

CALL TO ORDER

CITIZENS TO ADDRESS THE COMMISSION

Curt Mize – Concerned with Bi-County purchasing waste from Franklin, TN

PUBLIC HEARING REGARDING ZONING

CZ-2-2012: Application of Dapp Investments (Jason Daughtery) from C-2 to R-1

RESOLUTIONS

- 12-4-1:** Resolution of the Montgomery County Board of Commissioners Appropriating Funds for the Construction of Pisgah Elementary School
- 12-4-2:** Resolution of the Montgomery County Board of Commissioners Appropriating Funds through the Bidding Phase for the Renovation of Northwest High School
- 12-4-3:** Resolution to Amend the Budgets of Various Funds for Fiscal Year 2012 in Certain Areas of Revenues and Expenditures
- 12-4-4:** Resolution to Amend the Structure of the Clarksville-Montgomery County Regional Planning Commission -- **PULLED**
- 12-4-5:** Resolution to Amend the Montgomery County Highway Department's Budget in the General Road Fund

REPORTS

1. Carolyn Bowers, County Mayor Nominations
2. Ed Baggett, Nominating Committee

REPORTS FILED

1. Minutes from March 12, 2012

ANNOUNCEMENTS

1. Congressman Blackburn and Representative Phil Roe, who serves on the Veterans Affairs Committee, will host a Veteran's Town Hall meeting on Friday, April 13, at 3:30 p.m. at the Civic Hall.
2. James Lung, Owner of the Texas Casual Grill, located at 3856 Trenton Road, has invited you to a Ribbon Cutting on Monday, April 9, at 11:00 a.m.

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF DAPP INVESTMENTS (JASON DAUGHTERY)**

WHEREAS, an application for a zone change from C-2 General Commercial District to R-1 Single-Family Residential District has been submitted by Dapp Investments (Jason Daughtery) and

WHEREAS, said property is identified as County Tax Map 100, parcel 068.00, containing 4.00 acres, situated in Civil District 13, located 2,500+/- feet northwest of the River Rd. & Antioch Church Rd, Intersection fronting on the east side of River Rd. 300 +/- feet.; and

WHEREAS, said property is described as follows:

BEGINNING at an iron pin in the northern right of way line of River Road, said point of beginning also being south 45 degrees 09 minutes 54 seconds, east 638.01 feet from the center line intersection Chester Circle and River Road as measured along said River Road; thence leaving River Road and with the eastern boundary of Earl Chadwick property (ORBV 356, Page 1552, ROMCT) north 03 degrees 00 minutes 00 seconds west 349.73 feet to an iron pin found Bank of Gulley; thence south 28 degrees 26 minutes 21 seconds east 252.23 feet to an iron pin set; thence north 56 degrees 12 minutes 32 seconds east 299.34 feet to an iron pin set; thence south 58 degrees 01 minutes 48 seconds east 337.32 feet to an iron pin set; thence south 56 degrees 12 minutes 32 seconds west 500.45 feet to an iron pin found in the northern right of way line of River Road; thence with the line of River Road north 58 degrees 45 minutes 51 seconds west 170.11 feet to an iron pin; thence north 56 degrees 33 minutes 40 seconds west 85.00 feet to the point of beginning, containing 4.00 +/- acres (Tax Map 100 Parcel 068.00) (C-2 to R-1)

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

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 9h day of April, 2012, that the zone classification of the property of Dapp Investments (Jason Daughtery) from C-2 to R-1 is hereby approved.

Duly passed and approved this 9th day of April, 2012.

Sponsor Anne Smithson
Commissioner _____
Approved _____
County Mayor

Attested: _____
County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS APPROPRIATING FUNDS
FOR THE CONSTRUCTION OF PISGAH ELEMENTARY SCHOOL**

WHEREAS, the Board of Commissioners has expressed its intent to build Pisgah Elementary School and appropriated architect fees through the bidding phase in Resolution 11-6-8, and;

WHEREAS, the completed construction of the new elementary school is required by the fall of 2013 in order to address the student enrollment growth, and;

WHEREAS, the funds are now needed to proceed with the awarding of the construction contracts.

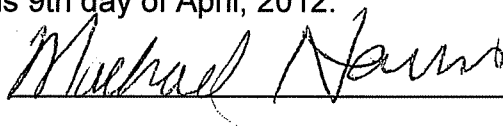
NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in Regular Session on this 9th day of April, 2012 that this Commission expresses its intent to fund the construction of Pisgah Elementary School and that the sum of \$16,598,893.00 is hereby appropriated to the School Capital Project Fund, for the Pisgah Elementary School construction project.

BE IT FURTHER RESOLVED that this appropriation be funded from the Montgomery County, Tennessee General Obligation School and Public Improvement Bonds, Series 2011.

BE IT FURTHER RESOLVED that the Director of Schools shall file quarterly reports with the Board of Commissioners to include detailed expenditures by object code and a report indicating the progress of work. The progress report shall include the percent of work completed by major component and the amount paid to the contractor including retainage. Upon project completion or the expiration of the warranty, whichever comes first, a detailed closeout report by object code shall be provided within thirty (30) days to the Board of Commissioners.

Duly passed and approved this 9th day of April, 2012.

Sponsor



Commissioner

Approved

County Mayor

Attested

County Court Clerk

Pisgah Elementary School

	<u>Initial Funding</u>	<u>Additional Funding Required</u>	<u>Total Project</u>
Architect Fees	595,000	(1,307)	593,693
Bldg Const./Site Development		14,728,000	14,728,000
Technology, Furniture, Equip.	_____	<u>1,872,200</u>	<u>1,872,200</u>
Total Costs	595,000	16,598,893	17,193,893

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS APPROPRIATING FUNDS
THROUGH THE BIDDING PHASE FOR
THE RENOVATION OF NORTHWEST HIGH SCHOOL**

WHEREAS, the Board of Commissioners has expressed its intent to renovate Northwest High School and appropriated architect fees through the schematic design phase in Resolution 11-6-8, and;

WHEREAS, the results of the schematic design phase adequately address all areas of concern at NWHS including: general renovation of existing spaces, security concerns, ADA compliance within the building, fire & safety upgrades, utility upgrades, core capacity and occupant flow issues. The renovation will also including additions of an administrative suite, a full service commercial kitchen, secure connections between all academic facilities, a theater, and an auxiliary gymnasium; and;

WHEREAS, the construction and total costs estimates for this general renovation remain within the original cost estimates (\$13.5M), and;

WHEREAS, funding in the amount of \$493,000 is now required for architectural fees through the bidding phase.

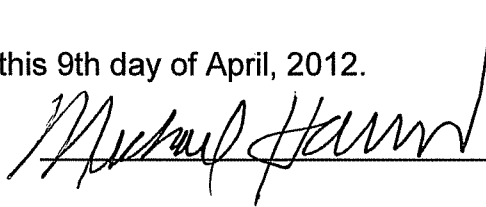
NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in Regular Session on this 9th day of April, 2012 that this Commission expresses its intent to renovate Northwest High School and that the sum of \$493,000 be and the same is hereby appropriated to the School Capital Project Fund for the employment of an architect through the bidding phase.

BE IT FURTHER RESOLVED that this appropriation be funded from the Montgomery County, Tennessee General Obligation School and Public Improvement Bonds, Series 2011;

BE IT FURTHER RESOLVED that the Director of Schools shall file quarterly reports to the Board of Commissioners to include detailed expenditures by object code and a report indicating the progress of work. The progress report shall include the percent of work completed by major component and the amount paid to the contractor including retainage. Upon project completion or the expiration of the warranty, whichever comes first, a detailed closeout report by object code shall be provided within thirty (30) days to the Board of Commissioners.

Duly passed and approved this 9th day of April, 2012.

Sponsor



Commissioner

Approved

County Mayor

Attested

County Court Clerk

**RESOLUTION TO AMEND THE STRUCTURE OF THE
CLARKSVILLE-MONTGOMERY COUNTY
REGIONAL PLANNING COMMISSION**

WHEREAS, the Clarksville-Montgomery County Regional Planning Commission was created in 1962 pursuant to resolutions of the City of Clarksville and Montgomery County; and

WHEREAS, these initial resolutions provided for new members to be appointed to the Regional Planning Commission with a total of five (5) city representatives and four (4) county representatives; and

WHEREAS, initially, the City of Clarksville funded a larger percentage of the budget for the Regional Planning Commission and was deemed entitled to greater representation on the Regional Planning Commission as set out above; and

WHEREAS, currently there is no written agreement for the appointment of a Regional Planning Commission Director; and

WHEREAS, the City of Clarksville and Montgomery County desire to enter into an Interlocal Agreement to amend the structure of the Regional Planning Commission to reflect the equal funding provided by the City of Clarksville and Montgomery County for the operation of the Regional Planning Commission.

NOW THEREFORE BE IT RESOLVED, by the Montgomery County Board of Commissioners, assembled in regular business session this 9th day of April 2012, that the Interlocal Agreement to amend the structure of the Clarksville-Montgomery County Regional Planning Commission attached hereto is hereby approved.

Duly passed and approved this 9th day of April, 2012.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

INTERLOCAL CONTRACT AGREEMENT BETWEEN
THE CITY OF CLARKSVILLE, TENNESSEE
AND
MONTGOMERY COUNTY, TENNESSEE
PERTAINING TO THE CLARKSVILLE-MONTGOMERY COUNTY
REGIONAL PLANNING COMMISSION

Whereas the City of Clarksville, pursuant to Resolution 6-1962, adopted February 1, 1962, has, *inter alia*, previously authorized the Mayor of the City of Clarksville, on behalf of the City, to join with the County Mayor (then known as the County Judge), to execute an agreement for the establishment of a Regional Planning Commission; and

Whereas the City of Clarksville, pursuant to Resolution 11-1962, adopted April 5, 1962, has, *inter alia*, previously resolved that the City Council of the City of Clarksville, join with the Montgomery County Commission of Montgomery County (then known as the Montgomery County Quarterly Court), to request that then Tennessee State Planning Commission (now subsumed by the Tennessee Department of Economic and Community Development) create a Clarksville-Montgomery County Regional Planning Commission in accordance with state law (at that time Tennessee Code Annotated §13-201 *et. seq.*; now codified at Tenn. Code Ann. §13-3-101, *et. seq.*), as the official planning body for all the unincorporated areas of Montgomery County and for the City of Clarksville; and

Whereas the City of Clarksville, pursuant to Resolution 10-1963, adopted March 7, 1963, has, previously designated the Clarksville-Montgomery County Regional Planning Commission as the City planning agency in accordance with state law (at that time Tennessee Code Annotated §13-201, *et. seq.*; now codified at Tenn. Code Ann. §13-3-101, *et. seq.*) (*now codified in the Official Code of Ordinances for the City of Clarksville, §11-101*); and

Whereas the Montgomery County Commission (formerly known as the Montgomery County Quarterly Court), pursuant to a Resolution of the January Term of 1962, has, *inter alia*, previously authorized the Mayor of Montgomery County (formerly known as the County Judge) to join with the City Mayor, to execute an agreement for the establishment of a Regional Planning Commission; and

Whereas the Montgomery County Commission (formerly known as the Montgomery County Quarterly Court), pursuant to a Resolution of the April Term of 1962, has, *inter alia*, previously resolved that the Montgomery County Commission, join with the City of Clarksville, to request that then Tennessee State Planning Commission (now subsumed by the Tennessee Department of Economic and Community Development) create a Clarksville-Montgomery County Regional Planning Commission in accordance with state law (at that time Tennessee Code Annotated §13-201 *et. seq.*; now codified at Tenn. Code Ann. §13-3-101, *et.*

seq.), as the official planning body for all the unincorporated areas of Montgomery County and for the City of Clarksville; and

Whereas Tennessee Code Annotated §12-9-108 authorizes the **City of Clarksville** and **Montgomery County** to contract with the other to perform any governmental service, activity or undertaking which each is authorized by law to perform, provided that such contract is authorized by the governing body of each party to the contract; and

Whereas both the **City of Clarksville** and **Montgomery County** desire to enter into a formal, written, inter-local contract agreement pursuant to Tenn. Code Ann. §12-9-108, and §12-9-104, and Tenn. Code Ann. §13-3-101, *et. seq.*, regarding the organization and composition of the Clarksville-Montgomery County Regional Planning Commission, subject to approval of the Commissioner of the Tennessee Department of Economic and Community Development, and regarding funding of the Regional Planning Commission, and pertaining to the selection of a Planning Director to head same;

Now, Therefore, the **City of Clarksville** and **Montgomery County**, both political subdivisions of the State of Tennessee, do hereby make and enter into this inter-local contract agreement regarding the organization, composition, and funding of the Clarksville – Montgomery County Regional Planning Commission, and pertaining to the selection of a Director to head same, *inter alia*.

Article I: Organization

1. The “Clarksville-Montgomery County Regional Planning Commission” shall consist of eleven (11) total members who shall be appointed by the Commissioner of the Tennessee Department of Economic and Community Development, or successor entity, as may be provided by general law. Of this number, five (5) shall be nominated by the Mayor of the City of Clarksville in writing, subject to confirmation by the City Council, and five (5) other members shall be nominated by the Montgomery County Mayor, subject to confirmation by the County Commission, all prior to being designated by the Commissioner. One (1) additional at-large member shall be recommended by majority vote of the previously nominated and appointed members of the Clarksville-Montgomery County Regional Planning Commission, subject to approval of both the City and County Mayors, which said member shall thereafter be nominated in writing to the Commissioner for appointment to the Regional Planning Commission, first by the County Mayor, and for a subsequent member, by the City Mayor, and continuing thereafter on an alternating basis.
2. One (1) of the members nominated by the City Mayor shall be a member of the City Council. One (1) of the members nominated by the County Mayor shall be a member of the County Commission.
3. The terms of members shall be four (4) years, except that the term of any member

who is a member of the City Council or of the County Commission shall be coterminous with such member's then term as a member of such city or county legislative body.

4. Any vacancy in membership shall be filled by the Commissioner as is provided for pursuant to general law, but nominations to the Commissioner to fill any such vacancy shall be as set forth above pertaining to the nomination of new Planning Commission members.

5. Appointed members shall be limited to two (2) consecutive terms, but after a break in service, may be re-appointed in the manner provided herein. For any member appointed to fill an unexpired term, the unexpired term shall not count as one of the two permissible consecutive terms to which a member may be appointed.

6. The provisions of this inter-local agreement shall not reduce or enlarge the terms of any existing members of the Planning Commission, it being the intent of the parties hereto that as the terms of existing members expire or otherwise become vacant, any new members to be appointed shall be governed by the provisions herein.

Article II: Removal

7. Removal of any member shall be as is provided for pursuant to general law.

Article III: Funding

8. The City of Clarksville and Montgomery County agree to jointly fund the operations of the Clarksville-Montgomery County Regional Planning Commission on an equal share fifty percent (50%) basis each, subject to yearly appropriations approval by the respective city and county legislative bodies.

Article IV: Functions, Powers, Duties and Scope

9. The Clarksville-Montgomery County Regional Planning Commission shall serve as the official planning body / agency for the City of Clarksville, and for all of the unincorporated areas of Montgomery County, and shall have such powers, duties and responsibilities as are provided by general law.

10. The City of Clarksville and Montgomery County further agree, that all matters coming within the purview of the Clarksville-Montgomery County Regional Planning Commission, when the same shall be brought before the City Council or the County Commission to be officially acted upon, shall, if they pertain solely to an area or areas or location lying inside the corporate boundaries / city limits of the City of Clarksville, be acted upon solely and only by the City Council, and likewise, if same shall pertain only to

the area or areas or location lying outside the corporate boundaries / city limits of the City of Clarksville, shall be acted upon solely and only by the County Commission.

Article V: Officers of the Regional Planning Commission

11. The members of the Regional Planning Commission shall elect officers for the Commission. One member shall be elected to serve as Chairman of the Commission, whose term shall be one (1) year with eligibility for re-election; one member to serve as Vice-Chairman of the Commission; and such other officers as the Regional Planning Commission may deem necessary for its' work. Officers may not hold more than one office at the same time.

Article VI: By-Laws

12. The Regional Planning Commission shall adopt By-Laws, not inconsistent with general law and the provisions of this inter-local contract agreement, to govern the dates, times, and places for meetings, procedures, establishment of committees / sub-committees, budgeting and accounting for receipts and expenditures, terms for officers except for the Chair whose term shall be one (1) year with eligibility for reelection, elections for officers, procedures for filling unexpired terms of officers and for the removal of officers, and any other matters appropriately addressed therein or required by general law.

Article VII: Open Records and Open Meetings

13. All records of the Regional Planning Commission shall be open and subject to public inspection in accordance with the Tennessee "Open Records" law, Tenn. Code Ann. Section 10-7-503, et seq.; and all meetings of the Commission or any committee or sub-committee shall comply with the Tennessee "Open Meetings" law, Tenn. Code Ann. Section 8-44-101, et seq.

Article VIII: Planning Director

14. The City and County Mayor shall jointly appoint a Planning Director to serve as the administrative head of the Clarksville-Montgomery County Regional Planning Commission, which appointment shall be subject to confirmation by the Regional Planning Commission, and whose compensation shall be as determined jointly by the City and County Mayors, but within the funds appropriated by the city and county legislative bodies therefor. Any such Director shall be qualified by membership in the American Institute of Certified Planners, or any successor organization, and in addition thereto, shall be experienced in city, regional or state planning, or educated in a related field. The Planning Director shall have the power and authority to hire and to discipline,

and to fix the compensation, within the funds appropriated by the city and county legislative bodies therefor, of such other employees and staff as the Planning Director may deem necessary for the work of Planning Commission.

Article VII: Misc.

15. The terms of this inter-local contract agreement shall super-cede any and all prior resolutions, ordinances, or any other agreements between the City of Clarksville and Montgomery County pertaining to the terms, provisions, and subject matter herein.

16. This inter-local contract agreement shall have perpetual duration until amended or terminated by the parties herein.

17. This inter-local contract agreement shall become effective only upon approval of same by both the city and county legislative bodies.

Kim McMillan, Mayor
City of Clarksville

Date

Carolyn P. Bowers, Mayor
Montgomery County

Date

**RESOLUTION TO AMEND THE MONTGOMERY COUNTY HIGHWAY
DEPARTMENT'S BUDGET IN THE GENERAL ROAD FUND**

WHEREAS, the Montgomery County Highway Department has a need to transfer funds from fund balance to various accounts due to additional funds needed for other contracted services, repair and maintenance service equipment, repair and maintenance service vehicles, diesel, gasoline, vehicle parts, and other supplies and materials; and

WHEREAS, transfer would occur from the following account into the appropriate accounts as follows:

To Account	Amount	From Account
131-61000-00000-61-53990	\$ 1,000.00	131-00000-00000-00-39000
131-63100-00000-63-53360	\$ 15,000.00	131-00000-00000-00-39000
131-63100-00000-63-53380	\$ 15,000.00	131-00000-00000-00-39000
131-63100-00000-63-54120	\$ 75,000.00	131-00000-00000-00-39000
131-63100-00000-63-54250	\$ 75,000.00	131-00000-00000-00-39000
131-63100-00000-63-54530	\$ 10,000.00	131-00000-00000-00-39000
131-63100-00000-63-54990	\$ 7,000.00	131-00000-00000-00-39000

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 9th day of April, 2012, that \$198,000.00 will be transferred from 131-00000-00000-00-39000 Fund Balance; and transferred into the following General Roads accounts:

131-61000-00000-61-53990	Other Contracted Ser.	\$ 1,000.00
131-63100-00000-63-53360	R & M Ser. Equip.	\$ 15,000.00
131-63100-00000-63-53380	R & M Ser. Vehicles	\$ 15,000.00
131-63100-00000-63-54120	Diesel	\$ 75,000.00
131-63100-00000-63-54250	Gasoline	\$ 75,000.00
131-63100-00000-63-54530	Vehicle Parts	\$ 10,000.00
131-63100-00000-63-54990	Other Supplies & Materials	\$ 7,000.00

Total Funds transferred into Various Accounts \$ 198,000.00

Duly passed and approved this 9th day of April, 2012.

Sponsor



Commissioner

Approved

County Mayor

Attested

County Clerk