



**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
DECEMBER 3, 2020, 7:00 P.M.**

**AGENDA**

**This meeting will be conducted in person, via Google Meets, and live-streamed on [cityofclarksville.com](http://cityofclarksville.com)**

**PUBLIC COMMENTS**

- 6:55 p.m. Monica Meeks

1) CALL TO ORDER *Mayor Joe Pitts*

2) PRAYER *Councilman Jeff Burkhardt*

3) PLEDGE OF ALLEGIANCE *Councillady Valerie Guzman*

4) APPROVAL OF ELECTRONIC MEETING

*“In order to comply with the technical aspects of the Governor’s Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak.”*

5) PLANNING COMMISSION PUBLIC HEARING *Councilman Richard Garrett*

1. **ORDINANCE 48-2020-21** (First Reading) Amending the City Zoning Ordinance relative to the Floodplain Overlay District *RPC: Approval*

FOR: *No requests.*

OPPOSE: *No requests.*

2. **ORDINANCE 50-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Shelbyvillas, GP, Dana Baggett-Agent, for zone change on property located at the intersection of Providence Boulevard and Shelby Street from R-3 Three Family Residential District to R-6 Single Family Residential District *RPC: Approval/Approval*

FOR: *No requests.*

OPPOSE: *No requests.*

3. **ORDINANCE 51-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Raymond Sheppard, Christopher Averitt-Agent, for zone change on property located at the intersection of South Rosewood Drive and Turner Reynolds Court from R-2 Single Family Residential District to R-6 Single Family Residential District *RPC: Disapproval/Disapproval*

FOR: *Syd Hedrick*

OPPOSE: *Don Lawrence*

4. **ORDINANCE 52-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Fentress Bryant and Suk Lee-Tennessee Community Property Trust, Reed Baldwin-Agent, for zone change on property located at the intersection of Fort Campbell Boulevard and Lady Marion Drive and east of West Fork Creek *RPC: Approval/Approval*

FOR: *Cal McKay, Syd Hedrick*

OPPOSE: *No requests.*

5. **RESOLUTION 41-2020-21** Approving abandonment of a portion of an alleyway north of Main Street, south of College Street, and west of 8th Street; request of James Corlew, Sr. *RPC: Approval/Approval*

FOR: *No requests.*

OPPOSE: *No requests.*

#### 6) CONSENT AGENDA *City Clerk*

*All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:*

1. **ORDINANCE 40-2020-21** (Second Reading) Amending the Official Code relative to adoption of the updated Codes of the International Code Council (Building Code, Gas Code, Plumbing Code, Residential Code, and Mechanical Code)

2. **ORDINANCE 41-2020-21** (Second Reading) Amending the Official Code reapportioning the City of Clarksville for the purpose of electing persons for the office of city council member for annexed territory off Britton Springs Road near Center Road

3. **ORDINANCE 43-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mark Holleman and John Hampel, Houston Smith-Agent, for zone change on property located at the intersection of Golf Club Lane and Colonial Court and the intersection of Paradise Hill Road and Highland Circle from R-1 Single Family Residential District to R-6 Single Family Residential District

4. **ORDINANCE 44-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ava Homes, LLC/Amber Frederick, Amber Fredrick and Bryan Gerwitz-Agents, for zone change on property located at the terminus of Dodd Street from R-3 Three Family Residential District to R-6 Single Family Residential District

5. **ORDINANCE 45-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Christopher Colburn for zone change on property located at the intersection of North Seven Mile Ferry Road and Ashland City Road from R-1 Single Family Residential District to C-2 General Commercial District

6. **ORDINANCE 46-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Re4e Holdings, LLC, Acklen Property Group, LLC-Agent, for zone change on property located at the intersection of Hickory Grove Boulevard and Hickory Heights from R-2 Single Family Residential District to R-6 Single Family Residential District

7. **RESOLUTION 37-2020-21** Approving a Certificate of Compliance for sale of wine at Pop Shelf, 2819 Wilma Rudolph Boulevard *CPD: No Criminal History*

8. **RESOLUTION 42-2020-21** Approving appointments to the Audit Committee and Roxy Regional Theater Board of Directors *[Proposed Amendment]*

- *Audit Committee: Peter Reyman (reappointment), Dr. Jennifer Thayer (replace Lynn Stokes-term expired) - January 2021 through December 2022*
- *Roxy Regional Theater Board of Directors: Anthony Johnson, Gary Norris - December 2020 through November 2021; Charlie Foust, Andrea Herrera, Amanda Pitt - December 2020 through November 2022; Kurt Kowalski, Nancy Ladd, Melisa Schaffner, Stephanie Stafford, Jerica Swiger, Stacey Turner - December 2020 through November 2023*

9. Adoption of Minutes: November 5, November 10

## 7) FINANCE COMMITTEE *Chairman Jeff Burkhart*

1. **RESOLUTION 35-2020-21** Authorizing a memorandum of understanding with the Tennessee Bureau of Investigation relative to the Mobile Identification Device Policy *Finance Committee and Public Safety Committee: Approval*

2. **RESOLUTION 36-2020-21** Authorizing a mutual aid agreement with Austin Peay State University for police services *Finance Committee and Public Safety Committee: Approval*

3. **RESOLUTION 38-2020-21** Recommending banking services contracts under reevaluation as required by State Law *Finance Committee: Approval*

4. **RESOLUTION 39-2020-21** Declaring intent to reimburse \$40,000,000 for certain project expenditures with proceeds of general obligation bonds, notes, or other debt obligations *Finance Committee: Approval*

5. **RESOLUTION 40-2020-21** Approving a lease with the Roxy Regional Theater *Finance Committee: Approval*

8) GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

1. Department Report

9) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

1. Department Report

10) PARKS & RECREATION COMMITTEE *Chairlady Valerie Guzman*

1. Department Report

11) PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

1. **ORDINANCE 49-2020-21** (First Reading) Amending the Official Code relative citations for city code violation of miscellaneous offences *Public Safety Committee: Approval*

2. Department Reports

12) STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

1. Department Reports

13) TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

1. Department Report

14) SPECIAL RECOGNITIONS

15) ADJOURNMENT



## CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: December 3, 2020. The public hearing will be held on: November 30, 2020.

CITY ORD. #: 50-2020-21      RPC CASE NUMBER: Z-47-2020

Applicant:      SHELBYVILLAS, G. P.

Agent:      Dana Baggett

Location:      Property fronting on the east frontage of Shelby St., 1,660 +/- feet north of the Providence Blvd. & Shelby St. intersection.

Ward #:      4

Request:      R-3 Three-Family Residential District  
to  
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 51-2020-21      RPC CASE NUMBER: Z-48-2020

Applicant:      RAYMON SHEPPARD

Agent:      Christopher Averitt

Location:      Property located west of the S. Rosewood Dr. & Turner Reynolds Ct. intersection.

Ward #:      7

Request:      R-2 Single-Family Residential District  
to  
R-6 Single-Family District

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: DISAPPROVAL

\*\*\*\*\*

CITY ORD. #: 52-2020-21      RPC CASE NUMBER: Z-49-2020

Applicant:      FENTRESS BRYANT & SUK LEE TENNESSEE COMMUNITY PROPERTY TRUST

Agent:      Reed Baldwin

Location:      Property west of the Ft. Campbell Blvd. & Lady Marion Dr. intersection & east of the West Fork Creek.

Ward #:      3

Request:      C-5 Highway and Arterial Commercial District  
to  
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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**CITY ZONING ACTIONS**

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: .

The public hearing will be held on: .

CITY ORD. #: 48-2020-21      RPC CASE NUMBER: ZO-4-2020

Applicant:      REGIONAL PLANNING COMMISSION

Request:      Text

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE** 11/24/2020

**CASE NUMBER:** Z - 47 - 2020

**NAME OF APPLICANT:**Shelbyvillas, G. P.

**AGENT:** Dana Baggett

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**GENERAL INFORMATION**

**TAX PLAT:** 054-E-C

**PARCEL(S):** 030.00

**ACREAGE TO BE REZONED:** 0.32 +/-

**PRESENT ZONING:** R-3

**PROPOSED ZONING:** R-6

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property fronting on the east frontage of Shelby St., 1,660 +/- feet north of the Providence Blvd. & Shelby St. intersection.

**CITY COUNCIL WARD:** 4

**COUNTY COMMISSION DISTRICT:** 16

**CIVIL DISTRICT:** 7

**DESCRIPTION OF PROPERTY:** Vacant residential lot.

**APPLICANT'S STATEMENT** Would like to be able to build detached single family homes vs. triplex to improve  
**FOR PROPOSED USE:** aesthetics and marketability.

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** New Providence

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

**1. CITY ENGINEER/UTILITY DISTRICT:**

Comments received from department and they had no concerns.

**2. STREET DEPARTMENT/  
COUNTY HIGHWAY DEPARTMENT:**

Comments received from department and they had no concerns.

**3. DRAINAGE COMMENTS:**

Comments received from department and they had no concerns.

**4. CDE/CEMC:**

No Comment(s) Received

**5. FIRE DEPT/EMERGENCY MGT.:**

Comments received from department and they had no concerns.

**6. POLICE DEPT/SHERIFF'S OFFICE:**

Comments received from department and they had no concerns.

**7. CITY BUILDING DEPARTMENT/  
COUNTY BUILDING DEPARTMENT:**

Comments received from department and they had no concerns.

**8. SCHOOL SYSTEM:**

Kenwood Middle is in the fastest growing region in Montgomery County.  
Kenwood Middles is at 93% capacity. This developement could add additional  
students and require additional infrastructure & funding.

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

**9. FT. CAMPBELL:**

**10. OTHER COMMENTS:**

(2)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON Minimal**  
**SURROUNDING DEVELOPMENT:**

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Shelby St.

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**3**

**POPULATION:**

**8**

**APPLICABLE LAND USE PLAN**

New Providence Planning Area is made up of a series of mature neighborhoods that center upon US 41A / Ft. Campbell Blvd. with multiple areas of strip commercialization along the arterial corridor.

**STAFF RECOMMENDATION:      APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** The R-6 single family zoning classifications are not out of character with the surrounding area or established uses.
- 3.** Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
- 4.** No adverse environmental issues have been identified as part of this request.

**5.**



**Z-47-2020**

**APPLICANT:**

SHELBYVILLAS, G.P.

**REQUEST:**

**R-3**

**TO**

**R-6**

**MAP & PARCEL**

054E C 03000

**ACRES +/-**

0.321

Scale: 1:5,000



11/24/2020





**Z-47-2020**

**APPLICANT:**

SHELBYVILLAS, G.P.

**REQUEST:**

**R-3**

**TO**

**R-6**

**MAP & PARCEL**

054E C 03000

**ACRES +/-**

0.321

Scale: 1:1,000



11/24/2020



 **Z-47-2020**

 **Parcels**



**Z-47-2020**

**APPLICANT:**  
SHELBYVILLAS, G.P.

**REQUEST:**

**R-3  
TO  
R-6**

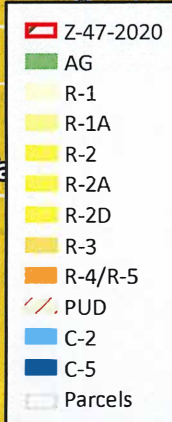
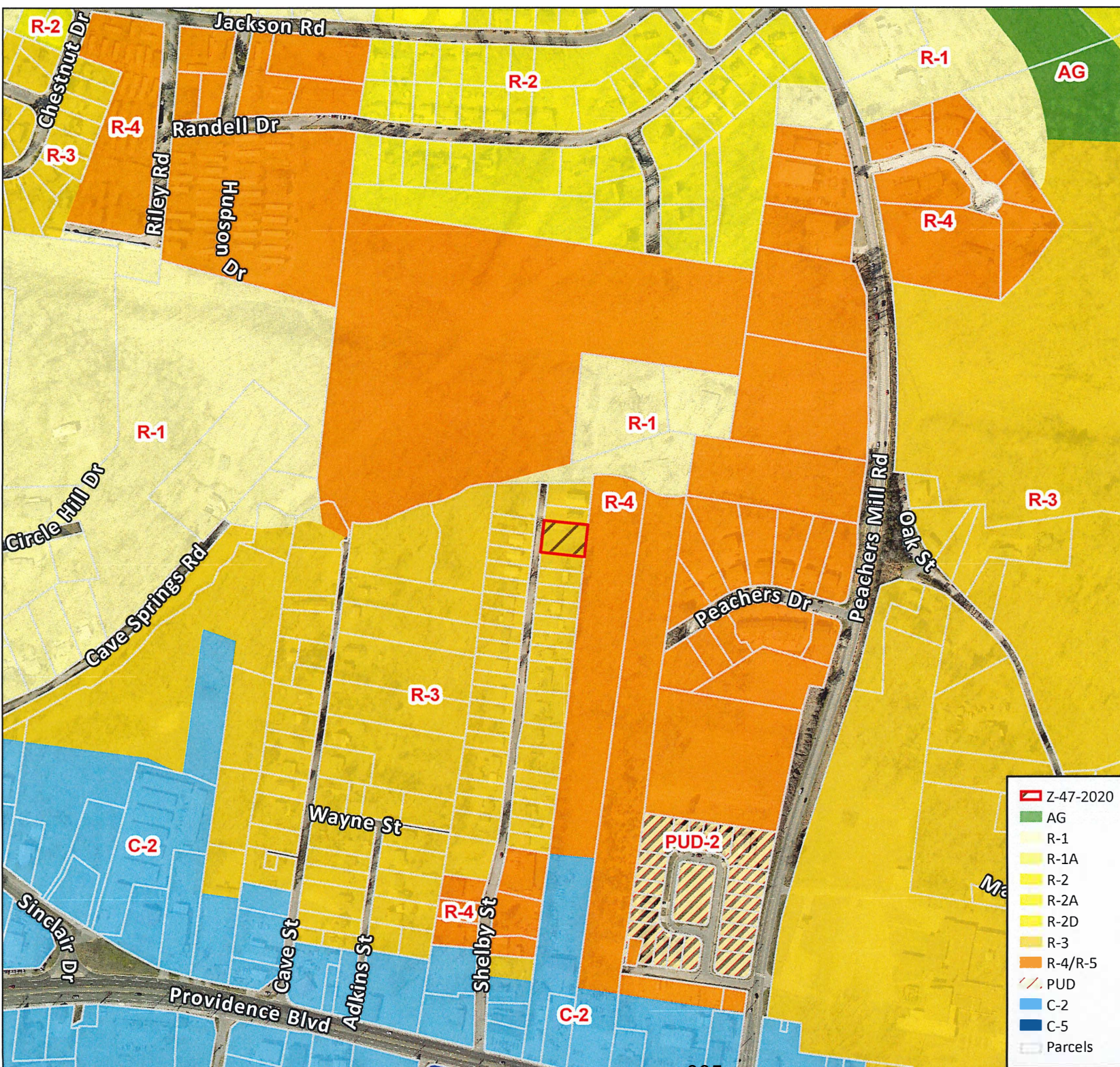
**MAP & PARCEL**  
054E C 03000

**ACRES +/-**  
0.321

Scale: 1:5,000



11/24/2020





**CASE NUMBER:** Z 47 2020 **MEETING DATE** 11/24/2020

**APPLICANT:** Shelbyvillas, G. P.

**PRESENT ZONING** R-3

**PROPOSED ZONING** R-6

**TAX PLAT #** 054-E-C

**PARCEL** 030.00

**GEN. LOCATION** Property fronting on the east frontage of Shelby St., 1,660 +/- feet north of the  
Providence Blvd. & Shelby St. intersection.

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**PUBLIC COMMENTS**

None received as of 9:00 A.M. on 11/24/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 11/24/2020

**CASE NUMBER:** Z - 48 - 2020

**NAME OF APPLICANT:**Raymon Sheppard

**AGENT:** Christopher Averitt

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**GENERAL INFORMATION**

**TAX PLAT:** 80-K-D

**PARCEL(S):** 056.00

**ACREAGE TO BE REZONED:** .98

**PRESENT ZONING:** R-2

**PROPOSED ZONING:** R-6

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property located west of the S. Rosewood Dr. & Turner Reynolds Ct. intersection.

**CITY COUNCIL WARD:** 7

**COUNTY COMMISSION DISTRICT:** 20

**CIVIL DISTRICT:** 11

**DESCRIPTION OF PROPERTY:** A vacant grassland tract with moderate slope.

**APPLICANT'S STATEMENT** To develop 4 single family lots  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Hilldale

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

Comments received from department and they had no concerns.

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Access to Rosewood.

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

#### 7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

ELEMENTARY: BARKSDALE  
MIDDLE SCHOOL: RICHVIEW  
HIGH SCHOOL: CLARKSVILLE

Barksdale Elementary, Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Barksdale Elementary is at 97% capacity & currently has 3 portable classrooms. Richview Middle is at 100% capacity & currently has 2 portable classrooms. Clarksville High is at 93% capacity. Over 1,000 lots have already been approved in this region. This continued growth necessitates additional action to address building capacity & school bus transportation needs in Montgomery County. This development could add additional students and require additional infrastructure and funding.

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Increased single family residential density.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** S. Rosewood Dr.

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**4**

**9**

**POPULATION:**

**24**

**APPLICABLE LAND USE PLAN**

Hilldale Planning Area: One of the most stable single family residential areas of the city. Its central location gives its convenient proximity to most areas of the city & Sango Planning Area: Growth rate for this area is well above the overall county average.

**STAFF RECOMMENDATION:**      **DISAPPROVAL**

- 1.** The proposed zoning request is inconsistent with the adopted Land Use Plan.
- 2.** The adopted Land Use Plan indicates that the present R-2 zoning is assumed to be correct unless the proposed zone is more consistent with the land use plan, the parcel was incorrectly zoned in the first place, or major changes of an economic, physical or social nature were not considered in the present plan which have substantially altered the character of the area.
- 3.** The potential for increased density with this tract exists with the present R-2 Single Family Zoning classification. The proposed R-6 density is not in character with the surrounding residential development.
- 4.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 5.**



**Z-48-2020**

**APPLICANT:**

RAYMON SHEPPARD

**REQUEST:**

**R-2**

**TO**

**R-6**

**MAP & PARCEL**

080K D 05600


**ACRES +/-**


0.98

Scale: 1:5,000



11/24/2020

 **Z-48-2020**

 **Parcels**



**Z-48-2020**

**APPLICANT:**

RAYMON SHEPPARD

**REQUEST:**

**R-2**

**TO**

**R-6**

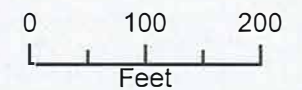
**MAP & PARCEL**

080K D 05600

**ACRES +/-**

0.98

Scale: 1:2,000



11/24/2020



 **Z-48-2020**

 **Parcels**



**Z-48-2020**

**APPLICANT:**

RAYMON SHEPPARD

**REQUEST:**

**R-2**

**TO**


**R-6**

**MAP & PARCEL**

080K D 05600

**ACRES +/-**


0.98


 Z-48-2020


 R-1

 R-2

 R-2A

 R-3

 R-4/R-5

 C-1

 C-2

 C-5

 Parcels

Scale: 1:5,000

0 250 500  
Feet

11/24/2020





**CASE NUMBER:** Z 48 2020 **MEETING DATE** 11/24/2020

**APPLICANT:** Raymon Sheppard

**PRESENT ZONING** R-2

**PROPOSED ZONING** R-6

**TAX PLAT #** 80-K-D

**PARCEL** 056.00

**GEN. LOCATION** Property located west of the S. Rosewood Dr. & Turner Reynolds Ct. intersection.

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**PUBLIC COMMENTS**

Copy of petition is in the file.





# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

November 9, 2020

Dear Citizen/Applicant:

RE: Case Number: Z-48-2020

An application has been filed with the Clarksville-Montgomery County Regional Planning Commission for the rezoning of land. To view a location map, please visit our web site @ [www.cmcrcpc.com](http://www.cmcrcpc.com)

**Applicant:** RAYMON SHEPPARD

**Agent:** CHRISTOPHER AVERITT

**Location:** Property located west of the S. Rosewood Dr. & Turner Reynolds Ct. intersection.

**Request:** R-2 Single-Family Residential District

to R-6 Single-Family District.

**Tax Map:** 80-K-D **Parcel #:** 056.00

**Acreage:** .98

**County Commission District:** 20

**City Council Ward:** 7

**Reason for Request:** To develop 4 single family lots

This case will be considered by the Planning Commission at the PLANNING COMMISSION MEETING ROOM (Basement - 329 Main Street), at its regular monthly meeting at 2:00 p.m., on: **Tuesday, November 24, 2020**

The City Council will consider the Regional Planning Commission's recommendation at its formal meeting. The public hearing will be held at this time if you desire to speak regarding this case. The public hearing and first reading will be held on **Thursday, December 3, 2020** at 7:00 p.m., in the City Council Chambers on Public Square.

The Planning Commission wants and needs your comments and input. You are welcome to participate in the public hearing portion of the meeting, however, discussion of pending cases should not occur with Planning Commissioners prior to the public hearing. If you cannot attend the public hearing and wish to submit comments, please contact our office. This process helps to ensure that all Commissioners receive the same information, at the same time, and not individually.

Both the Planning Commission and the City Council meetings are open to the public. You are invited to attend these meetings and express your views on this rezoning application. If the planning staff can be of any further assistance to you on this matter, please feel free to contact us **prior to the day of the Planning Commission meeting.**

Sincerely,

John T. Spainhoward  
Zoning Coordinator/Planner  
[john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)

**NOTE:** The Planning Commission and City Council have established deadlines for an applicant's request for deferral of zoning cases. To obtain these deadlines, please contact the Planning Commission office.

Case # Z-48-2020 remaining P. 1 of 2  
against "Anonymous"

1. Increased Traffic problems

2. Lowers our property  
Values

DON LAWRENCE  
530 ROSEWOOD DR.  
931-552-9131

D. Celeste Wall  
534 Rosewood Dr  
CLARKSVILLE, TN 370 43  
931-919-2730

Shirley Underwood  
538 ROSEWOOD DR  
CLARKSVILLE, TN 37043  
931-645-4442

Justin Jackson  
533 Rosewood Dr  
931-378-4905

James Russell  
529 Rosewood Dr  
931-802-2772

Case # Z-48-2020 Community Against  
against

1. Increased Traffic problems

2. Lowers our property P 2ab 2  
Values

DON LAWRENCE  
530 ROSEWOOD DR.  
931-552-9131

Connie Russell  
529 Rosewood Dr.  
931-802-7720

Elizabeth Lavell  
521 Rosewood Dr.  
Clarksville, Tenn

Joan Pallard  
526 Rosewood Drive  
Clarksville, Tenn

Joyce Jacobs  
537 Rosewood Dr  
Clarksville, Tenn 37043

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 11/24/2020

**CASE NUMBER:** Z - 49 - 2020

**NAME OF APPLICANT:** Fentress Bryant & Suk Tennessee Community Property

**AGENT:** Reed Baldwin

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**GENERAL INFORMATION**

**TAX PLAT:** 019

**PARCEL(S):** 021.00 (P)

**ACREAGE TO BE REZONED:** 7.23

**PRESENT ZONING:** C-5

**PROPOSED ZONING:** R-4

**EXTENSION OF ZONING**

**CLASSIFICATION:** YES

**PROPERTY LOCATION:** Property west of the Ft. Campbell Blvd. & Lady Marion Dr. intersection & east of the West Fork Creek.

**CITY COUNCIL WARD:** 3

**COUNTY COMMISSION DISTRICT:** 10

**CIVIL DISTRICT:** 3

**DESCRIPTION OF PROPERTY:** Existing grassland tract with varying topography behind the established Ft. Campbell Blvd. commercial corridor.

**APPLICANT'S STATEMENT FOR PROPOSED USE:** To extend the existing R-4 zoning on the property for a townhome development

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Airport

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☒ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

**1. CITY ENGINEER/UTILITY DISTRICT:**

No sewer available.

**2. STREET DEPARTMENT/  
COUNTY HIGHWAY DEPARTMENT:**

No traffic issues.

**3. DRAINAGE COMMENTS:**

Comments received from department and they had no concerns.

**4. CDE/CEMC:**

No Comment(s) Received

**5. FIRE DEPT/EMERGENCY MGT.:**

Comments received from department and they had no concerns.

**6. POLICE DEPT/SHERIFF'S OFFICE:**

Comments received from department and they had no concerns.

**7. CITY BUILDING DEPARTMENT/  
COUNTY BUILDING DEPARTMENT:**

Comments received from department and they had no concerns.

**8. SCHOOL SYSTEM:**

Ringgold Elementary & Kenwood Elementary are in the fastest growing region of Montgomery County. Ringgold Elementary is at 99% capacity. This development could add additional students and require additional infrastructure & funding.

ELEMENTARY: RINGGOLD

MIDDLE SCHOOL: KENWOOD

HIGH SCHOOL: KENWOOD

**9. FT. CAMPBELL:**

**10. OTHER COMMENTS:**

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Additional multi-family density.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Ft. Campbell Blvd

**DRAINAGE COMMENTS:** west

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**86**

**POPULATION:**

**232**

**APPLICABLE LAND USE PLAN**

Airport Planning Area: This Planning area is centered around John H. Outlaw Field. The major north-south axis roads are Ft. Campbell Blvd., Tobacco Rd. and Peachers Mill Rd.. Tiny Town Rd. serves as the major east-west connector here. The planning area has vast amounts of open space that has a long history of agricultural and woodland uses.

**STAFF RECOMMENDATION:**      **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The R-4 Multi-family zoning request is an extension of the established R-4 district to the west & makes a more appropriate use of the land than the existing C-5 zoning district.
3. The proposed R-4 zoning district is in an area where housing needs have been identified & in close proximity to goods, services & the availability of mass transit.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 5.



**Z-49-2020**

**APPLICANT:**

FENTRESS BRYANT &  
SUK LEE TN  
COMMUNITY PROPERTY  
TRUST

**REQUEST:**

**C-5**

**TO**

**R-4**

**MAP & PARCEL**

019 02100 (P)


**ACRES +/-**

7.23

Scale: 1:10,000



11/24/2020

 **Z-49-2020**

 **Parcels**



**Z-49-2020**

**APPLICANT:**

FENTRESS BRYANT &  
SUK LEE TN  
COMMUNITY PROPERTY  
TRUST

**REQUEST:**

**C-5**  
**TO**  
**R-4**

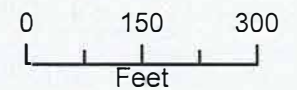
**MAP & PARCEL**

019 02100 (P)

**ACRES +/-**


7.23

Scale: 1:3,000



11/24/2020

 **Z-49-2020**

 **Parcels**



**Z-49-2020**

**APPLICANT:**

FENTRESS BRYANT &  
SUK LEE TN  
COMMUNITY PROPERTY  
TRUST

**REQUEST:**

**C-5  
TO  
R-4**

**MAP & PARCEL**

019 02100 (P)

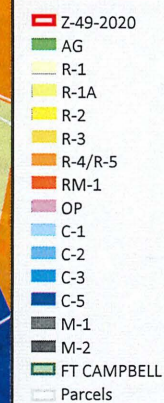
**ACRES +/-**

7.23

Scale: 1:10,000



11/24/2020



**FT CAMPBELL**

**AG**

**R-4**

**C-5**

**C-5**

**R-1A**

**R-2**

**M-1**

**R-1**

**C-5**

**M-2**

**R-4**

**C-2**

**C-1**



**CASE NUMBER:** Z 49 2020 **MEETING DATE** 11/24/2020  
**APPLICANT:** Fentress Bryant & Suk Lee Tennessee Community Property Trust  
**PRESENT ZONING** C-5 **PROPOSED ZONING** R-4  
**TAX PLAT #** 019 **PARCEL** 021.00 (P)  
**GEN. LOCATION** Property west of the Ft. Campbell Blvd. & Lady Marion Dr. intersection & east of the West Fork Creek.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 9:00 A.M. on 11/24/2020 (A.L.)

ORDINANCE 48-2020-21

A ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, TENNESSEE, AS IT PERTAINS TO FLOODPLAINS AND THE NATIONAL FLOODPLAIN INSURANCE PROGRAM (NFIP)

*WHEREAS*, the Flood Rate Insurance Maps for the Cumberland River Basin have been updated; and

*WHEREAS*, this requires an update to the Zoning Ordinance to adopt the changes required to comply with the National Floodplain Insurance Program; and

*WHEREAS*, the Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

*WHEREAS*, this is important to the property owners in the City of Clarksville in order to obtain flood insurance.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the City of Clarksville Zoning Ordinance, Chapter 9, “Overlay Districts,” is hereby amended by deleting the existing language in Section 9.2 “Floodplain Overlay District” and by substituting instead the language in Attachment A.

*BE IT FURTHER ORDAINED* that the provisions of this ordinance shall be effective January 15, 2021.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

## ATTACHMENT A

### **9.2 FLOODPLAIN OVERLAY DISTRICT**

1. **Statutory Authorization.** The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

2. **Findings of Fact.** The City of Clarksville, Tennessee, Mayor and its City Council wishes to maintain its eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

- A. Areas of the City of Clarksville, Tennessee are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

3. **Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

- A. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- B. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase flood damage or erosion;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. **Objectives.** The objectives of this Ordinance are:

- A. To protect human life, health, safety and property;
- B. To minimize expenditure of public funds for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

- F. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
- G. To ensure that potential homebuyers are notified that property is in a floodprone area;
- H. To maintain eligibility for participation in the NFIP.

5. **Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

- A. ***Accessory Structure*** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:
  - I. Accessory structures shall only be used for parking of vehicles and storage.
  - II. Accessory structures shall be designed to have low flood damage potential.
  - III. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
  - IV. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
  - V. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.
- B. ***Addition (to an existing building)*** means any walled and roofed expansion to the perimeter or height of a building.
- C. ***Appeal*** means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.
- D. ***Area of Shallow Flooding*** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- E. ***Area of Special Flood-related Erosion Hazard*** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.
- F. ***Area of Special Flood Hazard*** see ***Special Flood Hazard Area***
- G. ***Base Flood*** means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

- H. **Basement** means any portion of a building having its floor subgrade (below ground level) on all sides.
- I. **Building** *see Structure*
- J. **Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.
- K. **Elevated Building** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
- L. **Emergency Flood Insurance Program or Emergency Program** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.
- M. **Erosion** means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.
- N. **Exception** means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.
- O. **Existing Construction** means any structure for which the start of construction commenced before the effective date of the initial floodplain management code or Ordinance adopted by the community as a basis for that community's participation in the NFIP.
- P. **Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or Ordinance adopted by the community as a basis for that community's participation in the NFIP.
- Q. **Existing Structures** *see Existing Construction*

- R. ***Expansion to an Existing Manufactured Home Park or Subdivision*** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- S. ***Flood or Flooding***
- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    - I. The overflow of inland or tidal waters.
    - II. The unusual and rapid accumulation or runoff of surface waters from any source.
    - III. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(II) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(I) of this definition
- T. ***Flood Elevation Determination*** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- U. ***Flood Elevation Study*** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.
- V. ***Flood Hazard Boundary Map (FHBM)*** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.
- W. ***Flood Insurance Rate Map (FIRM)*** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

- X. ***Flood Insurance Study*** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.
- Y. ***Floodplain or Floodprone Area*** means any land area susceptible to being inundated by water from any source (see definition of flooding).
- Z. ***Floodplain Management*** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- AA. ***Flood Protection System*** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- BB. ***Floodproofing*** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.
- CC. ***Flood-related Erosion*** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.
- DD. ***Flood-related Erosion Area or Flood-related Erosion Prone Area*** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- EE. ***Flood-related Erosion Area Management*** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.
- FF. ***Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.



- GG. ***Freeboard*** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.
- HH. ***Functionally Dependent Use*** means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- II. ***Highest Adjacent Grade*** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.
- JJ. ***Historic Structure*** means any structure that is:
- I. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - II. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - III. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - IV. Individually listed on the City of Clarksville, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
    - a. By the approved Tennessee program as determined by the Secretary of the Interior or
    - b. Directly by the Secretary of the Interior.
- KK. ***Levee*** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- LL. ***Levee System*** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

- MM. ***Lowest Floor*** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- NN. ***Manufactured Home*** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term Manufactured Home does not include a Recreational Vehicle.
- OO. ***Manufactured Home Park or Subdivision*** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- PP. ***Map*** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.
- QQ. ***Mean Sea Level*** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.
- RR. ***National Geodetic Vertical Datum (NGVD)*** means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.
- SS. ***New Construction*** means any structure for which the start of construction commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.
- TT. ***New Manufactured Home Park or Subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance or the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.
- UU. ***North American Vertical Datum (NAVD)*** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.
- VV. ***100-year Flood see Base Flood***

- WW. **Person** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
- XX. **Reasonably Safe from Flooding** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.
- YY. **Recreational Vehicle** means a vehicle which is:
- I. Built on a single chassis;
  - II. 400 square feet or less when measured at the largest horizontal projection;
  - III. Designed to be self-propelled or permanently towable by a light duty truck;
  - IV. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- ZZ. **Regulatory Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- AAA. **Regulatory Flood Protection Elevation** means the Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.
- BBB. **Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- CCC. **Special Flood Hazard Area** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.
- DDD. **Special Hazard Area** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.
- EEE. **Start of Construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles,

the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

FFF. ***State Coordinating Agency*** the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

GGG. ***Structure*** for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

HHH. ***Substantial Damage*** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

III. ***Substantial Improvement*** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the initial improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

JJJ. ***Substantially Improved Existing Manufactured Home Parks or Subdivisions*** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

KKK. **Variance** is a grant of relief from the requirements of this Ordinance.

LLL. **Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

MMM. **Water Surface Elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

6. **Application.** This Ordinance shall apply to all areas within the incorporated area of the City of Clarksville, Tennessee.
7. **Basis for Establishing the Areas of Special Flood Hazard.** The Areas of Special Flood Hazard identified on the City of Clarksville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated January 15, 2021 and Flood Insurance Rate Map (FIRM), Community 470137, Panel Numbers 47125C0063D, 47125C0088D, 47125C0201D, 47125C0202D, 47125C0204D, 47125C0206D, 47125C0207D, 47125C0208D, 47125C0209D, 47125C0226D, 47125C0227D, 47125C0228D, 47125C0229D, 47125C0235D, 47125C0237D, 47125C0241D, 47125C0242D, 47125C0261D, 47125C0262D, 47125C0263D, 47125C0264D dated March 18, 2008, and 47125C0215E 47125C0216E, 47125C0217E, 47125C0220E, 47125C0236E, 47125C0238E, 47125C0239E, 47125C0243E, 47125C0244E, 47125C0335E, 47125C0351E, 47125C0352E, 47125C0356E, 47125C0357E, 47125C0380E, dated January 15, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.
8. **Requirement for Development Permit.** A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.
9. **Compliance.** No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
10. **Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

11. **Interpretation.** In the interpretation and application of this Ordinance, all provisions shall be:
  - A. Considered as minimum requirements.
  - B. Liberally construed in favor of the governing body and;
  - C. Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.
12. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Clarksville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.
13. **Penalties for Violation.** Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Clarksville, Tennessee from taking such other lawful actions to prevent or remedy any violation.
14. **Designation of Ordinance Administrator.** The Director of Streets and/or his designee is hereby appointed as the Administrator to implement the provisions of this Ordinance.
15. **Permit Procedures.** Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:
  - A. **Application Stage.**
    - I. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.



- II. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- III. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Sections 17 and 18.
- IV. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- V. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of t/he permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.
- VI. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
  - a. An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.
  - b. Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
  - c. A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
  - d. A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.

B. **Construction Stage.** Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

- C. **Finished Construction Stage.** For all new construction and substantial improvements, the permit holder shall provide to the Administrator a final Finished Construction Elevation Certificate (FEMA Form 086-0-33). A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Building and Codes Department a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

**16. Duties and Responsibilities of the Administrator** shall include, but not be limited to, the following:

- A. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- B. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- C. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- D. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

- E. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- F. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 15.
- G. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 15.
- H. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 15.
- I. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- J. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Clarksville,, Tennessee FIRM meet the requirements of this Ordinance.
- K. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
- L. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.



17. **Provisions for Flood Hazard Reduction.** In all areas of special flood hazard, the following provisions are required:

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- B. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- D. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- E. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- K. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- L. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 18;
- M. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- N. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

18. **Specific Standards.** In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 17, are required:

- A. **Residential Structures.** In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than two (2) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 5). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

- B. **Non-Residential Structures.** In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than two (2) feet above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 5). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the



provisions above, and shall provide such certification to the Administrator as set forth in Section 15.

- C. **Enclosures.** All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
- I. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
    - a. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - b. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
    - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - II. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
  - III. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 18.

**19. Standards for Manufactured Homes and Recreational Vehicles.**

- A. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- B. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - I. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than two (2) feet above the level of the Base Flood Elevation or
  - II. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 5).
- C. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Sections 17 and 18.
- D. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

E. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

- I. Be on the site for fewer than 180 consecutive days;
- II. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
- III. The recreational vehicle must meet all the requirements for new construction.

**20. Standards for Subdivisions and Other Proposed New Development Proposals.**

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- A. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- C. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 22).

**21. Standards for Special Flood Hazard Areas with Established Base Flood Elevations Designated and With Floodways Designated.** Located within the Special Flood Hazard Areas established in Section 7, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;



- B. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
- C. ONLY if Section 21 Subsections A and B are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Sections 17 and 18

**22. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated.** Located within the Special Flood Hazard Areas established in Section 7 , where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- A. Require until a regulatory floodway is designated, that no new construction, substantial , or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- B. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
- C. ONLY if Section 22 Subsections A and B are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Sections 17 and 18

**23. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)** Located within the Special Flood Hazard Areas established in Section 7 , where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- A. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Sections 17 and 18.
- B. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

- C. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 5). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 15. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 18.
  - D. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Clarksville, , Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
  - E. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 17 and 18. Within approximate A Zones, require that those subsections of Section 18 dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.
24. **Standards for Areas of Shallow Flooding (Zone AO)** Located within the Special Flood Hazard Areas established in Section 7 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 17 and 18, all new construction and substantial improvements shall meet the following requirements:
- A. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
  - B. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Subsection 24.A so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Subsection 13.A.III and Subsection 18.B.
  - C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.



25. **Standards For Areas of Shallow Flooding (Zone AH)** Located within the Special Flood Hazard Areas established in Section 7 are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Sections 17 and 18, all new construction and substantial improvements shall meet the following requirements:
- A. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
26. **Standards For Areas Protected by Flood Protection System (A-99 Zones)** Located within the Areas of Special Flood Hazard established in Section 7, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones), all provisions of Sections 11 through 26 shall apply.
27. **Standards for Unmapped Streams** Located within the City of Clarksville,, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:
- A. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
  - B. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 11 through 26.
  - C. ONLY if Subsection 9.2.2, provisions (A) through (B) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of
28. **Variance Procedures**
- A. **Authority.** The City of Clarksville, Tennessee Board of Zoning Appeals and/or Stormwater Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
  - B. **Procedures.** Meetings of the Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Board of Zoning Appeals shall be set by the Clarksville City Council.

- C. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$255 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.
- D. The Board of Zoning Appeals shall have the following powers:
- I. Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.
  - II. Variance Procedures. In the case of a request for a variance the following shall apply:
    - a. The City of Clarksville, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
    - b. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
    - c. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
      - i. The danger that materials may be swept onto other property to the injury of others;
      - ii. The danger to life and property due to flooding or erosion;
      - iii. The susceptibility of the proposed facility and its contents to flood damage;
      - iv. The importance of the services provided by the proposed facility to the community;
      - v. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
      - vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
      - vii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;



- viii. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - ix. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- d. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- e. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

## **29. Conditions for Variances**

- A. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 28. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- B. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- C. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

## **30. Legal Status Provisions**

- A. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Clarksville, Tennessee, the most restrictive shall in all cases apply.
- B. Severability. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance, which is not of itself invalid or unconstitutional.
- C. Effective Date. This Ordinance shall become effective on January 15, 2021, in accordance with the Charter of the City of Clarksville, Tennessee, and the public welfare demanding it.

ORDINANCE 50-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SHELBYVILLAS, G.P., DANA BAGGETT-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF PROVIDENCE BOULEVARD AND SHELBY STREET

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-6 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being in the east right of way margin of Shelby St. 1,639 +/- feet north of the centerline of the Providence Blvd. & Shelby St. intersection, said point also being the northwest corner of the Lydia Gayle Zarichansky property, thence in a northerly direction 104 +/- feet with the eastern right of way margin of Shelby St. to a point, said point being the southwest corner of the Shelbyvillas GP property, thence in a easterly direction 138 +/- feet with the southern boundary of the Shelbyvillas GP property to a point, said point being in the western boundary of the Brian R. Wolff property, thence in a southerly direction 104 +/- feet with the western boundary of the Brian R. Wolff property to a point, said point being the northeast corner of the Lydia Gayle Zarichansky property, thence in a westerly direction 140 +/- feet with the northern boundary of the Lydia Gayle Zarichansky property to the point of beginning, said herein described tract containing 0.31 +/- acre.

ORDINANCE 51-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RAYMOND SHEPPARD, CHRISTOPHER AVERITT-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF SOUTH ROSEWOOD DRIVE AND TURNER REYNOLDS COURT

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-2 Single Family Residential District, as R-6 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being 194 +/- feet south of the S. Rosewood Dr. & Rosewood Dr. intersection, said point located in the west right of way margin of S. Rosewood Dr. and also the southeast corner of the Olivia Joan Pollard property, thence in a southwesterly direction 194 +/- feet with the western right of way margin of S. Rosewood Dr. to a point, said point being the northeast corner of the Healing Investments, LLC property, thence in a westerly direction 222 +/- feet with the northern boundary of the Healing Investments, LLC property to a point, said point being in the eastern boundary Blackjack Investments, LLC, thence in a northwesterly direction 133 +/- feet with the eastern boundary of the Blackjack Investments, LLC property, to a point, said point being the southwest corner of the Hugh T. Underwood property, thence in a easterly direction 371 +/- feet with the southern boundary of the Hugh T. Underwood property to the point of beginning, said herein described tract containing 0.98 +/- acre.



ORDINANCE 52-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF FENTRESS BRYANT AND SUK LEE-TENNESSEE COMMUNITY PROPERTY TRUST, REED BALDWIN-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF FORT CAMPBELL BOULEVARD AND LADY MARION DRIVE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned C-5 Highway & Arterial Commercial District, as R-4 Multiple Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning an iron pin (old), said pin being west of and adjacent to said Fort Campbell Boulevard right of way, said pin being S 81° 49' E for a distance of 494 feet from the centerline intersection of Fort Campbell Boulevard and Lady Marion Drive, said point also being the southeastern corner of the herein described parcel; Thence, along Fort Campbell Boulevard right of way, S 25° 48' 16" E for a distance of 100.00 feet to a point on a line, said point being the north east corner of the said Fentress Bryant and Suk Lee TN Community Property Trust property; Thence, leaving said Fort Campbell Boulevard right of way and along said Fentress Bryant and Suk Lee TN Community Property Trust property line, S 64° 02' 59" W for a distance of 500.00 feet to a point on a line; Thence, leaving said Fentress Bryant and Suk Lee TN Community Property Trust property and along a zoning ling, N 26° 19' 20" W for a distance of 1139.90 feet to a point on a line, said point being the north west corner of the herein described parcel, said point also being the southern property line of the Zachary Henard property as described in ORV 1212, page 2389; Thence, along said Zachary Henard property line, N 61° 25' 44" E for a distance of 202.62 feet to a point on a line, said point being the north west corner of the Richard Herron property as described in ORV 1941, page 1334, said point being the north east corner of the herein described parcel; Thence, leaving said Zachary Henard property and along said Richard Herron property for the next 2 calls, S 27° 55' 57" E for

a distance of 99.06 feet to a point on a line; Thence, N 63° 55' 46" E for a distance of 75.02 feet to a point on a line, said point being the north west corner of the said Fentress Bryant and Suk Lee TN Community Property Trust property; Thence, S 26° 19' 19" E for a distance of 443.46 feet to a point on a line, said point being the north west corner of the David Gardner property as described in ORV 541, page 272; Thence, leaving said Fentress Bryant and Suk Lee TN Community Property Trust property and along said David Gardner property for the next 2 calls, S 26° 19' 19" E for a distance of 81.80 feet to a point on a line; Thence, N 63° 57' 44" E for a distance of 21.64 feet to a point on a line, said point being the north west corner of the Gardner Revocable Living Trust property as described in ORV 1668, page 2260; Thence, leaving said David Gardner property and along said Gardner Revocable Living Trust property, S 26° 34' 11" E for a distance of 125.47 feet to a point on a line, said point being the northern property line of the said Fentress Bryant and Suk Lee TN Community Property Trust property; Thence, along said Fentress Bryant and Suk Lee TN Community Property Trust property for the next 3 calls, S 64° 13' 33" W for a distance of 99.94 feet to a point on a line; Thence, S 26° 00' 51" E for a distance of 299.94 feet to a point on a line; Thence, N 64° 02' 59" E a distance of 300.00 feet to the point of beginning, said parcel containing 314,790 Square Feet or 7.23 Acres, more or less.

RESOLUTION 41-2020-21

A RESOLUTION APPROVING THE ABANDONMENT OF A PORTION OF AN ALLEYWAY LOCATED NORTH OF MAIN STREET, SOUTH OF COLLEGE STREET AND WEST OF 8<sup>TH</sup> STREET; REQUEST OF JAMES CORLEW, SR.

*WHEREAS*, application was made by James L. Corlew, Sr. for abandonment of a portion of a public alleyway; located north of Main Street, south of College Street and west of 8th Street; being approximately 18 +/- feet wide and 84 +/- feet long, containing approximately 1,512 +/- sq. ft., shown on Montgomery County tax map/parcel 66-F-B-008.00; also shown on the attachment; and

*WHEREAS*, the application was reviewed according to established procedures by the Regional Planning Commission on November 24, 2020, and was recommended for approval to the Clarksville City Council, with retention of an easement for public utilities.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the above-described public right-of-way is hereby abandoned with retention of an easement for public utilities.

*PUBLIC HEARING:*

*ADOPTED:*



**AB-03-2020**

**JAMES CORLEW, SR**

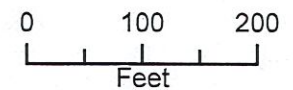
**APPLICANT:  
JAMES CORLEW, SR**

**AGENT/ENGINEER**

**MAP & PARCEL  
066F B 00800**

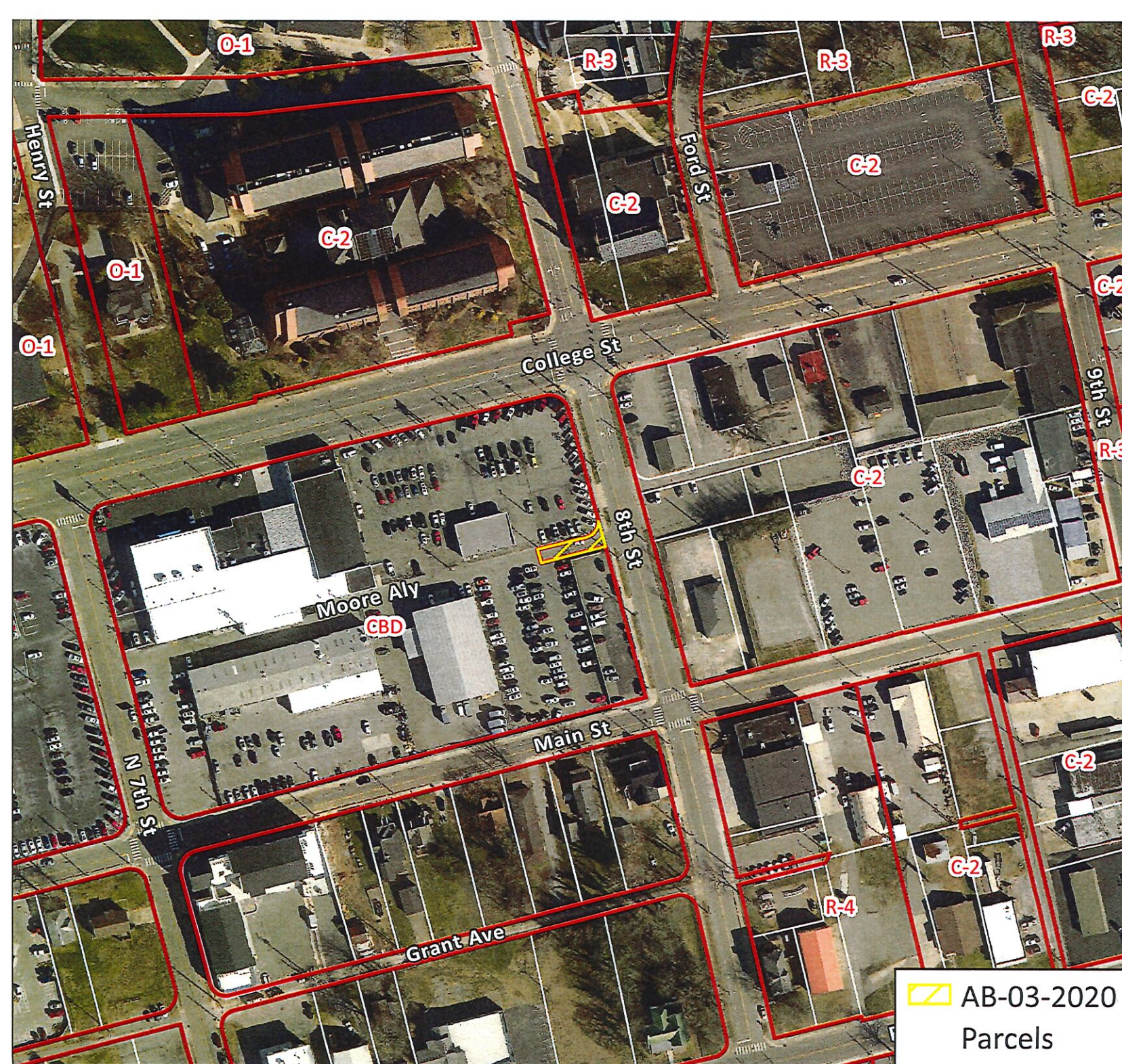
**CBD ZONING  
MF UNITS: 0  
0.03 +/- ACRES**

Scale: 1:2,000



11/24/2020

 **AB-03-2020  
Parcels**





ORDINANCE 40-2020-21

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 4 (BUILDING, UTILITY, AND HOUSING CODES) RELATIVE TO ADOPTION OF UPDATED CODES OF THE INTERNATIONAL CODE COUNCIL

*WHEREAS*, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2018 editions of the International Building Code, the International Fuel Gas Code, the International Plumbing Code, the International Residential Code, and the International Mechanical Code; 2018 Existing Building Code; and

*WHEREAS*, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2009 edition of the International Energy Conservation Code; and

*WHEREAS*, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2009 edition of the Accessible and Useable Buildings and Facilities Code; A-117.1-2009.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

1. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 1, "IN GENERAL" is hereby amended by deleting Section 4-102, "Installation of water mains, fire plugs, and all-purpose roads required prior to erection of multi-family dwellings," in its entirety.
2. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-201, "Building code adopted," is hereby amended by deleting Section 4-201 in its entirety and by substituting instead therefor the following as new Section 4-201:

**Section 4-201. Building Code adopted.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2018 edition of the International Building Code and all revisions associated therewith and forthcoming, including appendices C, D, and F thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective January 1, 2021 with the following modifications:

Section 101.1:           Insert "City of Clarksville"

Section 114.4. Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Section 1612.3:        Insert "City of Clarksville" and  
                             Insert "June 15, 1984 and June 29, 2001 (Lower  
                             Meadowbrook)"

Section 3412:        Delete entirely

(b) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2009 edition of the Accessible and Useable Buildings and Facilities Code; A-117.1-2009.

(c) Three (3) copies of these codes shall be filed in the office of the building official.

3. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-203, "Building permit fees," is hereby amended by deleting sub-section (1) in its entirety and by substituting instead therefore the following as a new sub-section (1):

- (1) Effective January 1, 2009 the cost of a building permit for any single family-housing unit will be twenty-two cents (\$0.22) per square foot. The fee rate is applicable to total heated and unheated square footage. This fee reflects the combined cost of building and development inspection services provided by the city offices of building and codes, street department and fire services. At any time, the building and codes department may request construction plans as part of the validation process. Builders who are consistently found to misjudge building permit footage will be required to submit construction plans for each permit requested.

The cost factors that go into the single family-housing building permit fee will be reviewed, analyzed for potential fee adjustments as needed. The costs factors may include services provided by building and codes, street department, fire services. A mandatory inflation factor of one cent (\$0.01) per year will be applied. Effective January 1, 2010, the cost of a building permit for any single family housing unit will be twenty-three cents (\$0.23) per square foot. The revised building permit fee will be posted by January 1 of each year thereafter.



4. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-203, "Building permit fees," is hereby amended by deleting sub-section (5) in its entirety and by substituting instead therefore the following as a new sub-section (5):

(5) Additional fees are as follows:

For the moving of any building or structure ..... \$50.00

For the demolition of any structure ..... \$50.00

Temporary tents ..... \$100.00

Temporary structures ..... \$100.00

All signs ..... \$25.00

Placement of accessory structures..... \$25.00

No permit fees shall be imposed for signs erected in residential districts on currently occupied single family properties pursuant to section 11-503.

Fees for the erection of temporary tents, signs, and structures in conjunction with public functions, festivals, street fairs, or other similar celebrations being conducted pursuant to City Code section 5-1001 shall be governed by regulations adopted by the agency designated in City Code section 5-1001.

5. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by deleting Section 4-301, "Installations serviced by multiple sources," in its entirety and by substituting instead therefore the following as a new Section 4-301:

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2017 edition of the National Electric Code, as prepared by the National Fire Protection Association, NFPA 70, together with all revisions associated therewith and forthcoming, including all appendices thereto, are hereby adopted by reference.

(b) Three (3) copies of the code shall be filed in the office of the building official.

6. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by deleting Section 4-310, "Installations serviced by multiple sources," in its entirety and by substituting instead therefore the following as a new Section 4-310:

#### **Section 4-310.-Installations serviced by multiple sources.**

**Interconnected Generation.** Electric generators of any type and size, interconnected to CDE Lightband's (CDE) electric grid in any way, shape, form, fashion, or means, including wind, solar, fuel cell, reciprocating engine, hydro, and other similar electric generation devices, are required by CDE to install a load-break AC disconnect or transfer switch (Switch) between CDE facilities and the interconnected Customer's equipment. Such Switch must be installed on the Customer's side of the electrical interconnection with CDE and must be able to isolate the generation source from CDE's electric grid, a) automatically when source power from CDE is lost and, b) manually when needed for emergencies, to perform maintenance, to assist in the restoration of service, or any other time/event deemed appropriate/necessary by CDE.

The Switch must be, a) accessible to CDE personnel at all times, b) located in close proximity to CDE's point of delivery, c) able to provide a clear visible open point of disconnection and a clear visible indication of switch position, d) have padlock provisions for locking the Switch in the open position and, e) labeled "Generator Disconnect Switch" or "Generator Transfer Switch".

Failure by Customer to notify CDE of Customer's generator installation, or failure by Customer to install the Switch according to the specifications listed herein, will result in immediate disconnection of Customer's electric service by CDE. Electric service will be reconnected by CDE when the Switch is installed and inspected/approved by the City of Clarksville, TN, Building and Codes Department.

Transfer equipment associated with installations serviced by alternate sources of supply shall be equipped with all the necessary equipment to prevent back-feed of power onto the power supplier's system when the power supplier's system is not energized by its own source of power. Protective equipment and installation of equipment to prevent back-feed shall be approved by the power supplier.

7. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by deleting Section 4-313, "Violations / penalties," in its entirety and by substituting instead therefore the following as a new Section 4-313:

#### **Section 4-313. Violation penalties; stop work orders; termination of power.**

(a) *Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or

court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

(b) *Stop work orders.* Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order.

(c) *Termination of power.* The building official shall have authority to terminate the electrical power to a structure when a situation exists of immediate danger to health, safety or welfare of the occupants, or when a hazard to the structure is eminent, as determined by the building official.

8. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by adding a new Section 4-314:

**Section 4-314. Failure to promptly correct defective work.**

If any owner, authorized agent, or contractor engaged in electrical work, construction, alteration, modification or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for electrical work shall be issued to him / her until all such defective work has been corrected.

9. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 4, "Gas Code," Section 4-401, "Gas code adopted," is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-401:

**Section 4-401. Gas code adopted.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2018 edition of the International Fuel Gas Code, together with all revisions associated therewith and forthcoming, including appendix C thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective January 1, 2021, with the following modifications:

Section 101.1:           Insert "City of Clarksville"



Section 106.6.2: Insert “The fee schedule for Gas Permit Fees of the City of Clarksville, Section 4-402 of the Official Code of the City of Clarksville.”

Section 106.6.3: Delete #2 and #3

Delete Sub-section 108.4 Violation penalties.

Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.

Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

10. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, “Plumbing Code,” Section 4-502, “Plumbing Code Adopted,” is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-502:

**Section 4-502. Plumbing code adopted.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2018 edition of the International Plumbing Code, together with all revisions associated therewith and forthcoming, including appendix F thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective January 1, 2021, with the following modifications:

Section 101.1: Insert “City of Clarksville”

Amend Section 106.6

Insert new Section 106.6.2: Insert “the fee schedule for plumbing permits of the  
Official Code of the City of Clarksville Section  
4-503.”

Amend Section 106.6.2:

Insert new Section 106.6.3: Delete #2 and #3.

Amend Section 305.6.1:

Insert new Section 305.4.1: Insert “18 inches”  
Insert “18 inches”

Delete Section 603.2: Delete exception #2. (Does not exist in the 2018 Code)

Amend Section 904.1:

Insert new Section 903.1: Insert “12 inches”

Delete Sub-section 108.4 Violation penalties.

Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.

Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that plumbing work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

11. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, Plumbing Code, Section 4-503, "Fees," is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-503:

**Section 4-503. Fees.**

Plumbing and outside utility fees are hereby established as follows:

- (1) Water connection:
  - a. New/existing residential: Per section 13-309.
  - b. New/existing commercial/industrial: Per section 13-309.
- (2) Sewer connection:
  - a. New/existing residential: Per section 13-309.
  - b. New/existing commercial/industrial: Per section 13-309.
- (3) Reserved.
- (4) Water tap: Per section 13-309.
- (5) Yard meter/secondary meter: Per section 13-309.
- (6) Taps on city main without meter, main extensions/fire sprinkler: Per section 13-309.
- (7) Water and sewer service inspection: Twenty-five dollars (\$25.00) per service.
- (8) Water and sewer replacement: Twenty-five dollars (\$25.00) per service replacement
- (9) Water tap inspection: Twenty-five dollars (\$25.00) per tap
- (10) Yard meter/secondary meter service inspection: Twenty-five dollars (\$25.00) per service.
- (11) Water heater: Ten dollars (\$10.00) per water heater
- (12) Openings: Ten dollars (\$10.00) per opening.
- (13) Vacuum breakers:
  - a. For the first five (5): Two dollars and fifty cents (\$2.50) each.
  - b. For each additional: One dollar and fifty cents (\$1.50).
- (14) Reduced backflow preventer: Twenty-five dollars (\$25.00) each
- (15) Permit issuance: Ten dollars (\$10.00) per permit (permit issuance fee applies to all plumbing permits to include all applicable water and sewer connection/tap fees as described in section 13-309).



(16) Grease trap and/or oil separator: Twenty-five dollars (\$25.00).

(17) A re-inspection permit shall be required for each plumbing re-inspection, such cost of permit to be twenty dollars (\$20.00) in addition to the administrative cost for issuing such permit.

12. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, "Plumbing Code," Section 4-510, "Examination of plumbers, outside utility installers, gas piping and appliance installers; issuance of certificates," is hereby amended by deleting sub-section (5) in its entirety and by substituting instead therefore the following as a new sub-section (5)

Sec. 4-510. - Examination of plumbers, outside utility installers, gas piping and appliance installers; issuance of certificates.

**Delete Subsection (2) a. in its entirety:**

a. Any applicant desiring to engage in any of the activities set out above shall provide the building official proof that he/she has a minimum of four (4) years experience under the supervision of a licensed master plumber, gas installer, or outside utility installer, depending on the license applied for and shall successfully complete an examination administered by the International Code Council (ICC) and, upon satisfactory proof of completion, shall be issued an applicable plumber's certificate. Fees for examination and issuance of certificates shall be as follows:

Certificate	Examination Fee (Includes Retesting)	Certificate Fee
Master plumber	\$130.00	\$25.00
Gas piping and appliance installer	130.00	25.00
Outside utility installer	130.00	25.00

**Insert New Subsection (2) a.** Any applicant desiring to engage in any of the activities set out above shall provide the building official proof that he/she successfully met the licensing requirement from the State of Tennessee Board for Licensing Contractors and upon satisfactory proof of completion, shall be issued an applicable plumber's certificate. Fees for issuance of certificates shall be as follows:

Certificate	Certificate Fee
Master plumber	\$50.00
Gas piping and appliance installer	50.00
Outside utility installer	50.00

**Delete Subsection (2) b.** in its entirety: All examination fees shall be paid when making application to be tested. Subsequent to successfully completing the examination administered by the International Code Council (ICC) and payment of the certificate fee, the applicable certificate will be issued by the building and codes department.

**Insert New Subsection (2) b.** Payment of the certificate fee for the applicable certificate will be issued by the building and codes department

**Delete Subsection (2) c. in its entirety:** Any increase in examination or certificate fees imposed by the city or International Code Council (ICC) shall be added to the above schedule. The city general services committee may adjust city fees whenever necessary.

**Insert New Subsection (2) c.:** Any increase in certificate fees imposed by the city or International Code Council (ICC) shall be added to the above schedule. The city general services committee may adjust city fees whenever necessary.

Delete Subsection (5) in its entirety: Copies of the 2012 International Plumbing Code or International Fuel Gas Code may be obtained from the building department for actual cost of the publication.

13. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, "Plumbing Code," Section 4-513, "Local plumbing policies," is hereby amended by deleting Section 4-513 in its entirety and by substituting instead therefore the following as a new Section 4-513:

Section 4-513. Local plumbing policies.

The City Department of Gas & Water is hereby authorized to establish and promulgate, and along with the Building and Codes Department to enforce, policies and procedures governing the installation, construction and connection of private water and sewer service lines to City owned water and sewer service lines.

14. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 6, "Property Maintenance Code," Section 4-601, "Title and scope," sub-section (a)(3), "*Scope*," is hereby amended by deleting the sub-section in its entirety and by substituting instead therefore the following as a new sub-section (a)(3):

(3) *Scope*.

- a. The provisions of this Code shall apply to all buildings or portions thereof, all accessory structures or portions thereof located on residential/nonresidential, used or unused, property.
- b. This code establishes minimum standards for occupancy, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this Code.
- c. Buildings or structures moved into or within the jurisdiction shall comply with the requirements in the 2018 International Residential Code for new buildings.

15. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 7, "Energy Code," Section 4-701, "Adopted," is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-701:

**Section 4-701. International Energy Conservation Code Adopted.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2009 edition of the International Energy Conservation Code, together with all revisions associated therewith and forthcoming, are hereby adopted by reference.

(b) Three (3) copies of this code shall be filed in the office of the building official.

16. That Title 4, "Building, Utility, and Housing Codes," Chapter 8, "Residential Code," Section 4-801, "International Residential Code," is hereby amended by deleting the section in its entirety, and by substituting instead therefore the following as a new Section 4-801

**Section 4-801. International Residential Code.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Section 6-54-501 et. seq., the 2018 International Residential Code (for one and two family dwellings), together with all revisions associated therewith and forthcoming, including appendix G thereto, but excluding all other appendices thereto, and are hereby adopted by reference, effective January 1, 2021, with the following modifications:

Section R101.1:        Insert "City of Clarksville"

Section R 101.2:        Scope: Detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.



Section (EB) R102.7: Delete “International Property Maintenance Code or the International Fire Code” and substitute “The City of Clarksville Property Maintenance Code.”

Section R113.4 Delete entirely and insert instead:

**R113.4 Violation penalties.**

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

**Delete Section R301.2 (1):** Insert the following words and figures in the chart:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	<u>Subject to Damage From</u>				Winter Design Temp:	Ice Shield Under-Layment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp:
			<u>Weathering</u>	<u>Frost Line depth:</u>	<u>Termite</u>	<u>Decay</u>					
10	90	C	Severe	12"	Moderate to Heavy	Slight to Moderate	14 deg.	No	6-15-84 6-29-01	500 per 100 yrs.	59 deg.

**Insert New Section R301.2 (1):** Insert the following words and figures in the chart:

TABLE R301.2(1)													
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
GROUND SNOW LOAD <sup>a</sup>	WIND DESIGN Speed <sup>b</sup> (mph)	Topographic effects <sup>c</sup>	Special wind region <sup>d</sup>	Wind-borne debris zone <sup>e</sup>	SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>g</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARD <sup>i</sup>	AIR FREEZING INDEX <sup>j</sup>	MEAN ANNUAL TEMP <sup>k</sup>
						Weathering <sup>l</sup>	Frost line depth <sup>m</sup>	Termites <sup>n</sup>					
10	135	NO	NO	NO	C	SEVERE	12"	Moderate to Heavy	14	NO	06-15-04 06-29-01	3-14	Spring
MANUAL J DESIGN CRITERIA <sup>o</sup>													
Elevation			Latitude	Winter heating	Summer cooling	Altitude correction factor			Indoor design temperature	Design temperature cooling	Heating temperature difference		
550'			30	12	33				70	75	NOTE P		
Cooling temperature difference			Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range			Winter humidity	Summer humidity			
NOTE P			NOTE P	NOTE P	74	M			NOTE P	NOTE P			

For 10.5 pounds per square foot = 0.482 kN/m<sup>2</sup>, 1 mile per hour = 0.447 m/s.

a. Where weathering required a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R601.2(4). The grade of masonry units shall be determined from ASTM C90, C95, C128, C136, C138, C139, C140, C145, C146 or C662.

b. Where the frost line depth required deeper footings than indicated in Figure R601.2(3), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of flood vulnerability to water damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R601.2(5)(2)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R601.2.5.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 1% percent values for winter from Appendix B of the International Plumbing Code. Deviations from the Appendix B temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. [See Figure R601.2(1)].

g. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R601.2.5.5.

h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the flood insurance study and (c) the panel numbers and dates of the currently effective FIRM(s) and FIRM(s) or other flood hazard map adopted by the authority having jurisdiction, as amended.

i. In accordance with Sections R601.2.5, R601.2.5.1, R601.2.5.2, R601.2.5.3, R601.2.5.4, and R601.2.5.5, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

j. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (24-hour) from Figure R601.2(2) or from the 100-year (24-hour) value on the National Climate Data Center data table "Air Freezing Index-24 Hour Method (Base 32°F)." [See Table R601.2(2)].

k. In accordance with Section R601.2.5.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

l. In accordance with Figure R601.2(3), where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

m. In accordance with Section R601.2.5.2, the jurisdiction shall indicate the wind-borne debris wind velocity. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table J-401.3 from ASCE Manual 1 or established criteria determined by the jurisdiction.

o. The jurisdiction shall fill in this section of the table using the 6 second Snow Loads in Figure R601.2(4).

p. This shall be determined using "Manual 2 Design Criteria."

Delete Section R313 in its entirety: Automatic Fire Sprinkler Systems

Delete Section R313.1: Automatic Sprinkler Systems in Townhouses  
 "An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall.

Delete Section R313.2: Automatic Sprinkler systems in 1&2 Family Dwellings

Delete entirely Chapter 11: Energy Conservation

Section P2603.5.1: Insert “18 inches”  
Insert “18 inches”

Section 2904: Dwelling Unit Fire Sprinkler Systems: Delete entirely

Amend Section 2905.4.2:

Insert new Section 2906.4.1: Delete “Water-service piping is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in Section P3002.1(2), if the building sewer is not constructed of materials listed in Section P3002.1(2).”

Section P3103.1 Insert “12 inches”  
Delete “or (number) inches above the anticipated snow accumulation,”

Delete entirely Chapters 34 through 43 (Electrical)

(b) Three (3) copies of the code shall be filed in the office of the building official.

17. That Title 4, “Building, Utility, and Housing Codes,” Chapter 8, “Residential Code,” is hereby amended by adding a new Section 4-802:

**Section 4-802. Failure to promptly correct defective work.**

If any owner, authorized agent, or contractor engaged in residential building work, construction, alteration, modification, or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for residential building work shall be issued to him / her until all such defective work has been corrected.

18. That Title 4, “Building, Utility, and Housing Codes,” Chapter 9, “Mechanical Code,” Section 4-901, “International Mechanical Code,” is hereby amended by deleting the section in its entirety, and by substituting instead therefore the following as a new Section 4-901:

**Section 4-901. Mechanical Code.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2018 edition of the International Mechanical Code, together with all revisions associated therewith and forthcoming, including appendix A thereto, but excluding all other appendices thereto, and are hereby adopted by reference, effective January 1, 2021 with the following modifications:

Section 101.1: Insert “City of Clarksville”



Section 106.5.2: Delete entirely

Section 106.5.3: Delete #2 and #3

Delete Sub-section 108.4 Violation penalties.

Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.

Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

19. That Title 4, "Building, Utility, and Housing Codes," Chapter 9, "Mechanical Code," is hereby amended by adding a new Section 4-905:

**Section 4-905. Failure to promptly correct defective work.**

If any owner, authorized agent, or contractor engaged in mechanical work, construction, alteration, modification, or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for mechanical work shall be issued to him / her until all such defective work has been corrected.

<i>FIRST READING:</i>	November 5, 2020
<i>SECOND READING:</i>	<i>Scheduled for December 3, 2020</i>
<i>EFFECTIVE DATE:</i>	

ORDINANCE 41-2020-21

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE REAPPORTIONING THE CITY OF CLARKSVILLE FOR THE PURPOSE OF ELECTING PERSONS FOR THE OFFICE OF CITY COUNCIL MEMBER [ANNEXED TERRITORY OFF BRITTON SPRINGS ROAD NEAR CENTER ROAD]

*WHEREAS*, Tennessee Code Annotated §6-54-102 provides that municipalities may redistrict into new wards whenever, for proper reasons, they deem it expedient to do so; and

*WHEREAS*, the Charter of the City of Clarksville, Article II, Section 1., subsection (a), provides that the City shall be divided into twelve (12) wards for the purpose of electing twelve (12) persons for the office of Councilman; and

*WHEREAS*, the Charter of the City of Clarksville, Article II, Section 1., subsection (b) provides that the City Council shall by ordinance divide the city into twelve (12) wards to apportion the City Council so that the Councilmen elected from wards shall represent substantially equal populations; and

*WHEREAS*, the Charter of the City of Clarksville, Article II, Section 1., subsection (b) provides that the City Council may reapportion at any time thereafter, if it deems such action necessary to maintain substantially equal representation based on population; and

*WHEREAS*, the City, through enactment of Ordinance 13-2011-12, adopted September 1, 2011, codified at City Code Section 1-101, has previously approved a redistricting of wards for re-apportionment purposes based on substantially equal populations; and

*WHEREAS*, the City recently annexed property into the City limits by approval of Resolution 26-2020-21 which contains a metes and bounds legal description of the annexed territories, and which is incorporated herein; and

*WHEREAS*, due to this recent annexation, it is necessary to apportion the recently annexed area into an appropriate ward for the purpose of electing persons to the office of City Council member in such a way as to maintain substantially equal representation among the wards based on population and the principle of “one person, one vote;” and

*WHEREAS*, the Clarksville City Council finds that these objectives can and should be achieved by adding part of the recently annexed properties to the current boundaries of Ward 3 thereby enlarging the territorial area of this ward, while maintaining a substantially equal representation of population between or among each ward, based on the latest census population data, all as depicted in and on the maps labeled Exhibit A (new overall ward boundary map, to include the additional annexed areas added to Ward 3 and showing no change to any other ward boundary); and Exhibit B (close-up view of Ward 3 showing additional annexed area being added to Ward 3); attached hereto and incorporated herein.



*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE:*

That Section 1-101 of the Official Code of the City of Clarksville is hereby amended by deleting the existing language in its entirety, and by substituting instead the following:

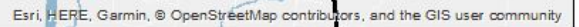
The City of Clarksville is hereby divided into twelve (12) wards of substantially equal population for the purpose of electing twelve city council members in accordance with Article II, Section 1 of the Charter of the City of Clarksville, in accordance with the map attached hereto and incorporated herein as “Exhibit A – City Council Wards – 2020.”

The map of the above-described ward boundaries shall be maintained on file in the office of the City Clerk, and a copy in the office of the Regional Planning Commission and Montgomery County Election Commission and any successor agency thereto.

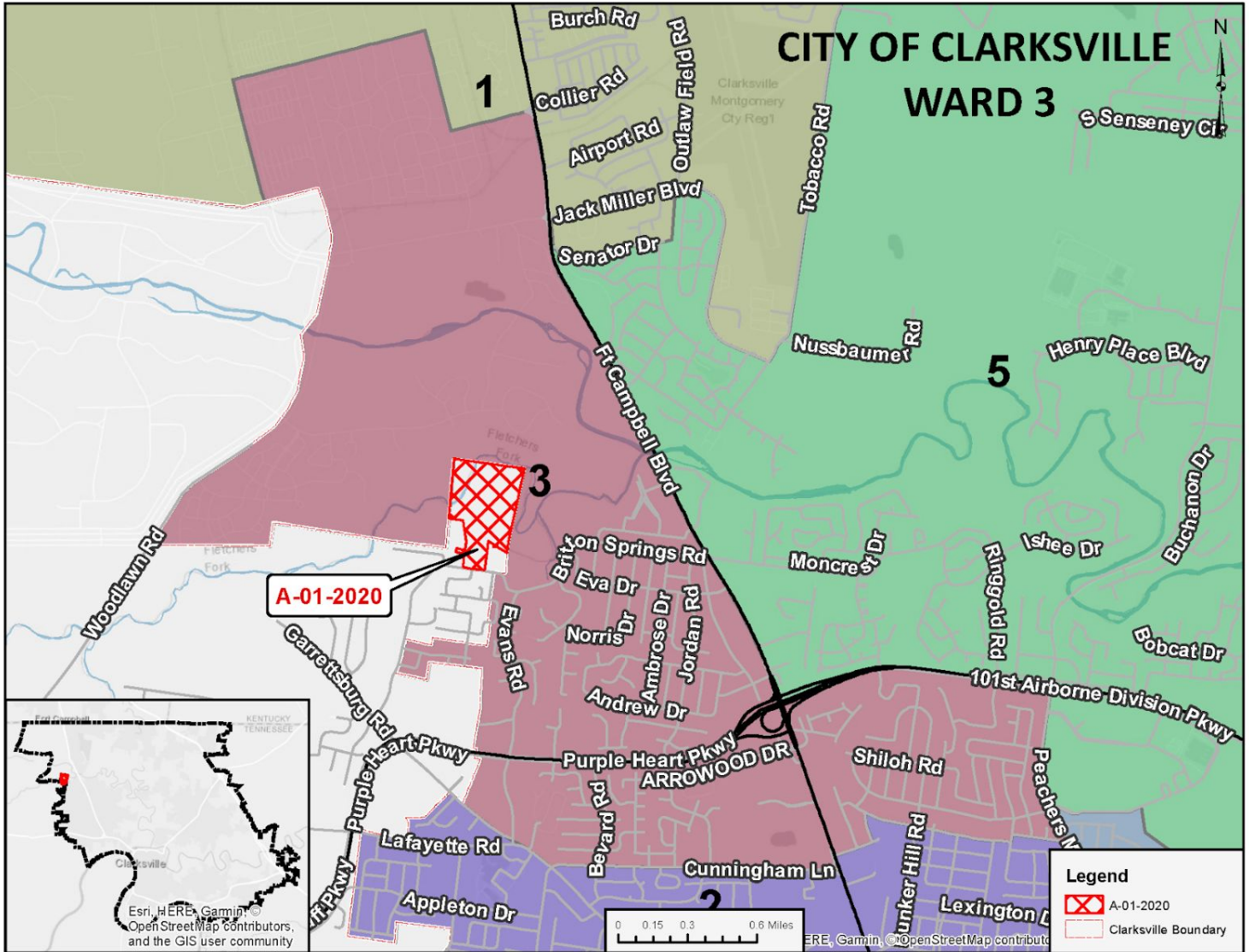
*BE IT FURTHER ORDAINED* that the effective date of this ordinance shall be December 5, 2020 to coincide with the effective date of the annexation.

<i>FIRST READING:</i>	November 5, 2020
<i>SECOND READING:</i>	<i>Scheduled for December 3, 2020</i>
<i>EFFECTIVE DATE:</i>	

# CITY OF CLARKSVILLE WARDS



**Exhibit B**  
**Close-up View of Ward 3**



ORDINANCE 43-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARK HOLLEMAN AND JOHN HAMPEL, HOUSTON SMITH-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF GOLF CLUB LANE AND COLONIAL COURT AND THE INTERSECTION OF PARADISE HILL ROAD AND HIGHLAND CIRCLE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as R-6 Single Family Residential District.

*PUBLIC HEARING:* November 5, 2020  
*FIRST READING:* November 5, 2020  
*SECOND READING:* Scheduled for December 3, 2020  
*EFFECTIVE DATE:*

EXHIBIT A

Being a tract of land located in the 12TH Civil District of the city of Clarksville, County of Montgomery, TN. Being a portion of the Mark Holleman property as recorded in ORV 1734, Page 2589 ROMCT, and the John Hampel property as recorded in ORV 1516, Page 2189 ROMCT being described as being located south of Crossland Ave, east of Hayden Drive, north of and adjacent to Paradise Hill Road, south of and adjacent to Golf Club Lane, said tract being more particularly described as follows; Beginning at a ½ seconds iron pin in the north right of way of Paradise Road, said point of beginning being further described as the southwest corner of Lot 1 of Highland Circle as recorded in Plat Book (PB) 4, PG. 10, ROMCT, also lying North 71 degrees 06 minutes 12 seconds West 306.84 feet from the intersection of the centerlines of Paradise Hill Road and Highland Circle, also being the southeast corner of herein described tract; Thence, leaving said Lot 1 and along the north right of way of Paradise Hill Road, North 70 degrees 56 minutes 43 seconds West for 42.63 feet to a point; Thence, North 68 degrees 50 minutes 39 seconds West for 93.96 feet to a ½ seconds iron pin capped “DBS & Assoc.”, said iron pin being the southeast corner of the property recorded in ORV 805, PG 827, ROMCT; Thence leaving north right of way on a new severance line, North 07 degrees 39 minutes 10 seconds East for 150.00 feet to a point; Thence continuing on a new severance line, North 67 degrees 37 minutes 22 seconds West for 100.00 feet to a point, said point lying in the



east boundary line of the Country Club Estates Section 1 lot #20, as recorded in PB 8, PG 80, ROMCT; Thence along the east boundary line for the five calls: Thence North 08 degrees 19 minutes 32 seconds East for 22.79 feet to an existing iron pin; Thence North 08 degrees 22 minutes 23 seconds East 195.06 feet to an existing iron pin; Thence North 08 degrees 03 minutes 50 seconds East 65.09 feet to an existing iron pin; Thence, North 08 degrees 06 minutes 07 seconds East 259.85 feet to an existing iron pin; Thence continuing with said Country Club Estates Section 1 and with the east boundary line of Country Club Estates Section 2 as recorded in PB 12, PG 141, ROMCT, North 08 degrees 16 minutes 50 seconds East for 568.12 feet to an existing iron pin in the south right of way of Golf Club Lane. Said existing iron pin being the northwest corner of herein described tract; Thence leaving said Country Club Estates Section 2 and with the south right of way of Golf Club Lane for the next four calls: South 46 degrees 50 minutes 50 seconds East for 113.57 feet to point; Thence South 50 degrees 39 minutes 42 seconds East 212.70 feet to a point; Thence South 50 degrees 45 minutes 31 seconds East 48.87 feet to a point; Thence South 56 degrees 09 minutes 41 seconds East 60.29 feet to an existing iron pin, said iron pin being the northwest corner of the John T. and Rebecca Hampel property as recorded in ORV 1516, PG 2189 ROMCT; Thence continuing along the south right of way of Golf Club Lane for the following two (2) calls as follows: South 56 degrees 09 minutes 41 seconds East 68.88 feet to a point, Thence on a curve to the left having a radius of 365.12 feet, an arc length of 39.34 feet, delta of 06 degrees 17 minutes 29 seconds, chord bearing of South 65 degrees 07 minutes 22 seconds East for 39.32 feet to an existing iron pin, being the northwest corner of the Highland Circle lot 2 as recorded in PB 4, Page 10 ROMCT; Thence leaving Golf Club Lane, along the west boundary of Highland Circle, South 14 degrees 33 minutes 12 seconds West for 848.71 feet to a point, lying in the west boundary of lot 14, also being the northeast corner of Highland Circle lot 1; Thence leaving lot 14 along lot 1 north property line North 79 degrees 06 minutes 07 seconds West for 118.62 feet to a 12" Hackberry tree being the northwest corner of said Lot 1 and the southwest corner of said Hampel property; Thence along west property line of lot 1, South 15 degrees 45 minutes 38 seconds West for 210.98 feet to the point of beginning. Said tract-containing 10.20 acres more or less.

ORDINANCE 44-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF AVA HOMES, LLC/AMBER FREDERICK, AMBER FREDRICK AND BRYAN GERWITZ-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE TERMINUS OF DODD STREET

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned

<i>PUBLIC HEARING:</i>	November 5, 2020
<i>FIRST READING:</i>	November 5, 2020
<i>SECOND READING:</i>	<i>Scheduled for December 3, 2020</i>
<i>EFFECTIVE DATE:</i>	

EXHIBIT A

Beginning at an iron pin on the south right of way of Dodd Street said pin lies 1.6 minutes south of centerline and also being the northeast corner of the Sandy Porter property as recorded in Volume 1101, Page 1366, thence with said right of way South 83 degrees 14 minutes 08 seconds East, a distance of 100.00 feet to an iron pin set; thence, with the west line of the City of Clarksville property south 04 degrees 10 minutes 35 seconds east, a distance of 160 .00 feet to an iron pin set on the north right of way of a 10 unimproved alley; thence with said alley, north 82 degrees 18 minutes 48 seconds west, a distance of 130.00 feet to an iron pin set; thence with the east line of the said Porter property north 06 degrees 37 minutes 21 seconds east, a distance of 155.00 feet to the point of beginning, said herein described tract containing 0.41 +/- acres

ORDINANCE 45-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CHRISTOPHER COLBURN FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF NORTH SEVEN MILE FERRY ROAD AND ASHLAND CITY ROAD

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as C-2 General Commercial District.

*PUBLIC HEARING:* November 5, 2020  
*FIRST READING:* November 5, 2020  
*SECOND READING:* Scheduled for December 3, 2020  
*EFFECTIVE DATE:*

EXHIBIT A

Being a parcel of land lying in the 12th Civil District of Montgomery County, Tennessee. Said parcel being the property shown on Tax Map 079L, Group B, Parcel 019.00. Said parcel belonging to Christopher and Dee Ann Colburn and is of record in Official Record Volume (ORV) 1944, Page (PG) 130 Register's Office Montgomery County, Tennessee (ROMCT). It can be generally described as being east of Gupton Lane, south of Seven Mile Ferry Road, west of and adjacent to North Seven Mile Ferry Road, north of Ashland City Road, and being further described below. Beginning at a found ½" iron pin capped "DN Young." Said POINT OF BEGINNING being South 34°55'01" West a distance of 227.9 feet from the centerline intersections of Seven Mile Ferry Road and Old Seven Mile Ferry Road. Said ½" iron pin being the southeast corner of the James Vertrees property, as recorded in ORV 1571, PG 1398 ROMCT, being in the western right of way (ROW) of North Seven Mile Ferry Road, and being the northeast corner of herein described tract. Thence, leaving said Vertrees property, and along said western ROW of North Seven Mile Ferry Road, South 20°14'55" West a distance of 51.00 feet to a found ½" iron pin capped "DN Young." Said iron pin being the southeast corner of herein described tract and being the northeast corner of the Matthew Sheppard property, as recorded in ORV 1848 PG 2325 ROMCT. Thence, leaving side ROW, and along the north line of said Sheppard property, North 83°42'45" West a distance of 283.40 feet to a ½" iron pin. Said ½" iron pin being the southwest corner of herein described tract, the

northwest corner of said Sheppard property, and in the east line of the Wayne and Sandra Bulledge property, as recorded in ORV 582 PG 1301 ROMCT. Thence, leaving said Sheppard property, and along said Bulledge property, North 05°33'21" East a distance of 49.81 feet to a ½" iron pin. Said ½" iron pin being the northeast corner of said Bulledge property, being the northwest corner of herein described tract, and being in the south line of said Vertrees property. Thence, leaving said Bulledge property, and along said Vertrees property, South 83°39'11" East a distance of 296.34 feet to said POINT OF BEGINNING. Said portion of parcel containing 14,393 SQ FT or 0.33 Acres, more or less.



ORDINANCE 46-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RE4E HOLDINGS, LLC, ACKLEN PROPERTY GROUP, LLC-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF HICKORY GROVE BOULEVARD AND HICKORY HEIGHTS

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-2 Single Family Residential District, as R-6 Single Family Residential District.

<i>PUBLIC HEARING:</i>	November 5, 2020
<i>FIRST READING:</i>	November 5, 2020
<i>SECOND READING:</i>	<i>Scheduled for December 3, 2020</i>
<i>EFFECTIVE DATE:</i>	

EXHIBIT A

Beginning at an iron pin located in the east margin of Hickory Heights, said iron pin also being located 214.00 feet +/- north of the centerline of Hickory Grove Blvd. as measured along the east margin of Hickory Heights; thence with the margin of the same as follows: north 8 degrees 20 minutes 00 seconds west 81.30 feet to a hub; north 1 degree 33 minutes 20 seconds west 50.00 feet to a hub; north 13 degrees 16 minutes 40 seconds east 50.00 feet to a hub; north 48 degrees 31 minutes 10 seconds east 50.00 feet to a hub; south 77 degrees 09 minutes 40 seconds east 80.80 feet to an iron pin, thence leaving the south margin of Hickory Heights south 3 degrees 10 minutes 30 seconds east 203.00 feet to an iron pin; thence north 88 degrees 23 minutes 50 seconds west 175.77 feet to the point of beginning, said herein described tract containing 0.85 +/- acres

RESOLUTION 37-2019-20

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE  
AT POP SHELF #22625 (2819 WILMA RUDOLPH BOULEVARD)

*WHEREAS,* Steven R. Dechard has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Pop Shelf #22625, located at 2819 Wilma Rudolph Boulevard; and

*WHEREAS,* the Clarksville Police Department has conducted a review of local criminal history and found the applicant(s) who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and

*WHEREAS,* according to the Clarksville Building & Codes Department, the applicant(s) have secured a location for the business which complies with all zoning laws adopted by the local jurisdiction as to the location of the business.

*BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby approves a Certificate of Compliance for Steven R. Dechard for sale of wine at Pop Shelf #22625, located at 2819 Wilma Rudolph Boulevard, Clarksville, Tennessee.

*ADOPTED:*

RESOLUTION 42-2020-21

A RESOLUTION APPROVING APPOINTMENTS TO THE AUDIT COMMITTEE AND  
THE ROXY REGIONAL THEATER BOARD OF DIRECTORS

*BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby approves the follow board appointments:

Audit Committee: Peter Reyman (reappointment), Dr. Jennifer Thayer - January 2021  
through December 2022

Roxy Regional Theater Board: Anthony Johnson, Gary Norris - December 2020 through  
November 2021; Charlie Foust, Andrea Herrera, Amanda Pitt - December 2020 through  
November 2022; Kurt Kowalski, Nancy Ladd, Melisa Schaffner, Stephanie Stafford,  
Jerica Swiger, Stacey Turner - December 2020 through November 2023

*ADOPTED:*

## **RESOLUTION 42-2020-21**

Amend RESOLUTION 42-2020-21 to correct the terms of board members to begin January 2021 instead of December 2020.





**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
NOVEMBER 5, 2020**

**MINUTES**

**PUBLIC COMMENTS**

Prior to the meeting, Barbara Samuel requested speed bumps in the Red River District to reduce fast traffic throughout the neighborhood.

**CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, November 5, 2020, at 7:00 p.m. in City Council Chambers, 1 Public Square, Clarksville, Tennessee.

This meeting was conducted in person and via Google Meets.

A prayer was offered by Councilman Richard Garrett; the Pledge of Allegiance was led by Councilman Jeff Henley.

**ATTENDANCE**

IN PERSON: Richard Garrett (Ward 1), Ron Erb (Ward 3), Valerie Guzman (Ward 5), Travis Holleman (Ward 7), David Allen, Mayor Pro Tem (Ward 8), Jeff Henley (Ward 9), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (Ward 12)

VIA GOOGLE MEETS: Vondell Richmond (Ward 2), Tim Chandler (Ward 4), Wanda Smith (Ward 6)

## APPROVAL OF ELECTRONIC MEETING

*“In order to comply with the technical aspects of the Governor’s Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak.”*

Councillady Smith made a motion to approve the electronic meeting. The motion was seconded by Councilman Holleman. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to approve the electronic meeting unanimously passed.

## CMCSS UPDATE

Millard House, Director of Clarksville-Montgomery County Schools, gave the annual update with general statistics for the local school system. He said some school building additions were delayed because of the COVID-19 pandemic and noted some middle schools had reached enrollment of 110% of their capacity. Mr. House noted the recent \$25 increase in vehicle wheel tax approved by the Montgomery County Commission would fund three new middle schools as well as completion of the three-school Kirkwood complex. He stated 14,000 students were currently enrolled virtually.

## PUBLIC HEARING: ZONING AND ANNEXATION

Councilman Garrett made a motion to conduct a public hearing to receive comments regarding requests for zone change and annexation. The motion was seconded by Councilman Holleman. There was no objection.

**ORDINANCE 43-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mark Holleman and John Hampel, Houston Smith-Agent, for zone change on property located at the intersection of Golf Club Lane and Colonial Court and the intersection of Paradise Hill Road and Highland Circle from R-1 Single Family Residential District to R-6 Single Family Residential District

Mark Holleman said R-6 zoning was the best use for this development and asked for support of the change. Houston Smith offered to answer questions, but no questions were asked. No one spoke in opposition to this request. Councilman Holleman stated his intent to abstain from voting on this ordinance because of his family relationship with the applicant.

**ORDINANCE 44-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ava Homes, LLC/Amber Frederick, Amber Fredrick and Bryan Gerwitz-Agents, for zone change on property located at the terminus of Dodd Street from R-3 Three Family Residential District to R-6 Single Family Residential District

No one spoke in support of or in opposition to this request.

**ORDINANCE 45-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Christopher Colburn for zone change on property located at the intersection of North Seven Mile Ferry Road and Ashland City Road from R-1 Single Family Residential District to C-2 General Commercial District

Christopher Colburn said C-2 zoning was being requested to allow for expansion of a warehouse. No one spoke in opposition to this request.

**ORDINANCE 46-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Re4e Holdings, LLC, Acklen Property Group, LLC-Agent, for zone change on property located at the intersection of Hickory Grove Boulevard and Hickory Heights from R-2 Single Family Residential District to R-6 Single Family Residential District

No one spoke in support of or in opposition to this request.

**RESOLUTION 26-2020-21** Annexing territory off Britton Springs Road near Center Road; request of Marie-Laur Killebrew, Ronald Killebrew, and Marjorie Tanner

No one spoke in support of or in opposition to this request.

**RESOLUTION 27-2020-21** Adopting a Plan of Service for annexed territory off Britton Springs Road near Center Road

No one spoke in support of or in opposition to this request.

Councilman Garrett made a motion to revert to regular session. The motion was seconded by Councilman Burkhardt. There was no objection.

#### ADOPTION OF ZONING

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 43-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. The following vote was recorded:

AYE: Allen, Burkhardt, Chandler, Erb, Garrett, Guzman, Henley, Norris, Pitts, Richmond, Smith, Streetman

ABSTAIN: Holleman

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 44-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. The following vote was recorded:

AYE: Allen, Burkhardt, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading unanimously passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 45-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. The following vote was recorded:

AYE: Allen, Burkhardt, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading unanimously passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 46-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Erb. The following vote was recorded:

AYE: Allen, Burkhardt, Erb, Chandler, Henley, Holleman, Garrett, Norris, Pitts, Richmond, Smith

NAY: Guzman, Streetman

The motion to adopt this ordinance on first reading passed.

Councilman Garrett made a motion to adopt **RESOLUTION 26-2020-21**. The motion was seconded by Councilman Guzman. Councilman Chandler expressed concern regarding possible destruction of a creek on the land and said he was opposed to city emergency and law enforcement vehicles accessing this area via a county road. The following vote was recorded:

AYE: Allen, Burkhardt, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Smith, Streetman

NAY: Chandler, Richmond

The motion to approve this resolution passed.

Councilman Garrett made a motion to adopt **RESOLUTION 26-2020-21**. The motion was seconded by Councilman Henley. The following vote was recorded:



AYE: Allen, Burkhart, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

NAY: Chandler

The motion to approve this resolution passed.

#### ANNEXATION REAPPORTIONMENT

**ORDINANCE 41-2020-21** (First Reading) Amending the Official Code reapportioning the City of Clarksville for the purpose of electing persons for the office of city council member for annexed territory off Britton Springs Road near Center Road

Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. The following vote was recorded:

AYE: Allen, Burkhart, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

NAY: Chandler

The motion to adopt this ordinance on first reading passed.

#### CONSENT AGENDA *City Clerk*

*All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:*

1. **ORDINANCE 19-2020-21** (Second Reading) Authorizing sale of property located at 1019 Main Street to Tangi Smith and Women Elevated
2. **ORDINANCE 30-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Cody and Lindsey Heggie, Sydney Hedrick-Agent, for zone change on property located at the intersection of Madison Street and Liberty Parkway from O-1 Office District to C-2 General Commercial District
3. **ORDINANCE 31-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Sandra Taylor, Rosalynd Greene, and Robert Darden, Rex Hawkins-Agent, for zone change on property located at the intersection of Trenton Road and Aspen Grove Way from AG Agricultural District to R-2 Single Family Residential District
4. **ORDINANCE 32-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William and Virginia Scogin for zone change on property located at the intersection of Shelby Street and Providence Boulevard from R-3 Three Family Residential District to R-4 Multiple Family Residential District

5. **ORDINANCE 33-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Winn Properties, Crabbe Homes/John Crabbe-Agent, for zone change on property located at the intersection of Fire Station Road and Trough Springs Road from C-4 Highway Interchange District to R-4 Multiple Family Residential District

6. **ORDINANCE 34-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Morgan, Inc. for zone change on property located at the intersection of Hawkins Road and East Johnson Circle and the intersection of Hawkins Road and Edmondson Ferry Road from R-1 Single Family Residential District to R-2 Single Family Residential District

7. **ORDINANCE 35-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William Belew, Jr. for zone change on property located at the intersection of Needmore Road and East Boy Scout Road from R-1A Single Family Residential District to R-4 Multiple Family Residential District

8. **ORDINANCE 36-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of David Rittenberry and William Parker, Eddie Burchett-Agent, for zone change on property located at the intersection of Needmore Road and Centerstone Circle from AG Agricultural District and R-3 Three Family Residential to R-4 Multiple Family Residential District

9. **ORDINANCE 37-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Daniel Hayes for zone change on property located at the intersection of Shannon Street and Ashbury Road from C-5 Highway & Arterial Commercial District to R-2 Single Family Residential District

10. **RESOLUTION 34-2020-21** Approving appointments to the Senior Citizens Board of Directors

- *Senior Citizens Board: Jason Bell - November 2020 through April 2023, Freda Colon - November 2020 through April 2021*

11. Adoption of Minutes: Special Session October 1, Regular Session October 1, Special Session October 5

Councilman Burkhart made a motion to adopt the Consent Agenda. The motion was seconded by Council Lady Smith. Councilman Burkhart abstained from voting on **ORDINANCE 31-2020-21** noting he is a partner in the development. Council Lady Guzman registered a “nay” vote on **ORDINANCE 35-2020-21**. Councilman Henley registered a “nay” vote on **ORDINANCE 19-2020-21**. Councilman Chandler registered a “nay” vote on **ORDINANCE 19-2020-21** and **ORDINANCE 35-2020-21**. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt the Consent Agenda, with the noted abstention and nay votes, passed.

**ORDINANCE 40-2020-21** (First Reading) Amending the Official Code relative to adoption of the updated Codes of the International Code Council (Building Code, Gas Code, Plumbing Code, Residential Code, and Mechanical Code)

The recommendation of the Finance Committee and Public Safety Committee were for approval. Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading unanimously passed.

**ORDINANCE 42-2020-21** (First Reading) Amending the Official Code relative to valet parking

The recommendations of the Finance Committee and the Parking Commission were for approval. Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. Councilman Burkhart offered an amendment to change the waiver of fees for redevelopment and new construction projects from 60 days to 30 days. The motion was seconded by Councilman Streetman. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The amendment unanimously passed. The following vote on the main motion was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading as amended unanimously passed.

**RESOLUTION 28-2020-21** Repealing RESOLUTION 25-1991-92, adopting Sick Leave Transfer Personnel Procedure 91-4, and adopting Personnel Procedure 20-1, establishing the Sick Leave Bank

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Erb. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

**RESOLUTION 29-2020-21** Adopting Personnel Policy 20-3 pertaining to HIPPA Privacy Policy

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Erb. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

**RESOLUTION 30-2020-21** Adopting Personnel Policy 20-4 pertaining to HIPPA Security Policy

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Henley. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

**RESOLUTION 32-2020-21** Adopting Personnel Policy 20-6 pertaining to Equal Employment Opportunity

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Holleman. Councilman Burkhart made a motion to amend this resolution by replacing all references to “county” with “city.” The motion was seconded by Councillady Streetman. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The amendment unanimously passed. The following vote on the main motion was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution as amended unanimously passed.



**RESOLUTION 33-2020-21** Adopting Personnel Policy 20-8 pertaining to Abusive Conduct Prevention

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Holleman. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

**GAS & WATER COMMITTEE** *Chairlady Valerie Guzman*

Councillady Guzman shared the following monthly department statistics: 12,000 customer service calls averaging just over three minutes, 42 water leak repairs, 270 hydrants flushed, 551 backflow tests, 33 sewer pipe repairs, 18,000 feet of pipe cleaned, 9 sewer overflow repairs.

**HOUSING & COMMUNITY DEVELOPMENT COMMITTEE** *Chairman David Allen*

No report.

**PARKS & RECREATION COMMITTEE** *Chairlady Valerie Guzman*

Councillady Guzman noted upcoming events including Handmade Holidays, Community Center drive-through Thanksgiving feast, Veterans Appreciation Day, and Christmas on the Cumberland.

**PUBLIC SAFETY COMMITTEE** *Chairman Jeff Henley*

Councilman Henley shared the following monthly department statistics: Building & Codes - 3,110 inspections, 205 enforcement cases, 83 abatement work orders, 124 single family permits, 29 multi-family permits, 23 commercial permits; Fire Rescue - 1,233 runs; Police - 11,779 responses.

**STREETS & GARAGE COMMITTEE** *Chairman Tim Chandler*

Councilman Chandler said year-to-date City Garage expenses were under budget by \$68,000; the Street Department completed 271 work orders and 217 debris pickups. Paving was scheduled to be completed in Rushton and Bennington Subdivisions, and the Dunbar Cave Road bridge project was progressing. Paving and striping of the Dunlop Lane/International Boulevard intersection as well as installation of signals was scheduled to be completed during the upcoming week. Utility relocation efforts were underway for the Rossview Road widening project and gas line relocation was soon to be completed on Trenton Road at Meriwether Road. Councilman Chandler announced 42 school zone signal controllers had been updated.

TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councillady Smith shared the following monthly department statistics: 40,498 passengers including 7,092 senior citizens and 2,600 demand responses. She announced CTS would be collecting canned goods to support local food pantries. Councillady Smith said the Industrial Park Route #1000 is a fare-free ride through the end of 2020. She expressed appreciation to CTS Director Paul Nelson for offering free rides on election day. Councillady Guzman thanked Mr. Nelson for offering free rides for COVID-19 testing.

NEW BUSINESS

**ORDINANCE 47-2020-21** (First Reading) Temporarily waiving credit card processing fees for property tax collection

Because this ordinance was not presented during the October 29th Executive Session, Councillady Guzman made a motion to consider **ORDINANCE 47-2020-21** on first reading. The motion was seconded by Councillady Smith. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to consider this ordinance passed by the required 34 majority approval.

Councillady Guzman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Mayor Pitts said he intended to call a special session to consider this ordinance on second reading. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading unanimously passed.

ROURK/SONS OF CONFEDERATE VETERANS V. CITY

**RESOLUTION 31-2020-21** Approving a settlement agreement in the Heyward L. Rourk and Cpt. Frank P. Gracey Camp 233 Sons of Confederate Veterans v. City case

No member of the City Council requested a non-public meeting. The recommendation of the Finance Committee was for approval of this resolution. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Henley. Councilman Allen said the City should consider re-naming the bridge. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

#### MAYOR AND COUNCIL MEMBER COMMENTS

There were no comments.

#### ADJOURNMENT

The meeting was adjourned at 8:23 p.m.



**CLARKSVILLE CITY COUNCIL  
SPECIAL SESSION  
NOVEMBER 10, 2020**

**MINUTES**

**CALL TO ORDER**

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Tuesday, November 10, 2020 at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

This meeting was conducted in person and via Google Meets.

A prayer was offered by Councilman Ron Erb; the Pledge of Allegiance was led by Councilman Gary Norris.

**ATTENDANCE**

IN PERSON: Ron Erb (Ward 3), Gary Norris (Ward 11), Jeff Burkhart (Ward 12)

VIA GOOGLE MEETS: Vondell Richmond (Ward 2), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), David Allen, Mayor Pro Tem (Ward 8), Jeff Henley (Ward 9), Stacey Streetman (Ward 10)

ABSENT: Richard Garrett (Ward 1), Tim Chandler (Ward 4)

**APPROVAL OF ELECTRONIC MEETING**

*"In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak."*

Councilman Norris made a motion to approve the electronic meeting. The motion was seconded by Councilwoman Smith. The following vote was recorded:



AYE: Allen, Burkhart, Erb, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith

NOTE: Councillady Streetman did not respond to this vote.

The motion to approve the electronic meeting passed.

#### VALET PARKING

**ORDINANCE 42-2020-21** (Second Reading) Amending the Official Code relative to valet parking

Councilman Burkhart made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Erb. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Erb, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on second reading passed.

#### CREDIT CARD FEES/PROPERTY TAX PAYMENTS

**ORDINANCE 47-2020-21** (Second Reading) Temporarily waiving credit card processing fees for online property tax collection

Councilman Burkhart made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Erb. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Erb, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on second reading passed.

#### ADJOURNMENT

The meeting was adjourned at 4:38 p.m.

RESOLUTION 35-2020-21

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND THE TENNESSEE BUREAU OF INVESTIGATION RELATIVE TO THE MOBILE IDENTIFICATION DEVICE POLICY

*WHEREAS*, the purpose of this Memorandum of Agreement is to establish the framework governing the respective responsibilities of the parties for provision of services of submission and process of fingerprints and other biometric information; and

*WHEREAS*, the purpose and use of the Mobile Identification Device is to scan fingerprints from a suspect to compare against existing prints in the TBI Automated Fingerprint Identification System and the FBI Repository of Individuals of Special Concern to provide a rapid positive identification to the agent in the field.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby authorizes a Memorandum of Agreement, attached hereto as Exhibit A, between the City of Clarksville and the Tennessee Bureau of Investigation relative to the Mobile Identification Device Policy.

*ADOPTED:*

EXHIBIT A

**TENNESSEE BUREAU OF INVESTIGATION**  
**Mobile Identification Device Policy**  
**&**  
**Memorandum of Agreement**

**I. Purpose**

The purpose of this Memorandum of Agreement (MOA) between the Tennessee Bureau of Investigation's (TBI) Criminal Justice Information Services (CJIS) Division and the Clarksville Police Department to establish the framework governing the respective responsibilities of the Parties for the provision of services of submission and process of fingerprints and other biometric information. The purpose and use of the Mobile ID Device is to scan fingerprints from a suspect to compare against existing prints in the TBI Automated Fingerprint Identification System (AFIS) and the FBI Repository of Individuals of Special Concern (RISC) to provide a rapid positive identification to the agent in the field. The possible identifications will be limited to the subjects maintained in the searched databases and do not preclude a record from existing in other biometric or name-based repositories. For the purposes of Mobile ID, AFIS will provide a hit (red), no-hit (green), or inconclusive (yellow) response to a Mobile ID inquiry. For the purposes of Mobile ID, RISC will provide a hit (red), no-hit (green), or inconclusive (yellow) response to a Mobile ID inquiry through the TBI system.

**II. Consent**

- A. Prior to an arrest, the Mobile ID Device may be used in situations where the subject to be fingerprinted gives a knowing and willing voluntary consent to the use of the Mobile ID Device.
- B. The Mobile ID Device may be used without the consent of the suspect:
  - 1. upon arrest of the suspect; or
  - 2. if authorized in the execution of a valid search warrant.

**III. Policy**

- A. Any mobile device user shall adhere to FBI, TBI and agency policy and procedures when using the Mobile

**IV. Definitions**

- A. Automated Fingerprint Identification System (AFIS) means the computerized biometric matching system operated by the Tennessee Bureau of Investigation (TBI) that stores the identifying fingerprint templates of more than 2 million individuals.
- B. Integrated Automated Fingerprint Identification System (IAFIS) means the national

# TENNESSEE BUREAU OF INVESTIGATION

## Mobile Identification Device Policy

&

## Memorandum of Agreement

fingerprint system that provides automated fingerprint search capabilities, latent search capability, electronic image storage, and electronic exchange of fingerprints and responses maintained by the Federal Bureau of Investigation (FBI).

C. Mobile Identification Device, or Mobile ID Device, means a handheld scanning device that communicates with the TBI AFIS.

D. Repository of Individuals of Special Concern (RISC) means a limited population of the FBI IAFIS, which includes but is not limited to: wanted persons, sex offender registry subjects, and known or suspected terrorist.

### V. PARTIES

This MOA is entered into by the TBI and Clarksville Police Department  
To provide consistent and effective communication between the TBI and the Clarksville Police Department, each Party shall appoint a central point of contact, (POC) on matters related to the submissions and searches of the Mobile Device for this MOA.

FOR THE TENNESSEE BUREAU OF INVESTIGATION

\_\_\_\_\_  
Kenneth Blue  
Manager  
Tennessee Bureau of Investigation

Date: \_\_\_\_\_  
mm/dd/yyyy

FOR THE CLARKSVILLE POLICE DEPARTMENT

\_\_\_\_\_  
(Agency Administrator)  
(Title)

Date: \_\_\_\_\_  
mm/dd/yyyy

DC



\_\_\_\_\_  
**Joe Pitts, Mayor**  
**City of Clarksville**

\_\_\_\_\_  
**Date**

**Attest:**\_\_\_\_\_  
**City Clerk**

RESOLUTION 36-2020-21

A RESOLUTION AUTHORIZING A MUTUAL AID AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND AUSTIN PEAY STATE UNIVERSITY FOR POLICE SERVICES

*WHEREAS,* the City of Clarksville and Austin Peay State University have discussed the feasibility of requesting assistance from each other in special situations involving danger to life or property; and

*WHEREAS,* both parties have agreed to outline the procedure to be followed in the event of a request for assistance by one of the parties.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby authorizes a Mutual Aid Agreement, attached hereto as Exhibit A, between the City of Clarksville and Austin Peay State University for police services.

*ADOPTED:*

## EXHIBIT A

### MUTUAL AID AGREEMENT

This Mutual Aid Agreement entered into by and between AUSTIN PEAY STATE UNIVERSITY, acting through its Chief of Police (APSU), and the CITY OF CLARKSVILLE, TENN SEE, a fourth class Tennessee Municipal Corporation, acting through its Chief of Police (Clarksville) this 21st day of October, 2020.

WHEREAS, the parties have heretofore discussed the feasibility of requesting assistance from each other in special situations involving danger to life or property; and

WHEREAS, the parties desire to outline the procedure to be followed in the event of a request for assistance by one of the parties;

NOW, THEREFORE, in consideration of the mutual promises and considerations specified herein, the parties hereto agree as follows:

1. In the event an emergency occurs in the jurisdiction of the APSU Police Department, the Executive Authority (President or other designated person) of APSU, the APSU Chief of Police, or the highest-ranking APSU police officer present at the site of such emergency may request assistance from the Clarksville Police Department when the requesting person has established the need for additional manpower or equipment. Likewise, in the event an emergency occurs in the jurisdiction of the Clarksville Police Department, the Executive Authority (Mayor or other designated person) of the City of Clarksville, the Clarksville Chief of Police, or the highest-ranking Clarksville police officer present at the site of such emergency may request assistance from the APSU Police Department when the requesting person has established the need for additional manpower or equipment, and pursuant to TCA 49-7-118 (c)(1) and (c)(2).

2. In the event of such request, the executive authority of the responding agency, the Police Chief of the responding agency, or the highest-ranking officer of the responding agency may, in his or her discretion, provide aid and assistance requested, when in his or her opinion, the manpower and equipment is available, and will not significantly impair the ability of the responding agency to provide for the safety and security within its jurisdiction.

3. If the responding agency agrees to provide mutual aid, all personnel of the responding agency shall report to and shall work under the direction and supervision of the highest-ranking officer of the responding agency who is present at the site of the emergency.

4. All personnel and equipment may be recalled by the highest-ranking on site officer of the responding agency when the officer determines that the emergency no longer exists, the situation is beyond the capabilities of the responding agency, or the personnel and equipment are needed by the responding agency to maintain the safety and security of citizens or property within its jurisdiction.

5. Reimbursement for services and equipment, if any, shall be determined based on the size and duration of the response.


6. Communications between agencies shall be conducted on the requesting agency's police radio frequency, if possible. Users of this frequency shall use "plain language" and identify themselves with agency name and unit number when contacting other agencies.

7. The Clarksville Police Department and the Austin Peay State University State Police Department shall each be liable for the actions of its employees as required by law, and the requesting party shall indemnify and hold harmless the responding party from and against any and all claims, suits, actions, debts, damages, costs, charges and expenses, including court costs and attorney fees, and against all liability, losses, and damages of any nature whatever, that the responding party shall or may at any time sustain or be put to by reason of the actions or inactions of the requesting party under this Mutual Aid Agreement.

8. Any images (video or photographs) made or captured by either party will be primary custody of the requesting party and can be distributed through formal request for same. All images taken or obtained by the responding agency will be relinquished to the requesting agency when the emergency no longer exists, if not sooner.

AUSTIN PEAY STATE UNIVERSITY  
POLICE DEPARTMENT

CITY OF CLARKSVILLE, TENNESSEE  
CLARKSVILLE POLICE DEPARTMENT

By:   
Sammie Williams, Chief of Police

By: \_\_\_\_\_  
David Crockarell, Chief of Police

Date: 10/21/2020

Date: \_\_\_\_\_

\_\_\_\_\_  
Joe Pitts, Mayor

Date: \_\_\_\_\_

RESOLUTION 38-2020-21

A RESOLUTION RECOMMENDING BANKING SERVICES CONTRACTS UNDER REEVALUATION AS REQUIRED BY STATE LAW

*WHEREAS,* *Tennessee Code Annotated* (TCA) 56-110 related to municipal banking services was amended with an effective date of July 1, 2019; and

*WHEREAS,* the amendment requires “reevaluation” of banking services at least once every four (4) years. There is no requirement to start the four year evaluation process until current contracts require renewal; and

*WHEREAS,* the City’s contracts would be eligible for renewal in December of 2021 or FY 2022; and

*WHEREAS,* the CFO for the City felt it was in the best interest of the City to begin the reevaluation process early to determine our next steps; and

*WHEREAS,* guidance from the Comptroller of the Treasury for the State of Tennessee provides a process to be utilized to request quotes and requires a minimum of two (2) quotes; and

*WHEREAS,* the City currently has two (2) banking contracts (Legends and US Bank) and we received five (5) quotes.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

Based on the criteria recommended to compare by the Comptroller of the Treasury, the CFO of the City recommends we remain with our current banking arrangements. Based on the information received, prior to renewal of our current contracts in FY2022 the City should issue a full RFP to get a further detailed analysis and pricing from area banks.

*ADOPTED:*



## RESOLUTION 39-2020

A RESOLUTION DECLARING THE INTENT OF THE CITY OF CLARKSVILLE, TENNESSEE TO REIMBURSE ITSELF IN A NOT TO EXCEED AMOUNT OF \$40,000,000 FOR CERTAIN PROJECT EXPENDITURES WITH THE PROCEEDS OF GENERAL OBLIGATION BONDS, NOTES OR OTHER DEBT OBLIGATIONS TO BE ISSUED BY THE CITY

WHEREAS, it is the intention of the City Council of the City of Clarksville, Tennessee (the "City") to provide funds for the (i) acquisition of land for and/or acquisition, construction, improvement, repair, renovation, maintenance and/or equipping of (a) police and fire department buildings, facilities and equipment, including but not limited to fire trucks, (b) parks and recreational facilities, (c) municipal buildings, including but not limited to a performing arts center, and (d) streets, roads and bridges, including but not limited to sidewalks, signage, signalization, related facilities, lighting, retaining walls and streetscape, storm sewer and drainage improvements; (ii) acquisition of all property real or personal, appurtenant thereto, or connected with the foregoing; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; and (iv) payment of costs incident to the issuance and sale of related debt obligations; and

WHEREAS, it is the intention of the City Council of the City to pay all or a portion of the costs associated with the aforementioned activities by the sale of general obligation bonds or notes, in one or more emissions, or other debt obligations of the City; and

WHEREAS, it is anticipated that it will be necessary to make expenditures in payment of said costs prior to the issuance of said bonds, notes or other debt obligations; and

WHEREAS, the City Council of the City wishes to state its intentions with respect to reimbursements for said expenditures, in a not to exceed amount of \$40,000,000, in accordance with the requirements of final regulations applicable thereto promulgated by the United States Department of the Treasury.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE, AS FOLLOWS:

SECTION 1. It is reasonably expected that the City will reimburse itself for certain expenditures, in a not to exceed amount of \$40,000,000, made by the City in connection with the activities hereinabove described. The City further reasonably expects to reimburse all such expenditures from the proceeds of its general obligation bonds, notes or other debt obligations. The expenditures made prior to the issuance of said bonds, notes or other debt obligations are expected to be paid from the General Fund of the City, and reimbursement shall be made to the General Fund. Debt service on the bonds, notes or other debt obligations is expected to be paid from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the City.

SECTION 2. This resolution shall be placed in the minutes of the City Council and shall be made available for inspection by the general public at the office of the City Clerk.

SECTION 3. This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.

SECTION 4. All other resolutions and orders, or parts thereof in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed, and this resolution shall be in immediate effect from and after its adoption.

Adopted and approved this 3<sup>rd</sup> day of December, 2020.

By: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

RESOLUTION 40-2020-21

A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE ROXY REGIONAL THEATER

*BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby authorizes a lease agreement with the Roxy Regional Theater for property located at 100 Franklin Street.

*ADOPTED:*

## **LEASE AGREEMENT**

**THIS LEASE AGREEMENT** made this the \_\_\_\_ day of \_\_\_\_\_, 20 , between the **CITY OF CLARKSVILLE, TENNESSEE**, a municipal corporation, hereinafter referred to as “Lessor,” and the **ROXY REGIONAL THEATRE**, a not for profit corporation organized under the laws of the State of Tennessee, hereinafter referred to as “Lessee,”

### **W I T N E S S E T H:**

1. The Lessor hereby leases to the Lessee certain property located at 100 Franklin Street, in Clarksville, Tennessee, which is more particularly described as property located on the (parcel ID 066G-K-001000000) corner of the intersection of Franklin Street and First Street in Clarksville, Tennessee.
2. The Lessee accepts the building, improvements, and any equipment on or in the leased property in their existing condition. No representation, statement or warranty, expressed or implied, has been made by or on behalf of the Lessor as to such condition, or as to the use that may be made of such property. In no event shall the Lessor be liable for any defect in such property or for any limitation on its use.
3. The term of this lease shall be for a period of twenty-five (25) years, commencing on the first day of (month) (year), and ending on the (date) day of (month), (year), unless the parties to this Agreement mutually agree in writing to the termination of the Lease. In writing, the Lessee and Lessor may mutually agree to extend this Lease, upon the same terms, in increments of five (5) years for a total additional period of twenty-five (25) years, such request for option renewal shall be exercised in writing by the Lessee not later than sixty (60) days prior to the expiration of the original term and each term

thereafter. If the Lessee shall remain in possession of the leased property after the expiration of either the original term of this Lease or of any extended term, except pursuant to the exercise of an option to extend such possession, said possession shall be maintained by the Lessee as a month-to-month tenant, subject to all conditions and covenants contained in this Lease. The Lessee shall pay to the Lessor an annual rent of One Dollar (\$1.00) in lawful money of the United States, payable no later than the 1<sup>st</sup> day of May of each year during the term of his Lease or any extended term. The rent shall be payable to the City of Clarksville, or at such other place as the Lessor may designate in writing. It is the intention of the Lessor and the Lessee that each year during the term of this Lease, all costs, expenses, claims and obligations of every kind relating to the interior and operation of the leased property (except as otherwise specifically provided in this Lease as to the exterior of the building, paving, fire and extended and casualty insurance) which may arise or become due during the term of this Lease or any extended term shall be paid by the Lessee, and that the Lessor shall be indemnified against such costs, expenses, claims and obligations. In this regard, Lessee shall acquire, at its sole expense, general liability coverage with minimum limits of \$1,000,000 per occurrence and not less than \$2,000,000 annual aggregate, and shall name the Lessor as an additional insured in said policy. Lessee shall supply proof at least annually that said policy is in effect

4. After three (3) full fiscal years of operation, after occupancy in the new Performing Arts Center, additional rent will be applicable. Additional rent is to be calculated as follows: If the Performing Arts Center exceeds breakeven ticket sales and leased rental revenue in excess of five (5%) percent, five (5%) percent of the amount over breakeven shall be shared with the City. As an example if breakeven (defined as - ticket



sales and leased/rental revenue equals expenses to provide same) is \$100,000 and the ticket and rental revenue is \$110,000 for the year the City will be distributed 5% of the \$10,000 that is over \$100,000. Every three (3) years the additional rent calculation and percentage shall be renegotiated with the Roxy Board and the City. Should an agreement not be reached between the Board and the City, the terms shall remain the same until the next negotiated agreement. Each year an audit of the financial records performed by a qualified independent auditing firm shall be provided to the City's finance department no later than October 1<sup>st</sup> of each year for the prior fiscal year ending June 30<sup>th</sup>.

5. The Lessor and the Lessee agree that the Lessee shall use and occupy the leased property for the purpose of operating a performing arts center, and the Lessor agrees that the Lessee shall have exclusive use of the said leased property for said purpose. The Lessor shall not have the ability or any controlling interest in the artistic integrity or productions of any event held within the Leased premises. Sole discretion of productions shall be at the discretion of the Lessee. The Lessee agrees that it shall not use or knowingly permit any part of the leased property to be used for any other purpose not connected with the operation of a performing arts center or for any unlawful purpose, without the expressed written permission of the Lessor.

6. The Lessee, upon the payment of the rent as specified, and upon the performance of all the terms of this Lease, shall at all times during the Lease term and during any extension peaceably and quietly enjoy the leased property without any disturbance from the Lessor or from any person or organization claiming through the Lessor.

7. Throughout the term of this Lease, the Lessee, at its sole expense, will make all necessary repairs to the interior of the leased property, ordinary and extraordinary,

foreseen and unforeseen. The Lessor shall be responsible for all exterior repairs of the leased property, ordinary and extraordinary, foreseen and unforeseen, including any parking lot paving. Lessee shall not undertake any exterior repair which are contemplated to be the financial responsibility of the Lessor without the expressed written permission of the Lessor. The term "repairs" shall include all necessary replacements, renewals, alterations, additions and betterments. The Lessor is aware that the Lessee shall use the said building for the purposes of operating a performing arts center, and as such, it may be necessary to substantially alter and renovate the interior of the building to meet the needs and requirements of such use. Therefore, the Lessor agrees that the Lessee may make repairs and alterations to the interior of the building, such to the applicable building codes and inspections by the City of Clarksville. Said repairs and alterations shall be performed to a standard of workmanship at least equal to that in the community. At the expiration of the Lease term or any extended term, the Lessee shall surrender the leased property in as good condition as it was at the beginning of the term, reasonable wear and tear and damages by the elements excepted.

8. The Lessor shall have the right to reserve six (6) dates annually for events or activities in the property. The dates will be provided to the management of the facility by July of each year for the following calendar year.

9. The charges for gas, electricity, light, heat, power and telephone, where applicable, shall be prorated (based on occupancy) between the parties during the first billing cycle for each utility, and thereafter the Lessee shall pay all charges for gas, electricity, light, heat, power and telephone supplied or in connection with the leased property, and shall indemnify the Lessor against all liability or damages on such account.

10. If the leased property shall be deserted or vacated, or if proceedings are commenced against the Lessee in any Court under any bankruptcy act or for the appointment of a Trustee or receiver of the Lessee's property, either before or after the commencement of the lease term or if there shall be a default in the performance of any other covenant, agreement, condition, rule or regulation herein contained on the part of the Lessee for more than thirty (30) days after written notice of such default of the Lessor, this lease, at the option of the Lessor, may be deemed in default. The Lessor shall have the right to re-enter or repossess the leased property, either by force, summary proceedings, surrender or otherwise, and dispossess and remove the Lessee therefrom, along with its effects, without being liable to any prosecution therefore.

11. The Lessor and its representatives may enter the leased property at any reasonable time for the purpose of inspecting the leased property, performing any work which the Lessor elects to undertake, made necessary by reason of the Lessee's default of the terms of this Lease, exhibiting the leased property for sale, lease or mortgage financing, within sixty (60) days of the termination of the original term or any extension term, or posting notices of no-responsibility under mechanics lien laws.

12. This Lease may be terminated by the mutual agreement of the parties, reduced to writing, or by the breach of the Lessee for any of the terms contained herein, but for no other reason. Any written notice required by the terms of this Lease in order to be effective, shall be forwarded by United States mail, postage prepaid, certified with return receipt requested. Unless otherwise provided, notice to the Lessor shall be given to:

City of Clarksville  
Mayor's Office  
One Public Square  
Clarksville, Tennessee 37040

or to the Lessee to:

Chair, Board of Directors  
Roxy Regional Theatre  
100 Franklin Street  
Clarksville, Tennessee 37040

13. Throughout the terms of this Lease, the Lessor shall secure and pay all premiums for insurance on the leased property relating to fire and extended casualties, and the Lessee shall reimburse the Lessor such insurance policy premium expenses. The amount of the insurance coverage and the limit of liability, as well as all other matters pertaining to the insurance policies, shall be determined at the sole discretion of the Lessor. The Lessee shall be solely responsible for securing insurance protection for the contents of the leased property. A proof of insurance for contents shall be provided to the City annually. The parties further agree that each forfeits any right of action that it may later acquire against the other for loss or damage to its property, or property which it may have an interest, where such loss is caused by fire or any of the extended coverage hazards covered by insurance carried by either party or is covered by insurance required under the terms of this Lease, whichever is broader and arises out of or is connected with the leased property.

14. If the leased property shall be damaged or destroyed as a result of the casualty or hazard against which the Lessor is required to carry insurance, to an extent in excess of fifty percent (50%) of its then insurable value, then either party shall have the right to cancel this Lease by giving the other party five (5) days written notice thereof within sixty (60) days after the date of any such damage or destruction. If such rights shall be exercised by either party, this Lease shall wholly cease and expire on the date specified in

such notice. The Lessee shall not be obligated to re-build, and the insurance proceeds receivable under any policy of insurance shall be retained by the Lessor, and all taxes, rents and other charges shall be prorated and paid to the date specified in such notice of cancellation.

15. The Lessee shall not have the right to sub-let the whole of the leased premises, or to assign this Lease, without the express written permission of the Lessor. The Lessor understands and agrees the Lessee may rent or sub-let the leased premises or any portion thereof for outside performances and events to further support the arts. A calendar of scheduled events will be provided to the Roxy Board monthly of which the City will have access as an ex-officio member, for information purposes only. Under no circumstances shall any sub-letting or assignment by the Lessee affect the obligation of the Lessee to perform all the covenants required to be performed by the Lessee under the terms of this Lease. Should any ad valorem taxes be assessed at any time during this Lease term, said taxes shall be the responsibility of the Lessee.

16. This Lease shall be governed by, construed, and enforced in accordance with the laws of the State of Tennessee.

17. The covenants, terms, conditions, provisions and undertakings of this Lease or any renewal thereof shall extend to and be binding upon the successors and assigns of the respective parties hereto.

18. This Lease contains the entire agreement between the parties, and shall not be modified in any manner except by an instrument in writing executed by the parties. If any term or provision of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease



shall not be affected thereby, and each term and provision of his Lease shall be valid and be enforced to the fullest extent permitted by law.

**IN WITNESS WHEREOF**, the Lessor and the Lessee have hereunto set their hands and seals, the day and year above written.

**LESSOR:**

CITY OF CLARKSVILLE, TENNESSEE

BY: \_\_\_\_\_  
JOE PITTS, Mayor

**LESSEE:**

ROXY REGIONAL THEATRE

By: \_\_\_\_\_  
**STACY TURNER**

Title: Chair, Board of Directors

**STATE OF TENNESSEE** )  
 )  
**COUNTY OF MONTGOMERY** )

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, **JOE PITTS**, Mayor, with whom I am personally acquainted, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Mayor of the City of Clarksville, a Tennessee Corporation, and he is authorized by the maker to execute the instrument on behalf of the maker.

Witness my hand and seal this the \_\_\_\_ day of \_\_\_\_\_, 20 .

\_\_\_\_\_

**NOTARY PUBLIC**

My commission expires:

**STATE OF TENNESSEE**

\_\_\_\_\_ )

)

**COUNTY OF MONTGOMERY**

)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, **STACY TURNER**, with whom I am personally acquainted, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Chairman of the Board of Directors of the Roxy Regional Theatre, and she is authorized by the maker to execute the instrument on behalf of the maker.

Witness my hand and seal this the \_\_\_\_ day of \_\_\_\_\_, 20 .

\_\_\_\_\_  
**NOTARY PUBLIC**

My commission expires:

\_\_\_\_\_

AN ORDINANCE AMENDING THE OFFICIAL CODE, PART II (CODE OF ORDINANCES) PERTAINING TO AUTHORITY OF CITY SECURITY OFFICERS

*WHEREAS*, the City Council finds that the best interests of the City would be served by providing specific authority to City Security Officers to enforce certain provisions of the City Code, to include the issuance of trespass notices, and citations for violations of certain City Code provisions to persons who commit such civil ordinance violations while on City owned property.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

(1) That **City Code, Title 1 (Administration, Officers, and Personnel), Chapter 9 (City Court)** is hereby amended by adding a new **Section 1-913. Authority of City Security Officers to issue citations for violations of City Ordinances or City Code** as follows:

**Section 1-913. Authority of City Security Officers to issue citations for violations of City Ordinances and City Code.**

City Security Officers appointed by the Mayor and employed by the City shall have authority to issue civil citations to any person(s) who commit any violation of City Code Section 2-401, or Title 10 (Offenses – Miscellaneous), while on City owned property. The City Court shall have jurisdiction to hear and decide such cases, and to impose civil penalties up to and including FIFTY DOLLARS AND ZERO CENTS (\$50.00), and any lawfully authorized courts costs or taxes, upon those found to be in violation.

(2) That **City Code, Title 2 (Alcoholic Beverages), Chapter 4 (Use and Sale of Alcoholic Beverages in City Parks), Section 2-401 (Use or sale of alcoholic beverages in city parks; ejection)** is hereby amended by deleting said section in its entirety and substituting therefor the following:

**Section 2-401. Use or sale of alcoholic beverages in city parks; ejection.**

It shall be unlawful for any person, organization, association or entity to possess, use, consume, sell, distribute or otherwise provide any alcoholic beverage while upon, on, or inside the boundary of any city park or recreational center or facility, except may otherwise be provided in this chapter. Any person, organization, association or entity in violation of this chapter, or other state laws of general application, or local ordinances, may be required to leave the premises by any employee of the city department of parks and recreation, **or by any City employed Security Officer**, and ejected and removed from the premises by any city law enforcement officer. **It shall be unlawful, a trespass, and a violation of this section, for any person, organization, association or entity to refuse to leave the premises upon request by any employee of the city department of parks and recreation, or by any City employed Security Officer, or City law enforcement officer.**

(2) That **City Code, Title 2 (Alcoholic Beverages), Chapter 4 (Use and Sale of Alcoholic Beverages in City Parks), Section 2-402 (Citation; city court adjudication; assessment of civil fine)** is hereby amended by deleting said section in its entirety and substituting therefor the following:

**Section 2-402. Citation; city court adjudication; assessment of civil fine.**

Any city law enforcement officer **or City employed Security Officer**, is hereby empowered to issue a citation to any person for any violation of any of the provisions of this chapter. Citations issued for violation of any of the provisions of this chapter shall be tried in the city court. The city court judge shall determine whether a violation has occurred and shall assess a civil monetary fine as penalty against any person convicted of violating any of the provisions of this chapter, said fine to be in an amount of fifty dollars (\$50.00) for each violation.

(3) That **City Code, Title 9 (Motor Vehicles and Traffic), Chapter 1 (General), Section 9-116 (Violation of traffic regulations a misdemeanor)** is hereby amended by deleting said section in its entirety.

(4) That **City Code, Title 10 (Offenses - Miscellaneous), Chapter 1 (In General)** is hereby amended by adding a new **Section 10-102 (Authority of City law enforcement officers and City employed Security Officers)** as follows:

**Section 10-102. Authority of City law enforcement and City Security Officers.**

City law enforcement officers and City employed Security Officers appointed by the Mayor shall have authority to issue civil citations to any person(s) who commit any violation of any provision of Title 10 (Offenses – Miscellaneous), while on City owned property.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*