

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Chaplain Joe Creek

**ROLL CALL**

**APPROVAL OF NOVEMBER 13, 2012 MINUTES**

**PRESENTATION BY NATIONAL WEATHER SERVICE**

Montgomery County is Storm Ready Certified

**VOTE ON ZONING RESOLUTION**

**CZ-10-2012:** Resolution of Poolhouse Properties from C-5 Highway & Arterial Commercial District to R-4 Multiple-Family Residential District

**CZ-11-2012:** Resolution of David Smith from M-2 General Industrial District to R-4 Multiple-Family Residential District

**CZ-12-2012:** Application of Cumberland Land Development from C-5 Highway & Arterial Commercial District to R-4 Multiple-Family Residential District

**VOTE ON OTHER RESOLUTIONS**

**12-12-1:** Resolution to Accept Direct Federal Grant Funds from the Bureau of Justice Assistance for the State Criminal Alien Assistance Program

**12-12-2:** Resolution Authorizing Funds for Assessor of Property Appraisal Software

**12-12-3:** Resolution to Adopt the 2013 Legislative Agenda as Presented by the Legislative Liaison Committee

**ELECTION PROCESS FOR MONTGOMERY COUNTY SHERIFF:**

**ELECTION OF MONTGOMERY COUNTY SHERIFF**

**SWEAR-IN MONTGOMERY COUNTY SHERIFF** – Mayor Bowers

## **UNFINISHED BUSINESS**

### **REPORTS**

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

### **REPORTS FILED**

1. Accounts & Budgets – CT-0253 Report on Debt Obligation
2. **November Adequate Facilities Tax Report and Permit Revenue Report**
3. **Accounts & Budgets – Year-to-Date Report**
4. **Trustee's Report**

### **COUNTY MAYOR APPOINTMENTS** – Mayor Carolyn Bowers

### **ANNOUNCEMENTS**

1. Please make every effort to attend the Legislative Reception Wednesday night at 5:00 p.m. in the large conference room.

### **ADJOURN**

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF  
COMMISSIONERS  
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF  
POOLHOUSE PROPERTIES**

WHEREAS, an application for a zone change from C-5 Highway & Arterial Commercial District to R-4 Multiple-Family Residential District has been submitted by Poolhouse Properties and

WHEREAS, said property is identified as County Tax Map (See legal description below), parcel (See legal description below), containing 30.12 acres, situated in Civil District 13, 18 parcels / portions of parcels located east of the Rollow Lane and Melbourne Dr. intersection; fronting along Melbourne Dr., Railton Ct. and the terminus of Everton Ct.; and

WHEREAS, said property is described as follows:


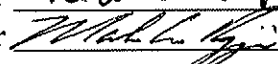
Commencing at an iron pin in the north margin of Melbourne Drive, and being the southeast corner of Lot 6 of Rossvie Business District, Section 1; Thence North 38 degrees 32 minutes 07 seconds East for a distance of 430.50 feet, more or less, to a point; Thence South 81 degrees 22 minutes 22 seconds East for a distance of 476.86 feet, more or less, to a point; Thence South 8 degrees 18 minutes 57 seconds West for a distance of 774.71 feet, more or less, to a point; Thence South 81 degrees 21 minutes 27 seconds East for a distance of 72.09 feet, more or less, to a point; Thence South 8 degrees 18 minutes 57 seconds West for a distance of 1131.13 feet, more or less, to a point; Thence North 81 degrees 36 minutes 16 seconds West for a distance of 800.54 feet, more or less, to a point; Thence North 8 degrees 18 minutes 57 seconds East for a distance of 761.23 feet, more or less, to a point; Thence South 81 degrees 44 minutes 32 seconds East for a distance of 216.41 feet, more or less, to a point; Thence North 9 degrees 45 minutes 21 seconds East for a distance of 366.83 feet, more or less, to a point; Thence North 80 degrees 14 minutes 39 seconds West for a distance of 39.24 feet, more or less, to a point; Thence North 40 degrees 34 minutes 54 seconds West for a distance of 199.09 feet, more or less, to a point; Thence North 80 degrees 41 minutes 29 seconds West for a distance of 24.29 feet, more or less, to a point; Thence North 9 degrees 18 minutes 31 seconds East for a distance of 99.95 feet, more or less, to a point; Thence North 38 degrees 32 minutes 07 seconds East for a distance of 112.12 feet, more or less, to a point; Thence North 15 degrees 55 minutes 49 seconds West for a distance of 86.03 feet, more or less, to the point of beginning. Said tract contains 30.127 +/- acres Said property is identified in the Montgomery County Assessor of Property office as:

TAX MAP 39, PARCEL 25.06 (PORTION); TAX MAP 39I, GROUP B, PARCEL 5.00; TAX MAP 39I, GROUP B, PARCEL 6.00; TAX MAP 39I, GROUP B, PARCEL 7.00; TAX MAP 39I, GROUP B, PARCEL 8.00; TAX MAP 39I, GROUP B, PARCEL 9.00; TAX MAP 39I, GROUP B, PARCEL 10.00; TAX MAP 39I, GROUP B, PARCEL 11.00; TAX MAP 39I, GROUP B, PARCEL 12.00; TAX MAP 39I, GROUP B, PARCEL 13.00; TAX MAP 39I, GROUP B, PARCEL 14.00; TAX MAP 39I, GROUP C, PARCEL 1.02; TAX MAP 39I, GROUP C, PARCEL 1.01; TAX MAP 39I, GROUP C, PARCEL 1.00; TAX MAP 39I, GROUP C, PARCEL 2.00; TAX MAP 39I, GROUP C, PARCEL 3.00; TAX MAP 39I, GROUP C, PARCEL 4.00; TAX MAP 39I, GROUP. PARCEL 6.00 (PORTION)

WHEREAS, the Planning Commission staff recommends 1 MONTH DEFERRAL 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 10th day of December, 2012, that the zone classification of the property of Poolhouse Properties from C-5 to R-4 is hereby approved.

Duly passed and approved this 10th day of December, 2012.

Sponsor   
Commissioner   
Approved \_\_\_\_\_

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

County Mayor

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF  
COMMISSIONERS  
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF  
DAVID SMITH**

WHEREAS, an application for a zone change from M-2 General Industrial District to R-4 Multiple-Family Residential District has been submitted by David Smith and

WHEREAS, said property is identified as County Tax Map 039, parcel 002.00, containing 57.48 acres, situated in Civil District 13, located on the west side of Dunlop Lane north and west of the Dunlop Lane and John Duke Tyler Blvd. intersection.; and

WHEREAS, said property is described as follows:

Beginning at the southeast corner of the Ewin Anderson property as recorded in WB 28, Page 171 ROMCT, lying in the west right of way of Dunlop Lane, said corner also being the northeast corner of the David B. Smith property as recorded in ORV 595 Page 1950 R.O.M.C.T.; Thence leaving Anderson property along the west right of way of Dunlop Lane, South 08 degrees 37 minutes 02 seconds West for 1084.50 feet; Thence continuing along said right of way, on a curve to the left having a radius of 4025.00 feet, an arc length of 50.03 feet, a tangent of 25.02 feet, a delta of 00 degrees 42 minutes 44 seconds and a chord bearing of South 08 degrees 15 minutes 40 seconds West for a distance of 50.03 feet; Thence continuing along said right of way, South 07 degrees 54 minutes 18 second West for 88.59 feet; Thence leaving Dunlop Lane, North 80 degrees 57 minutes 11 seconds West for 2032.25 feet lying in the east property line of Frank Wooten property as recorded in ORV 620, page 209 ROMCT; Thence along Wooten east property line, North 06 degrees 53 minutes 45 seconds East for 1408.67 feet to the south property line of the Finis Weakley property as recorded in ORV 611, Page 336 ROMCT; Thence along Weakley south property line, South 82 degrees 12 minutes 57 seconds East for 252.49 feet, lying in the west property line of Anderson property; Thence leaving Weakley property along Anderson property line, South 07 degrees 41 minutes 50 seconds West for 261.45 feet; Thence South 83 degrees 55 minutes 54 seconds East for 1279.56 feet; Thence South 81 degrees 27 minutes 20 seconds East for 538.14 feet to the point of beginning, containing 57.48+- acres. (Tax Map 39 Parcel 2.00 p/o)

WHEREAS, the Planning Commission staff recommends 1 MONTH DEFERRAL 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 10th day of December, 2012, that the zone classification of the property of David Smith from M-2 to R-4 is hereby approved.

Duly passed and approved this 10th day of December, 2012.

Sponsor David D. Kippel  
Commissioner Mark R. ...  
Approved \_\_\_\_\_  
County Mayor

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

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF  
COMMISSIONERS  
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF  
CUMBERLAND LAND DEVELOPMENT**

WHEREAS, an application for a zone change from C-5 Highway & Arterial Commercial District to R-4 Multiple-Family Residential District has been submitted by Cumberland Land Development and

WHEREAS, said property is identified as County Tax Map 039, parcel 025.08 p/o, containing 29.18 acres, situated in Civil District 13, located 300+/- feet east of Rollow Lane and 2450+/- feet north of the Rollow Lane and Rossview Rd. intersection.; and

WHEREAS, said property is described as follows:

Beginning at an iron pin (Suiter) in the east right of way of Rollow Lane, being the southwest corner of the Pool House Properties as recorded in ORV 1181, Page 851 R.O.M.C.T., thence South 81 degrees 41 minutes 20 seconds East for 500.08 feet to the "True Point Beginning", being the northwest corner of herein described parcel; Thence along the Pool House south property line, South 81 degrees 41 minutes 20 seconds East for 806.98 feet to an iron pin (Suiter), being the northwest corner of the Farmington Subdivision section 1B as recorded in Plat Book F, Page 847 ROMCT; Thence along Farmington Section 1B west boundary line South 08 degrees 18 minutes 40 seconds West for 229.83 feet to the northwest corner of Farmington Subdivision Section 1 as recorded in Plat Book F, Page 637 ROMCT; Thence along the west boundary line of Farmington Section 1, South 08 degrees 18 minutes 40 seconds West for 712.69 feet to the northwest corner of the Montgomery County Cattleman's Assoc., Inc. as recorded in ORV 1339, Page 227 ROMCT; Thence along the west property line of the Cattleman's property, South 08 degrees 18 minutes 40 seconds West for 468.40 feet to an iron pin (Suiter), being the southwest corner of the Cattleman's property, also being the southeast corner of herein parcel, lying in the north property line of the Lifepoint Church property as recorded in ORV 1079, Page 926 ROMCT; Thence along the north property line of Lifepoint, North 87 degrees 14 minutes 21 seconds West for a distance of 952.21 feet to an iron pin (Smith Bros), being the southeast corner of the William Dyer property as recorded in ORV 431, Page 973 ROMCT; Thence leaving Lifepoint north property line along Dyer's east property, North 04 degrees 36 minutes 32 seconds East for 640.84 feet to an iron pin (DBS), being the southeast corner of Industrial Commons Section 1A replat as recorded in Plat Book F, Page 1123 ROMCT; Thence leaving the Dyer property on a new zone line, North 85 degrees 45 minutes 51 seconds East for 194.94 feet; Thence North 08 degrees 38 minutes 14 seconds East for 279.07 feet; Thence North 07 degrees 16 minutes 57 seconds East for 542.19 feet to the "True Point Beginning", containing 29.18 +/- acres. (Tax Map 39 Parcel 25.08 p/o)

WHEREAS, the Planning Commission staff recommends 1 MONTH DEFERRAL 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 10th day of December, 2012, that the zone classification of the property of Cumberland Land Development from C-5 to R-4 is hereby approved.

Duly passed and approved this 10th day of December, 2012.

Sponsor David A. Rippe  
Commissioner Mark L. Higin  
Approved \_\_\_\_\_

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

County Mayor

**RESOLUTION TO ACCEPT DIRECT FEDERAL GRANT FUNDS FROM THE  
BUREAU OF JUSTICE ASSISTANCE FOR THE STATE CRIMINAL  
ALIEN ASSISTANCE PROGRAM**

**WHEREAS**, Montgomery County (County) has been awarded direct federal funding of \$33,508 for the State Criminal Alien Assistance Program (SCAAP) grant from the Bureau of Justice Assistance, with no match obligation by the County; and

**WHEREAS**, the County utilizes SCAAP funds to supplement the costs of supplies and materials needed for inmates housed in the jail; and

**WHEREAS**, the County entered into a four-year agreement, with a one year extension effective September 27<sup>th</sup>, 2011, with Justice Benefits Inc. for professional services to assist in identifying Federal and other revenue sources; and

**WHEREAS**, the County's financial agreement requires payment to Justice Benefits Inc. of twenty-two percent (22%) of total grant funds, totaling \$7,371.76 of the \$35,508 awarded; and

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in regular business session on this 10<sup>th</sup> day of December, 2012, that the SCAAP grant federal be dispersed for the inmate's needs as described below:

101-54210-00000-54-47990-G1380	Other Direct Federal Revenue	\$33,508.00
101-54210-00000-54-53990-G1380	Other Contracted Services	\$ 7,371.76
101-54210-00000-54-54990-G1380	Other Supplies & Materials	\$26,136.24

**Duly passed and approved this the 10th day of December, 2012.**

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

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

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

**County Mayor**

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

**RESOLUTION AUTHORIZING FUNDS FOR ASSESSOR  
OF PROPERTY APPRAISAL SOFTWARE**

**WHEREAS**, Tennessee Code Annotated Section 67-5-601(a) states “The value of all property shall be ascertained from the evidence of its sound, intrinsic, and immediate value, for purposes of sale between a willing seller and a willing buyer with consideration of speculative values...”; and

**WHEREAS**, the goal of the Assessor of Property Office is to reappraise all property in Montgomery County based on its true market value; and

**WHEREAS**, Spatialist Software is designed specifically for the Appraisal Industry, Spatialist offers the most innovative, patented method of generating an estimate of property Value using comparable sales information, intelligent property attribute comparison and geographical proximity; and

**WHEREAS**, property owners in Montgomery County will be able to access the comparable sales used to reappraise their property online at the Assessor’s website, which will save valuable staff time.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this day 10<sup>th</sup> day of December 2012, that \$55,000 is appropriated for the purchase and training of Spatialist and Comper appraisal software.

**BE IT FURTHER RESOLVED** that Montgomery County will hereby appropriate for software design and training from the Capital Projects fund balance created by the unappropriated premium of the 2011 series general obligation bond issue.

**Duly passed and approved this the 10<sup>th</sup> day of December, 2012.**

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

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

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

**County Mayor**

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

**County Clerk**

**RESOLUTION TO ADOPT THE 2013 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 108th 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 10<sup>th</sup> day of December, 2012, that the attached 2013 Legislative Agenda prepared by the Legislative Liaison Committee is hereby approved.

**Duly passed and approved this 10<sup>th</sup> day of December 2012.**

Sponsor

Commissioner

Approved

County Mayor

Attested

County Clerk

**THE  
MONTGOMERY COUNTY COMMISSION**

**PRESENTS ITS**

**2013 LEGISLATIVE AGENDA**

**TO THE**

**108<sup>TH</sup> GENERAL ASSEMBLY  
STATE DELEGATION**

**SENATOR TIM BARNES  
SENATOR ELECT MARK GREEN  
REPRESENTATIVE CURTIS JOHNSON  
REPRESENTATIVE JOHN TIDWELL  
REPRESENTATIVE JOE PITTS**

Forwarded by  
***Montgomery County Mayor Carolyn Bowers***

And Legislative Liaison Committee Members

***Commissioner Ron Sokol  
Commissioner Keith Politi  
Commissioner Mark Riggins  
Commissioner Nick Robards  
Commissioner Robert Nichols***

**DECEMBER 2012**

**Commissioner Ron Sokol**

931-624-4842

r\_sokol@bellsouth.net

**Commissioner Keith Politi**

931-302-5146

k-politi@webtv.net

**Commissioner Mark Riggins**

931-320-4869

mriggins4district4@yahoo.com

**Commissioner Nick Robards**

931-320-0420

nrobards@cdelightband.net

**Commissioner Robert Nichols**

931-431-2619

robert@fortcampbell.com

**I. LAW ENFORCEMENT  
TIMELY STATE CUSTODY OF PRISON INMATES**

**LEGISLATIVE ITEM:** We are petitioning the Tennessee State Legislature to consider innovative methods and new ideas to reduce the population of state prisoners being held in the Montgomery County Jail.

**PURPOSE:** The largest single costs to the Montgomery County Jail operations and to the taxpayers is the custody, care and administrative requirements for housing Tennessee State prisoners.

When the new Montgomery County Jail opened in 2004 the average number of Tennessee state inmates held in the jail was 10 to 15. Now that average has increased to 150 or more. This practice of housing state inmates is imposing a financial burden on Montgomery County Government. Recent changes to sentencing laws, release measures, and overcrowded prisons has created an unfunded mandate for our county as it appears leaving inmates at the county jail is a cost saving measure to the state.

The current cost for Tennessee inmate care is approximately \$78.00 daily per prisoner while the reimbursement rate to Montgomery County is \$44.00, leaving a \$34.00 deficit per prisoner per day. The current number of state prisoners being held at the jail is now at 170. In discussions with the Montgomery County Sheriff's Office, the single most issue driving up cost of jail operations is the number of state prisoners. Some of these inmates have been or will be housed at the jail for years. Montgomery County does not have the mandatory classes, training, and social support mechanisms that are available at the institutes. Without these support elements and treatments state inmates receive at institutes, County held inmates will be released into this community without the help some desperately need, which may increase the recidivism rate and local criminal activities.

At this rate Montgomery County will soon be forced to open and staff the older jail section to accommodate the current jail population. If the Tennessee Department of Corrections takes custody of their inmates in a timely manner, Montgomery County could avoid this increase in jail operations and costs.

For more detailed information please contact the following individual:  
Commissioner Ron Sokol, r\_sokol@bellsouth.net, 931-624-4842

## **II. LOCAL AUTHORITY TO ISSUE CURFEW, BURN AND FIREWORKS BAN**

**LEGISLATIVE ITEM:** Provide County Mayor the statutory authority to implement a burn ban and/or fireworks ban and/or curfew when a situation presents a potential threat to the lives and property of Montgomery County residents.

**PURPOSE:** When a situation occurs that poses a potential threat to the lives and property of the citizens of Montgomery County, the County Mayor should have the statutory authority of office to act proactively to protect county residents. The absence of that authority was evident during the flood of 2010 and more recently evident during this past summer's drought. During the flood, the City Mayor was able to implement a curfew to protect the citizens of Clarksville. During this summer's drought, City Mayors across the state were able to independently implement burn bans and firework bans to minimize the possibility of potentially damaging fires. The County Mayor has no such authority. The County Mayor had to work through the State Department of Agriculture before a burn ban could be implemented by the state office. The County Mayor has no avenue to get a fireworks ban or curfew implemented should the need arise again.

The County Mayor should have the statutory authority of office to implement a burn ban and/or fireworks ban and/or curfew to protect the citizens of Montgomery County in the event of any potential future threats.

For more detailed information please contact the following individual:  
Commissioner Keith Politi, k-politi@webtv.net, 931-302-5146

## **III. AUTHORITY TO BAN SMOKING ON COUNTY PROPERTIES**

**LEGISLATIVE ITEM:** Provide the County Legislative body the statutory authority to extend indoor smoking bans to ban smoking outdoors as well.

**PURPOSE:** Currently, counties do have the authority to restrict smoking indoors. However, counties do not have the authority to extend those restrictions outdoors. The state, public and private schools and universities do have the authority to ban smoking outdoors which enables these institutions to create smoke free campuses.

Smoking right outside the entrances to the Montgomery County Public Library and county offices located at Veteran's Plaza has become a problem for nonsmokers who need to access these offices and utilize the public library. Protecting nonsmokers from exposure to second hand smoke is a responsibility of the county.

As a result, the County should have the same option to create a smoke free campus, by restricting outdoor smoking, as the state, public and private schools and universities.

For more detailed information please contact the following individual:  
Commissioner Keith Politi, k-politi@webtv.net, 931-302-5146

#### **IV. DISABLED VETERANS SCHOLARSHIP PROGRAM**

**LEGISLATIVE ITEM:** Support a scholarship program for a Tennessee disabled veteran's spouse or child.

**PURPOSE:** This scholarship program would be in addition to the federal programs for disabled veterans and would assist the Tennessee family. This scholarship would only assist the service connected; Tennessee disabled veteran. The scholarships would be available for vocational or undergraduate studies. The proposal includes eligibility requirements and the possible funding source from the Tennessee Lottery Scholarship program.

Your assistance and support to fund a college education for our disabled veteran's family is very important Montgomery County and Tennessee.

For more detailed information please contact the following individual:  
Commissioner Robert G. Nichols, robert@fortcampbell.com, 931-431-2619

#### **V. MONTGOMERY COUNTY TEEN LEARNING CENTER**

**LEGISLATIVE ITEM:** Encourage the continued funding and support of Tennessee's Genesis Programs, which include Montgomery County's Teen Learning Center.

**PURPOSE:** The "Genesis Learning Centers" are a Tennessee Non-Profit Organization that makes a difference for troubled and problem juveniles. The states' five centers are in Rutherford, Davidson, and Montgomery Counties. Not fully funding these academies and centers would increase the burden on the State of Tennessee and local government. The Montgomery County Teen Learning Center provides a full school day, Tennessee Department of Education approved, alternative last chance school. These youths have been brought to the juvenile court's attention, and are unaffected by traditional disciplinary procedures. The youths will exit the program with the ability to function in socially acceptable and productive ways. Many families rely on these centers to help put their children on the right track.

Your assistance with continued support and funding of these programs would be greatly appreciated by the courts and citizens of Montgomery County.

For more detailed information please contact the following individuals:  
Commissioner Robert G. Nichols, robert@fortcampbell.com, 931-431-2619

## **VI. 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 further development of this park would highlight its significant role in our Nation's history as a part of the Trail of Tears and this 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. We would also encourage the paving of the parking lot to ensure ADA compliance. Finally, place proper signage to designate the area of the Trail of Tears to include a brief history.

For more detailed information please contact the following individual:  
Commissioner Nick Robards, [nrobards@cdelightband.net](mailto:nrobards@cdelightband.net), 931-320-0420

## **VII. NEW LAW TO RESTRICT USE OF ANIMALS IN CRIMINAL ENTERPRISE**

**LEGISLATIVE ITEM:** Support the development of a new law to prevent the use of animals to protect ongoing criminal enterprise.

**PURPOSE:** Animals are being used to protect criminal activity. When law enforcement entering an area of known criminal activity they are encountering trained animals that hinder the apprehension and collection of evidence due to the animals guard status.

Strong penalties need to be used to stop the use of guard animals. We request a law be instituted to show a Class E felony for this violation, and show presumptive intent by having animals in the position of guard status. This new law would allow law enforcement across the state to be protected against the use of guard animals.

For more detailed information please contact the following individual:  
Commissioner Nick Robards, [nrobards@cdelightband.net](mailto:nrobards@cdelightband.net), 931-320-0420

## **VIII. INCENTIVES FOR BUSINESSES TO HIRE VETERANS**

**LEGISLATIVE ITEM:** A request to our state delegation for assistance in the development of incentives for businesses to hire veterans.

**PURPOSE:** Montgomery County is very fortunate to have the Fort Campbell military base. We have reaped many benefits throughout the years derived from it being located within our county. But, with the downsizing of many military installations, Fort Campbell and Montgomery County have felt the strains and pressures associated, especially when it comes to the unemployment of our local veterans. With the national unemployment rate at 8.3%, as of July 2012, comes the unemployment rate of veterans at a staggering 12.8%, 30% of which are ages twenty to twenty-four. The Fort Campbell installation alone releases an average of six hundred veterans a month. These veterans have served our country to give us the rights, freedoms and jobs that we cherish. We ask for your assistance in developing a method to incentivize businesses statewide, in addition to the federal “Vow to Hire a Veteran” tax credit, to integrate these veterans into the workforce.

For more detailed information please contact the following individual:  
Commissioner Mark Riggins, [mriggins4district4@yahoo.com](mailto:mriggins4district4@yahoo.com), 931-320-4869

## **IV. 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 2012-13, the Clarksville Montgomery County School System’s BEP funding over the past three years has been reduced by approximately \$5.3 million dollars based on its projected fiscal capacity using the TACIR and CBER formulas.

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 \$1.027. However, .76 cents of the \$1.027 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 .76 cents in educational funding for new and renovated schools. Thus, the counties actual education related expenditures are \$1.728.

For more detailed information please contact the following individuals:  
Commissioner Mark Riggins, [mriggins4district4@yahoo.com](mailto:mriggins4district4@yahoo.com), 931-320-4869; or  
Danny Grant, Clarksville-Montgomery County School System Chief Financial Officer

## **X. 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, [mayorbowers@mcgtn.net](mailto:mayorbowers@mcgtn.net), 931-648-5787

## **XI: HIGHWAY TRANSPORTATION**

**LEGISLATIVE ITEM:** Encourage the Tennessee Department of Transportation to obligate funding for the following projects:

- 1) Utility relocation and construction phase for SR374/Warfield Blvd. from Dunbar Cave Road to Stokes Road at approximately \$20,000,000;
- 2) Engineering/Environmental phase for SR48/Trenton Road from SR13/Wilma Rudolph to SR236/Tiny Town Road at approximately \$1,300,000.
- 3) I-24 Exits Safety Upgrades: Encourage TDOT to expedite the contract to install a traffic signal at SR13/Alfred Thun Road and the timing to be synchronized with the light at Exit 4 from I-24. The contract was executed in January 2011 and no visible work or improvements have been done.

Request a re-evaluation at Exit 8, Rossvie Road, on I-24 during peak travel time with another safety audit to alleviate safety concerns and congestion problems on the ramps, interstate, and Rossvie Road. The majority of congestion occurs during morning and afternoon commute to and from three schools located on Rossvie Road.

**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 individual:  
Mayor Carolyn Bowers, mayorbowers@mcgtn.net, 931-648-5787

## **XII. SUPPORT THE TENNESSEE COUNTY SERVICES ASSOCIATION'S 2013 LEGISLATIVE PLATFORM AND GREATER NASHVILLE REGIONAL COUNCIL 2013 LEGISLATIVE AGENDA (SEE ATTACHED INFORMATION).**



# Tennessee County Services Association

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

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## TCSA 2013 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, county associations will defend against intrusions into the already 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.

### Local Mandates

TCSA will continue to work closely with the Administration and the General Assembly to be protective of services provided by local governments as well as the funding and funding sources that have become increasingly stressed in today's economic environment. The association asks state leaders to recognize that similar fiscal stresses exist at both the state and local levels, leaving local governments with a serious lack of flexibility in meeting existing, basic funding requirements and mandates. To this end, we ask that the Administration and 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 additional unfunded mandates. TCSA also supports general workers' compensation reform that would protect the local property tax base.

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.

### Education Funding & Programs

TCSA continues 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.

TCSA is generally supportive of an open and thorough discussion of school choice issues, including those related to charter schools and vouchers. However, the association's concerns continue to lie in the fiscal and long-term educational impacts the potential diversion of public school funds (both state and local portions) will have on public school systems statewide. While funds are diverted away from public schools, the association recognizes that fewer students will likely be enrolled in public facilities. However, these diversions do not eliminate many fixed costs of the school system. The county k-12 education system has to continue to provide universal access to public education for all children in the county, including special needs children, English-language learners, and others that pose individual challenges to the education system. The county has to adjust to growth or decline in student populations due to economic and demographic factors while maintaining long-term building programs and the issuance of the accompanying debt necessary to conform to class size mandates and other requirements of state law. The more choices made available and the more diverse options the state requires a county to fund, the more difficult it becomes to sustain the underlying school system that serves the vast majority of students in Tennessee. TCSA wants to be a part of these open discussions and considers local decision makers to be a critical part of any decisions in how local funding should be spent on children within each county.

TCSA supports the long-term restoration of funding - rather than year-to-year allocations - for non-BEP programs (Safe Schools, Internet Connectivity and Coordinated School Health, etc.) that have been repeatedly funded during the past few years using one-time monies.

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.

TCSA will continue discussions with the Department of Education about the restoration of the cut in inflation of the capital component of the BEP, a critical area of funding for local school construction and debt service.

#### **Centralized Budgeting & Finance**

While TCSA recognizes the goals and objectives of encouraging centralized financial management in each county, the association and its affiliates oppose the mandated creation of central finance systems. Because no two counties are exactly alike - geographically, economically, demographically, etc. - this issue should be treated with individual county situations in mind and not as a "one-size-fits-all" centralized mandate. What may or may not be the best centralized solution in a larger metropolitan area is not necessarily the best methodology for a smaller rural county. Therefore, we are opposed to a mandate in these areas.

#### **School Board Taxing Authority**

TCSA opposes efforts to convert existing school systems into special school districts with taxing authority independent of the locally elected governing body. Special school districts in Tennessee derive their taxing authority from the General Assembly, not a local governing body. The association recognizes K-12 education as a critical service of the county and believes that decisions about how to balance education funding and capital needs with other county priorities should be made at the local level.

#### **Jails and Correctional Facilities**

TCSA recognizes the state's commitment to raising the daily per diem for housing state prisoners in local jails. The association's long-standing position has and continues to be that the per diem, while now at \$37/day, remains inadequate for funding the total cost of housing such prisoners. The association wants to continue discussions with the Administration and legislature on a funding mechanism that one day will better reflect the actual cost of providing this service for the state. It is hoped that state leaders will consider further actions that will directly lessen the financial burden that is borne on the county for housing those state inmates, particularly in the area of medical expenses and the transportation of inmates, including those seeking mental health evaluations. Thus, 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. To that end 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 and provide financial relief for the healthcare costs incurred by local governments in the housing of 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.

TCSA continues to support mass transit initiatives, which exist in some form in all 95 Tennessee counties.

#### **Commerce**

TCSA recognizes the efforts that are underway at the federal level to consider Marketplace Fairness in which traditional Main Street retailers are put on the same buying/selling level as Internet "E-tailers." Last year the state government took action to best position itself for such changes in commerce. TCSA asks that the state to now consider local governments when they position the state as a whole for future commerce activities and help keep off the ever-growing pressure that mandates continue to place on the already limited property taxes across the state.

#### **Healthcare & Emergency Services**

TCSA will continue protecting the needs of locally owned hospitals and other county medical care facilities and service providers. This includes maintaining all Health Trauma System Fund reserves for their original purposes. TCSA encourages exploring the revenue distribution involving the state Board of Emergency Services and the local Board of Emergency Services.

#### **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.

# DRAFT

## 2013 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 24<sup>th</sup> 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 provided 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.
- **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 include a cost of living adjustment on a yearly basis to help relieve the burden of housing state prisoners, including the costs to provide healthcare for those prisoners. The state should support, encourage and facilitate regional jail systems to save local and state dollars.

# 2013 Legislative AGENDA

(Continued)

- **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.
- **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 and meetings/public notices to be published on websites of governmental entities in lieu of in newspapers. As an adjunct the General Assembly needs to clearly define or broaden what qualifies as a newspaper of general circulation.
- **SUPPORT FULL FUNDING OF THE BASIC EDUCATION PROGRAM.**
- **SUPPORT EXPANDED SCOPE AND PROGRAM OPTIONS FOR STATE'S COMMUNITY COLLEGE SYSTEM.**
- **SUPPORT LEGISLATION** that would not "cloud sunshine" in the public meetings law but allow reasonable opportunities for decision makers to discuss matters of public policy outside formal meeting with disclosure of such meetings rather than prohibition.
- **OPPOSE LEGISLATION** that would preempt, hinder or prohibit local legislative bodies from passing ordinances or resolutions concerning raising of taxes, exercising its rightful and legal authority in conducting its business, to pass and administer land use plans and regulations, and the ability to operate and administer the affairs of its government in a manner that the elected officials deem appropriate.
- **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 107<sup>th</sup> Tennessee General Assembly.