENCE leaving said westerly right of way and with said northerly right of way the following fifteen (15) calls, North 85°03'48" West, a distance of 34.80 feet to an iron pin new, (a 'A' rebar capped 013S & Associates); THENCE on a curve to the right, having a radius of 487.65 feet, a central angle of 9°05'55", an arc distance of 77.44 feet, and being subtended by a chord which bears North 80°39'14" West 77.36 feet to an iron pin new, (a '1/2" rebar capped OBS & Associates); THENCE North 76°17'09" West, a distance of 249.90 feet to an iron pin new, (a 'A' rebar capped DBS & Associates); THENCE on a curve to the right, having a radius of 2620.95 feet, a central angle of 2°10'24", an arc distance of 99.42 feet, and being subtended by a chord which bears North 75°17'21" West 99.41 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE North

74°12'09" West, a distance of 94.98 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE on a curve to the left, having a radius of 190.91 feet, a central angle of 28°41'52", an arc distance of 95.62 feet, and being subtended by a chord which bears North 88°33'06" West 94.63 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE on a curve to the right, having a radius of 226.14 feet and a central angle of 16°31'01", an arc distance of 65.19 feet, and being subtended by a chord which bears South 85°21'29" West 64.96 feet to an iron pin new, (a LA" rebar capped DBS & Associates); THENCE on a curve to the left, having a radius of 1,132.91 feet, a central angle of 5°59'03", an arc distance of 118.32 feet, and being subtended by a chord which bears North 83°23'29" West 118.27 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE North 80°41'35" West, a distance of 326.41 feet to an iron pin new, (a 'A' rebar capped DBS & Associates); THENCE on a curve to the left, having a radius of 18,144.44 feet, a central angle of 1°10'09", an arc distance of 370.29 feet, and being subtended by a chord which bears North 80°17'08" West 370.29 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE North 80°10'49" West, a distance of 141.14 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE on a curve to the left, having a radius of 254.96 feet, a central angle of 33°24'16", an arc distance of 148.64 feet, and being subtended by a chord which bears South 82°57'50" West 146.55 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE South 67°24'02" West, a distance of 241.78 feet to an iron pin new, (a 'A' rebar capped DBS & Associates); THENCE on a curve to the right having a radius of 197.35 feet, a central angle of 35°01'24", an arc distance of 120.63 feet, and being subtended by a chord which bears South 85°32'48" West 118.76 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE North 75°46'16" West, a distance of 147.49 feet to an iron pin new, (a 'A' rebar capped DBS & Associates), said pin being at the intersection of the easterly right of way of said Smith Lane and the northerly right of way of said Smith Brothers Lane, said pin also bearing Tennessee State Plane Coordinates with a northing of 788298.9927 and an casting of 1615822.6163 North American Datum 83/Grid North, said pin also being the southwestern corner of the herein described tract; THENCE leaving said northerly right of way and with said easterly right of way the following two (2) calls, North 09°21'52" East, a distance of 190.43 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates); THENCE on a curve to the right having a radius of 2200.00 feet, a central angle of 11°24'23", an arc distance of 437.97 feet, and being subtended by a chord which bears North 14°41'49" East 437.25 feet to an iron pin old, (a 1/2" rebar), said pin being the southwestern corner of the Davidson Property of record in Official Record Volume 63, Page 637 ROMCT; THENCE leaving said easterly right of way and with the southern boundary line of said Davidson Property, South 84°06'18" East, a distance of 452.00 feet to an iron pin new, (a 1/2" rebar capped DBS & Associates), said pin bearing Tennessee State Plane Coordinates with a northing of 788863.4024 and an casting of 1616414.1445 North American Datum 83/Grid North, said pin also being the southeastern corner of said Davidson Property, THENCE leaving said southern boundary line and with the eastern boundary line of said Davidson Property, North 09°37'45" East, a distance of 541.00 feet to an iron pin old, (a 1/2" rebar), said pin being the southeastern corner of the Howard Property of record in ORV 580, Page 2120 ROMCT; THENCE leaving Davidson's eastern boundary line and with the eastern boundary line of said Howard Property, North 07°42'39" East, a distance of 640.00 feet to an iron pin new, (a V2" rebar capped DBS & Associates), said pin bearing Tennessee State Plane Coordinates with a northing of 790030.9935 and an casting of 1616590.5076 North American Datum 83/Grid North, said pin also being the northwestern corner of the herein described tract; THENCE leaving said eastern boundary line and with a southern boundary line of said Howard Property, South 81°08'25" East, a distance of 966.00 feet to an iron rod old, (a 2" iron rod), said rod being the southwestern corner of the Weaver Property of record in ORV 1263, Page 416 ROMCT; THENCE leaving said southern boundary line and with the southern boundary line of said Weaver Property, South 81°33'42" East, a distance of 324.90 feet to an iron pin new, (a 'A' rebar capped DBS & Associates), said pin being the southeastern corner of said Weaver Property, said pin also being the southwestern corner of the Cool Property of record in ORV 691, Page 2370 ROMCT; THENCE leaving said southern boundary line of said Weaver Property and with the southern boundary line of said Cool Property, South 78°53'05" East, a distance of 257.41 feet to an iron pin found, (a 1/2" rebar capped Weakley Brothers), said pin being the southeastern corner of said Cool Property, said pin also being the southwestern corner of the Turnley Property of record in ORV 1048, Page 2119 ROMCT; THENCE leaving said southern boundary line of said Cool Property and with the southern boundary line of said Turnley Property, South 79°41'24" East, a distance of 206.04 feet to an iron pin old, (a 1/2" rebar capped Weakley Brothers), said pin being the southeastern corner of said Turnley Property, said pin also bearing Tennessee State Plane Coordinates with a northing

of 789748.0356 and an casting of 1618321.6554 North American Datum 83/Grid North, said pin also being on the western right of way of said Bagwell Road, said pin also being the northeastern corner of the herein described tract; THENCE leaving said southern boundary line and with said western right of way, South 07°47'46" West, a distance of 1656.51 feet to the Point of Beginning, containing 3,203,277.5 Square Feet or 73.54 Acres, more or less.

Request includes both tracts referenced above to include a total of 116.56 +/- acres (Tax Map 97 Parcels 33.00 & 33.03) AG to R-1.

RESOLUTION 11-12-1

A RESOLUTION INITIATING AN AMENDMENT TO THE COUNTY
ZONING RESOLUTION REGARDING THE LOCATION OF VACATION TRAILER
PARKS

WHEREAS, The Zoning Resolution of Montgomery County allows "vacation trailer parks" as a permitted use in any C-5 Highway and Arterial Commercial zoning district, and

WHEREAS, it is the desire of the Montgomery County Board of Commissioners to reconsider the appropriateness of continuing this allowance within the C-5 district, and

WHEREAS, the Zoning Resolution of Montgomery County allows the County Commission to initiate amendments to the Zoning Resolution,

NOW THEREFORE BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular session this 12th day of December, 2011, that the Regional Planning Commission is hereby requested to initiate the amendment process to remove "vacation trailer parks" as an allowable use in the C-5 zoning district and to amend any other relative sections as necessary.

Duly passed and approved this 12th day of December, 2011.

Sponsor David Pizzis

Commissioner Joe Cant

Approved _____
County Mayor

Attested: _____
County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS ACCEPTING
EESI FUNDS FOR MONTGOMERY CENTRAL HIGH SCHOOL**

WHEREAS, the Energy Efficient Schools Initiative (EESI) provides monetary incentives for the inclusion of high efficiency lighting, HVAC, kitchen equipment, and motors in the design of schools, and;

WHEREAS, CMCSS qualified for these financial incentives and was approved by the Energy Efficient Schools Council in December 2010 for \$290,000, to be used for Montgomery Central High School (MCHS); said EESI Award is one hundred per cent grant funded, requiring no local matching funds, with no requirements for continuation upon expiration of the grant.

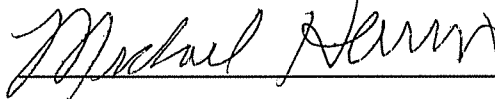
NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular business session on this 12th day of December, 2011 that this Commission accept the EESI Award of \$290,000 as detailed below:

EESI	177-00000-46530-000-00-1-000-00-C955	\$290,000
Building Improvements	177-91300-5707-00-340-00-0-000-00-C955	\$290,000

BE IT FURTHER RESOLVED that CMCSS' Chief Financial Officer shall establish the necessary School Capital Project Fund accounts providing for related revenues and expenditures for MCHS as stated in the EESI Award, this resolution intended to have the effect of appropriation to that purpose accordingly.

Duly passed and approved this 12th day of December, 2011.

Sponsor



Commissioner

Approved

County Mayor

Attested

County Court Clerk

**RESOLUTION TO ADOPT THE 2012 LEGISLATIVE AGENDA
AS PRESENTED BY THE LEGISLATIVE LIAISON COMMITTEE**

WHEREAS, the Legislative Liaison Committee acts as a liaison between the Montgomery County Board of Commissioners and the Tennessee State Legislature; and

WHEREAS, the Legislative Liaison Committee reviews bills that may affect budget plans and/or bills that would have an adverse effect on counties, and makes recommendations to the county commission prior to presenting to the state legislature; and

WHEREAS, the Legislative Liaison Committee has prepared a Legislative Agenda to the 107th General Assembly for consideration by our state delegation.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular business session on this 12th day of December, 2011, that the attached 2012 Legislative Agenda prepared by the Legislative Liaison Committee is hereby approved.

Duly passed and approved this 12th day of December 2011.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**THE
MONTGOMERY COUNTY COMMISSION**

PRESENTS ITS

2012 LEGISLATIVE AGENDA

TO THE

**107TH GENERAL ASSEMBLY
STATE DELEGATION**

**SENATOR TIM BARNES
REPRESENTATIVE CURTIS JOHNSON
REPRESENTATIVE PHILLIP JOHNSON
REPRESENTATIVE JOE PITTS**

Forwarded by

Montgomery County Mayor Carolyn Bowers

And Legislative Liaison Committee Members

Commissioner Ron Sokol

Commissioner John Genis

Commissioner Mark Riggins

Commissioner Robert Nichols

Commissioner Jeremy Bowles

DECEMBER 2011

Commissioner Ron Sokol

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Commissioner John Genis

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Commissioner Jeremy Bowles

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I. COURT COSTS

LEGISLATIVE ITEM: Add language to TCA 40-25-123 (a), *Payment of costs by defendant — Suspension of costs and litigation tax for indigent defendants*; Thereby, allowing Court Clerks to collect monies due without additional paperwork and manpower to default a criminal debt into a civil debt. A civil debt is collectable for up to 10 years and gives both the individual and the county the ability to pay or collect. This change will not alter or interfere with the judicial authority to waive costs to those who deserve consideration TCA 40-25-123 (b).

PURPOSE: This agenda item is requesting that all court costs passed on to any defendant would, by default (TCA), become a civil debt, notwithstanding and recognizing the authority of the courts and the need from time to time for the court to address those defendants who deserve consideration, the waiving of court costs. Court costs are a county debt and for every dollar expended a partial recovery is possible through the collection of court costs. It might be noted; defendants who could be considered indigent today might not be indigent later and have the ability to pay the debt.

For more detailed information please contact the following individual:
Commissioner Ron Sokol

II. JUVENILE CUSTODY PROGRAM

LEGISLATIVE ITEM: Encourage the continued support and annual financial budgeting of Juvenile Custody Prevention Programs in Tennessee (Genesis Teen Learning Center of Montgomery County)

PURPOSE: The Genesis Teen Learning Center gives troubled/problem juveniles the chance to stay in school or to obtain their GED/High School Diploma. The program also accepts students permanently expelled for zero tolerance, while reducing the chance for additional crime, saving the state of Tennessee the cost of housing these juveniles. Putting an end to this funding would literally double the expense to the state, along with increasing the current problem of placing juveniles in state programs. Your assistance with the continued funding of this program would be greatly appreciated by the courts and the citizens of Montgomery County.

During the 2009-2010 school year over 97% of students served by this program remained out of state's custody, and 89% of those discharged from the program were discharged successfully. The center graduated two students with regular High School Diplomas and 12 students received their GED. In addition, four of the aftercare students graduated and 13 students were successfully transitioned to the public school system.

For more detailed information please contact the following individual:
Commissioner John Genis

III. MOTORCYCLE PASSENGER SAFETY ACT

LEGISLATIVE ITEM: To support the development and expansion of a Motorcycle Passenger Safety Act in Tennessee. There are no age or safety restrictions (except must wear helmet) on passengers of motorcycles in the state of Tennessee.

PURPOSE: Montgomery County strongly urges the support for a review of the current motorcycle safety measures, specifically focusing on passenger safety. Items of concern include: proper passenger seating such as children riding in front of the driver; the rear passenger having no seat or back support; passengers being able to touch foot pegs for stabilization and safety; or restrictions such as a child's ability to entirely wrap their arms around the adult driver.

Tennessee has done an excellent job ensuring the safety of passengers in motor vehicles, now is the time to review motorcycle roadway safety rules and guidelines to help guarantee safety for our motorcycle riders.

For more detailed information please contact the following individual:
Commissioner John Genis

IV. STATE PARKS/NATURAL AREAS

LEGISLATIVE ITEM: A request to our state delegation for assistance in the further development of Port Royal State Park.

PURPOSE: Montgomery County Government recognizes Port Royal State Park as a significant cultural, historical, and recreational asset for our community. The park's potential to be further developed, highlighting its significant role in our nation's history as a part of the Trail of Tears, has not occurred.

We would like to request TDOT and TDEC construction funding of a pedestrian bridge connecting the existing park to 15 additional acres of the park, located on the north side of the river, to allow for the development of the existing Indian burial grounds.

For more detailed information please contact the following individual:
Commissioner Mark Riggins.

V. EDUCATION

LEGISLATIVE ITEM: Support a change in the CBER and TACIR formulas that determine a counties fiscal capacity to credit the county for the share of property tax used for new school construction and/or school renovations.

PURPOSE: Fiscal Capacity is the potential ability of local governments to fund education from their own taxable sources relative to the number of students. The new CBER (Center for Business and Economic Research) model and the TACIR (Tennessee Advisory Commission of Intergovernmental Relations) model are used to determine a counties capacity to raise local revenues for education from its property and sales tax base. One of the variables used in these formulas is the three year average of property tax spent on education taken from the Department of Education's Annual Statistical Report. However, this figure only takes into account the property tax allocated for the school system's operational budget. It does not include the amount of property tax allocated to a county's debt service fund to cover new school construction and/or major school renovations. As a result, the fiscal capacity of a county that invests in new schools is undervalued in both formulas which can result in a reduction in BEP funding. As of FY 2009-10, the Clarksville Montgomery County School System's BEP funding has been reduced by approximately \$843,000 dollars based on its projected fiscal capacity using the TACIR formula and \$729,000 dollars using the new CBER formula.

In Montgomery County, the school system's share of the current property tax rate for operations is .968 cents. The share of the property tax rate for the Debt Service Fund is \$1.026. However, .73 cents of the \$1.026 is directly related to new school construction. Using the CBER and TACIR Models, the .968 figure is used as the measure of the counties expenditure for education; when, in fact, the county has actually invested an additional .73 cents in educational funding for new and renovated schools. Thus, the counties actual education related expenditures are \$1.698.

For more detailed information please contact the following individuals:
Commissioner Mark Riggins, or Danny Grant, Clarksville-Montgomery County School System Chief Financial Officer

VI. VETERANS' CONCERNS

LEGISLATIVE ITEM: Support and actively advocate for the continued fast tracking of the approved Veterans Community Living Center in Montgomery County, Tennessee.

PURPOSE: The U.S. Department of Veterans' Affairs has approved a veterans' home for construction in FY2011-FY2012 to support Fort Campbell, the third largest military installation in the Army, and the largest retiree population in the state. A veterans' community living center in Montgomery County would be an enormous advantage to the region's more than 73,000 retirees and veterans. The veterans' home will provide the required assistance and improve the overall quality of life after retirement.

New property has been purchased and is in the name of Montgomery County.

For more detailed information please contact the following individual:
Commissioner Robert Nichols

VII. STRENGTHEN EXISTING DRUG OFFENSES

LEGISLATIVE ITEM: Encourage legislative body to support the recent DEA banning of the sale of "Bath Salt" type products and make the importation, manufacturing, distribution and use of such products a criminal felony offense.

PURPOSE: Increased availability of products containing mephedrone, methylenedioxypyrovalerone (MDPV) and methylone have recently been banned by the DEA for one year. Stronger penalties need to be used to stop the importation, manufacturing and selling of any "product" that contains these substances or derivative thereof. Presently, violation of Tennessee Code Annotated § 39-17-438 is only a Class A misdemeanor.

By following the new Federal Government guidelines, Montgomery County citizens will be protected from the harmful effects of the illegal use of these products.

For more detailed information please contact the following individual:
Commissioner Jeremy Bowles

VIII. HIGHWAY TRANSPORTATION

LEGISLATIVE ITEM: Secure funding by the Tennessee Department of Transportation for the following projects:

- * Utility relocation and construction phase for SR112/US41-A from SR76 to McAdoo Creek Road at approximately \$14,000,000.
- * Utility relocation and construction phase for SR374/Warfield Blvd. from Dunbar Cave Road to Stokes Road at approximately \$20,000,000.
- * Engineering/Environmental phase for SR48/Trenton Road from SR13/Wilma Rudolph to SR236/Tiny Town Road at approximately \$1,300,000.

PURPOSE: Support the Region's and State's economic vitality by enabling competitiveness, productivity and efficiency. Increase the safety and security of the transportation system. Protect and enhance the environment, promote energy conservation, improve air quality and overall quality of life.

For more detailed information please contact the following individuals:
Mayor Carolyn Bowers, or Stan Williams, Metropolitan Planning Organization

IV. STATE FUNDING FOR LOCAL GOVERNMENT

LEGISLATIVE ITEM: Fully support the continued funding of all state shared taxing, Stimulus and BEP funding, including current recommendations of the BEP review committee reported to the Governor, which benefit Montgomery County Government and our citizens.

PURPOSE: The current revenue sharing partnership and equitable funding relationship enables Montgomery County Government to provide essential services and basic mandated funding requirements to our citizens, students and constituents. Any reduction or compromise to full funding of these services and programs directly result in reduced effectiveness and would require substantial increases in local taxes. Increased financial stress is placed on the local government when full funding is restricted, reduced, or delayed.

Local tax resources are currently at a maximum, supplementing the inequity of state funding to provide mandated fundamental services such as: public education, public safety, correctional facilities, emergency services and transportation funding.

For more detailed information please contact the following individual:
Mayor Carolyn Bowers

X: I-24 EXITS - SAFETY UPGRADES

LEGISLATIVE ITEM: Encourage the acceleration of upgrades to I-24 Clarksville exit ramps for public safety.

PURPOSE: (1) This agenda item is requesting a re-evaluation at Exit 8, Rossview Road, on I-24 during peak travel time with another safety audit. The recent improvements by TDOT are greatly appreciated, unfortunately, this effort did not alleviate the safety concerns or the congestion problems on the ramps, interstate, and Rossview Road. The first audit was performed when local schools were on spring break. The majority of congestion occurs during morning and afternoon commute to and from three schools located on Rossview Road.

PURPOSE: (2) Request that Federal Project No: HSIP-13(39), PIN No: 112826.0 be expedited. The contract was fully executed on January 25, 2011. There has been no visible work or improvements to the intersection of SR13 at Alfred Thun Road by TDOT. The project calls for the installation of a traffic signal and the timing synchronized with the light at Exit 4 from I-24. Since January 2011 this area has experienced a massive increase in traffic on SR13 with the construction of the Hemlock Semiconductor plant and return of Ft. Campbell's deployments. We are very much in need of TDOT's effort to expedite this project.

For more detailed information please contact the following individual: Mayor Carolyn Bowers

XI. SUPPORT THE TENNESSEE COUNTY SERVICES ASSOCIATION'S 2012 LEGISLATIVE PLATFORM AND GREATER NASHVILLE REGIONAL COUNCIL 2012 LEGISLATIVE AGENDA (SEE ATTACHED INFORMATION).



Tennessee County Services Association

Representing Tennessee's County Mayors, County Highway Officials, and County Commissioners since 1954

David Seivers
Executive Director

226 Capitol Boulevard, Suite 700, Nashville, Tennessee 37219
Phone: 615/532-3767 Fax: 615/532-3769
Web Site: www.tncounties.org

Debbie Blanchard
Chief Administrative Officer

TCSA 2012 Legislative Platform

General Legislative Policy Statement

The Tennessee County Services Association, and its affiliates, the Tennessee Association of County Mayors, Tennessee County Commissioners Association and Tennessee County Highway Officials Association, generally oppose legislation which has the effect of imposing additional unfunded mandates on Tennessee's 95 county governments, or which further erodes the narrow tax base currently available to Tennessee counties. Further, the association and its affiliates will defend against intrusions into the limited local autonomy vested in county governments. TCSA will support the legislative platforms of its affiliates when they promote the mutual missions of our affiliate associations.

General Economic Conditions & Local Mandates

TCSA recognizes the increasing stresses being placed on the state budget and the difficulty the General Assembly has in continuing the state's current level of services and programs to all Tennesseans, including those state services provided by local governments, in today's economic environment. TCSA asks that the legislature recognize that local governments have similar stresses with their budgets and local revenue streams. Additionally, there is a serious lack of flexibility in meeting basic mandated funding requirements. To this end, we ask that the General Assembly refrain from further limiting the ability of county legislative bodies to use local revenue streams for purposes deemed most appropriate by the county governing body and from further increasing the fiscal burdens of counties through passage of unfunded mandates. TCSA continues to support the protection of the local tax base and any additional federal and state revenue sources available to Tennessee county governments. Counties oppose any proposal that either erodes an already limited tax base or necessitates subsequent local tax increases to implement an unfunded mandate. The association also opposes the earmarking of local revenue sources for specific purposes or any other measure that restricts the ability of county officials to make budgetary decisions based on local needs and priorities as determined by the local governing body.

Because of the economic conditions that are causing funding availability issues for local governments, TCSA is asking the Legislature to begin the process of restoring funds (i.e. the solid waste tire program, etc.) to the programs for which they were originally collected. At a minimum, the redirection of those funds should not be extended beyond the current fiscal year before irreparable damage is done to those important programs and local governments are further forced to use local revenues to fund state-mandated services without state assistance.

Further, TCSA asks the Administration and General Assembly to be protective of local services by local governments as we wait on improved state revenue forecasts and as the federal government continues its current budget review process.

Education Funding

TCSA will continue to support full funding of all portions of the Basic Education Program (BEP), including the annual inflationary growth in both state and local match portions of the BEP formula, including the capital outlay component of the formula. TCSA will continue to work with the Administration and General Assembly to demonstrate the funding commitments Tennessee counties make in BEP local funding match requirements as well as through educational capital budgeting and related debt service payments that are outside the BEP formula. This long-term county government funding commitment includes hundreds of millions of dollars budgeted annually above and beyond the BEP for teachers and administrators deemed necessary by the local school system and county legislative body. Meanwhile, TCSA supports the restoration of recurring funding for non-BEP programs (Safe Schools, Internet Connectivity and Coordinated School Health, etc.) that have been funded during the past few years using one-time monies.

Meanwhile, TCSA asks that the state extend to 12 months its portion of health insurance costs for local educators as directed by the BEP formula. According to the State Comptroller, the state currently only funds its share of the total cost for 10 months of insurance coverage, rather than a full 12-month period.

Jails and Correctional Facilities

TCSA maintains its long-standing position that the \$35 per day "per diem" for housing state prisoners in local jails is inadequate reimbursement for funding the total cost of housing such prisoners. The association, through the work of its Jail Cost Management Committee, hopes to initiate discussions with the new Administration and legislature on a funding mechanism that one day will better reflect the actual cost of providing this service for the state. While legislative efforts last year streamlined the paperwork process, it is hoped that the Legislature will consider further actions that will directly lessen the financial burden that is borne on the county for housing those state inmates. TCSA urges lawmakers to authorize new cost saving measures to help reduce the financial burden, particularly rising inmate medical costs, that counties face in dealing with the cost of housing all prisoners. Meanwhile, TCSA asks the General Assembly to incorporate an annual Cost of Living Adjustment to the amount the state reimburses all local governments for housing state prisoners.

Transportation Infrastructure

The lack of funding for county highway projects has reached a critical point in Tennessee as state gasoline/fuel tax collections remain consistently stagnant, hovering at their lowest rates since FY2001-2002. County highway departments are continuing to scale back or cancel resurfacing projects and reduce staffing until additional revenues become available. As a part of the overall Tennessee transportation system, county roads and bridges are an integral part of the state's economic and community development success, the impact it has on safe and efficient transportation of school children, the essential element in providing emergency services to our taxpayers, and the daily life value it adds to the citizens of our counties. The vast majority of vehicle trips in Tennessee begins and ends on a road maintained by a local government. The association asks that the General Assembly recognize and support the important role county government highway departments play in the success of overall state transportation system. To that end, the association recognizes the efforts of state and federal lawmakers in helping stave off an effort to require every sign on a local road to be replaced at an estimated cost of more than \$50 million, a hardship that would have further financially damaged the ability of county highway departments to meet basic transportation needs in their communities. The association supports the policy of upgrading these road signs as existing ones are phased out, rather than the wholesale replacement across the entire road system.

Meth Labs

TCSA is appreciative of funding provided in last year's budget to help offset local costs related to the securing and cleanup of meth labs in Tennessee. Since February of last year, federal funding available to address these costs ran out and much of the burden of cleanup since that time has fallen on local governments. TCSA requests that the Legislature work with the various law enforcement entities and local governments to find a long-term sustainable and reliable funding mechanism to pay for the costs created by having to clean up and dispose of the hazardous and toxic materials left behind by this form of criminal activity.

Collective Bargaining

TCSA reaffirms its position in opposition to mandatory collective bargaining. Present law allows counties and cities, if they so desire, to bargain with local government employee unions. TCSA opposes any legislation which would officially recognize a labor organization's ability to enter into enforceable memorandums of understanding with local governments. Such legislation could result in demands by local government unions that would require property tax increases and result in work slowdowns and/or interruptions of essential services. TCSA is concerned about those burdensome costs associated with implementing collective bargaining agreements mandatorily on local governments.

School Board Taxing Authority

TCSA opposes efforts to extend local taxing authority to school boards. Instead, the association recognizes K-12 education funding as a service of the entire community and, therefore, supports maintaining the existing taxing authority of the county legislative body. TCSA does not endorse the disruption of the current taxing system in those counties with special school districts already in place.



2012 LEGISLATIVE AGENDA

GNRC is the regional planning and economic development organization of the Region's 52 cities and 13 counties, and operates under the 1965 Tennessee Development District Act and 1988 Regional Authority State statutes. Mayors, county executives, minority representatives, and two members of the General Assembly makeup the membership of the GNRC policy board which deals with many common regional planning, growth, economic development needs, programs and services in the multi-county region.

This is the 23rd consecutive year that GNRC will adopt an Annual Legislative Agenda.

THE FOLLOWING IMPORTANT REGIONAL ISSUES AND NEEDS ARE BEING CONSIDERED FOR ADOPTION BY THE EXECUTIVE COMMITTEE AS THE GNRC LEGISLATIVE AGENDA FOR THE COMING YEAR:

- **SUPPORT PROGRAM FUNDING FOR THE TENNESSEE COMMISSION ON AGING AND DISABILITY AND GRNC AREA AGENCY ON AGING AND DISABILITY.** These funds provide viable and necessary public guardianship services, home delivered meals, homemaker services, home and community based services, and senior center activities. State and federal funding needs to be increased in the area of capital resources for the expansion of existing senior citizens centers and the establishment of new senior citizens centers.
- **SUPPORT CONTINUED FULL STATE FUNDING FOR GNRC FROM THE LEGISLATURE OF \$180,000 ANNUALLY IN COMPLIANCE WITH THE FUNDING FORMULA SET FORTH IN THE TENNESSEE DEVELOPMENT DISTRICT ACT OF 1965, AS AMENDED.** These funds are allocated in the state budget process through the Tennessee Department of Economic and Community Development as pass-thru funding.
- **FUNDING FOR PUBLIC INFRASTRUCTURE NEEDS.** Support and encourage the Governor and the General Assembly to adequately fund local road, bridge water, wastewater, solid waste and other local public infrastructure projects and the establishment of a dedicated source of state funding for construction and operation of the commuter rail system and other viable public transportation options.
- **PLANNING ASSISTANCE TO LOCAL GOVERNMENTS** with the demise of the Local Planning Assistance office, GNRC along with the other eight (8) Development Districts and newly created individual and joint city and county full time planning offices and consultants stepped up and took over this service. The General Assembly appropriated transition dollars to cities and counties with local planning contracts to urge the move from a state backed program to one funded totally by local dollars. Many of these cities and counties still need this financial assistance in order to keep a viable planning program and GNRC urges the governor and General Assembly to continue those city and county assistance funds and consider making them a re-occurring budget item.
- **SUPPORT THE RE-ESTABLISHMENT OF A STATE PLANNING OFFICE** which would address statewide issues and policies and would assist in the coordination of state actions and programs among the different departments and with local governments and development districts.

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2012 LEGISLATIVE AGENDA

(Continued)

- **SUPPORT INCREASED FUNDING FOR STATE PRISONERS HELD IN LOCAL JAILS.** County sheriffs should strive for cost containment and effective utilization of monies received from local county commissions for the housing of prisoners. At the same time, county jails house state prisoners at a time when jail space is limited, personnel costs are increasing, and medical costs for prisoners is sharply increasing. We urge the governor and general assembly to increase the state payment for state prisoners housed in county facilities, count as state prisoners people detained awaiting parole violation hearings, pay for pretrial detention of state prisoners and assist in cost of medical treatment for these prisoners. The state should support, encourage and facilitate regional jail systems to save local and state dollars.
- **SUPPORT CHANGES TO PUBLIC CHAPTER 1101 GROWTH PLANNING LEGISLATION** that clarify certain processes and requirements.
- **SUPPORT ADDITIONAL PLANNING ENABLING LEGISLATION.** Support adoption of planning legislation to assist cities and counties in implementing their growth plans, comprehensive and general plans, subdivision regulation and zoning.
- **ENCOURAGE THE CONTINUED SUPPORT** of the Housing Trust Fund which is the source of the Emergency Home Repair program and other additional, flexible programs that provide housing for the people that need it the most. This money is over and above the HUD money that we use for HOME.
- **SUPPORT LEGISLATION** to enhance local governments' revenue options.
- **ALLOW PUBLIC HEARING, PUBLIC MEETING AND OTHER PUBLIC NOTICES** such as but not limited to job openings to be published on websites of governmental entities in lieu of in newspapers.
- **SUPPORT FULL FUNDING** of the Basic Education Program.
- **SUPPORT EXPANDED SCOPE AND PROGRAM OPTIONS** for State's Community College System.
- **SUPPORT LEGISLATION OF REGIONAL CONCERN AS IDENTIFIED** by GNRC member city and county governments as it is filed for consideration by the second session of the 107th Tennessee General Assembly.

**RESOLUTION TO TRANSFER INTEREST MONIES FROM THE COUNTY
GENERAL FUND BALANCE TO THE EMERGENCY COMMUNICATIONS FUND**

WHEREAS, certain interest monies derived from E-911 operations have been on deposit with the office of the Trustee since September of 2006; and

WHEREAS, interest on said monies has been accumulating since September of 2006; and

WHEREAS, T.C.A. §7-86-102(d) requires that said funds be used solely for emergency services.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular business session on this 14th day of December, 2011, that E-911 interest income from September 2006 thru June 2010 totalling \$8,362.32 (attachment A) being held by the Montgomery County Trustee which is currently in the General Fund be transferred to Account No. 204-51903-00000-51-5002 to be utilized solely for emergency services as mandated by State law.

Duly passed and approved this 12th day of December, 2011.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

Attachment A

Total Amounts to be Credited by
Year

YEAR		Amount to be Credited
2006-2007		(7,136.03)
2007-2008		8,999.65
2008-2009		4,089.64
2009-2010		2,409.06

\$ 8,362.32