



**CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
FEBRUARY 25, 2021, 4:30 P.M.**

AGENDA

IN AN EFFORT TO FACILITATE THE CONTINUED RESPONSE TO THE CORONAVIRUS DISEASE (COVID-19), THIS MEETING WILL BE CONDUCTED VIA GOOGLE MEETS AND LIVE STREAMED ON CITYOFCLARKSVILLE.COM

"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".

1) PLANNING COMMISSION *RPC Director Jeff Tyndall*

ZONING PUBLIC HEARING

- 1. ORDINANCE 76-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Oscar Lee Hearn, Eric Huneycutt-Agent, for zone change on property located south of Crossland Avenue, east of Bradley Street, and north and south of West High Street from M-1 Light Industrial District and R-3 Three Family Residential District to C-2 General Commercial District
RPC: Approval/Approval
- 2. ORDINANCE 77-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Luke Baggett, Syd Hedrick- Agent, for zone change on property located at the intersection of Beechwood Drive and Beech Drive from R-1 Single Family Residential District to R-2 Single Family Residential District
RPC: Approval/Approval

ZONING POSTPONED

- 1. ORDINANCE 61-2020-21** (Second Reading) Amending the Zoning Ordinance pertaining to bulk regulations, building setbacks, minimum frontage requirements, and other minor updates *Proposed Amendment*

REPORT OF MAYOR'S RPC PROXY APPOINTMENT *(No action required)*

2) 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 63-2020-21** (Second Reading) Amending the Official Code relative to short term rentals
2. **ORDINANCE 64-2020-21** (Second Reading) Amending the Official Code designating Juneteenth and Emancipation Day as City holidays
3. **ORDINANCE 65-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mark A. Davis, Shannon or William Wilford-Agent, for zone change on property located at the intersection of Old Trenton Road and Wilma Rudolph Boulevard from M-2 General Industrial District to C-2 General Commercial District
4. **ORDINANCE 66-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Richard Collins, Richard Garrett-Agent, for zone change on property located at the intersection of Columbia Street and Batts Lane from RM-1 Single Family Mobile Home Residential District to R-4 Multiple Family Residential District
5. **ORDINANCE 67-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Charles Nichols Credit Shelter Trust, James Maynard-Agent, for zone change on property located in the southeast corner of Tobacco Road and Nussbaumer Road from C-1 Neighborhood Commercial District, R-1 Single Family Residential District, and AG Agricultural District to R-1A Single Family Residential District
6. **ORDINANCE 68-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Guerrier Development for zone change on property located at the corner of Blackman Street, Charlotte Street, and Lawn Street from R-3 Three Family Residential District to R-6 Single Family Residential District
7. **ORDINANCE 69-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Lalana Lee and Gordon Lee, Mark Holleman-Agent, for zone change on property located at the intersection of Paradise Hill Road and Highland Circle from R-1 Single Family Residential District to R-6 Single Family Residential District
8. **ORDINANCE 70-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Frank Bryant, Albatross Partners-Agent, for zone change on property located the intersection of Colonial Court and Golf Club Lane from R-3 Three Family Residential District and C-5 Highway and Arterial Commercial District to R-4 Multiple Family Residential District

9. **ORDINANCE 71-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Luke Baggett and Bobby Wall, Syd Hedrick-Agent, for zone change on property located at the intersection of Daniel Street and Central Avenue from R-3 Three Family Residential District to R-6 Single Family Residential District

10. **RESOLUTION 54-2020-21** Approving appointments to the Beer Board

- *Beer Board: John Hunt (reappointment) - April 2021 through March 2023*

11. Adoption of Minutes: February 3, February 4, February 9

3) FINANCE COMMITTEE *Councilperson Stacey Streetman*

1. **ORDINANCE 75-2020-21** (First Reading) Amending the FY21 Housing & Community Development Budget to include the 2021 Community Housing Partnership of Williamson County THDA Grant (Emergency Solutions Grant) *Finance Committee: Approval*

4) GAS & WATER COMMITTEE *Councilperson Wallace Redd*

1. Department Report

5) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Councilperson Wanda Smith*

1. **RESOLUTION 46-2020-21** (Postponed February 4) Requesting an amendment to the Community Development Block Grant 2020-2024 Consolidated Plan for Coronavirus Aid, Relief, and Economic Security (CARES) Act funds *Housing & Community Development Committee: Approval*

2. **RESOLUTION 47-2020-21** (Postponed February 4) Requesting an amendment to the Citizen Participation Plan *Housing & Community Development Committee: Approval*

3. Department Report

6) PARKS & RECREATION COMMITTEE *Councilperson Vondell Richmond*

1. Department Report

7) PUBLIC SAFETY COMMITTEE *Councilman Richard Garrett*

1. Department Reports

8) STREETS-GARAGE-TRANSPORTATION COMMITTEE *Councilperson Wanda Smith*

1. Department Reports

9) DESIGNATIONS COMMITTEE

1. **RESOLUTION 53-2020-21** Approving the official renaming of Mammy Lane to Slattery Lane *Designations Committee: Approval*

10)NEW BUSINESS

1. **ORDINANCE 73-2020-21** (First Reading) Amending the Official Code relative to membership of standing committees *Councilperson Allen*
2. **ORDINANCE 74-2020-21** (First Reading) Amending the FY21 Operating Budget for Governmental Funds to add funding to support the Juneteenth holiday *Councilperson Allen (Postponed by Finance Committee)*
3. **ORDINANCE 78-2020-21** (First Reading) Amending the FY21 Operating Budget for Governmental Funds to create road improvement projects for Hazelwood Road and Needmore Road *Councilperson Garrett*
4. **ORDINANCE 79-2020-21** (First Reading) Amending the FY21 Operating Budget for Governmental Funds to transfer funds from the Athletic Complex capital project to the Regional Community Center *Councilperson Garrett*
5. **ORDINANCE 80-2020-21** (First Reading) Amending the Official Code relative to the Internal Service Fund *Councilperson Knight*
6. **RESOLUTION 55-2020-21** Establishing the Clarksville Sustainability Board *Councilperson Knight*
7. **RESOLUTION 56-2020-21** Declaring the City of Clarksville as a 2nd Amendment Sanctuary City *Councilperson Knight, Councilperson Butler*
8. **RESOLUTION 57-2020-21** Requesting Governor Bill Lee, the Tennessee General Assembly, the Montgomery County Mayor and Montgomery County Commissioners, the City of Clarksville Mayor and the Clarksville City Council exercise their duties focusing on equity and equality; rejecting bills that promote exclusion, discrimination, or bigotry *Councilperson Reynolds*
9. **RESOLUTION 58-2020-21** Supporting decriminalization of simple possession or casual exchange of marijuana for personal use *Councilperson Butler*
10. **RESOLUTION 59-2020-21** Requesting the Tennessee General Assembly to amend the Official Charter of the City of Clarksville according to Exhibit A *Councilperson Garrett*

11. **RESOLUTION 60-2020-21** Expressing the sense of the City Council honoring Operation Iraqi Freedom Veterans *Councilperson Knight*
12. **RESOLUTION 61-2020-21** Requesting the Mayor call a special session of the City Council as a Committee of the Whole to study and make recommendations pertaining to amendments to the Official Charter *Councilperson Reynolds*
13. Discussion regarding inclusion and diversity *Councilperson Richmond*

11) MAYOR AND COUNCIL MEMBER COMMENTS

12) PUBLIC COMMENTS

- JoAnn McIntosh, Chair - Clarksville-Montgomery County Sierra Club
(Presentation posted on iPads)

13) ATTORNEY-CLIENT NON-PUBLIC MEETING

1. Robinson and FSC v. City lawsuits

14) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: March 4, 2021. The public hearing will be held on: February 25, 2021.

CITY ORD. #: 76-2020-21 RPC CASE NUMBER: Z-6-2021

Applicant: OSCAR LEE HEARN

Agent: Eric Huneycutt

Location: Property is south of Crossland Avenue, east of Bradley Street, and north and south of West High Street

Ward #: 6

Request: M-1 Light Industrial District / R-3 Three Family Residential District
to
C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 77-2020-21 RPC CASE NUMBER: Z-9-2021

Applicant: LUKE BAGGETT

Agent: Syd Hedrick

Location: Property is on the east side of Beech Drive, 410 +/- feet east of the Beechwood Drive and Beech Drive intersection.

Ward #: 6

Request: R-1 Single-Family Residential District
to
R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 61-2020-21 RPC CASE NUMBER: ZO-1-2021

Applicant: REGIONAL PLANNING COMMISSION

Location: Zoning Ordinance Text Amendment

Request: Text

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE 2/23/2021

CASE NUMBER: Z - 6 - 2021

NAME OF APPLICANT:Oscar Lee Hearn

AGENT: Eric Huneycutt

GENERAL INFORMATION

TAX PLAT: 066 O

PARCEL(S): B 001.00

ACREAGE TO BE REZONED: 2.79

PRESENT ZONING: M-1 R-3

PROPOSED ZONING: C-2

EXTENSION OF ZONING

CLASSIFICATION: YES

PROPERTY LOCATION: Property is south of Crossland Avenue, east of Bradley Street, and north and south of West High Street

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 5

CIVIL DISTRICT: 12

DESCRIPTION OF PROPERTY: Vacant tract with varying topography. Former site of Petri Cigar Factory destroyed by the 1999 Tornado.

APPLICANT'S STATEMENT To bring it to more appropriate zoning
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: South Clarksville

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:

May require water & sewer system upgrades.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

No direct access to Crossland Ave.

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:

No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: NORMAN SMITH
MIDDLE SCHOOL: ROSSVIEW
HIGH SCHOOL: ROSSVIEW

Rossview Middle & Rossview High are in the 2nd fastest growing region in Mont. County. Rossview Middle is at 118% capacity and currently has 11 portable classrooms, Rossview High is at 113% capacity and currently has 8 portables. There are over 1,000 lots already approved in this region. This continued student growth necessitates additional action to address building capacity growth and school bus transportation needs in Mont. County. This development could contribute add additional students & require additional infrastructure & funding. This will also increase traffic volume on Rossview Rd. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

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 residential density & removal of 2.8 +/- acres of Industrial zoned property.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: West High St. & Bradley St.

DRAINAGE COMMENTS: South

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

POPULATION:

APPLICABLE LAND USE PLAN

South Clarksville Planning Area - South Clarksville is dominated by residential development but is ringed by commercial and light industrial uses. It is near the core of the city and has a well developed transportation network for destinations within its boundaries and other areas of the city. Sufficient infrastructure to support high density development.

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. C-2 zoning permits the opportunity for general goods & services establishments with the additional opportunity for mixed use residential. The adopted Land Use Plan states that mixed use, residential & commercial developments should be encouraged.
3. The C-2 General Commercial District is not out of character with the existing uses in the area & in an extension of the existing C-2 district to the north.
4. The C-2 General Commercial District is more compatible with the surrounding uses than the current M-1 General Industrial District.
5. No adverse environmental issues were identified relative to this request.

Z-06-2021

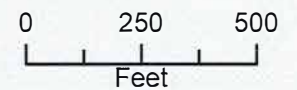
APPLICANT:
OSCAR LEE HEARN

REQUEST:
M-1/R-3
TO
C-2

MAP & PARCEL
0660 B 00100

ACRES +/-
2.79

Scale: 1:5,000



2/23/2021

 **ReZoning Request**
 **Parcels**



Z-06-2021

APPLICANT:
OSCAR LEE HEARN

REQUEST:
M-1/R-3
TO
C-2

MAP & PARCEL
0660 B 00100

ACRES +/-
2.79

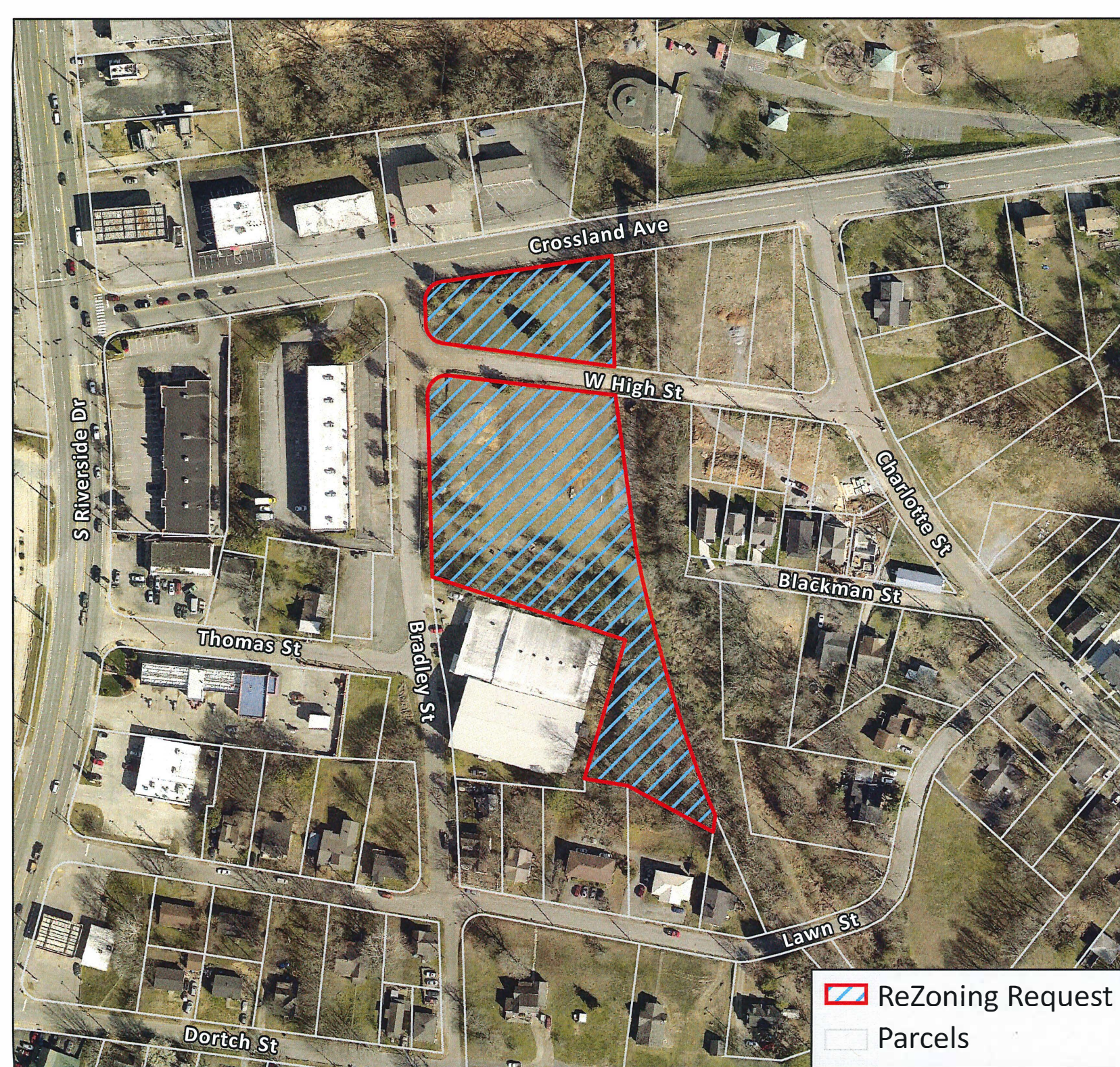
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0 100 200
Feet



2/23/2021

 **ReZoning Request**
 **Parcels**



Z-06-2021

APPLICANT:
OSCAR LEE HEARN

REQUEST:
M-1/R-3
TO
C-2

MAP & PARCEL
0660 B 00100

ACRES +/-
2.79

Scale: 1:5,000



2/23/2021

R-1

C-2

CBD

CBD

R-4

Adams St

Sullivan St

S Spring St

W Washington St

S 1st St

Kline Aly

S 3rd St

S 2nd St

Crossland Ave

High St

Perkins Ave

R-6

R-3

W High St

M-1

Thomas St

Lawn St

R-3

Dorch St

Bradley St

Dixon Dr

R-3

Barker St

R-2

R-4


C-2

 ReZoning Request

 R-1

 R-2

 R-3

 R-4/R-5

 R-6

 C-2

 CBD

 M-1

 Parcels

CASE NUMBER: Z 6 2021 **MEETING DATE** 2/23/2021

APPLICANT: Oscar Lee Hearn

PRESENT ZONING M-1

PROPOSED ZONING C-2

TAX PLAT # 066 O

PARCEL B 001.00

GEN. LOCATION Property is south of Crossland Avenue, east of Bradley Street, and north and south of West High Street

PUBLIC COMMENTS

There have been no new public comments received, on this amended request., as of 9:00 A.M. on 2/23/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 2/23/2021

CASE NUMBER: Z - 9 - 2021

NAME OF APPLICANT: Luke Baggett

AGENT: Syd Hedrick

GENERAL INFORMATION

TAX PLAT: 055 O

PARCEL(S): D 045.00

ACREAGE TO BE REZONED: .66

PRESENT ZONING: R-1

PROPOSED ZONING: R-2

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property is on the east side of Beech Drive, 410 +/- feet east of the Beechwood Drive and Beech Drive intersection.

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 13

CIVIL DISTRICT: 12

DESCRIPTION OF PROPERTY: Currently two vacant lots with varying topography & wooded.

APPLICANT'S STATEMENT Request to develop to 2 lots.
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Red River

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:

Water system upgrades if fire hydrant is required.

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:

No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: ST. B.
MIDDLE SCHOOL: ROSSVIEW
HIGH SCHOOL: ROSSVIEW

Rossview Middle & Rossview High are in the 2nd fastest growing region in Mont. County. Rossview Middle is at 118% capacity and currently has 11 portable classrooms, Rossview High is at 113% capacity and currently has 8 portables. There are over 1,000 lots already approved in this region. This continued student growth necessitates additional action to address building capacity growth and school bus transportation needs in Mont. County. This development could contribute add additional students & require additional infrastructure & funding. This will also increase traffic volume on Rossview Rd. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

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 Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Beech Dr.

DRAINAGE COMMENTS: west

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

2

POPULATION:

5

APPLICABLE LAND USE PLAN

Red River Planning Area- This planning area is home to the APSU campus. This is a mixed use area with primarily older housing stock neighborhoods sandwiched in between light industrial and commercial districts. This planning area is also targeted for redevelopment.

STAFF RECOMMENDATION: APPROVAL

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** The proposed R-2 Single Family Residential district is not out of character with the current or futures uses in the area.
- 3.** This area has a mixture of different housing styles & lies outside of the Emerald Hill Historic District.
- 4.** Adequate infrastructure serves the site & no adverse environmental issues have been identified.
- 5.**

Z-09-2021

APPLICANT:

LUKE BAGGETT

REQUEST:

R-1

TO

R-2

MAP & PARCEL


0550 D 04500

ACRES +/-
0.66

Scale: 1:5,000



2/23/2021

 **ReZoning Request**

 **Parcels**



Z-09-2021

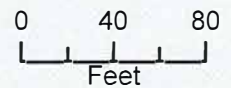
APPLICANT:
LUKE BAGGETT

REQUEST:
R-1
TO
R-2

MAP & PARCEL
0550 D 04500

ACRES +/-
0.66

Scale: 1:1,000



2/23/2021

 **ReZoning Request**
 **Parcels**



Z-09-2021

APPLICANT:

LUKE BAGGETT

REQUEST:

R-1


TO

R-2

MAP & PARCEL

0550 D 04500

ACRES +/-
0.66

 ReZoning Request

R-1

R-2

R-3

R-4/R-5

O-1

C-2

C-5

 CBD

M-1

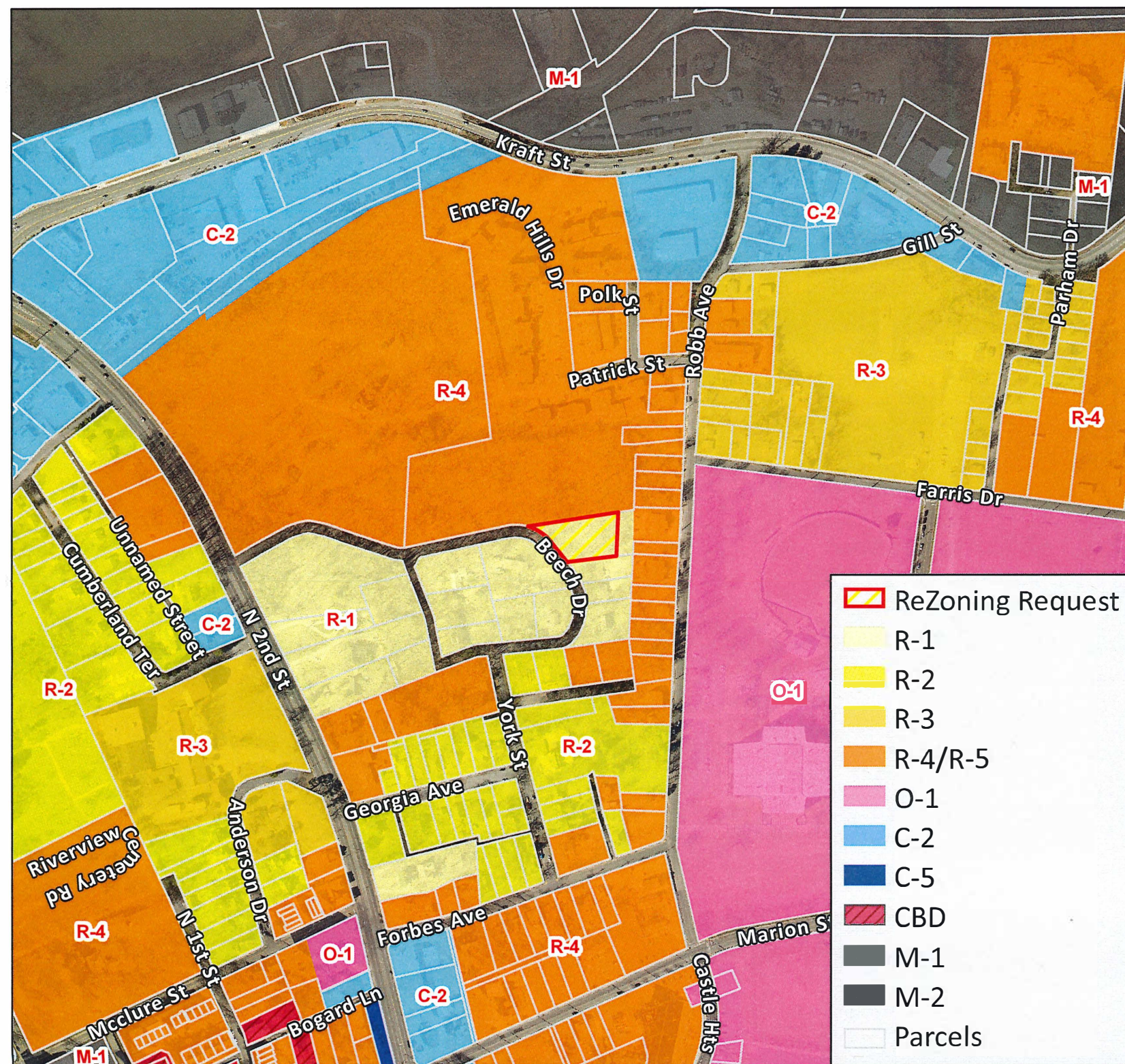
M-2

 Parcels

Scale: 1:5,000

0 250 500
Feet

2/23/2021



CASE NUMBER: Z 9 2021 **MEETING DATE** 2/23/2021

APPLICANT: Luke Baggett

PRESENT ZONING R-1

PROPOSED ZONING R-2

TAX PLAT # 055 O

PARCEL D 045.00

GEN. LOCATION Property is on the east side of Beech Drive, 410 +/- feet east of the Beechwood Drive and Beech Drive intersection.

PUBLIC COMMENTS

There have been no new public comments received, on this amended request, as of 9:00 A.M. on 2/23/2021 (A.L.)

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, TENNESSEE, AS IT PERTAINS TO DRIVEWAYS, PRIVATE ROADS, AND EASEMENT SPECIFICATIONS

WHEREAS the Regional Planning Commission has updated the Subdivision Regulations and additional updates to the City Zoning Ordinance are required at this time so both documents are in agreement, AND

WHEREAS the Regional Planning Commission initiated a study of the Subdivision Regulations and City Zoning Ordinance pertaining to private roads and easements, AND

WHEREAS these updates are viewed as beneficial and necessary to the City of Clarksville to promote health, safety, welfare, and a more prosperous city.

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

That the following amendments are hereby made to the Clarksville City Zoning Ordinance:

ADD ALPHABETICALLY under Section 2 Definitions:

EASEMENT: A grant of less than fee simple ownership by the property owner of the use of a portion of their property for a specific purpose.

RESIDENTIAL COMMON ACCESS DRIVE: An access way providing ingress, egress, and joint/cross access to a minimum of three (3) to a maximum of ten (10) parcels. In residential zoning districts, a residential common access drive is constructed within a residential common access easement.

SHARED DRIVEWAY: An access way providing ingress, egress, and joint-cross access to two (2) or three (3) residential single family parcels. In residential zoning districts, a shared driveway lies within a shared driveway easement. Shared driveways may not be platted off of but provide alternative access.

REPEAL AND REPLACE THE DEFINITION OF USABLE ROAD FRONTAGE in Section 2 with the following:

USABLE ROAD FRONTAGE: The portion of the lot, tract, or parcel of land that abuts a public right-of-way, dedicated permanent easement, travel easement, or residential common access easement from which vehicular access is obtained.

REPEAL 4.2.1.C and REPLACE WITH THE FOLLOWING NEW PARAGRAPH C

The lot fronts along an acceptable easement (permanent, travel, or residential common access) which conforms to all rules, regulations and specifications applicable to said easement as controlled by the Subdivision Regulations for Clarksville and Montgomery

County. Such easements shall have access to an existing public street and shall have been approved by the Regional Planning Commission. For single family residential lots utilizing a shared driveway easement a recorded easement with attached visual depiction will be required for permitting.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 76-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF OSCAR LEE HEARN, ERIC HUNEYCUTT-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED SOUTH OF CROSSLAND AVENUE, EAST OF BRADLEY STREET, AND NORTH AND SOUTH OF WEST HIGH 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 M-1 Light Industrial District and R-3 Three Family Residential District, as C-2 General Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

TRACT I Beginning at a point, said point being the north right of way of West High Street, said point being N 72° 6' E for a distance of 49 feet from the centerline intersection of West High Street and Bradley Street, said point also being the southwestern corner of the herein described parcel; Thence, along said West High Street along a curve, said curve turning to the right, having a radius of 25.08 feet, and whose long chord bears N 41° 48' 33" W for a distance of 32.36 feet to a point of intersection with a non-tangential line; Thence, leaving said West High Street and along said Bradley Street right of way for the next two (2) calls, N 01° 29' 06" W for a distance of 30.37 feet to the beginning of a non-tangential curve; Thence, said curve turning to the right, having a radius of 25.31 feet, and whose long chord bears N 39° 52' 09" E for a distance of 33.03 feet to a point of intersection with a non-tangential line, said point being the north west corner of the herein described parcel; Thence, leaving said Bradley Street right of way and along Crossland Avenue right of way, N 81° 13' 11" E for a distance of 220.67 feet to a point on a line, said point being the north west corner of the Syd Hedrick property as described in Deed Book K, page 229, said point also being the north east corner of the herein described parcel; Thence, leaving said Crossland Avenue and along said Syd Hedrick property, S 01° 12' 43" E for a distance of 143.93 feet to a point on a line, said point being the northern right of way of said West High Street, said point being the south east corner of the herein described parcel; Thence, leaving said Syd Hedrick property and along said West High Street, N 82° 08' 05" W for a distance of 222.04 feet to the point of beginning, said parcel containing 25,951 Square Feet or 0.60 Acres, more or less.

TRACT II Beginning at a point, said point being the south right of way of West High Street, said point being S 64° 41' E for a distance of 62 feet from the centerline intersection of West High Street and Bradley Street, said point also being the northwestern corner of the herein described parcel; Thence, along said West High Street right of way, S 82° 08' 05" E for a distance of 214.80 feet to a point on a line, said point being the north west corner of the Syd Hedrick property as described in Deed Book K, page 229, said point also being the north east corner of the herein described parcel; Thence, leaving said West High Street and along Syd Hedrick property for the next four (4) calls, S 07° 32' 00" E a distance of 191.51; Thence, along a curve, said curve turning to the left, having a radius of 2102.68 feet, and whose long chord bears S 15° 05' 34" E for a distance of 283.68 feet to a point of intersection with a non-tangential line; Thence, S 19° 51' 51" E for a distance of 52.16 feet to a point on a line; Thence, S 23° 09' 54" E for a distance of 27.47 feet to a point on a line, said point being the north property line of the Brittney Spence property as described in ORV 1750, page 872; Thence, leaving said Syd Hedrick property and along said Brittney Spence property, S 08° 03' 40" W for a distance of 21.75 feet to a point on a line, said point being the northern property line of the HLS2 properties LLC as described in ORV 1642, page 74, said point also being the south east corner of the herein described parcel; Thence, leaving said Brittney Spence property and along said HLS2 properties LLC property, N 61° 14' 30" W for a distance of 124.97 feet to a point on a line, said point being the north east property line of the Marina Properties as described in ORV 1654, page 210; Thence, leaving said HLS2 properties LLC and a long said Marina Properties, N 80° 32' 41" W for a distance of 56.00 feet to a point on a line, said point being the south east corner of the Billy Joe Black property as described in ORV 703, page 1241; Thence, leaving said Marina Properties and along said Billy Joe Black property for the next two (2) calls, N 16° 26' 16" E for a distance of 185.63 feet to a point on a line; Thence, N 71° 33' 18" W for a distance of 260.71 feet to a point on a line, said point being the eastern right of way of said Bradley Street; Thence, leaving said Billy Joe Black property and along said Bradley Street right of way for the next two (2) calls, N 01° 29' 04" W for a distance of 233.80 feet to the beginning of a curve; Said curve turning to the right, having a radius of 25 feet, and whose long chord bears N 48° 11' 28" E for a distance of 38.12 feet to the point of beginning, said parcel containing 95,722 Square Feet or 2.20 Acres, more or less.

ORDINANCE 77-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF LUKE BAGGETT, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF BEECHWOOD DRIVE AND BEECH 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 R-1 Single Family Residential District, as R-2 Single Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Being parts of Lots 27 and 28 of Beechwood Addition according to a plat of record in Plat Book 2, Plat 80, Page 87, Register's Office Montgomery County, Tennessee, and being further described as beginning at a post in the general northeastern right-of-way of Beech Street in the City of Clarksville said point of beginning the northwestern corner of the within described property and the northwestern corner of property conveyed to I. J. Britt and wife by deed of record in Deed Book 111, Page 661, Register's Office aforesaid, and running from said point of beginning North 86 degrees 30 minutes east 255 feet to an iron pin; thence in a new direction south 4 degrees east and passing an iron pin at 70 feet to another iron pin at a total distance of 140 feet on this bearing; thence in a new direction south 86 degrees 30 minutes west 145 feet to an iron pin in the general northeastern right-of-way of Beech Street; thence in a new direction with said general northeastern right-of-way north 41 degrees 30 minutes west 176 feet to the point of beginning, said herein described tract containing 0.66 +/- acres

ORDINANCE 61-2020-21

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, TENNESSEE, AS IT PERTAINS TO BULK REGULATIONS, BUILDING SETBACKS, MINIMUM FRONTAGE REQUIREMENTS, AND OTHER UPDATES

WHEREAS, the Regional Planning Commission from time to time identifies areas of the land use regulations that require updating; and

WHEREAS, the Regional Planning Commission initiated a study of the city zoning ordinance pertaining to several topics including bulk regulations, building setbacks, and minimum frontage requirements; and

WHEREAS, the updates are viewed as beneficial and necessary to the City of Clarksville to promote health, safety, welfare, and a more prosperous city.

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

That the following amendments are hereby made to the Clarksville City Zoning Ordinance:

Amend TABLE 4.2 in the following manner:

Under the R-2 Column

Amend the Dwelling Minimum Side Yard Setback from T=20 feet to T=16 feet

Under the R-2A Column

Amend the Dwelling Minimum Side Yard Setback from 8 feet to 5 feet

Amend the Dwelling Minimum Side Yard Setback from T=20 feet to T=10 feet

Amend Unattached Accessory Uses from 10 feet to 5 feet

Amend Other Principal Uses from 10 feet to 5 feet

Under the R-6 Column

For Unattached Accessory Uses add 5 feet

For Other Principle Structures add 10 feet

Amend Maximum Lot Coverage (All Combined Uses) from 60 % to 60 percent

Section 5.1.7 RESIDENTIAL USES PERMITTED WITH CONDITIONS (PC)

Replace Multi-Family and Townhouses in the C-2 District with the following:

1. For multi-family dwellings, the following conditions shall be met:
 - A. Multi-family dwellings may be located in the same or separate structures as non-residential uses.
 - B. Single-family detached structures are permitted provided they are located on a common lot, tract or parcel in a horizontal property regime. Off-street parking and primary access to such single-family detached structures is encouraged to be on the side or rear of the dwellings.
2. See Section 6.1.2 B for a possible variance for off-street parking for mixed-use development with multi-family dwellings in the same or separate structures on the same tract, parcel or lot.
3. Sidewalks along street frontages are mandatory.

Add the following paragraph (H) under 4.1.1 Building Setback Exceptions

- H. If right-of-way (ROW) is dedicated through the Subdivision process that would increase the setbacks (MBSL) of adjacent lots, tracts, and parcels, the front and side street MBSL of those existing properties shall remain the same as they were prior to the ROW dedication for the purpose of site plan or building permit. Any subdivision of the existing adjacent lots, tracts, and parcels shall require full compliance with Chapter 4 District Bulk Regulations and Exceptions as outlined in the Clarksville Zoning Ordinance or Montgomery County Zoning Resolution.

Under 5.10 Site Plan Requirements add the following below the first paragraph

Purpose: Site Plan Review is intended to advance public safety and well-being through harmonious development that advances the public interests such as; multi-modal transportation, minimum standards, and overall site safety.

Amend 5.10.1.A. Applicability – remove “and” between “single” and “two” in the first sentence

Repeal 5.10.1.C in its entirety and replace with the following:

- C. Minor level review. Site plan review and approval may be handled at the Planning Commission staff level and may not require Regional Planning Commission approval if any one parcel or site is in a platted subdivision, or lot of record less than or equal to 1 acre, AND any one of the following circumstances:
 - I. Any building addition where the existing building's gross square footage is expanded by less than twenty-five percent (25%) but greater than three percent (3%).
 - II. Any new sign over fifty (50) feet in height in a new location for an existing building.
 - III. Any new building less than 15,000 square feet
 - IV. Any new Multi Family development less than 16 total units

- V. Communication towers and equipment sheds.
- VI. For staff level site review, Section 2 Paragraphs B, C, D and E below shall not apply. All other portions of this Section shall apply to the staff level review process. Staff shall forward copies of plans to applicable departments and agencies. These departments and agencies shall have seven calendar days to notify Planning Commission staff of any site plan concerns or deficiencies that would require either plan resubmittal or formal Regional Planning Commission approval. The developer or owner of the property whose specific activities as listed above are either exempted from this Section or permitted to obtain staff level approval shall nevertheless be responsible for complying with all other Sections of the Ordinance from which this Section derives, and/or any other provisions or permits that may apply to the specific activity. The Director of Planning reserves the right to revoke any of the above exemptions of this Section.

Repeal 5.10.2 A and B and Replace with the following:

- A. Filing of application and plans. An application for site plan review shall be submitted together with a designated number of copies of the proposed site plan and a digital PDF copy of the proposed site plan to the Planning Commission staff. Regular meeting dates and times, and the deadline for each regular meeting, shall be established by the Regional Planning Commission Office. The Planning Commission staff shall acknowledge receipt of the application by the dating of said application by any person so authorized. The Planning Commission staff shall forward one of said copies to all appropriate City, County or State agencies or utility districts.
- B. Informational review. The Planning Commission staff shall determine whether all information pertinent to the review has been provided and within ten (10) calendar days of application deadline shall notify the applicant that either:

Add the following sentence to the end of 5.10.2.CC:

Sidewalks shall be required at the discretion of the Regional Planning Commission.

| | |
|------------------------|-------------------------------------|
| <i>PUBLIC HEARING:</i> | January 7, 2021 |
| <i>POSTPONED:</i> | January 7, 2021 to February 4, 2021 |
| <i>FIRST READING:</i> | February 4, 2021 |
| <i>SECOND READING:</i> | <i>Scheduled for March 4, 2021</i> |
| <i>EFFECTIVE DATE:</i> | |

GARRETT PROPOSED AMENDMENT TO ORDINANCE 61-2020-21

Motion to amend ORDINANCE 61-2020-21 on second reading to add the following language:

ADD ALPHABETICALLY under Section 2 Definitions:

EASEMENT: *A grant of less than fee simple ownership by the property owner of the use of a portion of their property for a specific purpose.*

RESIDENTIAL COMMON ACCESS DRIVE: *An access way providing ingress, egress, and joint/cross access to a minimum of three (3) to a maximum of ten (10) parcels. In residential zoning districts, a residential common access drive is constructed within a residential common access easement.*

SHARED DRIVEWAY: *An access way providing ingress, egress, and joint-cross access to two (2) or three (3) residential single family parcels. In residential zoning districts, a shared driveway lies within a shared driveway easement. Shared driveways may not be platted off of but provide alternative access.*

REPEAL AND REPLACE THE DEFINITION OF USABLE ROAD FRONTAGE *in Section 2 with the following:*

USABLE ROAD FRONTAGE: *The portion of the lot, tract, or parcel of land that abuts a public right-of-way, dedicated permanent easement, travel easement, or residential common access easement from which vehicular access is obtained.*

REPEAL 4.2.1.C and REPLACE WITH THE FOLLOWING NEW PARAGRAPH C

The lot fronts along an acceptable easement (permanent, travel, or residential common access) which conforms to all rules, regulations and specifications applicable to said easement as controlled by the Subdivision Regulations for Clarksville and Montgomery County. Such easements shall have access to an existing public street and shall have been approved by the Regional Planning Commission. For single family residential lots utilizing a shared driveway easement a recorded easement with attached visual depiction will be required for permitting.

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE
RELATIVE TO SHORT TERM RENTALS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLARKSVILLE:

The Clarksville City Code, Title 5, “Business, Professions, and Occupations,” is hereby amended by deleting the language in Chapter 3, “Short-Term Rentals,” in its entirety.

~~Section 5-301. Purpose. The City Council finds that the following regulations of Short-Term Rental Units are necessary to protect the health, safety, and welfare of the public.~~

~~Section 5-302. Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Chapter. The word "shall" is always mandatory and not merely advisory.~~

~~(a) Code Official. A City Code Enforcement Officer or the Building Official.~~

~~(b) Consideration. The charge, whether or not received, for occupancy in a Short-Term Rental Unit valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and services of any kind or nature. Nothing in this definition shall be construed to mean that consideration is charged when the Short-Term Rental Unit provided to the Transient Guest(s) is complimentary from the Owner and no consideration of any type is charged to, or received from, any person.~~

- ~~(c) *Contiguous Property.* Any property that is directly adjacent to the property on which a Short-Term Rental Unit is located, or which is across any street, road, highway, or alley from any property on which a Short-Term Rental Unit is located, and which is within one-hundred (100) feet of the nearest property boundary line of any property on which a Short-Term Rental Unit is located.~~
- ~~(d) *Dwelling Unit.* A cabin, house, house trailer or mobile home, or structure used or designed to be used as an abode or home of a person, family, or household, and includes a single-family dwelling, a portion of a single-family dwelling, or an individual residential dwelling in a multi-dwelling building, such as a duplex, triplex, an apartment building, condominium, cooperative, or timeshare.~~
- ~~(e) *Hosting Platform.* A person or entity that facilitates the booking of a Short-Term Rental Unit.~~
~~"Facilitate" includes, but is not limited to, the act of allowing an Owner to offer to list or advertise, typically for a charge or fee, the Short-Term Rental Unit on an Internet website, in a print publication, or through another forum provided or maintained by the Hosting Platform.~~
- ~~(f) *Non-Residential District.* Any zoning district designated in the City of Clarksville that allows — residential uses but is not a Residential District.~~
- ~~(g) *Occupancy.* The use or possession, or the right to the use or possession, of any room(s); — lodgings, or accommodations in any Short-Term Rental Unit.~~
- ~~(h) *Operating Permit.* The city-issued document authorizing an Owner to operate a Short-Term — Rental Unit within the City of Clarksville.~~
- ~~(i) *Owner.* The person who owns property held out as a Short-Term Rental Unit.~~
- ~~(j) *Residential District.* Any zoning district designated in the City of Clarksville where the principal permitted uses in the district include residential uses, including houses, duplexes, and multi-dwelling structures.~~
- ~~(k) *Short-Term Rental Unit.* A dwelling unit, a portion of a dwelling unit, or any other structure or space that is occupied or intended or designed or advertised for occupancy by Transient Guests for dwelling, lodging, or sleeping, and which is offered to Transient Guests for Consideration for a period of up to 30 consecutive calendar days. Short-Term Rental Units shall not include dwelling units owned by the federal government, the state, or any of their agencies or political subdivisions; facilities licensed by the state as healthcare facilities, including temporary family healthcare structures; hotels; inns; motels; boarding houses; Bed and Breakfast establishments approved by the City of Clarksville pursuant to the Clarksville Zoning Ordinance; campgrounds; recreational vehicles or campers, or dwelling units rented to the same occupant(s) for more than thirty continuous days.~~
- ~~(l) *Transient Guest.* A person who occupies a dwelling unit or portion thereof, other than his or — her usual place of residence, in exchange for consideration.~~

~~Section 5-303. Permit Required for Operation of a Short-Term Rental Unit.~~

- ~~(a) *Operating Permit Required.* It shall be unlawful to operate or advertise any Short-Term Rental Unit within the City of Clarksville without a Short-Term Rental Unit Operating Permit issued under this Chapter, except as otherwise provided herein.~~
- ~~(b) *Continued use for properties already being used as short-term rental.* In accordance with T.C.A. § 13-7-603, as may be amended from time to time, this Short-Term Rental Ordinance shall not apply to any property that was being used as a Short-Term Rental Unit by the owner of the property prior to the Clarksville City Council's enactment of this Chapter. The definition of "Used as a short-term rental unit" contained in T.C.A. § 13-7-602, as may be amended from time to time, shall be used in determining whether a property was being used as a Short-Term Rental Unit by the Owner of the property prior to enactment of this Chapter. In accordance with T.C.A. § 13-7-604(b)(3), as may be amended from time to time, any property being used as a Short-Term Rental Unit by the Owner of the property prior to enactment of this Chapter may continue operating said property as a Short-Term Rental Unit, without securing a permit, until the property is sold, transferred, ceases being used as a Short-Term Rental Unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times with no appeal rights remaining for any of the three (3) violations.~~

~~Section 5-304. Short-Term Rental Unit Operating Permit Application; Permit Availability; Application Form and Fee; Right of Entry.~~

- ~~(a) *Application.* Except as otherwise provided herein, every Owner desiring to operate a Short-Term Rental Unit shall submit an application for an Operating Permit to the Clarksville Department of Finance and Revenue. Each application shall contain all of the following information, along with a sworn statement that the information being provided is true and accurate, upon penalty of perjury. The permit application shall not be considered complete until all information specified by the application form and required by this chapter, as determined by the Department of Finance and Revenue, has been completed by the applicant.~~
- ~~(1) *Acknowledgement of Regulations and Obligation to Pay Hotel / Motel Tax; Submission of Proof of Business License.* The applicant shall include with his or her application a written acknowledgement by the Owner that he/she has read all regulations of this Chapter pertaining to the operation of a Short-Term Rental Unit, that the applicant will comply with and pay as required by law any hotel/motel tax requirements as levied or assessed by the City, Montgomery County, and / or the State of Tennessee, and shall submit a statement that the applicant has obtained a City of Clarksville business license and attach a copy of same thereto.~~
- ~~(2) *Affidavit of Life Safety Compliance.* An application for an Operating Permit shall be accompanied by an affidavit from the applicant verifying the number and room location(s) of all required life safety equipment, and that all such equipment is currently fully operational at the time of the application for the Short-Term Rental Unit. All such life safety equipment will be subject to verification or inspection.~~

~~(3) *Local Contact Person(s).* A person or persons designated by the Owner who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (i) being able to respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the Short-Term Rental Unit, and (ii) taking remedial action necessary to resolve any such complaints. The Local Contact Person(s) may be the Owner or an Owner's agent. If not the Owner, the full legal name, residential street and mailing addresses, the e-mail address, and the telephone number of the Local Contact Person(s) shall be provided.~~

~~(4) *Owner Information.* The full legal name, street and mailing addresses, the e-mail address, and the telephone number of the Owner of the property sought to be used as a Short-Term Rental Unit and, in cases where a business entity or trust is the owner of the property that is sought to be used as a Short-Term Rental Unit, the individual who has the responsibility to oversee the ownership of the property sought to be used as a Short-Term Rental Unit on behalf of the business entity or trust, including the mailing address, the e-mail address, and the telephone number of the individual having such responsibility. If the Owner of a Short-Term Rental Unit is a business entity, information and documentation is required demonstrating the Owner's valid status with the Tennessee Secretary of State.~~

~~(5) *Site Plan.* A site plan and floor plan accurately and clearly depicting the size and location of the existing dwelling and the approximate square footage in the dwelling, the number and location of designated off-street parking spaces and the maximum number of vehicles allowed for overnight occupants. The floor plan shall describe the use of each room in the dwelling, the number, location and approximate square footage of all bedrooms, and any accessory buildings, including but not limited to garages and accessory dwelling structures or units.~~

~~(6) *Confirmation regarding private agreements.* Written acknowledgement by the Owner that he/she/it is solely responsible for confirming and that he/she/it has confirmed that operating the Short-Term Rental Unit would not violate any Home Owners Association agreement or bylaws, Condominium Agreement, Covenants, and / or Restrictions, mortgage agreement, insurance contract, or any other contract or agreement governing and limiting the use of the proposed Short-Term Rental Unit.~~

~~(7) Reserved.~~

~~(8) Reserved.~~

~~(b) *Short-Term Rental Unit Operating Permit Availability.*~~

~~(1) *Generally.* A Short-Term Rental Unit Operating Permit is available in any Residential or Non-Residential Districts upon meeting the criteria in this~~

~~Chapter. A Short-Term Rental Unit Operating Permit may be issued only to the Owner of the Short-Term Rental Unit.~~

~~(2) *Proof of Ownership.* Ownership shall be established by the deed for the property as recorded in the office of the Montgomery County, Tennessee, Register of Deeds.~~

~~(c) *Operating Permit Application Form.* The Department of Finance and Revenue shall develop and supply Short-Term Rental Unit Operating Permit application forms for use by applicants, which shall contain such questions and acknowledgements as are specified herein, to be answered and acknowledged by the applicant under oath and notarized.~~

~~(d) *Fees.* An administrative processing and inspection permit fee in the amount of one hundred fifty dollars (\$150.00) shall be paid to the Clarksville Department of Finance and Revenue at the time an application for a Short-Term Rental Unit Operating Permit is submitted. There shall be no proration of fees. Application fees shall be non-refundable.~~

~~(e) *Right of Entry of Fire Department and Building and Codes Department.* The submission of an application for a Short-Term Rental Unit Operating Permit shall constitute consent of the applicant to permit the Clarksville Fire Reseue Department and the Clarksville Department of Building and Codes to conduct inspections of the Short-Term Rental Unit, from time to time, between the hours of 8 a.m. and 5 p.m. or during the hours such Short-Term Rental Unit is being rented, to ensure the Short-Term Rental Unit is complying with the requirements of this Chapter, other city ordinances, and state/federal laws and regulations.~~

~~Section 5-305. Administrative Processing and Inspections; Issuance.~~

~~(a) Once the Short-Term Rental Unit Operating Permit application is considered complete by the Department of Finance and Revenue, to include the payment of any required fee(s), the original application shall be date-stamped and retained by the Department of Finance and Revenue. The Department of Finance and Revenue shall then forward a copy of the completed application to the Fire and Reseue Department and to the Building and Codes Department for further review and inspections.~~

~~(b) The Fire and Reseue Department shall conduct a fire and life safety inspection of the Short-Term Rental Unit within fifteen (15) calendar days of the date the application is aaccepted by the Department of Finance and Revenue to ensure that all required fire and life safety equipment is currently operable, and that the Short-Term Rental Unit is in compliance with all applicable fire codes, laws, and regulations. As part of the inspection, the Fire and Reseue Department shall determine the maximum occupancy of Transient Guests for the Short-Term Rental Unit. Upon completion of the fire and life safety inspection, the Fire and Reseue Department shall annotate on a form developed in coordination with the Building and Codes Department whether the Short-Term Rental Unit passed or failed the fire and life safety inspection, and if it failed, shall provide a short and plain summary of the reasons why the Short-Term Rental Unit failed the inspection, and shall cite to the applicable provision(s) of the fire codes, laws, or regulations at issue. In the event of failure of the fire and life safety inspection, an applicant may request a re-inspection, whereupon the applicant shall have ten (10) days from the date of the failed fire and life safety inspection to correct any deficiencies and pass a re-inspection. An applicant shall only be permitted one~~

~~opportunity for a fire and life safety re-inspection.~~

- ~~(c) The Department of Building and Codes shall conduct a building safety inspection of the Short-Term Rental Unit within fifteen (15) calendar days of the date the application is accepted by the Department of Finance and Revenue to ensure compliance with all applicable building, gas, electrical, and plumbing codes, laws, and regulations. Upon completion of the building safety inspection, the Department of Building and Codes shall annotate on the form developed in coordination with the Fire and Rescue Department, whether the Short-Term Rental Unit passed or failed the building safety inspection, and if it failed, shall provide a short and plain summary of the reasons why the Short-Term Rental Unit failed the building safety inspection and shall cite to the applicable provision(s) of the building safety codes, laws, or regulations at issue. In the event of failure of the building safety inspection, an applicant may request a re-inspection, whereupon the applicant shall have ten (10) days from the date of the failed building safety inspection to correct any deficiencies and pass a re-inspection. An applicant shall only be permitted one opportunity for a building safety re-inspection.~~
- ~~(d) Within fifteen (15) days of the date of successful completion of the fire and life safety inspection and the building safety inspection (whichever comes later), the Department of Building and Codes shall make a final determination whether the application should be approved or denied.~~
- ~~(e) If the Department of Building and Codes determines that the application or the Short-Term Rental Unit does not conform to the requirements of this Chapter, or to other applicable laws or regulations, the application for a Short-Term Rental Unit Operating Permit shall be denied. Within five (5) days of any decision denying an application for an Operating Permit, the Department of Finance and Revenue shall inform the applicant of the denial in writing and shall explain the reason(s) for the denial in writing.~~
- ~~(f) Upon successful completion of all required inspections and payment of the necessary fee(s), if the Department of Building and Codes is satisfied that the application and the Short-Term Rental Unit conform to the requirements of this Chapter and to all other applicable laws and regulations, within five (5) days of approval of the Short-Term Rental Unit Operating Permit application by the Department of Building and Codes, the Department of Finance and Revenue shall inform the applicant of the approval in writing and shall issue a Short-Term Rental Unit Operating Permit to the applicant using a permit form developed by the Department of Finance and Revenue in coordination with the Fire and Rescue Department and the Department of Building and Codes. The Operating Permit shall specify the maximum occupancy of Transient Guests permitted within the Short-Term Rental Unit.~~
- ~~(g) All permits, whether an original permit or a renewal permit, shall pertain only to one single Short-Term Rental Unit as defined herein, and shall be separately numbered, and the Department of Finance and Revenue shall keep a duplicate of each original permit issued.~~
- ~~(h) Once issued, the Short-Term Rental Operating Permit shall be valid for one (1) calendar year from the date of issuance, unless the Short-Term Rental Unit Operating Permit is suspended or revoked pursuant to this Chapter, or otherwise terminated by operation of, or in accordance with, law.~~

~~Section 5-306. Short-Term Rental Unit Operating Permit Renewals.~~

~~Unless suspended or revoked for a violation of any provision of this Chapter or other applicable law or regulation, a Short-Term Rental Unit Operating Permit may be renewed annually, provided that an applicant submits a renewal application and processing fee of one-hundred twenty dollars (\$120.00) no later than thirty (30) calendar days before the Short-Term Rental Unit Operating Permit's expiration. An application for renewal of a Short-Term Rental Unit Operating Permit, which shall include an updated acknowledgement of rules signed by the Owner; an updated affidavit of life safety compliance signed by the Owner; any updated information regarding the Local Contact Person; any updated Owner information; an updated confirmation regarding private agreements signed by the Owner; an updated proof of insurance; and proof of payment of all taxes due, shall be made through the Department of Finance and Revenue. Upon receipt of an application for renewal, together with the renewal application fee, an inspection of the Short-Term Rental Unit, in accordance with the provisions of **Section 5-305** above, shall be made to ensure compliance with all fire safety and building safety requirements. After the Short-Term Rental Unit Operating Permit's expiration, the holder of the Short-Term Rental Unit Operating Permit forfeits the right to renew, and the Owner must reapply for a new Short-Term Rental Unit Operating Permit. A renewed Short-Term Rental Unit Operating Renewal Permit shall be valid for one (1) calendar year from the date of issuance.~~

~~Section 5-307. Prohibition Against Transfer.~~

- ~~(a) *Generally.* No person holding a Short-Term Rental Unit Operating Permit shall sell, lend, lease, or in any manner transfer the permit for value.~~
- ~~(b) *Permission.* The permission to operate a Short-Term Rental Unit under a Short-Term Rental Unit Operating Permit shall be personal and limited to the Owner to whom the City issued the permit. A Short-Term Rental Unit Operating Permit shall terminate immediately upon the transfer of the property covered by the permit, whether such transfer is by deed, by law, or otherwise.~~
- ~~(c) *Transfers Invalid.* Any unauthorized transfer or attempt to transfer a Short-Term Rental Unit Operating Permit shall automatically void such permit. Persons violating this provision, including both the transferor and transferee, may be subject to a citation and fine. Each unauthorized transfer or attempt to transfer of a Short-Term Rental Unit Operating Permit shall constitute a separate violation, and the penalty for such violation shall be fifty dollars (\$50.00) per day.~~

~~Section 5-308. No Vested Rights.~~

~~The provisions of this Chapter concerning Short-Term Rental Units are not a grant of vested rights to continue to operate any Short-Term Rental Unit indefinitely. Any Short-Term Rental Unit use, operation, and / or permits for Short-Term Rental Units are subject to the provisions of ordinances, resolutions, or other City measures, to include declarations of states of emergency, concerning Short-Term Rental Units that may be enacted or adopted at a later date, even though such ordinances, resolutions, or other city measures may change the terms, conditions, allowance, or duration for Short-Term Rental Unit use or operation, including but not limited to~~

~~those that may terminate some or all Short-Term Rental Unit uses or operations, with or without some period of amortization. While this recitation concerning vested rights is implicit in any uses permitted by the City, this explicit recitation is set forth to avoid any uncertainty or confusion. This Chapter is expressly declared to be enacted pursuant to general police powers, to include those pertaining to general health and welfare, building and fire safety, and is not to be construed as a zoning law.~~

~~Section 5-309. Compliance with Laws; Complaints; Remedies; and Permit Revocation.~~

- ~~(a) *Compliance with city, state, and federal Laws.* It shall be unlawful to operate a Short-Term Rental Unit that does not comply with all applicable city, state, and federal laws and regulations.~~
- ~~(b) *Operation without permit deemed public safety hazard.* Except as otherwise provided herein, any Short-Term Rental Unit operating or advertising for operation without a valid Short-Term Rental Unit Operating Permit shall be deemed a public safety hazard. The City may issue, and the Owner or the Local Contact Person may receive, a civil citation for operating or advertising for operation without a Short-Term Rental Unit Operating Permit. Such civil citations will be adjudicated in the Clarksville City Court.~~
- ~~(c) *Public nuisance.* It is unlawful and a violation of this Chapter and is hereby declared a public nuisance for any person to commit, cause, or maintain a violation of any provision or fail to comply with any of the requirements of this Chapter. The City may issue and the Owner, the occupants, or the Local Contact Person may receive a civil citation for any violation of this Chapter or any other City ordinance by the Owner, the Local Contact Person, or the occupants of the Short-Term Rental Unit. Such civil citations will be adjudicated in the Clarksville City Court.~~
- ~~(d) *Complaints.* If a complaint is filed with the City of Clarksville alleging that the Owner has violated the provisions of this Chapter or any other applicable City ordinance or State law, a Code Official shall provide written notification of the complaint by registered mail to the Owner at the Owner's address listed on the application, and the Code Official shall investigate the complaint and inspect the property being used as a Short-Term Rental. Within twenty (20) days of the date that the notification was sent to the Owner, the Owner may respond to the complaint, present evidence, and respond to evidence produced by the investigation. If the Code Official finds the complaint to be supported by a preponderance of the evidence, the Code Official may suspend or revoke the Short-Term Rental Unit Operating Permit or take or cause to be taken other enforcement action as provided herein or elsewhere in the City Code. Any false complaint made against a Short-Term Rental Owner may be punishable as perjury under T.C.A. § 39-16-702, as may be amended from time to time.~~
- ~~(e) *Revocation or Suspension of Permit.* The Code Official may suspend or revoke a Short-Term Rental Unit Operating Permit if the Code Official discovers that (i) an applicant obtained the Short-Term Rental Unit Operating Permit by knowingly providing false information on the application; (ii) the continuation of the Short-Term Rental Unit presents a threat to public health or safety; or (iii) the Owner or Short-Term Rental Unit has violated any of the provisions of this Chapter or has violated any other City ordinance, State law, or Federal law related to the operation of the Short-Term Rental Unit.~~

- ~~(f) *Effect of Revocation.* Should the Short-Term Rental Unit Operating Permit be revoked, in addition to any other penalty, there shall be a one-year waiting period from the date of revocation for the property to become eligible again for a Short-Term Rental Unit Operating Permit. Upon reapplication, the Owner must pay the full permit fee.~~
- ~~(g) *Appeal of Suspension or Revocation.* If a Short-Term Rental Unit Operating Permit is suspended or revoked, the Code Official shall state the specific reason(s) for the suspension or revocation. Any Owner whose Short-Term Rental Unit Operating Permit has been suspended or revoked may appeal such suspension or revocation by submitting a written request to the Department of Building and Codes for a hearing before the Board of Adjustments and Appeals within twenty (20) calendar days of receiving the notice of suspension or revocation. A hearing date will be set within twenty (20) calendar days of the filing of an appeal. All hearings before the Board of Adjustments and Appeals shall be open to the public. The appellant, the appellant's representative, the Code Official or his/her designee, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than a majority of full membership of the Board of Adjustments and Appeals. The Board of Adjustments and Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made. The decision of the Board of Adjustments and Appeals shall be the final administrative decision and shall be subject only to judicial review in the Circuit or Chancery Court pursuant to state law of general application. In addition to any other penalty imposed, if the decision of the Board of Adjustments and Appeals to revoke a Short-Term Rental Unit Operating Permit is upheld, the Owner shall not be eligible to reapply for a new Short-Term Rental Unit Operating Permit for the premises for a period of one (1) year. Upon reapplication, the Owner shall be required to pay the full Short-Term Rental Unit Operating Permit application fee. During the pendency of any appeal to the Board of Adjustments and Appeals or to any Court as provided herein, the revocation or suspension decision of the Code Official or of the Board, respectively, shall remain in effect.~~
- ~~(h) *Emergency Suspension.* Notwithstanding any other provision of this Chapter, the chief of police, the fire chief, or the Code Official, or their designee(s), may temporarily suspend a Short-Term Rental Unit Operating Permit and order a temporary cessation of Short-Term Rental operations in a situation involving an immediate danger to public health, safety, or welfare, or to investigate criminal activity that has allegedly occurred on the premises. The chief of police, the fire chief, or the Code Official, or their designee(s), shall give immediate written notice of the temporary suspension/cessation order to the Owner if present at the premises, or to the Local Contact Person or to any occupant, who shall be required to immediately comply with the order. Thereafter, within a reasonable time, using the most efficacious means possible, the chief of police, the fire chief, or the Code Official, or their designee(s), shall give written notice of the temporary suspension/cessation order to the permit holder, if not previously served, along with a brief statement of the facts and reasons for the decision to suspend the Short-Term Rental Unit Operating Permit and to terminate the operation of the Short-Term Rental Unit. Such notice shall state that the matter of the temporary suspension/cessation will be heard by the Board of Adjustments and Appeals at the first regularly scheduled board meeting thereafter, or at a special called board meeting, either of which to be held not later than five (5) calendar days from the date of issuance of~~

~~the temporary suspension/cessation order, unless the Owner shall request in writing additional time, not to exceed ten (10) days, said request to be filed with the board, during which time the temporary suspension/cessation shall continue. The temporary suspension and order of cessation shall be effective when issued by the chief of police, the fire chief, or the Code Official, or their designee(s), and shall remain in effect until the Board of Adjustments and Appeals reviews the facts, circumstances, and reasons for the temporary suspension and makes a determination whether there is just cause for the suspension to continue, but in no event shall the temporary suspension and cessation order continue beyond ten (10) calendar days without a hearing thereon by the Board of Adjustments and Appeals. At the public hearing, the board may, after a finding of just cause as provided herein, suspend the Operating Permit for a definite time period or may revoke the Operating Permit. If no finding of just cause is established, the board may immediately rescind the temporary suspension, lift the cessation order, and reinstate the Operating Permit.~~

~~Section 5-310. City Shall Have No Obligation to Enforce Private Rights or Agreements; No Third Party Beneficiaries.~~

~~The City of Clarksville shall not have any duty or obligation or be responsible for making a determination regarding whether the issuance of a Short-Term Rental Unit Operating Permit or the use of a dwelling as a Short-Term Rental Unit is permitted under any private agreement(s) or any covenants, conditions, and restrictions, or private codes, or under any of the regulations or rules of a homeowners' association or maintenance organization, condominium agreement, mortgage agreement, insurance contract, or any other contract or agreement that may be applicable governing and limiting the use of the Short-Term Rental Unit, and the City shall have no enforcement obligations in connection with such private agreements or covenants, conditions and restrictions or such regulations or rules. The provisions of this chapter, nor the approval of or issuance of any Short-Term Rental Unit Operating Permit shall not be construed to confer any third-party beneficiary status upon any person, business entity, organization or association as against the City of Clarksville.~~

~~Section 5-311. Operational Requirements.~~

- ~~(a) *Safety Standards.* Notwithstanding any code provision to the contrary, during each Short-term Rental Unit Occupancy, each Short-term Rental Unit shall have, at minimum, the following life safety equipment on the premises and installed to manufacturer specifications: (i) a smoke alarm meeting Underwriters Laboratory (UL) 217 standards inside each sleeping room, outside of and within fifteen (15) feet of sleeping rooms, and on each story of the dwelling unit, including basements; (ii) a carbon monoxide detector within fifteen (15) feet of all bedrooms; and (iii) and a fire extinguisher. Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button and the fire extinguisher must be operational. It shall be unlawful to operate a Short-term Rental Unit without a smoke alarm, carbon monoxide detector, or fire extinguisher as required by this Chapter.~~
- ~~(b) *Taxes.* All Short-Term Rental Unit Owners shall be responsible to pay all applicable taxes, including, but not limited to, real and personal property taxes, the hotel/motel tax, sales taxes, gross receipts taxes, and any employment and income taxes, as may be levied or assessed by the City, Montgomery County, the State of Tennessee, or the United States of America.~~

- ~~(c) *Advertising.* It shall be unlawful to advertise any Short-Term Rental Unit without the Operating Permit number clearly displayed on the advertisement. For the purposes of this Chapter, the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a Short-Term Rental Unit in any forum, whether electronic or non-electronic, in any media or medium, in order to promote the availability of the Short-Term Rental Unit.~~
- ~~(d) *Maximum Occupancy.* The maximum occupancy of any Short-Term Rental Unit by Transient Guests shall not exceed the maximum occupancy limits as prescribed by the Operating Permit. Simultaneous rental to more than one party under separate contracts shall be prohibited.~~
- ~~(e) *Age Requirement.* The principal renter (Transient Guest) of a Short-Term Rental Unit shall be at least eighteen (18) years of age.~~
- ~~(f) *Use of Short-Term Rental Unit.* No Transient Guest may use a Short-Term Rental Unit for on-site business or commercial purposes during any rental period.~~
- ~~(g) *Parking.* Each Short-Term Rental Unit shall provide at least one parking space per bedroom offered for rent.~~
- ~~(h) Reserved.~~
- ~~(i) Reserved.~~
- ~~(j) *Food Service.* No food shall be prepared for, or served to, the Transient Guest(s) by the Owner for any consideration.~~
- ~~(k) *Contact Information Shall Be Posted.* The name and telephone number of the Local Contact Person(s) shall be conspicuously posted within the Short-Term Rental Unit.~~
- ~~(l) *Compliance with Clarksville City Code.* The Owner shall ensure that the use of the Short-Term Rental Unit complies with all applicable noise, nuisance, parking, trash, and property maintenance code, ordinances, regulations, and all other provisions of the City Code. A prohibition against making loud noise in such a manner as to disturb the quiet, comfort or repose of neighboring property owners shall be included in the Short-Term Rental Unit rules and contained in the Short-Term Rental Unit lease agreement.~~

Section 5-312. Effect of Chapter During Declared State of Emergency.

~~The provisions of this Chapter, in whole or in part, may be suspended during the pendency of any lawfully declared state of emergency issued by the President of the United States of America, the Governor of the State of Tennessee, or by the Mayor of the City of Clarksville, which may include, but is not limited to, a temporary prohibition on the rental of a Short-Term Rental Unit by an Owner who possesses an otherwise legally valid Short-Term Rental Unit Operating Permit, or on the use or occupation of same by any Transient Guest as defined herein, to the extent permitted or not otherwise prohibited by federal or state law of general application.~~

~~Section 5-313. Severability.~~

~~— If any section, paragraph, sentence, phrase, term, or word of this Chapter for any reason be declared unlawful, invalid, unenforceable, or void, by a court or other administrative tribunal of competent jurisdiction, then the remainder of this chapter shall remain in full force and effect.~~

FIRST READING: February 4, 2021

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 64-2020-21

AN ORDINANCE AMENDING THE OFFICIAL CODE DESIGNATING JUNETEENTH AND EMANCIPATION DAY AS CITY HOLIDAYS

WHEREAS, Juneteenth is a holiday celebrated on the 19th of June to commemorate the emancipation of enslaved people in the United States; and

WHEREAS, on June 19, 1865, Major General Gordon Granger of the Union Army landed in Galveston, Texas and informed enslaved people that the Civil War had ended and slavery had been abolished; and

WHEREAS, it was also on that date in 1865, in the aftermath of the Civil War, enslaved people were declared free under the terms of the 1862 Emancipation Proclamation; and

WHEREAS, Juneteenth is also known as Freedom Day or Emancipation Day.

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

That the Official Code of the City of Clarksville, Tennessee, Title 1.5, "Human Resources," Chapter 15, "Miscellaneous," Section 1.5-1501, "Holidays," is hereby amended by adding the following language and renumbering the subsequent holidays:

June 19: Juneteenth
August 8: Emancipation Day

| | |
|------------------------|------------------------------------|
| <i>FIRST READING:</i> | February 4, 2021 |
| <i>SECOND READING:</i> | <i>Scheduled for March 4, 2021</i> |
| <i>EFFECTIVE DATE:</i> | |

ORDINANCE 65-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARK A. DAVIS, SHANNON OR WILLIAM WILFORD-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF OLD TRENTON ROAD AND WILMA RUDOLPH BOULEVARD

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 M-2 General Industrial District, as C-2 General Commercial District.

PUBLIC HEARING: February 4, 2021
FIRST READING: February 4, 2021
SECOND READING: *Scheduled for March 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing concrete monument lying in the southeast right of way margin of Wilma Rudolph Blvd., said existing concrete monument is also the northeast corner of the Moore Construction property, recorded in ORBV 203, Page 807, ROMCT; thence continuing along said right of way margin North 42 degrees 1 minutes 38 seconds East 100 feet to a P.K. nail found in the asphalt; thence leaving said right of way margin of Wilma Rudolph Blvd., along a property line established by Young Surveying in May of 1998 between John Harrison and Everett Smith, dated 5/29/98, South 43 degrees, 47 minutes, 22 seconds East 398 feet to a set iron pin; thence South 42 degrees, 29 minutes, 38 seconds West 107.08 feet to a set iron pin; thence North 42 degrees 46 minutes, 01 seconds West 398 feet to an existing concrete monument, said monument being the point of beginning and containing 0.94 acres more or less.

ORDINANCE 66-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RICHARD COLLINS, RICHARD GARRETT-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF COLUMBIA STREET AND BATTS LANE

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 RM-1 Single Family Mobile Home Residential District, as R-4 Multiple Family Residential District.

PUBLIC HEARING: February 4, 2021
FIRST READING: February 4, 2021
SECOND READING: *Scheduled for March 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being in the west right of way margin of Columbia Street, said point being 36 +/- feet southwest of the centerline of the Columbia St. & Norris Dr. intersection, thence in a southerly direction 334 +/- feet with the western right of way margin of Columbia St. to a point, said point being the northeast corner of the Melissa Young property, thence in a westerly direction 289 +/- feet with the northern property boundary of the Melissa Young property to a point, said point being in the eastern property boundary of the Richard Collins property, thence in a northerly direction 176 +/- feet with the eastern boundary of the Richard Collins property to a point, said point being in the southern Richard D. & Stacy Collins property, thence in a easterly direction 124 +/- feet to a point, said point being the southeast corner of the Richard D. & Stacy Collins property, thence in a northerly direction 177 +/- feet with the eastern property boundary of the Richard D. & Stacy Collins property to a point, said point being the southwest corner of the Richard D. Collins property, thence in a easterly direction 150 +/- feet with the southern boundary of the Richard D. Collins property to the point of beginning, said herein described tract containing 1.74 +/- acres.

ORDINANCE 67-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CHARLES NICHOLS, CREDIT SHELTER TRUST, JAMES MAYNARD-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED IN THE SOUTHEAST CORNER OF TOBACCO ROAD AND NUSSBAUMER 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 C-1 Neighborhood Commercial District, R-1 Single Family Residential District, and AG Agricultural District, as R-1A Single Family Residential District.

PUBLIC HEARING: February 4, 2021
FIRST READING: February 4, 2021
SECOND READING: Scheduled for March 4, 2021
EFFECTIVE DATE:

EXHIBIT A

Commencing at a point in the east margin of Tobacco Road and south margin of Nussbaumer Road, said point being located 30.2' from the centerline intersection of said roads; Thence S 83 degrees 07 minutes 15 seconds E for a distance of 1303.46 feet to a point. Thence S 88 degrees 52 minutes 36 seconds E a distance of 88.48 feet to a point; Thence S 81 degrees 37 minutes 55 seconds E for a distance of 322.57 feet to a point. Thence S 05 degrees 13 minutes 45 seconds W for a distance of 611.37 feet to a point. Thence S 76 degrees 09 minutes 02 seconds E for a distance of 449.07 feet to a point. Thence S 08 degrees 19 minutes 04 seconds W for a distance of 987.88 feet to a point. Thence N 33 degrees 19 minutes 04 seconds W for a distance of 503.98 feet to a point. Thence on a curve turning to the left through an angle of 34 degrees 43 minutes 52 seconds, having a radius of 1425.00 feet, and whose long chord bears N 50 degrees 41 minutes 01 seconds W for a distance of 850.63 feet. Thence N 68 degrees 02 minutes 57 seconds W for a distance of 973.36 feet to a point. Thence S 77 degrees 17 minutes 52 seconds W for a distance of 197.34 feet to a point. Thence N 68 degrees 02 minutes 57 seconds W for a distance of 251.94 feet to a point. Thence N 35 degrees 07 minutes 27 seconds E for a distance of 124.62 feet to a point. Thence on a curve turning to the left through an angle of 10 degrees 58 minutes 43 seconds, having a radius of 500.00 feet, and whose long chord bears N 29 degrees 38 minutes 05 seconds E for a distance of 95.66 feet. Thence N 24 degrees 08 minutes 44 seconds E for a distance of 162.17 feet to a point. Thence on a curve turning to the right through an angle of 07 degrees 26 minutes 44 seconds, having a radius of 881.05 feet, and whose long chord bears N 27 degrees 52 minutes 06 seconds E for a distance of 114.41 feet. Thence N 32 degrees 20 minutes 36 seconds E for a distance of 17.33 feet to a point. Thence on a curve turning to the right through an angle of 18 degrees 57 minutes 18 seconds, having a radius of 147.88 feet, and whose long chord bears N 41 degrees 49 minutes 15 seconds E for a distance of 48.70 feet. Thence N 48 degrees 48 minutes 51 seconds E for a distance of 58.81 feet to a point. Thence S 83 degrees 07 minutes 15 seconds E for a distance of 1303.46 feet to a point. Thence S 88 degrees 52 minutes 36 seconds E for a distance of 88.48 feet to the point of beginning. Said property contains 40.29 acres, more or less.

ORDINANCE 68-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF GUERRIER DEVELOPMENT FOR ZONE CHANGE ON PROPERTY LOCATED AT THE CORNER OF BLACKMAN STREET, CHARLOTTE STREET, AND LAWN 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: February 4, 2021
FIRST READING: February 4, 2021
SECOND READING: *Scheduled for March 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point lying in the west right of way of Charlotte St., said point being the east corner of the Hopkins property, said point lying South 77 degrees 28 minutes 58 seconds East for 29.43 feet from the centerline of the Lawn St. and Charlotte St; thence along the north margin of Lawn St., South 46 degrees 50 minutes 05 seconds West for 97.36 feet to a point, said point being the northeast corner of the Ruben Martinez property as recorded in ORV 1891, Page 2749 ROMCT; thence leaving Lawn St. along the Martinez north property line, North 72 degrees 30 minutes 10 seconds West for 103.50 feet to a point, being the southeast corner of the Acquisition Properties, LLC as recorded on ORV1883, Page 440 ROMCT; Thence along Acquisition east property line, North 14 degrees 08 minutes 10 seconds East for 101.77 feet to a point, said point lying in the south margin of Blackman St; thence leaving Acquisition property along Blackman St. south margin line, South 81 degrees 21 minutes 18 seconds East for 98.71 feet to a point, being in the north corner of herein described tract; thence along the south margin of Charlotte St., South 44 degrees 20 minutes 59 seconds East for 67.63 feet to the point of beginning, said tract containing 0.33 +/- acres

ORDINANCE 69-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF LALANA LEE AND GORDON LEE, MARK HOLLEMAN-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT 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: February 4, 2021
FIRST READING: February 4, 2021
SECOND READING: *Scheduled for March 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at point lying in the north right of way of Paradise Hill Road, said point being the southwest corner of Beth Seay property as recorded in ORV 165, Page 481 ROMCT, said point lying North 69 degrees 28 minutes 37 seconds West for 176.69 feet from the centerline intersection of Highland Circle and Paradise Hill Rd; Thence along the north margin of Paradise Hill, North 75 degrees 59 minutes 25 seconds West for 77.80 feet to a point; Thence continuing along north right of way, North 68 degrees 43 minutes 27 seconds West for 40.17 feet to a point, said point being the southeast corner of the Mark Holleman property as recorded in ORV 1734 Page 2589 ROMCT, also being the southwest corner of herein described tract; Thence leaving Paradise Hill, along Holleman east property line, North 14 degrees 48 minutes 18 seconds East for 230.00 feet to a point, being the southwest corner of the John Hampel as recorded on ORV1516, Page 2189 ROMCT, also being the northwest corner of herein described tract; Thence along Hampel south property line, South 73 degrees 32 minutes 18 seconds East for 119.51 feet to a point, said point being the northwest corner of Charles Hughes property as recorded in ORV 2026, Page 436 ROMCT, also being the northeast corner of herein described tract; Thence along Hughes west property line, South 15 degrees 14 minutes 26 seconds West for 230.00 feet to the point of beginning. Said tract contains 0.63 acres (37,475 sqft) more or less.

ORDINANCE 70-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF FRANK BRYANT, ALBATROSS PARTNERS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF COLONIAL COURT AND GOLF CLUB LANE

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 and C-5 Highway & Arterial Commercial District, as R-4 Multiple Family Residential District.

PUBLIC HEARING: February 4, 2021
FIRST READING: February 4, 2021
SECOND READING: Scheduled for March 4, 2021
EFFECTIVE DATE:

EXHIBIT A

Beginning a point, said point being the southwestern corner of the Laurence Mcmillan Properties as recorded in Vol. 1361, page 2717 ROMCT, said point being N 67° 08' W for a distance of 121 feet from the centerline intersection of Roberts S. Brown Dr. and Golf Club Lane, said point being the northern right of way of said Golf Club Lane, said also being the southeastern corner of the herein described parcel; Thence, with said Golf Club Lane right of way along a curve, said curve turning to the right, having a radius of 291.37 feet, and whose long chord bears N 61° 23' 03" W for a distance of 64.18 feet to a point; Thence, N 51° 46' 14" W for a distance of 142.60 feet to a point on a line, said point being the south east corner of the Frank Bryant property as described in ORV 249, page 9, said point also being the south west corner of the herein described parcel; Thence, with said Frank Bryant property for the next two (2) calls, N 28° 05' 01" E for a distance of 184.88 feet to a point on a line; Thence, N 51° 47' 28" W for a distance of 68.92 feet to a point on a line, said point being the eastern right of way of Colonial Court; Thence, leaving said Frank Bryant property and along said Colonial Court right of way, N 26° 53' 43" E for a distance of 285.59 feet to a point on a line, said point being the eastern property line of the Edward Honeycutt property as described in ORV 1561, page 179; Thence, along said Edward Honeycutt property N 25° 31' 16" E for a distance of 165.32 feet to a point on a line, said point being the southern property line of the said Frank Bryant property; Thence, leaving said Edward Honeycutt property and along said Frank Bryant property, S 74° 02' 43" E for a distance of 154.60 feet to a point on a line, said point being the western property line of said Laurence Mcmillan property, said point also being the north east corner of the herein described parcel; Thence, along said Laurence Mcmillan property, S 17° 17' 26" W for a distance of 718.59 feet to the point of beginning, said parcel containing 128,707 Square Feet or 2.95 Acres, more or less.

ORDINANCE 71-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF LUKE BAGGETT AND BOBBY WALL, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF DANIEL STREET AND CENTRAL AVENUE

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: February 4, 2021
FIRST READING: February 4, 2021
SECOND READING: *Scheduled for March 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 174 +/- feet from the centerline of the Daniel St. and Central Ave. intersection to a point, said point being the northwest corner of the Bobby D. Wall property, said point also being in the eastern right of way margin of Central Ave., thence in a northerly direction 101 +/- feet to a point, said point being the southwest corner of the Hulene Holt property, thence in a easterly direction 185 +/- feet with the southern boundary of the Hulene Holt property to a point, said point being the western margin of an unimproved unnamed alley, thence in a southerly direction 100 +/- feet with the western margin of an unimproved unnamed alley to point, said point being the the northeast corner of the Tina R. Marcum property, thence in a westerly direction 186 +/- feet with the northern property boundary of the Tina R. Marcum property and others to the point of beginning, said herein described tract containing 0.41 +/- acre

RESOLUTION 48-2020-21

A RESOLUTION APPROVING APPOINTMENTS TO THE BEER BOARD

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

That the Clarksville City Council hereby approves the following appointments:

Beer Board: John Hunt - April 2021 through March 2023

ADOPTED:



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
FEBRUARY 3, 2021

MINUTES**

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Wednesday, February 3, 2021, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson Wanda Smith; the Pledge of Allegiance was led by Councilperson Stacey Streetman.

This meeting was conducted in person.

ATTENDANCE

PRESENT: Richard Garrett, Mayor Pro Tem (Ward 1), Vondell Richmond (Ward 2), DaJuan Little (Ward 3), Wallace Redd (Ward 4), Jason Knight (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), Wanda Allen (Ward 8), Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

NON-PUBLIC MEETING

Deputy City Attorney Jeff Goodson met with the Mayor and all members of the City Council in a Non-Public Attorney-Client meeting relating to pending controversy surrounding proposed disciplinary action against City Attorney Lance Baker [RESOLUTION 51-2020-21]. The non-public meeting began at 4:34 p.m.; the public meeting was reconvened at 6:52 p.m.

ADJOURNMENT

The meeting was adjourned at 6:53 p.m.



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
FEBRUARY 4, 2021**

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Stacey Turner asked for support of the legislation regarding purchase of the Roxy Theater property and the operation lease for the Roxy to manage the proposed performing arts center. Carissa Swanson asked for consideration of other non-profit organizations being offered the same opportunity with regard to the lease of the PAC.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, February 4, 2021, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson Wallace Redd; the Pledge of Allegiance was led by Councilperson Travis Holleman.

This meeting was conducted in person, via Google Meets, and live streamed on cityofclarksville.com

ATTENDANCE

IN PERSON: Richard Garrett, Mayor Pro Tem (Ward 1), Vondell Richmond (Ward 2), DaJuan Little (Ward 3), Wallace Redd (Ward 4), Jason Knight (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), Wanda Allen (Ward 8), Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

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.”

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

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to approve the electronic meeting unanimously passed.

PLANNING COMMISSION PUBLIC HEARING

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

ORDINANCE 65-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mark A. Davis, Shannon or William Wilford-Agent, for zone change on property located at the intersection of Old Trenton Road and Wilma Rudolph Boulevard from M-2 General Industrial District to C-2 General Commercial District

No requests were submitted to speak for or against this request.

ORDINANCE 66-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Richard Collins, Richard Garrett-Agent, for zone change on property located at the intersection of Columbia Street and Batts Lane from RM-1 Single Family Mobile Home Residential District to R-4 Multiple Family Residential District

No requests were submitted to speak for or against this request.

ORDINANCE 67-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Charles Nichols Credit Shelter Trust, James Maynard-Agent, for zone change on property located in the southeast corner of Tobacco Road and Nussbaumer Road from C-1 Neighborhood Commercial District, R-1 Single Family Residential District, and AG Agricultural District to R-1A Single Family Residential District

Jim Maynard offered to answer questions (no questions were asked). No one requested to speak against this request.

ORDINANCE 68-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Guerrier Development for zone change on property located at the corner of Blackman Street, Charlotte Street, and Lawn Street from R-3 Three Family Residential District to R-6 Single Family Residential District

No requests were submitted to speak for or against this request. Councilperson Redd stated his intent to abstain from voting because he owns property adjacent to this property.

ORDINANCE 69-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Lalana Lee and Gordon Lee, Mark Holleman-Agent, for zone change on property located at the intersection of Paradise Hill Road and Highland Circle from R-1 Single Family Residential District to R-6 Single Family Residential District

No requests were submitted to speak for or against this request. Councilperson Holleman stated his intent to abstain from voting because of his family relationship with the agent.

ORDINANCE 70-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Frank Bryant, Albatross Partners-Agent, for zone change on property located the intersection of Colonial Court and Golf Club Lane from R-3 Three Family Residential District and C-5 Highway and Arterial Commercial District to R-4 Multiple Family Residential District

James Miller said multi-family would be the best use for this downtown area property.

No requests were submitted to speak against this request.

ORDINANCE 71-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Luke Baggett and Bobby Wall, Syd Hedrick-Agent, for zone change on property located at the intersection of Daniel Street and Central Avenue from R-3 Three Family Residential District to R-6 Single Family Residential District

Syd Hedrick said this area was mainly single family and asked for support to change the zoning R-6.

No requests were submitted to speak against this request.

ORDINANCE 52-2020-21 (Second 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 from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District

Second reading for this ordinance was postponed during the January 7, 2021 regular session.

ORDINANCE 61-2020-21 (First Reading) Amending the Zoning Ordinance pertaining to bulk regulations, building setbacks, minimum frontage requirements, and other minor updates

The public hearing for this change was conducted and first reading was postponed during the January 7, 2021 regular session.

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

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 65-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 66-2020-21**. Councilperson Knight made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Reynolds. The following vote was recorded:

AYE: Allen, Butler, Evans, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

ABSTAIN: Garrett

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 67-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, 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 68-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Evans. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Reynolds, Richmond, Smith, Streetman

ABSTAIN: Redd

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 69-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Evans. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

ABSTAIN: Holleman

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 70-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 71-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first ending. The motion was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

Second reading on **ORDINANCE 52-2020-21** was postponed during the January 7, 2021 regular session. Councilperson Garrett made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith

NAY: Streetman

The motion to adopt this ordinance on second reading passed.

First Reading on **ORDINANCE 61-2020-21** was postponed during the January 7, 2021 regular session. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

ETHICS COMMISSION NOMINEES

Bishop Anthony Alfred said balance is needed on agencies and said he can offer military experience.

Attorney Suzanne Marsh said she has been a Clarksville resident for 28 years after graduating from Austin Peay State University. She said it was her civic duty to serve and had no reason for not being neutral.

Attorney Mark Rasass noted he served on the Charter Revisions Commission several years ago and will approach issues neutrally. He noted he had been compensated for a legal opinion recently as requested by the City Attorney's office.

CONSENT AGENDA

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 55-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reda Home Builders, Inc., Reda Home Builders, Inc. - 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-4 Multiple Family Residential District
2. **ORDINANCE 56-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eagles Bluff Partnership for zone change on property located east of Whitfield Road and South of Tracy Lane from R-1 Single Family Residential District to R-4 Multiple Family Residential District
3. **ORDINANCE 57-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jeff Robinson, Cody Dahl-Agent, for zone change on property located south of McClure Street, west of N. 2nd Street, East of N. 1st Street, and north of Bogard Lane from R-4 Multiple Family Residential District, O-1 Office District, and H-1 Overlay to CBD Central Business District, H-1 Overlay Central Business District

4. **ORDINANCE 58-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of S L Endeavors (Micha Stair, Luke Stair) for zone change on property located on the south frontage of Caldwell Lane and the east frontage of Robert Street from R-2 Single Family Residential District to R-6 Single Family Residential District

5. **ORDINANCE 59-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of MSI Homes, Shawn Berner-Agent, for zone change on property located at the intersection of Monroe Street and Edmondson Ferry Road from R-2 Single Family Residential District to R-3 Three Family Residential District

6. **ORDINANCE 60-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of L. C. Simpson, et al, Norma S. Jones, Greenspace Partners-Agent, for zone change on property located at the intersection of Old Russellville Pike and Fantasy Lane and at the intersection of Old Russellville Pike and Candlewood Drive from M-2 General Industrial District and R-1 Single Family Residential District to R-1 Single Family Residential District, R-5 Residential District, and R-6 Single Family Residential District *[Removed; see New Business]*

7. **RESOLUTION 48-2020-21** Approving appointments to the Airport Liaison Committee, Audit Committee, Designations Committee, Economic & Community Development Board, Economic Development Council, Ethics Commission, Power Board, Public Building Authority, and Tree Board *[Removed; see New Business]*

- *Airport Liaison Committee: Trisha Butler, DaJuan Little - Coterminous*
- *Audit Committee: Karen Reynolds - Coterminous*
- *Designations Committee: Wanda Allen, Vondell Richmond, DaJuan Little - Coterminous*
- *Economic & Community Development Board: Jason Knight - Coterminous*
- *Economic Development Council: Wallace Redd - February 2021 through June 2021*
- *Ethics Commission: Anthony Alfred, Suzanne Marsh - February 2021 through June 22; Mark Rassas - February 2021 through June 2021*
- *Power Board: Travis Holleman - February 2021 through June 2021; Ron Jackson- July 2020 through June 2023; Garnett Ladd - February 2021 through June 2022*
- *Public Building Authority: Tom Creech - February 2020 through December 2023; Len Stoltz - January 2020 through December 2025; Richard Swift - January 2018 through December 2023*
- *Tree Board: Ashlee Evans - Coterminous*

8. Adoption of Minutes: January 5, January 7, January 14, January 25

Councilperson Reynolds requested separate consideration of **ORDINANCE 60-2021**; Councilperson Garrett requested separate consideration of **RESOLUTION 48-2020-21**. Councilperson Holleman made a motion to adopt the Consent Agenda with the exception of **ORDINANCE 60-2020-21** and **RESOLUTION 48-2020-21**. The motion was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt the Consent Agenda as amended unanimously passed.

FINANCE COMMITTEE *Chairperson Stacey Streetman*

ORDINANCE 54-2020-21 (Second Reading; Postponed January 7) Authorizing a contract for purchase of Roxy Regional Theater property

Councilperson Allen asked that this ordinance be tabled and addressed during the New Business section of the agenda. Councilpersons Knight, Streetman, Redd, and Holleman objected. Councilperson Garrett made a motion to table this ordinance to the New Business section of the agenda. The motion was seconded by Councilperson Allen. The following vote was recorded:

AYE: Allen, Butler, Garrett, Little, Richmond, Smith

NAY: Evans, Holleman, Knight, Pitts, Redd, Reynolds, Streetman

The motion to table failed. Councilperson Streetman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Evans.

Councilperson Streetman stated her employer, F & M Bank, was a lien holder on this property and that her employment is not affected by the loan. She said she received many public comments in support of this purchase and felt it would be a significant revenue generator for the downtown area.

Councilperson Reynolds thanked her constituents for their expression of support of this purchase and said she had confidence in the City's management of the project.

Councilperson Knight also stated citizens in his ward voiced support for this purchase and said this was an opportunity for the City to retain a piece of local history.

Councilperson Holleman said many citizens in his ward also expressed support for this purchase and said the proposed performing arts center would create jobs and last for generations. He said this project would be part of the positive change of the dynamics of Downtown.

Councilperson Evans felt government should play a role in preserving local fine arts and culture.

Councilperson Butler thanked citizens for their comments and said she would vote on behalf of the residents of Ward 12.

Councilperson Allen also expressed support for this purchase and encouraged the City to work with the Roxy to provide what the residents want.

Councilperson Smith thanked the public for input and said she supports a downtown conference center.

In response to Councilperson Richmond's question, City Attorney Lance Baker said passage of this ordinance will allow the City to close on the property and any amendments to the lease would require agreement by the other party [Roxy].

Councilperson Little thanked the community for reaching out regarding this purchase and said he also supports this investment in the community.

Councilperson Garrett and Councilperson Smith said the Roxy lease should benefit all parties involved as well as the public.

Councilperson Redd said he does not support government ownership and operation of a performing arts center.

Councilperson Streetman called for the question. The question was seconded by Councilperson Redd. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to cease discussion unanimously passed. The following vote on the main motion was recorded:

AYE: Allen, Evans, Garrett, Holleman, Knight, Little, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Butler, Redd

The motion to adopt this ordinance on second reading passed.

Councilperson Streetman reported General Fund revenues for the first six months of the fiscal year were exceeding expenditures by \$6.5 million and said nearly 50% of budgeted revenues had been collected. She said Building & Codes continued to exceed budgeted projections with almost 60% of their entire revenue budget collected during the first six months. Sales tax collections were a strong indicator of a good economic environment along with a 13% increase in Local Option Sales Tax over the previous year.

GAS & WATER COMMITTEE *Chairperson Wallace Redd*

Councilperson Redd said future monthly committee meetings would be held at 4:00 p.m.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairperson Wanda Smith*

RESOLUTION 46-2020-21 Requesting an amendment to the Community Development Block Grant 2020-2024 Consolidated Plan for Coronavirus Aid, Relief, and Economic Security (CARES) Act funds

Councilperson Smith made a motion to postpone action on this resolution to the March 4, 2021 regular session. The motion was seconded by Councilperson Garrett. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to postpone unanimously passed.

RESOLUTION 47-2020-21 Requesting an amendment to the Citizen Participation Plan

Councilperson Smith made a motion to postpone action on this resolution to the March 4, 2021 regular session. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to postpone unanimously passed.

Councilperson Smith 2021-22 Community Development Block Grant applications would be open between February 9th and February 26 and noted \$1.2 million would be available to low to moderate income families or persons for activities and projects. She announced the non-profit pre-application workshop would take place on February 5th and February 8th.

PARKS & RECREATION COMMITTEE *Chairperson Vondell Richmond*

Councilperson Richmond announced the Fort Defiance recreation center, New Providence pool, and the main office would reopen on February 8th at 25% capacity. He reported floors at the Wilma Rudolph Event Center and Freedom Point had been refinished. Infield renovations were 75% complete on the second softball field at Heritage Park. The department had three employees who received groundskeeping certification for softball and baseball fields. Councilperson Richmond highlighted upcoming events including Clarksville Clue on the Greenway, Party Hearty, MLK Birthday Celebration in conjunction with Black History Month, and the Soul Food Sampler. He said the department completed 204 service requests.

PUBLIC SAFETY COMMITTEE *Chairperson Richard Garrett*

Councilperson Garrett shared the following monthly department statistics: Fire Rescue - 1,146 responses; Police - 10,633 responses; Building & Codes - 3,142 inspections, 74 enforcement cases, 23 abatement work orders, 166 single-family permits, 16 multi-family permits, 13 commercial permits.

STREETS-GARAGE-TRANSPORTATION COMMITTEE *Chairperson Wanda Smith*

Councilperson Smith shared the following monthly department statistics: Clarksville Transit System - 32,789 passengers including 5,627 senior citizens, 2,199 demand responses; Streets - 252 work orders; Garage - 336 work orders, 822 work hours, unleaded fuel \$1.77/gallon, diesel fuel \$1.93/gallon.

Councilperson Smith said the solar powered shelter on Wilma Rudolph Boulevard was complete. She said the Street Department was installing guard rails on Dunlop and International Park and said weather had delayed completion of the Meriwether-Trenton Road project.

RECESS

The City Council recessed at 8:30 p.m. and reconvened at 8:38 p.m.

NEW BUSINESS:

CODE OF ETHICS

ORDINANCE 62-2020-21 (First Reading) Amending the Official Code pertaining to the City Code of Ethics

Councilperson Allen made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Butler. Councilperson Redd made a motion to commit this ordinance to a committee, to be appointed by the Mayor, to recommend changes to the Ethics Code. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Holleman, Knight, Little, Pitts, Redd, Richmond, Streetman

NAY: Allen, Butler, Evans, Garrett, Reynolds, Smith

The motion to commit this ordinance to a committee passed.

SHORT TERM RENTALS

ORDINANCE 63-2020-21 (First Reading) Amending the Official Code relative to short term rentals

Councilperson Butler made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Allen.

Councilperson Reynolds made a motion to amend this ordinance as follows: Amend Sec. 5-304(a)(3) by changing the contact response time from 45 minutes to 2 hours, and to amend Sec. 5-311(g) by requiring one parking space per rental. The motion was seconded by Councilperson Butler. Councilperson Garrett made a motion to amend Councilperson Reynolds' motion by deleting Sec. 5-311(g) in its entirety and substituting instead "Reserved." The motion was seconded by Councilperson Redd. The following vote on Councilperson Garrett's motion was recorded:

AYE: Garrett, Holleman, Knight, Richmond

NAY: Allen, Butler, Evans, Little, Pitts, Redd, Reynolds, Smith, Streetman

Councilperson Garrett's amendment failed. The following vote on Councilperson Reynolds' motion was recorded:

AYE: Holleman, Knight, Pitts, Reynolds, Streetman

NAY: Allen, Butler, Evans, Garrett, Little, Redd, Richmond, Smith

Councilperson Reynolds' amendment failed.

Councilperson Knight made a motion to amend this ordinance as follows:

Amend Sec. 5-304(d) by changing the application fee from \$150 to \$75;

Amend Sec. 5-306 by changing the renewal fee from \$120 to \$70;

Amend Sec. 5-311(c) pertaining to advertising by deleting the subsection in its entirety and substituting instead "Reserved;"

Amend Sec. 5-311(j) pertaining to food service by deleting the subsection in its entirety and substituting instead "Reserved;"

Amend Sec. 5-311(k) pertaining to posting contact information by deleting the subsection in its entirety and substituting instead "Reserved." The motion was seconded by Councilperson Holleman.

Councilperson Knight made a motion to amend his amendment by changing the application fee, Sec. 5-304(d) from \$150 to \$100 and by changing the renewal fee (Sec. 5-306) from \$120 to \$75. The motion was seconded by Councilman Holleman. The following vote on Councilperson Knight's amendment to his amendment was recorded:

AYE: Holleman, Knight, Reynolds, Streetman

NAY: Allen, Butler, Evans, Garrett, Little, Pitts, Redd, Richmond, Smith

Councilperson Knight's amendment to his amendment failed. Councilperson Redd called for the question. The question was seconded by Councilperson Evans. The following vote was recorded:

AYE: Allen, Butler, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Evans

The motion to cease discussion on Councilperson Knight's motion passed. The following vote was recorded:

AYE: Holleman, Knight, Reynolds

NAY: Allen, Butler, Evans, Garrett, Little, Pitts, Redd, Richmond, Smith, Streetman

Councilperson Knight's amendment failed. Councilperson Redd called for the question. The question was seconded by Councilperson Streetman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to cease discussion unanimously passed. The following vote on the main motion was recorded:

AYE: Allen, Butler, Evans, Garrett, Little, Redd, Smith

NAY: Holleman, Knight, Pitts, Reynolds, Streetman

Councilperson Butler's motion, without amendments, passed.

JUNETEENTH HOLIDAY

ORDINANCE 64-2020-21 (First Reading) Amending the Official Code designating Juneteenth as a City holiday

Councilperson Allen made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Richmond.

Councilperson Knight made a motion to add August 8, Emancipation Day, as an observed day. The motion was seconded by Councilperson Richmond. Councilperson Smith made a motion to amend Councilperson Knight's amendment by adding August 8 as a city employee paid holiday. The motion was seconded by Councilperson Allen. Councilperson Redd objected to this additional paid holiday because of recent financial situations of private citizens during the COVID-19 Pandemic. Councilperson Reynolds expressed support for only Juneteenth being a paid holiday which was the same as Montgomery County. Councilperson Holleman said he did not support two additional paid holidays.

Councilperson Allen called for the question on Councilperson Smith's amendment to Councilperson Knight's amendment to the ordinance. The question was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to cease discussion on Councilperson Smith's amendment unanimously passed. The following vote on Councilperson Smith's amendment was recorded:

AYE: Allen, Evans, Garrett, Knight, Little, Richmond, Smith
NAY: Butler, Holleman, Pitts, Redd, Reynolds, Streetman

Councilperson Smith's amendment to designate August 8 as a city paid holiday passed. Councilperson Redd called for the question on Councilperson Knight's amendment as amended. The question was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to cease discussion on Councilperson Knight's amendment unanimously passed. The following vote on Councilperson Knight's amendment was recorded:

AYE: Allen, Evans, Garrett, Holleman, Knight, Little, Reynolds, Richmond, Smith

NAY: Butler, Pitts, Redd, Streetman

Councilperson Knight's amendment passed as amended. The following vote on the main motion as amended was recorded:

AYE: Allen, Butler, Evans, Holleman, Garrett, Knight, Little, Reynolds, Richmond, Smith

NAY: Pitts, Redd, Streetman

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

ROXY REGIONAL THEATER

ORDINANCE 72-2020-21 (First Reading) Amending the FY21 Operating and Capital Budget to delete funding for Roxy Regional Theater operating expenses

Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Richmond. Councilpersons Garrett and Richmond felt the process for obtaining city funding was not fair to other

non-profit organizations. Councilperson Streetman noted this funding was already appropriated in the current budget. Councilperson Knight made a motion to postpone action on this ordinance to the March regular session. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Holleman, Knight, Pitts, Redd

NAY: Allen, Butler, Evans, Garrett, Little, Reynolds, Richmond, Smith, Streetman

The motion to postpone failed. Councilperson Redd called for the question. The question was seconded by Councilperson Knight. The following vote was recorded:

AYE: Evans, Holleman, Knight, Pitts, Redd, Reynolds, Streetman

NAY: Allen, Butler, Garrett, Little, Richmond, Smith

The motion to cease discussion failed due to lack of $\frac{2}{3}$ majority. The following vote on the original motion was recorded:

AYE: Allen, Butler, Garrett, Little, Richmond, Smith

NAY: Evans, Holleman, Knight, Pitts, Redd, Reynolds, Streetman

The motion to adopt this ordinance on first reading failed.

RESOLUTION 49-2020-21 Repealing RESOLUTION 40-2020-21 pertaining to a long term lease and operating and management agreement between the City of Clarksville and Roxy Productions, Inc. and the Roxy Theater property located at 100 Franklin Street

Councilperson Garrett made a motion to adopt this resolution. The motion was seconded by Councilperson Richmond. Councilperson Richmond shared a short video regarding philanthropic organizations' practices of diversity. Councilperson Streetman urged members to support the Roxy Theater and to retain the lease. Councilperson Evans said the Roxy Board of Directors should be representative of all citizens. Councilperson Garrett said other organizations should be considered with regard to operating a performing arts center. Councilperson Reynolds called for the question. The question was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to crease discussion unanimously passed. The following vote on the main motion was recorded:

AYE: Allen, Butler, Garrett, Little, Richmond, Smith

NAY: Evans, Holleman Knight, Pitts, Redd, Reynolds, Streetman

The motion to adopt this resolution failed.

RESOLUTION 50-2020-21 Amending the lease agreement with the Roxy Theater regarding operational procedures

Councilperson Smith made a motion to adopt this resolution. The motion was seconded by Councilperson Garrett. Councilperson Smith said a provision should be added to the lease regarding non-discrimination, inclusion, and diversity. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Knight, Little, Pitts, Redd, Richmond, Smith

NAY: Holleman, Reynolds, Streetman

The motion to adopt this resolution passed.

REMOVAL OF CITY ATTORNEY

RESOLUTION 51-2020-21 Approving removal of Lance Baker as City Attorney

Councilperson Redd said this resolution could expose the City to liability and requested it be removed from the agenda. The following vote was recorded:

AYE: Holleman, Knight, Pitts, Redd, Reynolds, Streetman

NAY: Allen, Butler, Evans, Garrett, Smith

ABSTAIN: Little, Richmond

The motion to remove this resolution from the agenda failed due to lack of a 2/3 majority. Councilperson Evans made a motion to adopt this resolution. Mayor Pitts ruled the motion failed due to lack of a second. Councilperson Butler made a motion to challenge the ruling. The motion was seconded by Councilperson Allen. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Knight, Little, Reynolds, Richmond, Smith

NAY: Holleman, Redd, Streetman

ABSTAIN: Pitts

The challenge prevailed. Councilperson Evans made a motion to adopt this resolution. The motion was seconded by Councilperson Allen. Councilperson Evans said it would be unfair to deny City Attorney Lance Baker due process. Councilperson Garrett made a motion to amend this resolution by deleting the enacting language and substituting instead the following:

“That the Clarksville City Council hereby expresses its sense concerning the City Attorney, Lance Baker, and, more particularly, hereby urges the Mayor to consider and investigate fully the above-referenced matters relating to the City Attorney and, in the event just cause for disciplinary action is thereafter confirmed, the City Council likewise urges the Mayor to present the applicable charges to the City Attorney and to otherwise provide all due process to the City Attorney and to impose necessary discipline (to include removal) in accordance with City Code Sec. 1.5-1001 et seq.”

The motion was seconded by Councilperson Smith. Councilperson Butler made a motion to amend Councilperson Garrett’s amendment by deleting “removal” and substituting instead “investigation” [caption]; by deleting “from the” and by substituting instead “in regard to his” [caption]; by deleting “to be” and substituting instead “may not be” [third whereas clause]; by deleting “that has” and substituting instead “may have” [fourth whereas clause]; and by deleting “to” and substituting instead “may” [fifth whereas clause]. The motion was seconded by Councilperson Garrett. Councilperson Redd called for the question on this amendment. The question was seconded by Councilperson Streetman. The following vote was recorded:

AYE: Holleman, Knight, Little, Pitts, Redd, Reynolds, Streetman

NAY: Allen, Butler, Evans, Garrett, Richmond, Smith

The motion to cease discussion on Councilperson Butler’s amendment failed due to lack of $\frac{2}{3}$ majority. The following vote on Councilperson Butler’s amendment to Councilperson Garrett’s amendment was recorded:

AYE: Allen, Butler, Evans, Garrett, Little, Reynolds, Richmond, Smith

NAY: Holleman, Knight, Pitts, Redd, Streetman

Councilperson Butler’s amendment to Councilperson Garrett’s amendment passed. Councilperson Redd called for the question on Councilperson Garrett’s amendment. The question was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to cease discussion on Councilperson Garrett’s amendment unanimously passed. The following vote on Councilperson Garrett’s amendment was recorded:

AYE: Allen, Butler, Evans, Little, Garrett, Richmond, Smith

NAY: Holleman, Knight, Pitts, Redd, Reynolds, Streetman

Councilperson Garrett's amendment as amended passed. The following vote on the main motion as amended was recorded:

AYE: Allen, Butler, Evans, Garrett, Little, Richmond, Smith

NAY: Holleman, Knight, Pitts, Redd, Reynolds, Streetman

The motion to adopt this resolution as amended passed.

SIMPSON ZONING APPLICATION

ORDINANCE 60-2020-21 (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of L. C. Simpson, et al, Norma S. Jones, Greenspace Partners-Agent, for zone change on property located at the intersection of Old Russellville Pike and Fantasy Lane and at the intersection of Old Russellville Pike and Candlewood Drive from M-2 General Industrial District and R-1 Single Family Residential District to R-1 Single Family Residential District, R-5 Residential District, and R-6 Single Family Residential District

This ordinance was removed from the Consent Agenda. Councilperson Garrett made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Knight. Councilperson Reynolds said the neighborhood streets were already stressed. The following vote was recorded:

AYE: Butler, Garrett, Holleman, Knight, Little, Pitts, Redd, Richmond, Streetman

NAY: Allen, Evans, Reynolds, Smith

The motion to adopt this ordinance on second reading passed.

BOARD APPOINTMENTS

RESOLUTION 48-2020-21 Approving appointments to the Airport Liaison Committee, Audit Committee, Designations Committee, Economic & Community Development Board, Economic Development Council, Ethics Commission, Power Board, Public Building Authority, and Tree Board

This resolution was removed from the original consent agenda. Councilperson Butler made a motion to adopt this resolution. The motion was seconded by Councilperson Evans. Councilperson Allen made a motion to divide the question to consider appointments to the Ethics Commission separately. The motion was seconded by Councilperson Smith. The following vote was recorded:

AYE: Allen, Butler, Evans, Little, Garrett, Holleman, Knight, Richmond, Smith

NAY: Pitts, Redd, Reynolds, Streetman

The motion to divide the question passed. Councilman Redd made a motion to approve all appointments with the exception of those for the Ethics Commission. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Streetman

NAY: Smith

The motion to approve all appointments except Ethics Commission passed. Councilperson Redd made a motion to approve the appointments to the Ethics Commission. The motion was seconded by Councilperson Holleman. Councilperson Allen said the commission should have occupational diversity. Councilperson Redd called for the question. The question was seconded by Councilperson Reynolds. The following vote was recorded:

AYE: Butler, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Streetman

NAY: Allen, Evans, Richmond, Smith

The motion to cease discussion passed. With regard to pending complaints against Councilpersons Streetman, Garrett, Redd, and Mayor Pitts, each stated they will vote in the best interest of the City. The following vote on the motion to approve appointments to the Ethics Commission was recorded:

AYE: Butler, Holleman, Knight, Little, Pitts, Redd, Reynolds, Smith, Streetman

NAY: Allen, Evans, Garrett, Richmond

The motion to approve appointments to the Ethics Commission passed resulting in the adoption of **RESOLUTION 48-2020-21** as presented.

ROBINSON V. CITY

Councilperson Allen requested postponement of a discussion regarding the Robinson v. City Amended Complaints; there was no objection.

CHARTER REVISIONS

Councilperson Garrett asked members to present any recommendations for revisions to the Official Charter during the next regular session. Councilpersons Streetman and Reynolds suggested a charter revisions committee be appointed by the Mayor to which Councilperson Knight objected to.

MAYOR AND COUNCIL MEMBER COMMENTS

Councilperson Butler wished Councilperson Evans a happy birthday. Councilperson Smith thanked the Street Department for their services.

ADJOURNMENT

The meeting was adjourned at 12:26 a.m on February 5, 2021.



CLARKSVILLE CITY COUNCIL SPECIAL SESSION FEBRUARY 9, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Tuesday, February 9, 2021, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson Trisha Butler; the Pledge of Allegiance was led by Councilperson Vondell Richmond.

This meeting was conducted in person, via Google Meets, and live streamed on cityofclarksville.com.

ATTENDANCE

IN PERSON: Wallace Redd (Ward 4), Jason Knight (Ward 5), Travis Holleman (Ward 7), Wanda Allen (Ward 8), Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

VIA GOOGLE MEETS: Richard Garrett, Mayor Pro Tem (Ward 1), Vondell Richmond (Ward 2), DaJuan Little (Ward 3), 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."

Councilperson Evans made a motion to approve this electronic meeting. The motion was seconded by Councilperson Redd. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to approve the electronic meeting unanimously passed.

FT. CAMPBELL NATURAL GAS AGREEMENT

RESOLUTION 52-2020-21 Repealing RESOLUTION 49-2018-19 and authorizing a revised new interlocal agreement between the City of Clarksville and the US Department of the Army/Fort Campbell, Kentucky for transport of natural gas

Councilperson Streetman made a motion to adopt this resolution. The motion was seconded by Councilperson Holleman.

Gas-Water-Sewer General Manager Mark Riggins said the City currently has two contracts with Fort Campbell, one for transportation of natural gas and one for staffing for running the gas system at Fort Campbell. He said the original contract was signed in 1958 for purchase of gas from the City, then Fort Campbell began purchasing directly from Tennessee Gas Pipeline in 2011 with the gas transported through the City's gas infrastructure. A new contract was subsequently agreed upon between the City and Fort Campbell in 2019 for firm transportation of natural gas to Clarksville. Mr. Riggins said this contract does not provide for interruptible service so Fort Campbell will pay a different rate than an interruptible customer. He said this contract will prevent any payments from becoming past due and will also establish a maximum daily quantity that Fort Campbell can purchase. He noted the contract will be reviewed annually. He said the effective date should be March 1 instead of April 1. Mr. Riggins said this contract must be approved no later than February 19.

Councilperson Allen and Councilperson Reynolds both stated they would abstain from voting on this resolution because of their working relationship with Fort Campbell.

Councilperson Redd made a motion to amend the contract to change the effective date from April 1, 2021 to March 1, 2021. The motion was seconded by Councilperson Smith. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Richmond, Smith, Streetman

ABSTAIN: Allen, Reynolds

The amendment passed. The following vote on the original motion as amended was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Richmond, Smith, Streetman

ABSTAIN: Allen, Reynolds

The motion to adopt this resolution as amended passed.

TRANSPORTATION STRATEGY 2020 + PLAN

Mayor Pitts said presentation of this Transportation Strategy 2020+ Plan had been delayed because of the COVID-19 Pandemic and noted this version was not final. He said it will be shared with members of the City Council and the citizens of their wards possibly resulting in revisions.

Mayor Pitts said planners estimate the population of the City of Clarksville will increase 40% over the next 20 years and this plan can be used to guide the City through the process to prepare for future transportation needs. He said the Plan addresses not only roadways, but also pathways, crosswalks, and sidewalks, prioritized to serve schools and public facilities, all to make the City more walkable, livable, and healthier.

Core Values were noted as accessibility, healthier outcomes, and prudent decisions for equitable projects. Mayor Pitts said the three-tier Plan has an estimated full completion cost of \$462,300,000. He said the Plan does not include currently budgeted sidewalk and intersections improvement projects and emphasized the Plan will change as it is reviewed, shared, and discussed. He said some projects will require state and federal funds.

Tier 1: Improvements to Rossvie Road improvements, Dunbar Road Realignment, Whitfield Road widening, 101st Parkway & Needmore Road intersection improvements, Tylertown Road & Oakland Road improvements, Exit 1 improvements, Spring Creek Parkway, Cunningham Bridge rehabilitation, Tiny Town multi-use path, Greenwood Avenue & Edmondson Ferry Road sidewalks, North Senseney Circle and Barkers Mill School sidewalks, and Main Transit Station Relocation.

Tier 2: Hazelwood Road improvements and sidewalks, Needmore Road improvements, Memorial Drive Extension, Old Farmers Road, Trough Springs Road, and SR-76 improvements, sidewalks and pathways for Riverside Drive, Vulcan property, Richview

Road, Memorial Drive, Peacher's Mill Road, Dale Terrace, and a St. Bethlehem transit hub.

Tier 3: Pea Ridge Road, Kraft Street, and N. Second Street improvements and sidewalks, Tracy Lane realignment, Union Hall Road, Kennedy Lane and Powell Road connectivity, Highway 48-13, Madison Street, Outlaw Field Road, Ringgold Road sidewalks and crosswalks, and northside transit hub.

Mayor Pitts said projects included in Tier 2 and Tier 3 may be reprioritized according to cost, right-of-way acquisition, utility relocation, design, and construction.

Funding resources for the proposed projects were identified as fuel taxes, sales taxes, and property taxes. Mayor Pitts said community presentations were being planned and noted the Plan would not be finalized until all elements have been considered. He said the City Council will be asked to vote on the final plan.

In response to Councilperson Holleman's question, Mayor Pitts said cost estimates of Tier 2 and Tier 3 projects were in present money value.

In response to Councilperson Streeman's question, Mayor Pitts said results of the 2020 Census would be considered with regard to funding the projects.

In response to Councilperson Reynolds' question, Mayor Pitts said bike paths will also be considered along with the sidewalk system. He said the Cunningham Bridge project would require state and federal funding and noted the City already had plans for new police precincts, salt sheds, and fire stations.

In response to Councilperson Knight's statement regarding the Governor's recent proposal for local recovery and rebuilding funds, Mayor Pitts said the Tennessee General Assembly must approve the state's budget before any funds are available for local governments.

In response to Councilperson Butler's inquiry, Mayor Pitts said recent repairs to the Downtown bus transfer station were necessary and relocation of the facility would require approval and funding by the Federal Government.

Councilperson Allen said the City Council will have to make serious decisions for funding this Plan for the benefit of the City's future.

Councilperson Garrett said the City should consider selling property as a revenue source to fund the Plan. Mayor Pitts said consideration will be given to property tax revenues for parcels that will change from and agricultural use to a residential or commercial use.

Councilperson Garrett recommended consideration of implementing special revenue districts.

In response to Councilperson Evans' question, Mayor Pitts said additional buses and bus routes will be considered which would in turn create the need for transit hubs throughout the City. Councilperson Little and Councilperson Smith said additional bus facilities are needed in many areas.

Responding to Councilperson Richmond, Mayor Pitts said cosmetic elements are being reviewed for current bus facilities including solar powered shelters.

Regarding Councilperson Redd's statement relative to fuel tax and sales tax increases, Mayor Pitts said in either situation, the public must be made aware of what the additional revenue would be designated for.

In response to Councilperson Smith's question, Mayor Pitts said this Plan does not include extension of any services to the Google site on Hwy 79 according to state and federal guidelines.

ADJOURNMENT

The meeting was adjourned at 6:00 p.m.

ORDINANCE 75-2020-21

AN ORDINANCE AMENDING THE FY2021 HOUSING AND COMMUNITY DEVELOPMENT BUDGET (ORDINANCE 87-2019-20) AUTHORIZING THE CITY OF CLARKSVILLE TO CREATE A PROJECT OF \$16,250 TO INCLUDE THE 2021 COMMUNITY HOUSING PARTNERSHIP OF WILLIAMSON COUNTY THDA GRANT

WHEREAS, the Housing and Community Development office of the City of Clarksville has been awarded funding from THDA, and;

WHEREAS, the grant period is to be effective from April 27, 2020 to December 31, 2020.

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

That the following projects be created within the ESG (Emergency Solutions Grant) Fund:

| | | |
|---------------------|----------------------------------|-------------------|
| 82463003 4810 YPK20 | Subrecipient: YAIPak's 2020 | Increase: \$8,600 |
| 82463003 4810 R4120 | Subrecipient: Right For One 2020 | Increase: \$7,650 |

BE IT FURTHER ORDAINED:

That the following ESG be budgeted:

| | | |
|---------------|---------------|--------------------|
| 8246300 33150 | Grant Revenue | Increase: \$16,250 |
|---------------|---------------|--------------------|

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 46-2020-21

A RESOLUTION AUTHORIZING A REQUEST FROM HOUSING AND COMMUNITY DEVELOPMENT TO AMEND ITS 2020-2024 CONSOLIDATED PLAN FOR THE EXPENDITURE OF \$1,439,761 IN CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES ACT) FUNDS ON THE FOLLOWING COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS 19 ACTIVITIES

WHEREAS, On July 2, 2020, the Clarksville City Council approved the 2020-2021 Five-Year Consolidation Plan and the One-Year Annual Action Plan for the expenditure of entitlement grants from the U.S Department of Housing and Urban Development (HUD), including the CDBG program; and

WHEREAS, Congress enabled HUD to provide additional CDBG financial support as part of the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”), allowing entitlement grantees to either reprogram existing funding or receive new funding as part of long-term social welfare and economic development recovery efforts related to the Coronavirus, and

WHEREAS, the objectives of this funding in the amount of \$1,439,761 are to fund activities that prevent, prepare for, and respond to the economic effects of the Coronavirus Disease 2019 (“COVID-19”) pandemic (“CDBG-CV”); and

WHEREAS, the City of Clarksville Housing and Community Development Department (HCD) has determined that a Substantial Amendment to the 2020-2021 Five-Year Consolidated Plan and the One-Year Annual Action Plan is required to undertake the proposed activities.

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

That the City Council hereby approves the joint request from Housing and Community Development Department and the Housing and Community Development Council Committee to amend the 2020-2024 Consolidated Plan and the 2020-2024 Annual Action to fund the activities as listed in Exhibit A, attached hereto and incorporates hereto;

THAT BE IT FURTHER RESOLVED that the Mayor, as the official representative of the City of Clarksville, is hereby authorized to submit an application, including all understandings and assurances therein, to act in connection with the application, and to provide any such additional information, and to take all actions, as may be required to effectuate this resolution.

POSTPONED: February 4, 2021 to March 4, 2021

ADOPTED:

Exhibit A

| CDBG-CV PROGRAM | CDBG-CV ALLOCATION |
|--|-------------------------------|
| United Way of the Greater Clarksville Region – Eviction Prevention | \$600,000 |
| Matthew Walker Comprehensive Health Center – Healthcare | \$300,000 |
| Legal Aid Society of Middle Tennessee & the Cumberland – Fair Housing Counseling & Legal Assistance | \$100,000 |
| Butterfly Moments/HCD – Utility Relief | \$111,808.80 |
| Plum Street House Rehabilitation | \$40,000 |
| Program Administration | \$287,952.20 |
| TOTAL | \$1,439,761 |

RESOLUTION 47-2020-21

A RESOLUTION AUTHORIZING A REQUEST FROM HOUSING AND COMMUNITY DEVELOPMENT TO AMEND ITS CITIZEN PARTICIPATION PLAN

WHEREAS, the City of Clarksville Housing and Community Development Department has prepared the Citizen Participation Plan consistent with HUD Consolidated Planning requirements; and

WHEREAS, the purpose of the Citizen Participation Plan is to encourage citizen participation in our HUD Community Planning and Development programs, including reasonable and timely access to local meetings, including holding virtual meetings, access to information and records relating to the proposed and actual use of CDBG and HOME program funds and with particular emphasis on participation by persons principally of low and moderate income.

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

That the City Council approve the joint request from Housing and Community Development Department and the Housing and Community Development Council Committee to amend the Citizen Participation Plan, as set out in Exhibit A, attached hereto and incorporates hereto;

THAT BE IT FURTHER RESOLVED that the Mayor, as the official representative of the City of Clarksville, is hereby authorized to submit an application, including all understandings and assurances therein, to act in connection with the application, and to provide any such additional information, and to take all actions, as may be required to effectuate this resolution.

POSTPONED: February 4, 2021 to March 4, 2021

ADOPTED:

Exhibit A

City of Clarksville

Housing and Community Development

Citizen Participation Plan



Joe Pitts, Mayor



Housing and Community Development Staff

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Introduction

This Citizen Participation Plan, as amended, has been prepared and implemented pursuant to federal regulations (U.S. Department of Housing and Urban Development [HUD] Regulations 24 CFR Part 91.105) to encourage and support public participation in the development of the Consolidated Plan (and subsequent annual updates to the Consolidated Plan) and the Analysis of Impediments to Fair Housing (AI).

The recommended actions in this Citizen Participation Plan are related to the planning and expenditure of funds provided to the City by the U.S. Department of Housing and Urban Development Office of Community Planning and Development for the following programs: CDBG, HOME, ESG, Section 108 Loan Program, and other such HUD funds as may be added with the approval of the Mayor and the Clarksville City Council.

Encouragement of Citizen Participation

It is the intent of Housing and Community Development (HCD) to encourage citizens to participate in the development of the Consolidated Plan, Analysis of Impediments to Fair Housing, and substantial amendment(s) to the Consolidated Plan.

The goal of the Citizen Participation Plan (CPP) is to encourage participation by low-and moderate-income persons, particularly those persons living in areas designated by the City of Clarksville as a revitalization area, or other areas where CDBG funds are proposed to be used, and by residents of predominantly low-and moderate-income neighborhoods within the City.

This CPP assures that citizens, non-profit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports covering the City's federally funded housing and community development programs.

HCD encourages the participation of local and regional institutions and other organizations (including businesses, developers, community-based and faith-based organizations) in the process of developing and implementing the Consolidated Plan, Analysis of Impediments to Fair Housing, and any revisions related thereto. HCD also encourages the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

HCD will consult with the Clarksville Housing Authority, the City's Housing and Community Development Council Committee, regional public housing agencies, residents of public and assisted housing developments (including Resident Advisory Boards, resident councils, and resident management corporations) as a part of the process of developing and implementing the Consolidated Plan and any amendments related thereto. The City's Housing and Community

Development Council Committee will provide recommendations to the Mayor and full Council on applications submitted for the Consolidated Plan.

Technical Assistance

HCD will provide technical assistance with program applications for all Housing and Community Development programs including CDBG, HOME, and ESG.

Access to Records

HCD will provide residents of the community, public agencies, and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's AI and Consolidated Plan for the preceding 5 years.

The public will be provided reasonable access to housing assistance records, subject to state and local laws regarding privacy and obligations of confidentiality. Confidential documents will be set apart from public information; requestors of this information will be so informed.

Availability to the Public

Copies of standard documents including the Consolidated Plan as adopted, Consolidated Plan Substantial Amendments, AI, and the Annual Performance Report will be available to the public for review at the following locations:

- Housing and Community Development – 1 Public Square, Suite 201
- Clarksville-Montgomery Public Library – 350 Pageant Lane
- City of Clarksville Housing and Community Development Web Page

Upon request, standard documents will be made available in a form to accommodate persons with disabilities, or persons that do not speak English as their primary language, or deaf/blind persons.

Additional single copies of all standard public documents may be obtained from Housing and Community Development subject to fees established by the City of Clarksville.

Public Meetings

Public meetings will be held at key stages of the application process (annual or supplemental) to obtain the public's view and to provide the public, to the greatest extent possible, with responses to their questions and comments. HCD holds public meetings to obtain input on housing and community development needs, development of proposed (new) activities, proposed strategies and actions for affirmatively furthering fair housing that are consistent with the Analysis of Impediments (AI) and other program compliance requirements as directed by HUD.

To obtain the views of residents of the community on housing and community development needs, including priority non-housing community development needs and affirmatively furthering fair housing, HCD will conduct a minimum of two (2) public meetings prior to submission of the Five-year Consolidated Plan.

- Prior to submission of the Annual Action Plan and for amendments related thereto, HCD will conduct a minimum of two (2) public hearings in accordance with the minimum requirements listed below.
- Public meetings will be held after a minimum of seven days (7) notice to the public. "Notice" means a legal notice that is published in a newspaper at least one week (7 days) prior to the date of the first public meeting. The minimum comment period is thirty days, commencing from the date of the first legal notice publication.
- Public meetings will be held at times and locations that are convenient to potential or actual beneficiaries and with accommodations for the disabled. There will be a virtual streaming option for public hearings. At all public hearings, upon advance request, interpreters will be available for those who do not speak or understand English, or those that are hearing impaired or sight impaired.
- Housing and Community Development will provide residents of the community with reasonable and timely access to public meetings, in accordance with Section 504 of the Rehabilitation Act of 1973, and the regulations at 24 CFR Part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable.

The example below represents a typical grant program year.

- January/February– Notification to Public Service Agencies and citizens for submission of funding requests. Notice of funds available (NOFA) is advertised in public notices.
- February/March – Application Process Public Meetings.
- March/April – First Public Meeting on Consolidated Plan or Annual Action Plan
- April – Draft of Consolidated Plan or Annual Action Plan is made available to public and the 30-day review period begins
- April – Public Hearing on Consolidated Plan and/or Action Plan
- May – City Council review; submission of Annual Action Plan or Consolidated Plan to HUD
- August/September – Draft of Consolidated Annual Performance Evaluation Report (CAPER) is made available to public, 15-day minimum review period
- September - CAPER is submitted to HUD.
- December – Pre- Annual Application Process Trainings

Emergency

In the event of a local, state or federally declared disaster or emergency where in-person participation may not be feasible or large gatherings may be considered a public health risk, HCD may opt to conduct public hearings and meetings virtually via conference call or live web-streaming. During these virtual meetings, the public will have the ability to ask questions and provide comments in real time. The public comment and display period shall be no less than five days. Accommodations will be made for people with disabilities and/or for those who do not speak or understand English as their primary language upon request. Documents for public review will be shared via the City's website. Copies of the document may be mailed or emailed upon request.

Development of the Consolidated Plan and Analysis of Impediments to Fair Housing

Before the Consolidated Plan (and/or annual updates) is approved by the Clarksville City Council and submitted to HUD (i.e., mid-May), Housing and Community Development will make a draft of the Consolidated Plan available to citizens, public agencies, and other interested parties for review and comments.

Interested parties are encouraged to submit comments electronically or by U.S Mail to Housing and Community Development. Before the City adopts the Consolidated Plan, HCD will make available to residents, public agencies, and other interested parties' information that includes the amount of assistance the City expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated dollar amount that will benefit persons of low- and moderate-income.

If displacement will occur due to any planned actions, HCD will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as described in 49 CFR Part 24.

Housing and Community Development will publish its draft and final Consolidated Plan so that all affected residents will have sufficient opportunity to review and comment on the plans. A summary describing the contents and purpose of the Consolidated Plan and the AI will be published in one or more newspapers. The draft Consolidated Plan and AI will also be posted on the City's website.

A period of not less than 30 calendar days will be provided to receive comments from residents of the community regarding the draft Consolidated Plan and AI. All comments will be included in the final Consolidated Plan.

Amendments to the Consolidated Plan / Annual Action Plan

Occasionally, it may be necessary for Housing and Community Development to process a substantial amendment to the Five-Year Consolidated Plan or the One Year Action Plans to allow for new CDBG funded activities, modification of existing activities, or other HUD Community Planning and Development (CPD) program administrative actions.

Any proposed amendment that is considered a substantial amendment is subject to the Citizen Participation process. This process involves Housing and Community Development Council Committee review, Mayor approval, at least one public meeting, formal action by the Clarksville City Council, and approval by HUD. A thirty (30) day public notice is published to provide the opportunity for the public to review and comment on a substantial amendment.

Substantial amendments require at least one public meeting. A substantial amendment public meeting may be held after a minimum of seven days (7)

notice to the public. “Notice” is a legal notice that is published in a newspaper at least seven (7) days prior to the date of the first public meeting. Minimum comment period is thirty days, commencing from the date of the first publication. If HCD elects to hold more than one public meeting, a legal notice should be published two times with seven days apart between notices.

Public meetings will be held at times and locations that are convenient to potential or actual beneficiaries and with accommodations for the disabled. At all public hearings, upon advance request, translators will be available for those who do not speak or understand English, or those that are hearing impaired or sight impaired.

Housing and Community Development will consider all comments or views received from the public concerning proposed substantial amendments in accordance with 24 CFR 91.105 (c) (3). A summary of these comments and views, including comments or views not accepted (and the reason why) shall be included with the substantial amendment.

Amendments to the Consolidated Plan are divided into four categories: Substantial Amendments, Minor Amendments, One-Percent Amendments, and Emergency Amendments.

Housing and Community Development is required by HUD [24 CFR 91.505 (b)] to identify the criteria to be used in determining if a proposed action will be considered a “Substantial Amendment”. The following criteria will be used:

Substantial Amendments

1. Addition of a new project not previously described in the Consolidated Plan or Annual Action Plan.
2. Deletion of any project previously described in the Consolidated or Action Plan.
3. Change in the purpose, scope, location or beneficiaries of an activity or project previously described in the Consolidated Plan or Action Plan.
4. Change in the use of CDBG funds from one eligible activity to another.
5. Change in total dollar amount allocated or budgeted for an activity by more than \$50,000.
6. Substantial Amendments require at least one public meeting and a minimum thirty-days (30) comment period.
7. All Substantial Amendments require approval from Housing and Community Development Council Committee, City of Clarksville Mayor, and the Clarksville City Council.

Minor Amendments

Minor amendments represent any changes to Consolidated Plan or Action Plan activities that do not qualify as substantial amendments and are more than one percent change in funding up to \$50,000. Minor amendments require the signature of the City of Clarksville Housing and Community Development Department Director or designated representative, but do not require a public notice or approval from Community Development Council Committee, City of Clarksville Mayor, or City Council.

One-Percent Amendments

One-percent amendments represent any change in the funded amount of an activity that is one percent or less. These amendments require the signature of the City of Clarksville Housing and Community Development Department director or designated representative, but do not require a public notice or approval from Community Development Council Committee, City of Clarksville Mayor, or City Council.

Emergency Amendments

It may be necessary to expedite substantial amendments to the Consolidated Plan in the event of a declared disaster or emergency. These expedited substantial amendments may include funding new activities and/or the reprogramming of funds including canceling activities to meet needs resulting from a declared disaster or emergency. Therefore, the City of Clarksville may utilize CDBG funds to meet these needs with a 5-day public comment period instead of a 30-day public comment period, which is otherwise required for substantial amendments. These amendments require approval from Housing and Community Development Council Committee, City of Clarksville Mayor, and the Clarksville City Council.

Consolidated Annual Performance Evaluation Report (CAPER)

Housing and Community Development is required to submit the CAPER for its CPD programs to HUD no later than 90 days from the end of a program year (i.e. late – September). The CAPER describes how funds were spent and the extent to which these funds were used for activities that benefitted low and moderate-income persons.

Housing and Community Development will publish a legal notice that its CAPER is available for review, so the public will have sufficient opportunity to review and comment on the report. The notice will be published in one or more local newspapers. There is a 15-day public comment period prior to the submission of the CAPER to HUD. Housing and Community Development will consider any citizen comments or views received in writing, or verbally at public hearings. A

summary of comments and views will be attached to the final CAPER to be submitted to HUD.

Anti-Displacement and Relocation

CITY OF CLARKSVILLE HOUSING AND COMMUNITY DEVELOPMENT POLICIES ON DISPLACEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) and/or HOME FUNDED ACTIVITIES

Residential Anti-Displacement and Relocation Assistance Plan under Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Housing and Community Development, in accordance with Federal Regulations for Displacement, 24 CFR 570.606(b), hereby issues this statement of policy regarding the displacement of persons by CDBG or HOME Program funded activities.

This Plan certifies that any entity receiving CDBG or HOME Program funds will replace all occupied and vacant units that will be demolished or converted to a use other than as low/moderate income housing.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. This includes any property obtained through a public undertaking. Before obligating or expending funds that will directly result in such demolition or conversion, the entity will make public and submit to the HUD Field Office the following information in writing.

- A description of the proposed assisted activity;
- The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for low/moderate income dwelling units as a direct result of the assisted activity;
- A time schedule for the commencement and completion of the demolition or conversion;
- The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- The source of funding and a time schedule for the provision of replacement dwelling units, and

- The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy (i.e.: Deed of Trust, Deed Restriction, etc.).

Housing and Community Development or the subrecipient will provide relocation assistance, as described in 570.606(b)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use. Benefits will be provided to relocatees and displacees according to the calculation of benefits derived pursuant to requirements of regulations promulgated under the Uniform Property Acquisition and Relocation Act of 1970, as amended.

Assistance to Aliens

An alien who is not lawfully present in the United States is prohibited from receiving assistance under the Uniform Relocation Act, per 49 CFR 24.208, and assisted housing programs. Circumstances may dictate that determination that an alien is ineligible would result in exceptional and extremely unusual hardship to a spouse, parent, child who is a United States citizen. A final determination on the eligibility of the request will be made by HUD before any assistance is provided.

Permanent Displacement

Displacement is defined as follows: Permanent movement of person(s) or other entities from a dwelling unit or business location resulting from CDBG or HOME-funded code inspections, rehabilitation, demolition or acquisition. Where appropriate, Housing and Community Development may use CDBG funds to pay for relocation-related costs in projects using Low Income Housing Tax Credits.

To minimize displacement and mitigate adverse effects, the policy shall consist of the following steps, in the event displacement is caused by current or future CDBG or HOME Program-funded projects:

- Avoid or minimize permanent displacement whenever possible and only take such action when no other viable alternative exists.
- The impact on existing persons and properties will be considered in the development of CDBG and HOME Program funded projects.
- Citizens shall be informed of CDBG or HOME Program project area(s) through information made available as part of the annual proposed and final statements on use of CDBG and HOME Program funds.
- Current regulations, HUD notices and policies will be followed when preparing informational statements and notices.

- Written notification of intent will be given to eligible property owners who may be displaced and/or relocated due to an approved project activity.
- Assist those displaced in locating affordable, safe, decent and comparable replacement housing.
- Ensure that “just compensation” for CDBG or HOME Program acquired property (as determined by appraised fair market value) is paid with relocation benefits, if applicable.
- Provide for reasonable benefits to any person permanently displaced because of the use of CDBG funds to acquire or substantially rehabilitate property.
- Reasonable benefits will follow established policies set forth in applicable federal, state and local regulations.
- Provision of information regarding equal opportunity and fair housing laws to ensure that the relocation process does not result in different or separate treatment because of race, color, religion, national origin, sex, handicap, or source of income.
- Displaced families will be given a preference through the Housing Choice Voucher Program, Conventional Public Housing or any other federally funded program for which they might qualify. This priority is contingent upon availability of certificates, vouchers or placement coupons by the agency certified to handle assistance in the jurisdiction.

Temporary Displacement

CDBG or HOME Program funded activities may involve temporary displacement. While strict adherence to provisions of the Uniform Relocation Act is not specified, it is the policy of Housing and Community Development that all subrecipients shall take steps to mitigate the impact of CDBG or HOME Program funded code inspections, rehabilitation, demolition or acquisition that results only in temporary movement of person(s) from a dwelling unit. Such temporary displacement primarily involves demolition and reconstruction of a single-family owner-occupied home. Where appropriate, Housing and Community Development may use CDBG funds to pay for relocation-related costs in projects using Low Income Housing Tax Credits. Accordingly, the citizens involved in a temporary movement shall be fully informed of the below matters and appropriate steps shall be taken to guarantee that fair and equitable provisions are made to:

- Ensure that owners receive compensation for the value of their existing house prior to demolition.
- Receive temporary living accommodations while their CDBG or HOME Program funded unit is being demolished and reconstructed.

- Move and temporarily store household goods and effects during the demolition and reconstruction evolution.
- Reimburse all reasonable out-of-pocket expenses incurred relating to the temporary relocation, including moving costs and any increased rent and utility costs.

Complaints

Written complaints from City residents related to the Consolidated Plan, amendments, AFH, revisions, and the performance report will receive careful consideration and will be answered in a written response within 15 business days (where practicable) to every written resident complaint.

Written complaints should be sent to the Director's Office at the following address: City of Clarksville Housing and Community Development, 1 Public Square, Suite 201.

Civil Rights, Complaints and Grievance Process

Title VIII of the Civil Rights Act of 1968 is known as the Fair Housing Act. The Act, as amended in 1974 and 1988, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and disability.

These seven classifications are collectively termed federally protected classes. The federal familial status provision protects children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

HCD program staff will provide a written response to all written citizen complaints received related to the Consolidated Plan, Consolidated Plan amendments, and performance reports within 15 working days from receipt of the complaint. Citizens not satisfied with the staff response may request a review of the complaint by the City of Clarksville Housing and Community Development Director. Reviews may be requested by telephone, email or letter to the Director and should include a summary of the complaint as well as the summary of the response from the HCD program staff.

City of Clarksville

Title VI, Civil Rights Act of 1964

Requirements

It is the policy of the City of Clarksville that no person shall be denied the benefits of, or be subjected to discrimination in, any sponsored program, service, or activity provided by City of Clarksville staff, contractors, or consultants on the grounds of race, color, national origin, limited English proficiency, age, disability, religion, marital status, familial status, sex, gender, gender identity, sexual orientation, or source of income.

Filing a Title VI Complaint:

Complaints should be filed with the Title VI Officer, located in the City of Clarksville Finance Office.

Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Officer or may have another person write and acknowledge the complaint on his or her behalf.

The complaint should include names and contact information of any witnesses, including City of Clarksville employees or contractors. Allegations may be faxed or e-mailed and will be acknowledged.

Allegations sent by fax or e-mail will not be processed until the identity of the complainant and the intent to proceed with the complaint have been established. The complaint form must be signed or acknowledged and returned to the Title VI Officer for processing.

The original copy may be sent, faxed, or emailed to:
Title VI Officer
City of Clarksville Finance Office
1 Public Square
Clarksville, TN 37040



Approved 2021



RESOLUTION 53-2020-21

A RESOLUTION APPROVING THE OFFICIAL RENAMING OF MAMMY LANE TO SLATTERY LANE

WHEREAS, the term Mammy began in slavery, or at least in the minds of slavery's defenders; and

WHEREAS, Mammy was idealized by the defenders of slavery; and

WHEREAS, names such as Mammy serve as painful reminders of black women being suppressed and marginalized and have no place as a street name; and

WHEREAS, the City Council wants to send a message about our values as a City by not having public street names that demean our residents; and

WHEREAS, the City Council recognizes names can have a profound psychological impact on citizens of color and their continued existence is a part of the infrastructure that upholds systemic racist culture; and

WHEREAS, the City Council deems any public street name that is offensive or derogatory based on race, color, religion, sex, national origin, age, genetic information, marital status, sexual orientation or disability shall be renamed; and

WHEREAS, this resolution was presented to the City of Clarksville Designations Committee on February 22, 2021 and is being forwarded to the City Council with recommendation of approval.

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

That the Clarksville City Council hereby approves changing the official name of "Mammy Lane" to "Slattery Lane."

BE IT FURTHER RESOLVED that, in accordance with City Code Section 12-1218, the Clarksville Street Department shall make and install appropriate signage.

ADOPTED:



APPLICATION FOR PUBLIC PROPERTY DESIGNATION

Street, Facility, Park, Building or Property

APPLICANT INFORMATION for the person, group, or organization seeking to honor a past or current resident, residents, organization, or organizations by naming a city street, facility, park, building, or other property:

NAME: City Councilman Richard Garrett

ADDRESS: 1 Public Square

Clarksville, TN 37040

PHONE: 931-378-0500

NAME AND LOCATION of street, facility, park, building, or property being requested for honorary designation or to bear an official name:

NAME: Mammy Lane

LOCATION: Plantation Estates subdivision

PERSON OR ORGANIZATION TO BE HONORED:

n/a

HISTORICAL SIGNIFICANCE of the person or organization whose name is proposed to be the honorary name for the street, facility, park, building or property:

Mammy began in slavery--or at least in the minds of slavery's defenders. She was idealized by the defenders of slavery and then segregation as evidence of the humanity of the system. Names such as Mammy serve as painful reminders of black women being suppressed and marginalized and have no place as street names.

PERSON'S OR ORGANIZATION'S CONTRIBUTIONS to the City of
Clarksville:

n/a

This street should be renamed

OR

PERSON'S OR ORGANIZATION'S HEROIC SERVICE OR PERSONAL
SACRIFICE to the City of Clarksville, State of Tennessee, or United States
of America:

n/a

If no contribution, heroic service, or personal sacrifice is listed, the application will not be considered.

PERSON'S HISTORY OF RESIDENCY in the City of Clarksville:

LOCATION OF RESIDENCE: n/a

HOW LONG: n/a

HISTORY OF STREET, FACILITY, PARK, BUILDING, OR PROPERTY
being requested for distinction:

CURRENT OFFICIAL NAME: Mammy Lane

PRIOR OFFICIAL NAME(S): _____

PRIOR HONORARY NAME(S): _____

NEW PROPOSED NAME: Slattery Lane

APPLICATION FEE

Application fee of \$250 (two hundred fifty dollars) is required with filing of this application.

If the request is denied, \$125 will be refunded within 60 days.

SIGNATURE OF APPLICANT

[Signature]

2/12/21

Date

RECEIPT OF APPLICATION AND FEE

[Signature]
Sylvia Skinner, City Clerk

02-19-21
Date

CONSIDERED BY DESIGNATIONS COMMITTEE:

DATE APPROVED: _____

DATE DENIED: _____

Signature of Designations Committee Chair

ORDINANCE 73-2020-21

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, PART II (CODE OF ORDINANCES); TITLE 1 (ADMINISTRATION, OFFICERS, AND PERSONNEL), CHAPTER 2 (CITY COUNCIL), SECTION 1-205 PERTAINING TO STANDING COMMITTEES

WHEREAS, the City Charter provides at Article IV. Mayor; Power and Duties Generally, Section 1, sub-section (g) as follows:

(g) The Mayor shall have the power to appoint all standing committees as he may deem necessary. He shall have the right to change the committee members as he may deem advisable; and

WHEREAS, the City Code provides in pertinent part at Section 1-205(1) as follows:

Section 1-205. Standing committees.

(1) Composition and appointment. Standing committees of the city council, each composed of not more than five (5) council members, shall be designated by the mayor and shall include such duties and responsibilities as the mayor may from time to time prescribe and as the welfare of the community may require. The mayor will give each council member an opportunity to serve on at least two (2) standing committees; and

WHEREAS, the City Council finds that the best interests of the City would best be served by having all City Council standing committees that are established by a City mayor to have not more than, and not less than, five (5) City Council members.

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

(1) That the City Code, Title 1 (ADMINISTRATION, OFFICERS, AND PERSONNEL), Chapter 2 (CITY COUNCIL), Section 1-205 (Standing committees), subsection (1) (*Composition and appointment*), is amended by deleting subsection (1) entirely and substituting therefore the following:

Section 1-205. Standing Committees.

(1) *Composition and appointment.* Standing committees of the city council, each **to be** composed of not more than, **and not less than**, five (5) council members, shall be designated by the mayor and shall include such duties and responsibilities as the mayor may from time to time prescribe and as the welfare of the community may require. The mayor will give each council member an opportunity to serve on at least two (2) standing committees.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 74-2020-21

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2021 FOR GOVERNMENTAL FUNDS (ORDINANCE 39-2020-21) TO ADD FUNDING TO SUPPORT THE JUNETEENTH HOLIDAY

WHEREAS, Article VII, Section 3 of the official charter of the City of Clarksville provides for the approval and adoption of a budget; and

WHEREAS, Article VII, Section 3 of the official charter of the City of Clarksville provides for the ability to amend the adopted budget by ordinance by the City Council at any time during the fiscal year by vote of a majority of the City Council on two (2) separate readings; and

WHEREAS, The City Council has approved the addition of the Juneteenth holiday to the City's Code, Section 1.5-1501 Holidays; and

WHEREAS, Juneteenth is has become recognized nationally as a celebration commemorating the end of slavery in the United States; and

WHEREAS, This City Council believes it is fitting and proper for all Clarksvillian's to celebrate this historic milestone toward achieving the American ideal that "all men are created equal; and

WHEREAS, The City Council further urges all citizens to celebrate its freedom and exercise their rights to all the opportunities and resources available in this community.

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

That the following Amendment be made:

General Fund

| | | | |
|-------------------|----------------------------|----------|----------|
| 10491003 – 4869 – | Transfer to Transit | Increase | \$18,220 |
| 10422001 – 4132 - | Fire Department Overtime | Increase | \$62,183 |
| 10422001 – 4221 - | Fire Department Taxes | Increase | \$ 4,757 |
| 10422001 – 4231 - | Fire Department TCRS | Increase | \$11,703 |
| 10421001 – 4132 - | Police Department Overtime | Increase | \$44,387 |
| 10421001 – 4221 - | Police Department Taxes | Increase | \$ 3,396 |
| 10421001 – 4231 - | Police Department TCRS | Increase | \$ 8,354 |

BE IT FURTHER ORDAINED that above \$153,000 shall be provided from the fund balance of the General Fund.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 78-2020-21

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2021 FOR GOVERNMENTAL FUNDS (ORDINANCE 39-2020-21) TO CREATE ROAD IMPROVEMENT PROJECTS FOR HAZELWOOD AND NEEDMORE ROADS

WHEREAS, Article VII, Section 3 of the official charter of the City of Clarksville provides for the approval and adoption of a budget; and

WHEREAS, Article VII, Section 3 of the official charter of the City of Clarksville provides for the ability to amend the adopted budget by ordinance by the City Council at any time during the fiscal year by vote of a majority of the City Council on two (2) separate readings; and

WHEREAS, The City Council believes it is in the best interest of the City to create a Hazelwood Road Improvement capital project to include 3-lane widening and sidewalks on both sides; and

WHEREAS, The City Council further believes it is in the best interest of the City to create two capital projects for Needmore Road Improvements.

- Phase 1 from Boy Scout Road to Tiny Town Road including 3 lane widening and sidewalks on both sides.
- Phase 2 from Trenton Road to Boy Scout Road including 3 lane widening and sidewalks on both sides.

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

That the following Amendment be made to create and fund three (3) capital projects):

Capital Projects Fund

| | | |
|---------------------|--------------------------------------|-----------------------|
| 40450003-4450-21304 | Hazelwood Road Improvements | Increase \$27,500,000 |
| 40450003-4450-21305 | Needmore Road Improvements – Phase 1 | Increase \$16,000,000 |
| 40450003-4450-21306 | Needmore Road Improvements – Phase 2 | Increase \$56,000,000 |

BE IT FURTHER ORDAINED that the funding will be provided through debt issuance in the amount of \$99.5 million.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 79-2020-21

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2021 FOR GOVERNMENTAL FUNDS (ORDINANCE 39-2020-21) TO TRANSFER FUNDS FROM THE CAPITAL PROJECT FOR THE ATHLETIC COMPLEX TO THE REGIONAL COMMUNITY CENTER

WHEREAS, Article VII, Section 3 of the official charter of the City of Clarksville provides for the approval and adoption of a budget; and

WHEREAS, Article VII, Section 3 of the official charter of the City of Clarksville provides for the ability to amend the adopted budget by ordinance by the City Council at any time during the fiscal year by vote of a majority of the City Council on two (2) separate readings; and

WHEREAS, The City Council believes it is in the best interest of the citizens to sell the property currently identified for an Athletic Complex at Exit 8; and

WHEREAS, The City Council further believes it is in the best interest to utilize the previously allocated funds from the Athletic Complex to the North Clarksville Recreation Center (Capital Project – Regional Community Center); and

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

That the following Amendment be made:

Capital Projects Fund

| | | | |
|---------------------|---------------------------|----------|--------------|
| 40450003-4450-16503 | Athletic Complex | Decrease | \$14,000,000 |
| 40450003-4450-19505 | Regional Community Center | Increase | \$14,000,000 |

BE IT FURTHER ORDAINED that the funding will be provided through previously approved debt issuance.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 80-2020-21

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES); TITLE 6 (FINANCE AND TAXATION), CHAPTER 5 (BUDGETS, IMPLEMENTATION, AND ADMINISTRATION), SECTION 6-514. INTERNAL SERVICE FUND

WHEREAS, the City Council finds that maintaining integrity and ethics, and the appearance of same, with regard to the settlement of claims and lawsuits, serves the general welfare of the City; and

WHEREAS, the City Council finds that City Council members who have received funds or in-kind donations of materials or services in connection with their political campaigns should not vote on any settlement of any claims or lawsuits filed against the City by persons or business entities that have made such contributions to their campaigns, in order to avoid questionable ethics, or the possible compromise of their judgment in connection therewith, or the appearance of same.

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

(1) That **Section 6-514. Internal Service Fund** is amended by adding the following new subsection (g):

Section 6-514. Internal Service Fund.

(a)

...

(g) No City Council member may vote on any motion, resolution, ordinance, or agenda item pertaining to any claims, lawsuits, or administrative proceedings of any kind or nature whatsoever in which the City is a party, or in which any City employee or City official is a party, if the City Council member has previously accepted, with or without the City Council member's consent or acquiescence, any donations or contributions of any money or funds, or any services, or any in-kind contributions or donations, or any donated materials, from the person, association, organization, non-profit corporation, organization, or other entity or individual who is the same claimant or plaintiff pursuing the claim, lawsuit, or administrative proceeding which is the subject of the instant vote.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

A RESOLUTION ESTABLISHING THE CLARKSVILLE SUSTAINABILITY BOARD

- WHEREAS*, the City Council finds that the City should establish a goal of becoming a “Sustainable Community” as more fully described herein; and
- WHEREAS*, the City Council finds that a “Sustainable Community” should have the general goals of stewardship and preservation of natural resources, minimizing use of materials or processes that cause pollution, maximizing use of renewable natural material resources and efficient renewable energy, and the exercise of environmental prudence;” and
- WHEREAS*, the City Council finds that these general goals of a “Sustainable Community,” and the public health and welfare, would best be served by the establishment of a “Sustainability Board;” and
- WHEREAS*, the City Council finds that establishment of such a board would focus the City’s efforts to become a measurably “Sustainable Community” by:
- A. Raising awareness and educating City officials, employees and the public regarding sustainability concepts, ideas, trends, and the benefits of employing sustainability measures, and the costs of failing to pursue such measures; and
 - B. Developing and providing educational materials and providing advice to the City, its’ officials and employees, and to local businesses, and by providing input into City plans, policies, and operations, pertaining to sustainability initiatives, programs and actions; and
 - C. Identifying opportunities for improved collaboration and enhanced coordination of sustainability initiatives, programs, and actions by and between all levels of government, across different departments and agencies, along with private business, in order to achieve sustainability goals and objectives; and
 - D. Developing and proposing specific and measurable sustainability goals and objectives, and to identify specific actions and sustainability “best practices” that can be taken to achieve those goals and objectives; and
 - E. To study, develop and recommend standards by which to measure progress toward the achievement of sustainability goals and objectives, and to report on same to governmental policy makers, on at least an annual basis, and as may otherwise be desired or requested; and

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

1. There is hereby established a City of Clarksville, “Sustainability Board,” which shall be organized, and contain the members, and which shall have the purposes, powers, duties, and obligations, as set forth in Exhibit A, attached hereto and incorporated herein.

ADOPTED:

Exhibit A

Article I: Establishment of the “Clarksville Sustainability Board”

1. Pursuant to Resolution duly adopted by the City Council of the City of Clarksville, there is hereby established and created an advisory board, which shall be known as the “Clarksville Sustainability Board.”

Article II: Purposes

2. The “Clarksville Sustainability Board” shall have the following purposes:
 - a. Raising awareness and educating City officials, employees and the public regarding sustainability concepts, ideas, trends, and the benefits of employing sustainability measures, and the costs of failing to pursue such measures; and
 - b. Developing and providing educational materials and providing advice to the City, its’ officials and employees, and to local businesses, and by providing input into City plans, policies, and operations, pertaining to sustainability initiatives, programs and actions; and
 - c. Identifying opportunities for improved collaboration and enhanced coordination of sustainability initiatives, programs, and actions by and between all levels of government, across different departments and agencies, along with private business, in order to achieve sustainability goals and objectives; and
 - d. Developing and proposing specific and measurable sustainability goals and objectives, and to identify specific actions and sustainability “best practices” that can be taken to achieve those goals and objectives; and
 - e. To study, develop and recommend standards by which to measure progress toward the achievement of sustainability goals and objectives, and to report on same to governmental policy makers, on at least an annual basis, and as may otherwise be desired or requested; and
 - f. To advocate with state and national level governmental agencies and departments, and private organizations, for increased funding and grants relating to sustainability programs, projects and initiatives for the benefit of the City and local private businesses.

Article III: Organization; Appointment; Staggered Terms; Initial Terms; Vacancy

3. The “Clarksville Sustainability Board” shall consist of seven (7) voting members. The Mayor of the City of Clarksville shall serve as an ex-officio non-voting member.
4. The Mayor of the City of Clarksville shall appoint six (6) voting members, each subject to the approval of the Clarksville City Council. Three (3) of these six members shall be current members of the City Council. One (1) of the six members shall be a member of the Montgomery County Commission who is not a member of the City Council. The remaining three (3) voting members shall be private citizens who do not hold any elected office, at least one of whom shall be a current member in good standing of an environmentally focused private non-profit organization. All of the voting members shall

be residents of the City of Clarksville. Terms for each voting member shall be three (3) years, except for initially appointed members, whose terms shall be as provided below to allow for staggered terms. After the initial appointments, terms for voting members shall continue to be staggered three (3) year terms. No voting member may serve more than two (2) consecutive three-year terms, except that members appointed to fill an unexpired term may fill the unexpired term plus two (2) additional consecutive three-year full terms.

5. Initial terms for voting members shall be as follows:

a. The City Mayor shall appoint, subject to City Council approval, one (1) City Council voting member who shall serve an initial term of one (1) year; and a second City Council voting member who shall serve an initial term of two (2) years; and a third City Council voting member who shall serve an initial term of three (3) years.

b. The City Mayor shall appoint, subject to City Council approval, one County Commission voting member who shall serve an initial term of three (3) years.

c. The City Mayor shall appoint, subject to City Council approval, one voting member who may not be an elected governmental office holder, who shall serve an initial term of one (1) year; and a second voting member, who may not be an elected governmental office holder, who shall serve an initial term of two (2) years; and a third voting member, who may not be an elected governmental office holder, and who must be a current member in good standing of an environmental focused private non-profit organization, who shall serve an initial term of three (3) years. The determination of whether this member is actually a current member in good standing of an environmental focused private non-profit organization shall be made by the City Mayor.

6. In case of vacancy occurring prior to the expiration of any voting member's term, due to death or resignation of a Board member, the Mayor shall appoint, subject to approval of the City Council, a new member to fill the unexpired term. Any member appointed to fill an unexpired term may only be appointed for two (2) additional full three (3) year terms, and the unexpired term shall not count as one of the two permissible consecutive full three (3) year terms to which a member may be appointed.

7. If any voting member of the Sustainability Board ceases to be a resident of the city, or refuses to continue service on the Board, or otherwise ceases to be a member of the Board for any reason before the expiration of his or her term, or fails to attend at least three (3) consecutive meetings, or fails to attend at least two-thirds (2/3) of all properly called meetings of the Board within any calendar year period, then the Board member shall be deemed to have forfeited their membership status, and a new voting member shall be appointed by the Mayor, subject to City Council approval, to serve the remainder of the former member's unexpired term.

Article IV. Removal

8. Any voting member of the Sustainability Board may be removed as a member of the Board prior to the expiration of their term in cases of permanent mental disability, or misfeasance, malfeasance, or nonfeasance in relation to their duties as a member of the Board, or for other just cause, by resolution of the City Council approved by a majority vote of the City Council. Prior to any such vote on removal of any member from the Board, said member shall have an opportunity to be heard on the issue of their removal, under oath in person, or through counsel, and/or by submission of relevant written or other evidentiary materials, and may cross examine any witnesses against them who shall be required to testify under oath, and may request the City Council to issue a subpoena compelling the attendance and testimony under oath of any witnesses with relevant knowledge as to any material issue, but the City Council may deny said request upon a majority vote. The date, time, and place for the hearing shall be as determined by the Mayor, or by resolution approved by majority vote of the City Council, except that the hearing may not be conducted less than ten (10) days after the presentment of a written notice to the Board member subject to removal, which written notice shall summarize the factual and legal basis constituting the alleged just cause for removal.

Article V: Officers

9. The voting members of the Sustainability Board shall elect officers for the Board. One voting member shall be elected to serve as chairman of the Board; one voting member to serve as vice-chairman of the Board; and one voting member to serve as secretary for the Board. Officers may not hold more than one office on the Board at the same time. Officers shall hold office for one-year periods. The City Clerk shall serve as custodian of records for the commission and shall record all meetings of the Board, and any of its' committees or sub-committees, and shall prepare the minutes of same. The City Attorney shall provide legal advice to the Board as may be required or requested.

Article VI: By-Laws

10. The Sustainability Board shall adopt and make public by-laws to govern the dates, times, and places for its' meetings, and any rules of procedure not otherwise inconsistent with the provisions herein as may be required to supplement or supplant most recent revised addition of Robert's Rules of Order, which shall govern the transaction of all business to come before the Board, and addressing any other matters appropriately addressed in the by-laws not otherwise inconsistent with the City Charter, the City Code, or the Resolution establishing the Sustainability Board together with this Exhibit thereto.

VII. No Compensation for Board Members

11. Members of the Sustainability Board shall not receive any monetary compensation for their service on the Board.

Article VIII. No Authority to Contract or to Bind City

12. The Sustainability Board shall have no authority to contract, or to be contracted with, or to bind or obligate the City in any way, by contract, promise or otherwise, and shall not have authority to appropriate City funds for any purpose, or spend City funds except as may be otherwise approved by the City Council through the City budgeting process.

Article IX: Open Records and Open Meetings

13. All records of the Sustainability Board shall be open and subject to public inspection in accordance with the Tennessee “Open Records” law, Tenn. Code Ann. Section 10-7-503, et seq., as may be amended from time to time; and all meetings of the Board or any committee or sub-committee thereof shall comply with the Tennessee “Open Meetings” law, Tenn. Code Ann. Section 8-44-101, et seq., as may be amended from time to time.

RESOLUTION 56-2020-21

RESOLUTION DECLARING THE CITY OF CLARKSVILLE TO BE A “SECOND AMENDMENT SANCTUARY CITY”

WHEREAS, in 2020, Senate Bill SB1807 and House Bill HB1873 were filed in the 111th General Assembly of the State of Tennessee, which bills purported to authorize the issuance of extreme risk protection orders, also known to some as a “red flag law,” that would allow a court to issue an emergency protection order upon a finding that a person poses an imminent risk of harm to themselves or others if allowed to purchase or possess a firearm; and authorized a family member, household member, intimate partner, or law enforcement officer to petition for such an order; and

WHEREAS, the Constitution of the State of Tennessee, at Article I. Declaration of Rights, Section 26. Right to bear arms, provides as follows: “That the citizens of this State have a right to keep and to bear arms for their common defenses; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime;” and

WHEREAS, the Constitution of the United States, Second Amendment [Right to bear arms], provides as follows: “A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed,” said amendment being adopted in 1791 as part of the “Bill of Rights,” which protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms; unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and therefore made applicable to the states; and

WHEREAS, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), ruled that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense, are protected by the Second Amendment; and

WHEREAS, it is the desire of the City of Clarksville to declare its support of the Second Amendment to the Constitution of the United States, and of Section 26 of Article I of the Constitution of the State of Tennessee, and to protect law abiding citizens right to keep and bear arms; and

WHEREAS, each of the City Council Members of the City of Clarksville took an oath to support the Constitution of the United States, and the Constitution of the State of Tennessee.

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

That it hereby declares the City of Clarksville to be a “Second Amendment Sanctuary City”, meaning that the City of Clarksville will provide a haven for, and shall support and protect the Constitution of the United States, to include the 2nd Amendment right of all law abiding citizens to keep and bear arms, and the same right pursuant to the Constitution of the State of Tennessee, Article I. Declaration of Rights, Section 26, respecting the rights of all law-abiding citizens to keep and bear arms.

ADOPTED:

RESOLUTION 57-2020-21

A RESOLUTION REQUESTING GOVERNOR BILL LEE, THE TENNESSEE GENERAL ASSEMBLY, THE MONTGOMERY COUNTY MAYOR AND MONTGOMERY COUNTY COMMISSIONERS, THE CITY OF CLARKSVILLE MAYOR AND CLARKSVILLE CITY COUNCIL EXERCISE THEIR DUTIES FOCUSING ON EQUITY AND EQUALITY; REJECTING BILLS THAT PROMOTE EXCLUSION, DISCRIMINATION, OR BIGOTRY

WHEREAS, all people are created equal in rights and dignity. The theme of equality was central to our nation's founding, with the declaration that "all men are created equal;" and

WHEREAS, when public funds are involved, all people should have a reasonable expectation that they will be served and treated equally; and

WHEREAS, the effects of discrimination demoralize all residents and directly affects the health, safety and moral of our residents which include military service members and their family members assigned to Fort Campbell, Kentucky; and

WHEREAS, anti LGBTQIA laws known internationally as the "Tennessee Slate of Hate," could result in a boycott of Tennessee by businesses, sports leagues, and other event organizers, which would have a tremendous negative effect on the finances of Clarksville and the State of Tennessee; and

WHEREAS, our democracy works best when all eligible voters can participate and have their voices heard; and

WHEREAS, voter suppression efforts range from voter ID laws and cuts to early voting, to mass purges of voter rolls and systemic disenfranchisement; and

WHEREAS: certain communities are particularly susceptible to suppression and in some cases, outright targeted — people of color, students, the elderly, and people with disabilities; and

WHEREAS, the City of Clarksville does not support legislated discrimination.

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

Section 1. The City of Clarksville requests the 112th Tennessee General Assembly vote NO on Senate Bill 1510 pertaining to abolishing early voting.

Section 2. The City of Clarksville requests the Tennessee General assembly to vote NO on HB372/SB0193 which allows state and local government employees to opt out of training sessions that they say conflict with their beliefs.

Section 3: The City of Clarksville requests the Tennessee General Assembly to vote NO on SB1216/HB800 that pertains to censoring LGBTQ content in public school textbooks and instructional materials. It's an updated version of the old "Don't Say Gay" bill.

Section 4. The City of Clarksville requests the 112th Tennessee General Legislature to exercise their duties focusing on equity and equality; rejecting bills, which promote exclusion, discrimination, or bigotry.

Section 4: The City Clerk is directed to send a copy of this Resolution to Mayor Jim Durrett and Governor Bill Lee.

Section 5: This Resolution shall take effect from and after its adoption, the welfare of the City of Clarksville requiring it.

ADOPTED:

RESOLUTION 58-2020-21

A RESOLUTION SUPPORTING THE DECRIMINALIZATION OF OF SIMPLE POSSESSION OR CASUAL EXCHANGE OF MARIJUANA FOR PERSONAL USE

WHEREAS, the City Council finds that as a country, the United States spends billions of dollars each year enforcing marijuana laws; and

WHEREAS, the City Council finds this enforcement has not had an impact on marijuana usage and has created additional costs for communities and individuals; and

WHEREAS, the City Council finds that an arrest for possession of marijuana can have an impact on housing, student loans, future employment, child custody determinations, and many other circumstances; and

WHEREAS, the City Council finds that data from the American Civil Liberties Union (ACLU) shows that marijuana usage is roughly equal among whites and blacks in the United States, but blacks are 3.64 times more likely to be arrested for marijuana possession as whites; and

WHEREAS, the City Council finds that according to a 2018 ACLU report the state of Tennessee was 9th highest in marijuana possession arrests per 100,000 people with blacks being four times more likely to be arrested than whites.

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

1. The City Council hereby expresses the sense of the City Council in opposition to the criminalization of marijuana possession in small amounts by users, and further expresses its' desire that enforcement of criminal laws for simple possession or casual exchange of marijuana for personal use (see Tennessee Code Annotated §39-17-418) should be the lowest enforcement priority for the City of Clarksville Police Department; and
2. The City Council hereby expresses the sense of the City Council by requesting that the District Attorney General for the 19th Judicial District take an active stance or position of not prosecuting persons for simple possession or casual exchange of marijuana for personal use; and
3. The City Council hereby expresses the sense of the City Council by requesting the Tennessee General Assembly to pass legislation to decriminalize simple possession or casual exchange of marijuana for personal use (repealing TCA §39-17-418); and requests the members of the local state delegation to the General Assembly to introduce and promote such legislation, and actively work to have such legislation approved.

ADOPTED:

RESOLUTION 59-2020-21

A RESOLUTION REQUESTING THE TENNESSEE GENERAL ASSEMBLY TO ENACT
LEGISLATION TO AMEND THE OFFICIAL CHARTER OF THE CITY OF CLARKSVILLE

WHEREAS, the City Council finds that the best interests of the City would be served by the enactment of certain amendments to the Charter of the City of Clarksville, as set forth in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the City Council formally requests that the Tennessee General Assembly enact an amendment to the City's private act, state law Charter, as set forth in Exhibit A; and

WHEREAS, the City Council formally requests that the local state delegation members of the Tennessee General Assembly to sponsor and support legislation to amend the City Charter as set forth in Exhibit A.

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

1. That the Tennessee General Assembly is hereby requested to enact legislation to amend the Official Charter of the City of Clarksville, as set forth in Exhibit A, attached hereto and incorporated herein.
2. That the local state delegation members of the Tennessee General Assembly are hereby requested to sponsor and support legislation to amend the City Charter, as set for in Exhibit A, attached hereto and incorporated herein.

ADOPTED:

RATIFIED:

EXHIBIT A

RESOLUTION 60-2020-21

A RESOLUTION EXPRESSING THE SENSE OF THE CITY COUNCIL HONORING
OPERATION IRAQI FREEDOM VETERANS

WHEREAS, the City Council finds that Operation Iraqi Freedom was initiated on March 20, 2003; and

WHEREAS, the City Council finds it to be appropriate to mark the anniversary of the occasion, and to pay homage to, and to honor, the OIF military service veterans of our community, state and nation, and their spouses and family members, and hereby expresses the gratitude and thanks of the City of Clarksville for their sacrifices and service to our country.

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

The City Council, and the City of Clarksville, hereby desires to mark the anniversary of the occasion of the start of Operation Iraqi Freedom, and to pay homage to, and to honor, the OIF military service veterans of our community, state and nation, and their spouses and family members, and hereby expresses the gratitude and thanks of the City of Clarksville for their sacrifices and service to our country.

ADOPTED:

RESOLUTION 61-2020-21

A RESOLUTION REQUESTING THE MAYOR TO CALL A SPECIAL SESSION OF THE CITY COUNCIL AS A COMMITTEE OF THE WHOLE TO STUDY AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL PERTAINING TO PROPOSED AMENDMENTS TO THE CITY CHARTER

WHEREAS, the City Council finds that the best interests of the City may best be served by the enactment of certain amendments to the Charter of the City of Clarksville; and

WHEREAS, the City Council finds that the Charter serves as the “constitution” for the City, and is a fundamental legal document that establishes the elemental basis and structure for City government, and is extremely important, and proposed amendments to the Charter should not be proposed in haste, but that study, reflection, and debate should occur regarding potential Charter amendments.

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

1. That the Mayor is requested to call a special session of the City Council as a “committee of the whole” to study and make recommendations to the City Council pertaining to proposed amendments to the City Charter.

ADOPTED: