



**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
FEBRUARY 7, 2013, 7:00 P.M.**

**COUNCIL CHAMBERS  
106 PUBLIC SQUARE  
CLARKSVILLE, TENNESSEE**

**AGENDA**

PUBLIC COMMENTS

- 6:55 p.m. Rachael Rutland

- 1) CALL TO ORDER
- 2) PRAYER AND PLEDGE OF ALLEGIANCE
- 3) ATTENDANCE
- 4) PLANNING COMMISSION

**ZONING: PUBLIC HEARING AND FIRST READING**

1. **ORDINANCE 70-2012-13** Amending the Zoning Ordinance and Map of the City of Clarksville, application of Herbert E. Baggett, Jr., for zone change on property at the terminus of Poplar Court from R-3 Three Family Residential District to R-2 Single Family Residential District (*RPC: Approval/Approval*)
2. **ORDINANCE 71-2012-13** Amending the Zoning Ordinance and Map of the City of Clarksville, application of Richard E. Stone, Jr., Executor, Jason Daugherty-Agent, for zone change on property at Ringgold Road and Ringgold Court from R-1 Single Family Residential District to R-4 Multiple Family Residential District (*RPC: Approval/Approval*)

## ABANDONMENT

1. **RESOLUTION 33-2012-13** Approving abandonment of a portion of Eagle Street; request of Huneycutt Properties (*RPC: Approval/Approval*)

## 5) 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 54-2012-13** (Second Reading) Amending the FY13 Capital Projects Budget to accept grants for the Red River Trail project
2. **ORDINANCE 57-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Randy and Gloria Suggs, Syd Hedrick-Agent, for zone change on property at Gateway Lane and Hayes Street from R-1 Single Family Residential District to OP Office-Professional District
3. **ORDINANCE 58-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Thomas W. Cork for zone change on property at Terminal Road and Wilma Rudolph Boulevard from M-2 General Industrial District to C-5 Highway & Arterial Commercial District
4. **ORDINANCE 61-2012-13** (Second Reading) Authorizing acquisition property on Ashbury Road for Fire Station #6
5. **RESOLUTION 34-2012-13** Approving a Certificate of Compliance for retail liquor store for Favorite Liquors, Inc., Ashok K. Bhagchand, for operation of Favorite Liquors, Inc.
6. Approval of Minutes: Special Session January 3, Regular Session January 3, Special Session January 14
7. Approval of Board Appointments:

Community Health Foundation: Suzanne Uffleman (replace L. M. Ellis-resigned) and Joey Smith (replace Harold Vann-resigned) - March 2013 through February 2016; Khandra Smalley (fill unexpired term of Andrea Fresco-resigned) - March 2013 through February 2015; Kaye Drew (reappointment) - March 2013 through February 2016.

Housing Authority: Martha Jones (replace Mary Elliott-term expired) – February 2013 through September 2017

Regional Solid Waste Planning Board: Jay Albertia (reappointment) – November 2012 through October 2017

Storm Water Board of Appeals: Chris Goodman (replace Bryce Powers-term expired) – February 2013 through October 2013

6) COMMUNITY DEVELOPMENT COMMITTEE

*David Allen, Chair*

7) FINANCE COMMITTEE

*Joel Wallace, Chair*

1. **ORDINANCE 55-2012-13** (Second Reading) Amending the FY13 Capital Projects Budget to accept a donation for the Police Ballistic Scenario House *[Proposed Amendment]*
2. **ORDINANCE 65-2012-13** (First Reading) Amending the FY13 Information Technology Operating Budget for email archiving system upgrade *(Finance Committee: Approval)*
3. **ORDINANCE 66-2012-13** (First Reading) Authorizing purchase of property on Chestnut Street for Community Development *(Finance Committee: Approval)*

8) GAS & WATER COMMITTEE

*Jeff Burkhardt, Chair*

1. **ORDINANCE 63-2012-13** (First Reading) Authorizing extension of utilities to property on Highway 76; request of Ronnie Powers *(Gas & Water Committee: Approval)*
2. **ORDINANCE 64-2012-13** (First Reading) Authorizing extension of utilities to property on Rossview Road; request of B & S Development *(Gas & Water Committee: Approval)*

9) PARKS, RECREATION, GENERAL SERVICES

*Wallace Redd, Chair*

10) PUBLIC SAFETY COMMITTEE

*(Building & Codes, Fire, Police)*

*Geno Grubbs, Chair*

1. **ORDINANCE 62-2012-13** (Second Reading) Authorizing a budget amendment and acquisition of property on Main Street for future expansion of Fire Station #1 *[Proposed Amendment]*

11) STREET COMMITTEE

*James Lewis, Chair*

12) TRANSPORTATION COMMITTEE

*Marc Harris, Chair*

13) NEW BUSINESS

1. **ORDINANCE 68-2012-13** (First Reading) Establishing the Occupational Safety and Health Program (*Mayor McMillan*)
2. **ORDINANCE 69-2012-13** (First Reading) Accepting donation of property from In-Rel Development for the Clarksville Greenway (*Mayor McMillan*)
3. **RESOLUTION 35-2012-13** Directing the City Attorney to take legal action relative to zoning enforcement in the Patrick Place Subdivision (*Councilman Allen*)

14) MAYOR AND STAFF REPORTS

15) ADJOURNMENT

ORDINANCE 70-2012-13

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HERB E. BAGGETT, JR., FOR ZONE CHANGE ON PROPERTY AT THE TERMINUS OF POPLAR COURT

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-2 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point in the northern margin of Poplar Court and being approximately 375 feet from the eastern margin of Reynolds Street; thence in a northerly direction 155 feet to an alley; thence in an easterly direction 175 feet, more or less, to a point; thence in a southerly direction to the north margin of Poplar Court; thence in a westerly direction 200 feet to the point of beginning, being known as a part of parcel 67 and lot 68 and 69 Carney and Savage Addition. Containing 0.68 +/- acre (Tax Map 066-E-M Parcel 8.00)

ORDINANCE 71-2012-13

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RICHARD E. STONE, JR., EXECUTOR, JASON DAUGHTERY-AGENT, FOR ZONE CHANGE ON PROPERTY AT RINGGOLD ROAD AND RINGGOLD COURT

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as R-4 Multiple Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being in the northern ROW of Ringgold Road, said point being 330 +/- feet southwest of the Centerline of the Ringgold Road and Brentwood Circle intersection, said point also being the southwest corner of the E W Stewart Lumber Co. property, thence in a northerly direction 553 +/- feet with the E W Stewart Lumber Co. property, to a point, said point being the northeast corner of the subject tract and in the southern border of the Whitehall Subdivision, thence in a westerly direction 264 +/- feet with the southern border of the Whitehall Subdivision to a point, said point being the northeast corner of the First Korean Presbyterian Church of Clarksville Inc. thence a southerly direction 630 +/- feet with the First Korean Presbyterian Church of Clarksville Inc. property line to a point said point being in the northern ROW of Ringgold Rd. thence in a easterly direction 387 +/- feet with the northern ROW of Ringgold Rd. to the point of beginning, said tract containing 4.5 +/- acres. (Tax Map 030 Parcel 028.00)

RESOLUTION 33-2012-13

A RESOLUTION APPROVING ABANDONMENT OF THE WESTERN PORTION OF EAGLE STREET LOCATED SOUTH OF THE 101<sup>ST</sup> AIRBORNE DIVISION PARKWAY, EAST OF FORT CAMPBELL BOULEVARD, AND WEST OF EAGLE COURT

*WHEREAS*, application was made by Huneycutt Properties for abandonment of the western portion of Eagle Street; located south of the 101<sup>st</sup> Airborne Division Parkway, east of Fort Campbell Boulevard and west of Eagle Court; being approximately 50 +/- feet wide and 230 +/- feet long, containing approximately 11,500 +/- sq. ft., shown on Montgomery County tax map 30-O, group C, south of parcel 1.00, and on Montgomery County tax map 30-O, group D, north of parcel 2.00; also shown on the attachments; and

*WHEREAS*, the application was reviewed according to established procedures by the Regional Planning Commission on January 30, 2013, and was recommended for approval to the Clarksville City Council, with retention of an easement for storm water and surface drainage, and for public utilities;

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

That the above-described portion of a public alleyway is hereby abandoned with retention of an easement for storm water and surface drainage, and for public utilities.

*PUBLIC HEARING:*

*ADOPTED:*

AB-1-2013

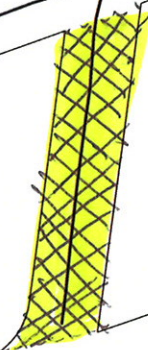
HUEY CIR

NORMANDY ST

EAGLE ST

BASTOGNE ST

EAGLE CT



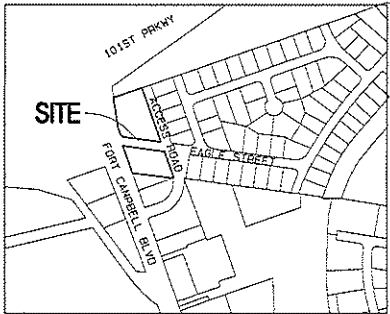
101ST AIRBORNE DIV PKWY

FORT CAMPBELL BLVD

OLD HOPKINSVILLE RD

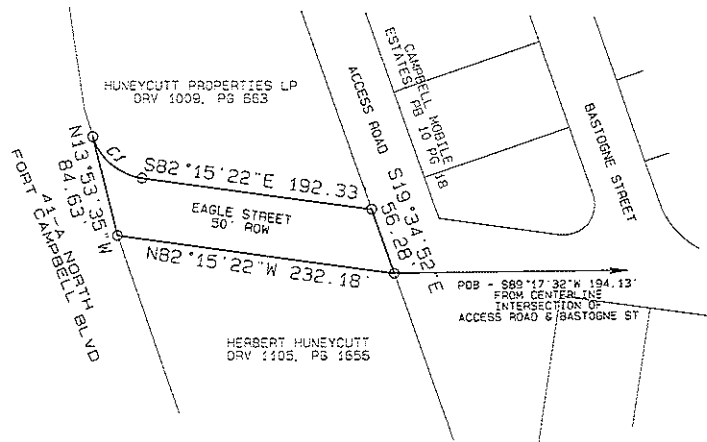
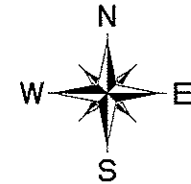
ARROWOOD DR





VICINITY MAP  
NOT TO SCALE

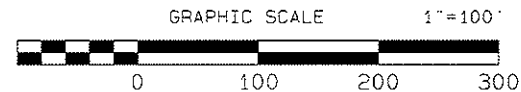
# RIGHT OF WAY ABANDONMENT OF EAGLE STREET 0.27+/-AC (228LF)



- LEGEND
- — — — — PROPERTY LINE
  - - - - - EASEMENT LINE
  - - - - - SETBACK LINE
  - - - - - CENTERLINE
  - X-X- FENCELINE

IP (O) = OLD IRON PIN FOUND  
 IP (N) = NEW IRON PIN SET  
 (1/2 REBAR 18" LONG WITH CAP)

CURVE	RADIUS	DELTA	TANGENT	ARC	CHORD BEARING	CHORD
C1	50.00'	64°44'30"	31.70'	55.50'	S49°53'07"E	53.54'



330 North Second Street  
 P.O. Box 949  
 Clarksville, TN 37041-0949  
 Phone (931) 647-5959 Fax (931) 647-7135  
 www.dbsengr.com

Engineers • Surveyors • Planners

DRAWN BY: VES  
 CHECKED BY: \_\_\_\_\_  
 P:\23970 RD (Huneycutt Retail Expansion)\HUNEYCUTT RD.dwg

## CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: February 7, 2013. The public hearing will be held on: February 7, 2013.

CITY ORD. #: 70-2012-13      RPC CASE NUMBER: Z-1-2013

Applicant:      HERBIE BAGGETT, JR.

Agent:

Location:      at the terminus of Poplar Court.

Ward #:      9

Request:      R-3 Three Family Residential District  
to  
R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 71-2012-13      RPC CASE NUMBER: Z-2-2013

Applicant:      RICHARD E. STONE, JR., EXECUTOR

Agent:      Jason Daugherty

Location:      fronting on the north side of Ringgold Rd. 650 +/- feet east of the centerline of the Ringgold Rd & Ringgold Ct. intersection.

Ward #:      5

Request:      R-1 Single-Family Residential District  
to  
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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

RECORD # 1861

RPC MEETING DATE: 1/30/2013

CASE NUMBER: Z - 1 - 2013

NAME OF APPLICANT: Herbie

Baggett, Jr.

AGENT:

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**GENERAL INFORMATION**

PRESENT ZONING  
CLASSIFICATION: R-3

PROPOSED ZONING  
CLASSIFICATION: R-2

GROWTH PLAN AREA CITY

APPLICANT'S STATEMENT To allow for development into 3 single-family lots for the benefit of Habitat for  
FOR PROPOSED USE: Humanity.

CITY COUNCIL WARD: 9

TAX PLAT # 066 E-M

PARCEL # 008.00

COUNTY COMMISSION  
DISTRICT: 17

CIVIL DISTRICT 12th

Abandonment adjacent to property AB-4-2002

PREVIOUS ZONING  
HISTORY:

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**GENERAL DESCRIPTION OF PROPERTY TO BE REZONED**

PROPERTY at the terminus of Poplar Court.  
LOCATION:

DESCRIPTION  
OF PROPERTY: Vacant wooded lot.

ACREAGE TO  
BE REZONED: 0.68 +/-

EXISTING LAND USE: Vacant

SURROUNDING USES: North-Single family; West-Single family; South-Single family East-City of Clks.

EXTENSION OF ZONE  
CLASSIFICATION:

DRAINAGE: West to east

ACCESSIBILITY: Poplar Court

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ CITY ENGINEER
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☒ CHARTER COMM.

- ☒ BELL SOUTH
- ☒ 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
- ☐ Other...

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

1. Comments Received From Department And They Had No Concerns.

##### 1a. COST TO ENGINEER/UTILITY DISTRICT:

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

2. Comments Received From Department And They Had No Concerns.

##### 2a. COST TO STREET/HIGHWAY DEPT.:

#### 3. DRAINAGE COMMENTS:

3. Comments Received From Department And They Had No Concerns.

##### 3a. DRAINAGE COST:

#### 4. CDE/CEMC:

4.

##### 4a. COST TO CDE/CEMC:

#### 5. CHARTER COMM./BELL SOUTH:

5.

##### 5a. COST TO CHARTER AND/OR BELL SOUTH:

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

6. Comments Received From Department And They Had No Concerns.

##### 6a. COST FIRE DEPT/EMERGENCY MGT.:

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

7. Comments Received From Department And They Had No Concerns.

##### 7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

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

8. Comments Received From Department And They Had No Concerns.

##### 8a. COST TO CITY/COUNTY BLDG. & CODES:

#### 9. SCHOOL SYSTEM:

9.

ELEMENTARY: MOORE

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: CLARKSVILLE

##### 9a. COST TO SCHOOL SYSTEM:

#### 10. FT. CAMPBELL:

10.

##### 10a. COST TO FT. CAMPBELL:

#### 11. OTHER COMMENTS:

11.



# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

## STAFF REVIEW - ZONING

### PLANNING STAFF'S STUDY AND RECOMMENDATION

1. IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: 1. Minimal

#### 2. INFRASTRUCTURE AVAILABLE TO THE SITE:

- |                    |   |            |
|--------------------|---|------------|
| a. WATER SOURCE:   | a. <u>City</u>                              | PIPE SIZE: |
| b. SEWER SOURCE:   | b. <u>City</u>                              |            |
| c. SOIL TYPE:      | c. <u>Baxter Cherty Silt Loam, 5 - 12 %</u> |            |
| d. ACCESSIBILITY:  | d. <u>Poplar Court</u>                      |            |
| e. DRAINAGE:       | e. <u>West To East</u>                      |            |
| f. OTHER SERVICES: | f.  |            |

#### 3. DEVELOPMENT ESTIMATES:

##### APPLICANT'S ESTIMATES

##### HISTORICAL ESTIMATES

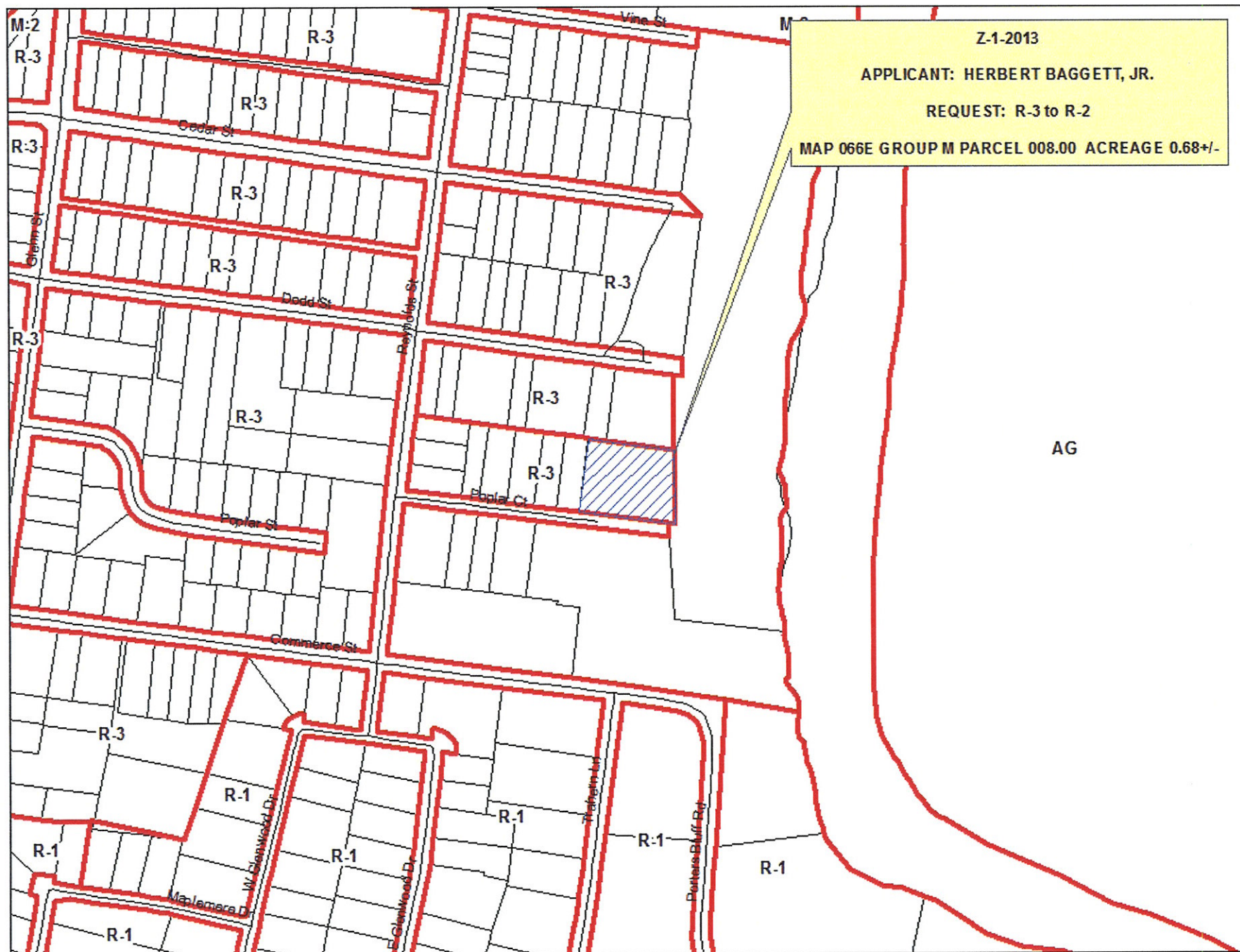
- |  |   |   |
|--|---|---|
| a. ESTIMATED LOTS/UNITS:                 | 3 | 2 |
| b. ESTIMATED ROAD MILES:                 |   |   |
| c. ESTIMATED POPULATION:                 | 8 | 5 |
| d. ESTIMATED ELEMENTARY SCHOOL STUDENTS: |   |   |
| e. ESTIMATED MIDDLE SCHOOL STUDENTS:     |   |   |
| f. ESTIMATED HIGH SCHOOL STUDENTS:       |   |   |

#### 4. APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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.

#### 5. STAFF RECOMMENDATION:      Approval

- a. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
- b. Single family residential is the predominant in the area and the R-2 lot size is in character with properties in the area.
- c. Adequate infrastructure serves the site.
- d. No adverse environmental issues were identified relative to this request.
- e.



CASE NUMBER: Z 1 2013 MEETING DATE 1/30/2013

APPLICANT: Herbie Baggett, Jr.

PRESENT ZONING R-3 PROPOSED ZONING R-2

TAX PLAT # 066 E-M PARCEL 008.00

GEN. LOCATION at the terminus of Poplar Court.

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**PUBLIC COMMENTS**

No Public Comment received as of 11:00 a.m. on 1/30/2013. ams



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

RECORD # 1862

**RPC MEETING DATE:** 1/30/2013

**CASE NUMBER:** Z - 2 - 2013

**NAME OF APPLICANT:** Richard E.

Stone, Jr., Executor

**AGENT:** Jason

Daugherty

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**GENERAL INFORMATION**

**PRESENT ZONING**

**CLASSIFICATION:** R-1

**PROPOSED ZONING**

**CLASSIFICATION:** R-4

**GROWTH PLAN AREA:** CITY

**APPLICANT'S STATEMENT** To allow development of multi-family housing.  
**FOR PROPOSED USE:**

**CITY COUNCIL WARD:** 5

**TAX PLAT #** 030

**PARCEL #** 028.00

**COUNTY COMMISSION**

**DISTRICT:** 12

**CIVIL DISTRICT** 3rd

**PREVIOUS ZONING** Z-42-2005 (Adjacent west) R-2 to R-4  
**HISTORY:**

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**GENERAL DESCRIPTION OF PROPERTY TO BE REZONED**

**PROPERTY** fronting on the north side of Ringgold Rd. 650 +/- feet east of the centerline of the  
**LOCATION:** Ringgold Rd & Ringgold Ct. intersection.

**DESCRIPTION** Large residential lot with single family dwelling and numerous detached structures.  
**OF PROPERTY:**

**ACREAGE TO**  
**BE REZONED:** 4.5

**EXISTING LAND USE:** Single Family Residential

**SURROUNDING USES:** North-Single Family; West-Church; South-Multi Family Residential; East-Vacant

**EXTENSION OF ZONE**

**CLASSIFICATION:** Yes- R-4 To The N, W & S

**DRAINAGE:** South to North

**ACCESSIBILITY:** Ringgold Road

6



# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ CITY ENGINEER
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☒ CHARTER COMM.

- ☒ BELL SOUTH
- ☒ 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
- ☐ Other...

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

1. Comments Received From Department And They Had No Concerns.

##### **1a. COST TO ENGINEER/UTILITY DISTRICT:**

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

2. Comments Received From Department And They Had No Concerns.

##### **2a. COST TO STREET/HIGHWAY DEPT.:**

#### **3. DRAINAGE COMMENTS:**

3. Comments Received From Department And They Had No Concerns.

##### **3a. DRAINAGE COST:**

#### **4. CDE/CEMC:**

4. No Comment(s) Received

##### **4a. COST TO CDE/CEMC:**

#### **5. CHARTER COMM./BELL SOUTH:**

5.

##### **5a. COST TO CHARTER AND/OR BELL SOUTH:**

#### **6. FIRE DEPT/EMERGENCY MGT.:**

6. Comments Received From Department And They Had No Concerns.

##### **6a. COST FIRE DEPT/EMERGENCY MGT.:**

#### **7. POLICE DEPT/SHERIFF'S OFFICE:**

7. Comments Received From Department And They Had No Concerns.

##### **7a. COST TO POLICE DEPT./SHERIFF'S DEPT:**

#### **8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:**

8. Comments Received From Department And They Had No Concerns.

##### **8a. COST TO CITY/COUNTY BLDG. & CODES:**

#### **9. SCHOOL SYSTEM:**

9.

ELEMENTARY: RINGGOLD

MIDDLE SCHOOL: KENWOOD

HIGH SCHOOL: KENWOOD

##### **9a. COST TO SCHOOL SYSTEM:**

#### **10. FT. CAMPBELL:**

10.

##### **10a. COST TO FT. CAMPBELL:**

#### **11. OTHER COMMENTS:**

11. Airport Overlay Transition Zone

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

## STAFF REVIEW - ZONING

### PLANNING STAFF'S STUDY AND RECOMMENDATION

1. IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: 1. Increased traffic, light & noise

#### 2. INFRASTRUCTURE AVAILABLE TO THE SITE:

- |                    |  |            |
|--------------------|--|------------|
| a. WATER SOURCE:   | a. <u>City</u>                         | PIPE SIZE: |
| b. SEWER SOURCE:   | b. <u>City</u>                         |            |
| c. SOIL TYPE:      | c. <u>Pickwick Silt Loam, 5 - 12 %</u> |            |
| d. ACCESSIBILITY:  | d. <u>Ringgold Road</u>                |            |
| e. DRAINAGE:       | e. <u>South To North</u>               |            |
| f. OTHER SERVICES: | f.                                     |            |

#### 3. DEVELOPMENT ESTIMATES:

##### APPLICANT'S ESTIMATES

##### HISTORICAL ESTIMATES

- |  |      |
|--|------|
| a. ESTIMATED LOTS/UNITS:                 | 53.6 |
| b. ESTIMATED ROAD MILES:                 |      |
| c. ESTIMATED POPULATION:                 | 144  |
| d. ESTIMATED ELEMENTARY SCHOOL STUDENTS: |      |
| e. ESTIMATED MIDDLE SCHOOL STUDENTS:     |      |
| f. ESTIMATED HIGH SCHOOL STUDENTS:       |      |

#### 4. APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Peachers Mill Planning Area - This area is a combination of mature and newly platted subdivisions, primarily single family in nature. The construction of the 101st Parkway has had an impact here as it vastly improved the linkage between US 41 A and US 79. Even though the Parkway has limited access, it is creating pressure for commercial nodes at its intersections with local roads.

#### 5. STAFF RECOMMENDATION:      Approval

- a. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
- b. The R-4 request will is a continuation of the established R-4 zoning to the south and east. The R-1 zoning to the west is an established religious institution.
- c. Adequate infrastructure serves the site.
- d. No adverse environmental issues were identified relative to this request.
- e.





CASE NUMBER: Z 2 2013 MEETING DATE 1/30/2013

APPLICANT: Richard E. Stone, Jr., Executor

PRESENT ZONING R-1 PROPOSED ZONING R-4

TAX PLAT # 030 PARCEL 028.00

GEN. LOCATION fronting on the north side of Ringgold Rd. 650 +/- feet east of the centerline of the  
Ringgold Rd & Ringgold Ct. intersection.

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**PUBLIC COMMENTS**

No Public Comment received as of 11:00 a.m. on 1/30/2013. ams

ORDINANCE 54-2012-13

AN ORDINANCE AMENDING THE 2012-13 GENERAL FUND AND CAPITAL PROJECTS FUND BUDGET (ORDINANCE 100-2011-12) AUTHORIZING THE CITY OF CLARKSVILLE TO ACCEPT A FEDERAL GRANT PASS THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION WITH THE CITY OF CLARKSVILLE PROVIDING 20% MATCHING FUNDS FOR THE CLARKSVILLE GREENWAY-RED RIVER TRAIL PROJECT PHASE I

*WHEREAS,* the City of Clarksville has been awarded a grant totaling \$626,360 by the Federal Government passed through the Tennessee Department of Transportation to construct and complete a major section of the city's pedestrian trail known as the Clarksville Greenway-Red River Trail; and

*WHEREAS,* this project includes clearing underbrush, earthwork, grading, paving a 12 foot wide walkway, installation of benches, guardrails and signage; and

*WHEREAS,* the City of Clarksville will provide a 20% match requirement of \$156,590.

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

That the following budget amendments are hereby authorized:

4041000 33130-13501	Federal Grant Revenue	Increase: \$626,360
4041000 39150	Transfer In from General Fund	Increase: \$156,590
40450003-4450-13501	Clarksville River Trail	Increase: \$782,950
10470003-4914	Transfer to Capital Projects Fund	Increase: \$156,590

*BE IT FURTHER ORDAINED* that the source funding for the \$156,590 shall be from the fund balance of the General Fund.

*FIRST READING:* January 3, 2013

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 57-2012-13

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RANDY AND GLORIA SUGGS, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY AT GATEWAY LANE AND HAYES 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-1 Single Family Residential District, as OP Office-Professional District.

*PUBLIC HEARING:* January 3, 2013

*FIRST READING:* January 3, 2013

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an iron pin at the Haynes Street and Gateway Lane, runs thence north 86 degrees 46 minutes east along the north margin of Haynes Street 132.4 feet to an iron stake at the southwest corner of Lot 8, thence north along the west line of Lot 8, 100 feet to an iron pin, the southeast corner of Lot 21, thence westwardly along the south line of Lot 21, 150.9 feet to east margin of Gateway Lane, thence southwardly along said lane 86 feet to an iron pin, thence continuing along said lane on a curve (delta 94 degrees 28 minutes, Tangent = 27 feet, length 41'-2 feet, radius 25.0 feet) to the beginning. (Tax Map, Parcel 65-O-G-14.00) 0.38 +/- acres.

ORDINANCE 58-2012-13

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF THOMAS W. CORK FOR ZONE CHANGE ON PROPERTY AT TERMINAL 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-5 Highway & Arterial Commercial District.

*PUBLIC HEARING:* January 3, 2013

*FIRST READING:* January 3, 2013

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point in the north ROW of Terminal Rd. said point being 847 +/- feet northwest of the centerline of the Wilma Rudolph Blvd. & Terminal Road intersection, further identified as the southwest corner of the Barbra Ratchford property, thence in a northerly direction with the Ratchford property line 514 +/- feet to a point said point being the northwest corner of the Ratchford property and located in the southern boundary of the Batson East Land Co. Inc. property, thence in a westerly direction with the Batson East Land Co. Inc. property line 248 +/- feet to a point said point being the newly established zone line for the Over the Top LLC /Thomas Cork property thence a southerly direction along the the newly established zone line 509 +/- feet to a point said point being in the northern ROW of Terminal Rd. thence in a easterly direction along the northern ROW of Terminal Rd. 243 +/- feet to the point of beginning. said tract containing 2.8 +/- acres further identified as (Tax Map 032 Parcel 021.00 p/o).

ORDINANCE 61-2012-13

AN ORDINANCE AUTHORIZING ACQUISITION OF PORTION OF C.D. BAGGETT FAMILY PROPERTY ON ASHBURY ROAD FOR FIRE STATION 6

*WHEREAS,* a portion of certain real property known as the C.D. Baggett Family Property and identified more particularly in Exhibit A attached hereto (hereinafter, the “Property”) abuts the real property where Fire Station 6 is located; and

*WHEREAS,* the City of Clarksville seeks to acquire title to the Property; and

*WHEREAS,* funding for this acquisition has been authorized pursuant to the FY13 Capital Projects budget (Ord. 100-2011-12).

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

That the Clarksville City Council hereby authorizes the acquisition of the Property on Ashbury Road, more fully described in Exhibit A attached hereto, from the C.D. Baggett family.

*FIRST READING:* January 29, 2013

*SECOND READING:*

*EFFECTIVE DATE:*



## **EXHIBIT A**

Land Description  
Of a portion of the  
C.D. Baggett Family Property  
0.09 Acres+/-

Being a parcel of land in the 3<sup>rd</sup> Civil District of Montgomery County, Tennessee, said parcel being a portion of the C.D. Baggett Family property as recorded in Official Record Volume (ORV) 1065, page 1983 Register's Office Montgomery County, Tennessee (ROMCT), said parcel being generally described as south of and adjacent to Ashbury Road, east of Fort Campbell Boulevard, and north of Taylor Road, said parcel being more particularly described as follows:

Beginning at an iron pin found, (a ½" rebar), said pin being the northwestern corner of the City of Clarksville Property (Fire Station 6) as recorded in ORV 52, page 329 ROMCT, said pin also being the northeastern corner of said C.D. Baggett Family property, said pin also being South 61°47'27" West for a distance of 155.17 feet from the intersection of said Ashbury Road and Shannon Street, said pin also being on the southern right of way of said Ashbury Road, said pin also being the northeastern corner of the herein described parcel;

Thence leaving said right of way and with the western boundary line of said City of Clarksville property, South 19°25'35" East, a distance of 159.84 feet to an iron pin found, (a 5/8" rebar), said pin being on a northern boundary line of the Anne G Swanson property as recorded in ORV 1204, page 1192 ROMCT, said pin also being the southeastern corner of the herein described parcel;

Thence leaving said western boundary line and with said northern boundary line, South 70°30'40" West, a distance of 24.10 feet to a point, said point being the southwestern corner of the herein described parcel;

Thence leaving said northern boundary line on a new severance line crossing said C.D. Baggett Family property, North 19°25'35" West, a distance of 159.89 feet to a point, said point bearing Tennessee State Plane Coordinates with a northing of 819194.6089 and an easting of 1555494.5867 North American Datum 88/Grid North, said point also being the northwestern corner of the herein described parcel, said point also being on the southern right of way of said Ashbury Road;

Thence leaving said new severance line and with said southern right of way, North 70°38'25" East, a distance of 24.10 feet to the Point of Beginning, said parcel containing 3,852.8 Square feet or 0.09 ACRES, more or less.

Together with and subject to right of ways, covenants, conveyances, and easements of record, and not of record.

RESOLUTION 34-2012-13

A RESOLUTION APPROVING A RETAIL LIQUOR STORE CERTIFICATE OF COMPLIANCE FOR FAVORITE LIQUORS, INC., ASHOK K. BHAGCHAND

*WHEREAS*, Favorite Liquors, Inc., Ashok K. Bhagchand, has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for the operation of Favorite Liquors to be located at 2570 Madison Street; and

*WHEREAS*, the applicant(s) who is/are to be in actual charge of said business has/have not been convicted of a felony within a ten year period immediately preceding the date of the application and, if a corporation, that the executive officers, or those in control, have not been convicted of a felony within a ten year period immediately preceding the date of the application; and further that it is the undersigned's opinion that the applicant will not violate any provisions of *Tennessee Code Annotated, Title 57, Chapter 3*; and

*WHEREAS*, the applicant(s) has/have secured a location which complies with all restrictions of the laws, ordinances, or resolutions; and

*WHEREAS*, the applicant(s) has/have complied with the residency provisions; and

*WHEREAS*, the issuance of this license will not exceed the numerical limit established in City Code Sec. 2-205.

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Favorite Liquors, Inc., Ashok K. Bhagchand, for operation of Favorite Liquors, Inc., 2570 Madison Street, Suite B, Clarksville, Tennessee.

\_\_\_\_\_  
Mayor

*ATTEST:*

\_\_\_\_\_  
City Clerk

*ADOPTED:*



## **CLARKSVILLE CITY COUNCIL REGULAR SESSION JANUARY 3, 2013**

### **MINUTES**

#### **CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, January 3, 2013, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Jeff Burkhart; the Pledge of Allegiance was led by Councilwoman Deanna McLaughlin.

#### **ATTENDANCE**

**PRESENT:** Nick Steward (1), Deanna McLaughlin (2), James Lewis, Mayor Pro Tem (3), Wallace Redd (4), Valerie Guzman (5), Marc Harris (6), Geno Grubbs (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhart (12)

#### **SPECIAL RECOGNITIONS**

Mayor McMillan presented certificates of appreciation to the Montgomery Area Robotics Intelligent Operations (MARIO) Club for their achievements in the recent Music City Best Robotics Competition.

#### **PUBLIC HEARING**

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding requests for zone change. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection.

**ORDINANCE 56-2012-13** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reda Homebuilders for zone change on property at Twin Rivers Road and Nolen Road from R-1 Single Family Residential District to R-4 Multiple Family Residential District

Rick Reda asked the Council to grant a one month deferral to allow him time to review the zoning options. Stephanie Ware and Mathew Mayer said multi-family zoning would increase crime, traffic issues, noise, trash, and insufficient power for the area which were problems that already existed with the Groves Apartments.

**ORDINANCE 57-2012-13** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Randy and Gloria Suggs, Syd Hedrick-Agent, for zone change on property at Gateway Lane and Hayes Street from R-1 Single Family Residential District to OP Office-Professional District

Syd Hedrick reviewed the use options for the OP classification and said the proposed zoning would create a buffer between the residential area and the Publix commercial complex. Architect and resident Pam Powell expressed support for the buffer concept. Joannie Parsons opposed intrusion of commercial activity into the existing neighborhood.

**ORDINANCE 58-2012-13** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Thomas W. Cork for zone change on property at Terminal Road and Wilma Rudolph Boulevard from M-2 General Industrial District to C-5 Highway & Arterial Commercial District

There were no comments for or against this request.

Councilman Grubbs made a motion to revert to regular session. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection.

## ZONING

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 56-2012-13**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Based on the request of the applicant, Councilman Redd made a motion to postpone action on this ordinance to the next regular session. The motion was seconded by Councilman Harris. Councilwoman Jones and Councilwoman McLaughlin felt the vote should be taken because area residents were present. The following vote was recorded:

AYE: Burkhardt, Grubbs, Harris, Lewis, Redd, Steward, Wallace

NAY: Allen, Guzman, Jones, McLaughlin, Summers

The motion to postpone passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 57-2012-13**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilwoman Jones said area residents opposed the change. Councilman Summers said the area should remain residential. Councilman Harris, Councilman Steward, and Councilman Redd felt the property was ideal for mixed use developments. Councilman Burkhardt supported the buffer that would be created between the existing residential and commercial developments. The following vote was recorded:

AYE: Burkhart, Grubbs, Harris, McMillan, Redd, Steward, Wallace

NAY: Allen, Guzman, Jones, Lewis, McLaughlin, Summers

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 58-2012-13**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

## 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 35-2012-13** (Second Reading) Amending the FY13 Parks & Recreation Special Revenue Budget to accept in-kind donations for development of historic district design guidelines
2. **ORDINANCE 41-2012-13** (Second Reading) Amending the FY13 Capital Projects Budget to accept a boating infrastructure grant for marina construction
3. **ORDINANCE 42-2012-13** (Second Reading) Conveying a sanitary sewer easement to Pleasant View Utility District
4. **ORDINANCE 43-2012-13** (Second Reading) Amending the Official Code to update Madison Street Corridor Urban Design Overlay design standards and guidelines
5. **ORDINANCE 44-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Allen Moser for zone change on property at Fairview Lane and Wilma Rudolph Boulevard from R-1 Single Family Residential District to R-4 Multiple Family Residential District
6. **ORDINANCE 45-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Charlotte Weatherford, Allen Moser-Agent, for zone change on property at Fairview Lane and Wilma Rudolph Boulevard from R-1 Single Family Residential District to R-4 Multiple Family Residential District

7. **ORDINANCE 46-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Gordon Seay for zone change on property at Tylertown Road and Cindy Jo Drive North from AG Agricultural District to R-2 Single Family Residential District, R-5 Residential District, and C-1 Neighborhood Commercial District
8. **ORDINANCE 47-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Todd Morris for zone change on property at Madison Street and Hillcrest Drive from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District
9. **ORDINANCE 48-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of James H. Maynard, Moore Design Services-Agent, for zone change on property at Tobacco Road and Creekside Drive from R-3 Three Family Residential District to R-2 Single Family Residential District and R-4 Multiple Family Residential District
10. **ORDINANCE 49-2012-13** (Second Reading) Amending the FY13 Operating Budget for Centerstone roof repair
11. Approval of Board Appointments:

911 Emergency Communications Board: Jimmy Winters – December 2012 – November 2016

Adult Oriented Establishment Board: Ken Day, Monte Mitchell, Raby Nance – January 2013 through December 2016

Audit Committee: George Sprinkel and Sonya Stewart – January 2013 through December 2014

Housing Authority: Diane Vaughn – January 2013 through September 2017 *[Removed; No Action Taken]*

Human Relations Commission: Candy Johnson – January 2013 through June 2013

Museum Board: Jim Durrett, Mack Eddington, Bill Wyatt – January 2013 through December 2015; Valerie Guzman – January 2013 through December 2013

Parking Authority: Ted Crozier, Jr. and Linda Sheppard – January 2013 through December 2016; Wallace Redd – January 2013 through December 2013

Storm Water Board of Appeals: Rick Reda, Billy Ray Suiter: November 2012 through October 2014

12. Approval of Minutes: Special Session December 13

Mayor McMillan removed the Housing Authority appointment from the Consent Agenda and said a new recommendation would be presented at a later date. Councilman Redd made a motion to adopt the Consent Agenda as amended. The motion was seconded by Councilman Harris. Councilman Burkhardt, Councilwoman McLaughlin, and Councilman Steward registered a nay vote on Item 7, **ORDINANCE 46-2012-13**. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to adopt the amended Consent Agenda passed.

COMMUNITY DEVELOPMENT COMMITTEE

*Marc Harris, Chair*

Councilman Harris expressed condolences to Director of Housing & Community Development Keith Lampkin for the recent death of his father, Oddie Lampkin.

Councilman Harris reported demolition of 387 Liberty Parkway at a cost of \$5,145.00 and the abatement and demolition of 810 Greenwood Avenue at a cost of \$18,645.00.

FINANCE COMMITTEE

*Joel Wallace, Chair*

**ORDINANCE 54-2012-13** (First Reading) Amending the FY13 Capital Projects Budget to accept grants for the Clarksville River Trail project

Based on the recommendation of the Finance Committee, Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Summers, Wallace

NAY: Steward

The motion to adopt this ordinance on first reading passed.

**ORDINANCE 55-2012-13** (First Reading) Amending the FY13 Capital Projects Budget to accept a donation for the Police Scenario House

Based on the recommendation of the Finance Committee, Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Wallace and Councilwoman Jones expressed appreciation to the donors. Chief of Police Al Ansley said these funds would be used for purchase of equipment for the facility and not for the actual construction. In response to Councilman Summers' question, Chief Ansley said the project was currently under budget. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

#### GAS & WATER COMMITTEE

*Jeff Burkhart, Chair*

Councilman Burkhart said the intersection of College Street and First Street should be paved the week of January 7<sup>th</sup> following sewer main repair.

#### PARKS & RECREATION

(Parks, Recreation, General Services)

*Deanna McLaughlin, Chair*

Councilwoman McLaughlin said nominations for the 2013 “Sports Legends” were being accepted by the Parks & Recreation Department.

#### PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

*Geno Grubbs, Chair*

Councilman Grubbs shared the following 2012 department statistics: Building & Codes Enforcement Division – 6,121 cases and 35 graffiti complaints; Building & Codes Construction Division – 942 single-family permits and 24,158 inspections; Police Department – 152,588 dispatched and self-initiated calls; Fire & Rescue – 8,791 emergency responses.

#### STREETS & TRANSPORTATION COMMITTEE

*James Lewis, Chair*

Councilman Lewis shared the following department statistics for the month of December: Street Department - 141 work orders; Clarksville Transit System-67,046 passengers including 115 on New Year’s Eve Operation Safe Ride; Garage-248 work orders with unleaded fuel at \$2.82 per gallon and diesel fuel at \$3.15 per gallon.

Councilman Lewis thanked Mayor McMillan and the City Council for their support in electing him as Mayor Pro Tem for 2013-14.

#### NEW BUSINESS

**RESOLUTION 32-2012-13** Authorizing the Regional Planning Commission to initiate revisions to the City Zoning Ordinance and the City Code relative to signage and lighting provisions

Councilman Summers made a motion to adopt this resolution. The motion was seconded by Councilwoman Jones.

Mayor McMillan said she planned to form a task force of stakeholders to formulate a solution to this issue.



Councilman Harris made a motion to postpone action on this resolution indefinitely. The motion was not seconded. Councilman Harris made a motion to postpone action on this resolution for two months. The motion was not seconded.

City Attorney Lance Baker recommended a one-month postponement to allow time to evaluate the purpose, intent, and mission of the taskforce. Councilwoman Jones asked that all members of the City Council be a part of the taskforce.

Following discussion, Councilman Summers made a motion to postpone action to the March regular session. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to postpone action on this resolution to the March regular session unanimously passed.

#### CLOSED SESSION

At Mr. Baker's request, the Council recessed for approximately 20 minutes for a closed session regarding the Rachael Rutland v. City case.

#### MAYOR AND STAFF REPORTS

Mayor McMillan distributed 2013 City Council committee assignments.

#### ADJOURNMENT

The meeting was adjourned at 9:02 p.m.



## **CLARKSVILLE CITY COUNCIL SPECIAL SESSION JANUARY 14, 2013**

### **MINUTES**

#### **CALL TO ORDER**

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Monday, January 14, 2013, at 4:40 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Wallace Redd; the Pledge of Allegiance was led by Councilman David Allen.

#### **ATTENDANCE**

**PRESENT:** Nick Steward (1), Deanna McLaughlin (2), James Lewis, Mayor Pro Tem (3), Wallace Redd (4), Marc Harris (6), Geno Grubbs (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhart (12)

**ABSENT:** Valerie Guzman (5)

#### **HOUSING AUTHORITY**

Councilman Lewis made a motion to appointment Bill Harpel to the Clarksville Housing Authority, January 2013 through September 2016. The motion was seconded by Councilman Steward. The following vote was recorded:

**AYE:** Allen, Burkhart, Grubbs, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion unanimously passed.

#### **HUMAN RESOURCES**

**ORDINANCE 59-2012-13** (First Reading) Amending the Official Code relative to voluntary demotion

Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Mayor McMillan said a recent decision made by the Court of Appeals required this action. City Attorney Lance Baker said the current language in the City Code addressed only non-disciplinary

demotions and said the amendment would give the Director of Human Resources and Department Heads more flexibility to place a voluntarily demoted employee in the appropriate position. Following discussion, Councilman Redd called for the question. The motion was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion to cease discussion passed without objection. The following vote on the original motion was recorded:

AYE: Grubbs, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

NAY: Allen, Burkhart

The motion to adopt this ordinance on first reading passed.

**ORDINANCE 60-2012-13** (First Reading) Amending the Official Code relative to human resources, employee due process, and probationary employees, and drug and alcohol disciplinary process

Councilman Redd made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Steward. Mr. Baker reviewed the proposed changes to the existing language in the City Code. Councilman Burkhart made a motion to change “may” to “shall” in proposed new Section 1.5-1504(e) relative to mandatory drug/alcohol screen tests. The motion was seconded by Councilman Allen. The following vote was recorded:

AYE: Allen, Burkhart, Harris, Jones, McLaughlin, Summers

NAY: Grubbs, Lewis, Redd, Steward, Wallace

Councilman Burkhart’s amendment passed. Councilman Redd called for the question. The motion was seconded by Councilman Steward. A voice vote was taken; the motion to cease discussion passed without objection. The following vote on the original motion was recorded:

AYE: Grubbs, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

NAY: Allen, Burkhart

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

## ETHICS POLICY

Mayor McMillan announced a tentative date of January 29<sup>th</sup> for a special session to consider amendments to the current ethics policy.

## ADJOURNMENT

The meeting was adjourned at 5:56 p.m.



**CLARKSVILLE CITY COUNCIL  
SPECIAL SESSION  
JANUARY 3, 2013**

**MINUTES**

**CALL TO ORDER**

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, January 3, 2013, at 5:02 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Wallace Redd; the Pledge of Allegiance was led by Councilman Bill Summers.

**ATTENDANCE**

**PRESENT:** Nick Steward (1), Deanna McLaughlin (2), James Lewis (3), Wallace Redd (4), Valerie Guzman (5), Marc Harris (6), Geno Grubbs (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhart (12)

**OATH OF OFFICE**

The Oath of Office was administered by Mayor McMillan to the following elected and re-elected members:

Ward 3 - James R. Lewis  
Ward 4 - Wallace Redd  
Ward 5 - Valerie Guzman  
Ward 8 - David Allen  
Ward 9 - Joel Wallace  
Ward 12 - Jeff Burkhart

## ELECTION OF MAYOR PRO TEM

Mayor McMillan nominated and made a motion to elected Councilman James Lewis as Mayor Pro Tem for a term of two years. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: David Allen, Jeff Burkhart, Geno Grubbs, Valerie Guzman, Marc Harris, Kaye Jones, Deanna McLaughlin, Wallace Redd, Nick Steward, Bill Summers, Joel Wallace

ABSTAIN: James Lewis

The motion to elect Councilman Lewis as Mayor Pro Tem passed.

## ADJOURNMENT

The meeting was adjourned at 5:13 p.m. A reception was held immediately following the special session in the City Hall Conference Room prior to the Regular Session at 7:00 p.m.

ORDINANCE 55 -2012-13

AN ORDINANCE AMENDING THE 2012-13 CAPITAL PROJECTS FUND BUDGET (ORDINANCE 100-2011-12) AUTHORIZING THE CITY OF CLARKSVILLE TO ACCEPT PRIVATE DONATIONS AND INCREASE EXPENDITURES FOR ~~THE CONSTRUCTION OF PURCHASE OF EQUIPMENT FOR~~ THE POLICE BALLISTIC SCENARIO HOUSE

*WHEREAS,* the City of Clarksville has received private donations in the amount of \$51,711 for ~~the construction of purchase of equipment for~~ the Police Scenario House; and

*WHEREAS,* the donated funds were raised by local businesses, citizens, and law enforcement officers through shooting competitions, fishing tournaments, handgun safety and skills courses, and other fund raising activities.

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

That the following Capital Project Fund amendments be made:

4041000 36400	Private Donations	Increase: \$ 51,711
40410003-4800-13212	<del>Construction Services</del> Miscellaneous	Increase: \$ 51,711

*FIRST READING:* January 3, 2013  
*SECOND READING:*  
*EFFECTIVE DATE:*

ORDINANCE 65-2012-13

AN ORDINANCE AMENDING THE 2012-13 GENERAL FUND OPERATING BUDGET (ORDINANCE 100-2011-12) AUTHORIZING THE CITY OF CLARKSVILLE INFORMATION TECHNOLOGY DEPARTMENT TO INCREASE FUNDING IN THE AMOUNT OF \$39,622.

*WHEREAS,* the City of Clarksville email retention is currently limited to what each individual user keeps in their mailbox; and

*WHEREAS,* an email archiving system that allows central control is needed in order to comply with the records retention policy.

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

That the following Budget Amendments be made:

Information Technology Expenditures:

Technical	10419203-4340	Increase:	\$39,211
Operating Supplies	10419203-4610	Increase:	411

*BE IT FURTHER ORDAINED* that the source of funding for this \$39,622 shall be from the fund balance of the General Fund.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 66-2012-13

AN ORDINANCE AUTHORIZING PURCHASE OF PROPERTY ON CHESTNUT DRIVE  
FOR COMMUNITY DEVELOPMENT

*WHEREAS,* Community Development Block Grants help communities provide decent housing, a suitable living environment, expanded economic opportunities, principally for persons of low and moderate income; and

*WHEREAS,* Housing and Urban Development awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development and providing improved community facilities and services; and

*WHEREAS,* the Office of Housing and Community Development proposes to purchase property located at 41 Chestnut Dr. (Map, Group and Parcel 054D B 019.00) for the purpose of donating it to Habitat for Humanity; and

*WHEREAS,* providing housing for low-income families is consistent with the goals and objectives of the Community Development Block Grant program.

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

That the Office of Housing & Community Development is hereby authorized to purchase the property known as 41 Chestnut Drive for the purpose of donating it to Habitat for Humanity.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*



## MEMORANDUM

For: Finance Committee

From: Keith D. Lampkin - Director

Date: January 24, 2013

Subject: Authorizing purchase of property – 41 Chestnut Drive

Habit for Humanity contacted our office and requested we review 41 Chestnut Drive for purchase, and donation. The parcel is empty and located in the Rolling Acres Subdivision, and is 0.218914 tenths of an acre +/-.

After appraisal, and negotiations, we made an offer to the property owner for six thousand dollars (\$6,000.00), the property appraised at nine thousand dollars (\$9,000.00). The property owner accepted our offer of six thousand dollars (\$6,000.00).

After the property is purchased it will be donated to Habit for Humanity to provide a single family house to a low to moderate income family.

Attachments: four (4)

January 10, 2013

Elijah and Ernelle Whitten  
617 Pollard Rd.  
Clarksville, TN 37042

RE: STATEMENT OF THE BASIS FOR DETERMINATION OF JUST COMPENSATION CITY OF  
CLARKSVILLE'S COMMUNITY DEVELOPMENT PROGRAM CLARKSVILLE, TN 37040

Dear Mr. and Mrs. Whitten:

The purpose of this letter is to make a formal offer to purchase your property located at **41 Chestnut Dr., Clarksville, Tennessee**. Map 054D, Group B, Parcel 019.00. We propose to offer you a total amount of six thousand dollars (\$6,000).

The following information is a summary of how the Clarksville Office of Housing and Community Development established the amount of the offer, which is felt to be a fair and reasonable price for the property you own in Rolling Acres Subdivision.

INTEREST TO BE ACQUIRED:

**Map and Parcel No 054 D B 19** on the Maps of the Assessor of Property for Montgomery County, Tennessee

LISTING OF FIXTURES, STRUCTURES, OR OTHER IMPROVEMENTS TO THE LAND TO BE ACQUIRED: N/A

OTHER ITEMS OF REALTY OWNED BY OTHER PARTIES TO BE A PART OF THE ACQUISITION:  
N/A

DESCRIPTION OF PROPERTY

TRACT 1:

BEING LOT 124 ON THE PLAN OF ROLLING ACRES SUBDIVISION, as shown by plat of record in Plat Book 3, page 47, plat 56, in the Register's Office for Montgomery County, Tennessee, and being more particularly described as follows:

*BEGINNING at an iron pin located in the north right of way line of Chestnut Drive, said iron pin being located 552.59 feet east of Maple Drive, as measured along the north right of way line of said Chestnut Drive; thence leaving said north right of way line of said Chestnut Drive north 6 degrees 11 minutes east 164.73 feet to an iron pin; thence south 76 degrees 30 minutes east 60.00 feet to an iron pin; thence south 6 degrees 00 minutes west 156.33 feet to an iron pin located in the north right of way line of said Chestnut Drive; thence with the north right of way line of same north 84 degrees 32 minutes west 60.00 feet to the point of beginning according to a survey of William N. Young dated January 11, 1983.*

*This being the same real estate conveyed to the Grantor herein by deed from Henry Cadena, et ux, of record in ORBV 331, page 132, ROMCT.*

We believe that our offer represents Just Compensation for your property. Any increase or decrease in the market value caused by the project for which your property is being acquired or the likelihood that it would be acquired, other than to physical wear and tear within your reasonable control, has been disregarded by our appraisers. Our offer does not take into account any relocation assistance or payments. The City will pay all closing costs relative to this sale. An expense to provide us with good title is your responsibility. This included such items as liens for taxes, materials and mechanics liens, outstanding judgments or mortgages.

The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

APPRAISAL PROCEDURES

The appraiser(s), which was hired to appraise your property, used appropriate practices and techniques, recognized by all Professional Appraisal societies and organizations. These techniques are described below.

Cost Approach to Value. The appraiser appraises the land as if it is vacant. To that value, he adds the depreciated cost of the improvements. The land value is determined by using recent vacant land sales. The depreciated building value is determined by calculating the cost today of reproducing the building new and deducting for all caused of depreciation.

Direct Sales Comparison Approach. The value of the property is estimated by comparing it with similar properties that have recently sold in the same or similar areal. The appraise makes adjustments to the sales price for difference between the sales and the subject property.

Income Approach. This approach depends on determining the market rent for the subject property and finding what similar property has sold for on the market. The sales price is then divided by the actual rent to determine a multiplier (The technical term is the gross rent multiplier or GRM). The market rent of the subject is multiplied by the GRM. The result is the Value Indicated by the Income Approach. NOTE: For nonresidential and large multi-family properties, the income approach is more complicated and involved capitalization of Net Income. It is not discussed in detail since few such properties are being acquired.

Please realize that the Federal Regulations and Law require much of the language aforementioned and, as such, it is sometimes confusing.

If you have any questions, please feel free to contact us. We are located at One Public Square, 2<sup>nd</sup> Floor, Suite 201, Clarksville, TN. Our office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday. You may contact us by phoning (931)648-6133, which is the Community Development Office.

Sincerely,



Keith D. Lampkin  
Director

KDL:blr

Dr. Elijah Whitten

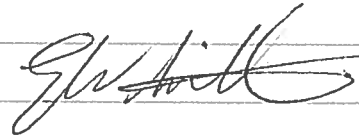
1-7-13

Dear Mr Campkin

This note is to inform  
you that I am willing to  
sell the property located  
at 41 Chestnut Drive  
to the city of  
Clarksville for \$6,000

Thanks.

Elijah Whitten



map 054D  
parcel 019.00



## **APPRAISAL OF REAL PROPERTY**

### **LOCATED AT**

41 Chestnut Drive  
Clarksville, TN 37042  
Lot 124 Rolling Acres

### **FOR**

See attached addenda.  
On Public Square , 2nd Flr  
Clarksville TN 37040

### **OPINION OF VALUE**

\$9,000

### **AS OF**

12/14/37043

### **BY**

Joseph Mark Young

298 Clear Sky Court, Suite H  
Clarksville, Tn 37043  
(931) 552-2877  
myoung3959@aol.com

## LAND APPRAISAL REPORT

File No.

SUBJECT	Borrower <u>City of Clarksville</u>		Census Tract <u>1010.01</u>		Map Reference <u>54-D AOMCCH</u>					
	Property Address <u>41 Chestnut Drive</u>									
	City <u>Clarksville</u>		County <u>Montgomery</u>		State <u>TN</u> Zip Code <u>37042</u>					
	Legal Description <u>Lot 124 Rolling Acres</u>									
NEIGHBORHOOD	Sale Price \$ <u>per unit</u>		Date of Sale <u>n/a</u>		Loan Term <u>n/a</u> yrs.					
	Actual Real Estate Taxes \$ <u>197.10</u>		(yr) <u></u>		Loan charges to be paid by seller \$ <u></u>					
	Lender/Client <u>See attached addenda.</u>		Address <u>On Public Square, 2nd Flr, CLARKSVILLE, TN 37040</u>							
	Occupant <u>vacant lot</u>		Appraiser <u>Joseph Mark Young</u>		Instructions to Appraiser <u>Market Value of the subject "as vacant"</u>					
	Location	<input checked="" type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Good	Avg. Fair Poor				
	Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	Employment Stability	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
	Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Steady	Convenience to Employment	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
	Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	Convenience to Shopping	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
	Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Oversupply	Convenience to Schools	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
	Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	Adequacy of Public Transportation	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
	Present <u>85 %</u> One-Unit <u>2 %</u> 2-4 Unit <u>1 %</u> Apts. <u></u> % Condo <u>2 %</u> Commercial	Recreational Facilities		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>						
	Land Use <u>10 %</u> Industrial <u></u> % Vacant <u></u> %	Adequacy of Utilities		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>						
Change in Present <input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely (*) <input type="checkbox"/> Taking Place (*)	Property Compatibility		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>							
Land Use (*) From <u></u> To <u></u>	Protection from Detrimental Conditions		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>							
Predominant Occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <u>10 %</u> Vacant	Police and Fire Protection		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>							
One-Unit Price Range \$ <u>50,000</u> to \$ <u>200,000</u>	Predominant Value \$ <u>102,000</u>		General Appearance of Properties							
One-Unit Age Range <u>0</u> yrs. to <u>80</u> yrs.	Predominant Age <u>40</u> yrs.		Appeal to Market							
Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) <u>See attached addenda.</u>										
SITE	Dimensions <u>60 x 162.72 x irregular</u>		= <u>9,535 SF</u>		<input type="checkbox"/> Corner Lot					
	Zoning Classification <u>R-3 Single family residential</u>		Present Improvements <input type="checkbox"/> Do <input type="checkbox"/> Do Not Conform to Zoning Regulations							
	Highest and Best Use <input type="checkbox"/> Present Use <input checked="" type="checkbox"/> Other (specify) <u>Single family residential construction (site is vacant at this time)</u>									
	Public <input type="checkbox"/> Other (Describe) <u></u>		Topo <u>Slightly above road grade</u>							
	Elec. <input checked="" type="checkbox"/>		Size <u>9,535 sf typical lot size</u>							
	Gas <input checked="" type="checkbox"/>		Shape <u>Rectangular</u>							
	Water <input checked="" type="checkbox"/>		View <u>Residential</u>							
	San. Sewer <input checked="" type="checkbox"/>		Drainage <u>Average</u>							
	<input type="checkbox"/> Underground Elect. & Tel.		Is the property located in a FEMA Special Flood Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
	Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions) <u>There are no adverse easements, adverse conditions or encroachments known at this time.</u>									
	The undersigned has recited the following recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.									
	MARKET DATA ANALYSIS	ITEM		SUBJECT PROPERTY		COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3
Address <u>41 Chestnut Drive</u>		<u>107 Rebecca Ln</u>		<u>612 Norris Dr</u>		<u>1243 Kendall Dr</u>				
<u>Clarksville, TN 37042</u>		<u>Clarksville, TN 37042</u>		<u>Clarksville, TN 37042</u>		<u>Clarksville, TN 37042</u>				
Proximity to Subject		<u>0.19 miles NW</u>		<u>2.87 miles NW</u>		<u>3.49 miles NW</u>				
Sales Price		\$ <u>per unit</u>		\$ <u>10,000</u>		\$ <u>8,000</u>		\$ <u>8,250</u>		
Price Unit		\$ <u></u>		\$ <u>10,000</u>		\$ <u>8,000</u>		\$ <u>8,250</u>		
Data Source(s)		Pub Records/Site Insp		MLS 125715		MLS 1249610/ROMCCH		MLS 1281690/ROMCCH		
ITEM		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION		
Date of Sale/Time Adj.		<u>n/a</u>		<u>06/24/2011</u>		<u>04/05/2011</u>		<u>05/18/2012</u>		
Location		<u>Suburban</u>		<u>Suburban</u>		<u>Suburban</u>		<u>Suburban</u>		
Site/View		<u>9,535 SF</u>		<u>Residential Lot</u>		<u>Residential Lot</u>		<u>Residential lot</u>		
		<u>one unit permissible</u>		<u>one unit permissible</u>		<u>one unit permissible</u>		<u>one unit permissible</u>		
		<u>Average location</u>		<u>Average location</u>		<u>Average location</u>		<u>Average location</u>		
		<u>level lot</u>		<u>level lot</u>		<u>level lot</u>		<u>level lot</u>		
Sales or Financing Concessions		Map/Parcel		<u>54-C/G/14</u>		<u>30-I/C/3.00</u>		<u>29-N/D/1.00</u>		
		Vol/Page		<u>1390/193</u>		<u>1376/168</u>		<u>1446/642</u>		
Net Adj. (Total)		<input type="checkbox"/> + <input type="checkbox"/> - \$ <u></u>		<input type="checkbox"/> + <input type="checkbox"/> - \$ <u></u>		<input type="checkbox"/> + <input type="checkbox"/> - \$ <u></u>		<input type="checkbox"/> + <input type="checkbox"/> - \$ <u></u>		
Indicated Value of Subject		\$ <u>10,000</u>		\$ <u>8,000</u>		\$ <u>8,250</u>				
Comments on Market Data <u>All of the comparables are located in the northern area of the City of Clarksville Tennessee. All sales have occurred over the past 17 months and would give a good indicator of the subjects current market value. Each lot is zoned to where only one unit can be constructed and therefore there is no lot size indication an adjustment for size is reasonable.</u>										
Comments and Conditions of Appraisal <u>The appraisal is subject to an accurate survey. The subject has a water meter on the site but all of the sale have one as well. See attached limiting conditions and assumptions which are attached to this report.</u>										
RECONCILIATION	Final Reconciliation <u>See attached addenda.</u>									
	I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF <u>12/14/2012</u> TO BE \$ <u>9,000</u>									
	Appraiser <u>Joseph Mark Young</u>					Supervisory Appraiser (if applicable)				
	Date of Signature and Report <u>December 17, 2012</u>					Date of Signature <u>December 17, 2012</u>				
Title <u>Tennessee Certified General Appraiser</u>					Title					
State Certification # <u>CG-1117</u> ST TN					State Certification # ST					
Or State License # ST					Or State License # ST					
Expiration Date of State Certification or License <u>03/31/2014</u>					Expiration Date of State Certification or License					
Date of Inspection (if applicable) <u>12/14/37043</u>					<input type="checkbox"/> Did <input type="checkbox"/> Did Not Inspect Property Date of Inspection					

## Supplemental Addendum

File No.

Client	City of Clarksville				
Property Address	41 Chestnut Drive				
City	Clarksville	County	Montgomery	State	TN Zip Code 37042
Client	City of Clarksville				

• Land : Neighborhood Comments

The subject is located in the New Providence sub-market just north of Downtown Clarksville 3+/- miles. This area of the city is heavily dependent on the military personnel which is stationed at Ft. Campbell Military Base just to the north. The Base is the largest employer in this market and there are a number of apartment and rental units in this area but the single family ownership remains the most predominant use in this market. The subject market has convenient access to downtown and Interstate 24 via Ft. Campbell Blvd.

• Land : Final Reconciliation

Based on the three sales I have concluded all provide a good indicator of the market value for the subject as all of these three sales are located in older established neighborhoods. The sales range in sales price from \$8,000 to \$10,000 with an overall average value of \$8,750. Most weight and reliance put on sales #1 and #3 as they are located in older developments where the majority of homes are single family homes. Sale #2 is located in an development with a mixture of housing to be mobile, modular, single family and multi-family.

• Land : Lender/Client

City of Clarksville Office of Housing and Community Development











ORDINANCE 63-2012-13

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS FOR PROPERTY LOCATED HIGHWAY 76; REQUEST OF RONNIE POWERS

*WHEREAS,* proper application has been made by Cal McKay on behalf of Ronnie Powers for extensions of City utility service to property located on Highway 76, C-Map 63, Parcel 67.00, outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

*WHEREAS,* the City of Clarksville Gas and Water Department has recommended approval of said application; and

*WHEREAS,* the Gas, Water and Sewer Committee of the Clarksville City Council has recommended approval of said application; and

*WHEREAS,* the Clarksville City Council finds that all of the requirements of City Code Section 13-405 have been or are satisfied and the extension of water and sewer service to property as described in Exhibit A will be in the best interest of the City.

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

That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility services to property located on Highway 76, C-Map 63, Parcel 67.00, outside the City corporate limits, as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE*

# EXHIBIT A



ORDINANCE 64-2012-13

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS FOR PROPERTY LOCATED ON ROSSVIEW ROAD; REQUEST OF B&S DEVELOPMENT

*WHEREAS,* proper application has been made by Cal McKay on behalf of B&S Development for extensions of City utility services to property located on Rossview Road, C-Map 58, Parcel 1.00, outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

*WHEREAS,* the City of Clarksville Gas and Water Department has recommended approval of said application; and

*WHEREAS,* the Gas, Water and Sewer Committee of the Clarksville City Council has recommended approval of said application; and

*WHEREAS,* the Clarksville City Council finds that all of the requirements of City Code Section 13-405 have been or are satisfied and the extension of water and sewer service to property as described in Exhibit A will be in the best interest of the City.

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

That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility services to property located on Rossview Road, C-Map 58, Parcel 1.00, outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE*

## EXHIBIT A



ORDINANCE 62-2012-13

AN ORDINANCE AMENDING THE 2012-13 OPERATING BUDGET (ORDINANCE 100-2011-12) AUTHORIZING THE CITY OF CLARKSVILLE FIRE RESCUE TO INCREASE FUNDING IN THE AMOUNT OF \$60,000 AND AUTHORIZING THE CITY OF CLARKSVILLE FIRE RESCUE TO PURCHASE REAL ESTATE ON MAIN STREET, **CONTINGENT UPON FAVORABLE RESULTS OF ENVIRONMENTAL TESTING**, FROM THE HEIRS OF HOWARD BROWN MOSELEY, DECEASED, FOR FUTURE EXPANSION.

*WHEREAS*, certain real property adjacent to Fire Station 1 (hereinafter, the "Property"), more fully described in Exhibit A attached hereto, has come available for purchase, and

*WHEREAS*, the Property would be used for future expansion for the Clarksville Fire Rescue Department.

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

That the following Budget Amendments be made:

Fire Department Expenditures:

Land Purchase	10422004-4710	Increase:	\$60,000
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*BE IT FURTHER ORDAINED* that the Clarksville City Council hereby authorizes, **contingent upon favorable results of environmental testing**, the acquisition of the Property on Main Street, more fully described in Exhibit A attached hereto, from the Heirs of Howard Brown Moseley, deceased, and that the source of funding for this \$60,000 shall be from the fund balance of the General Fund.

*FIRST READING:* January 29, 2013

*SECOND READING:*

*EFFECTIVE DATE:*



ORDINANCE 68-2012-13

ORDINANCE TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM

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

That, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Clarksville hereby updates the Occupational Safety and Health Program, attached hereto as Exhibit A, for its employees as follows:

TITLE:

This section shall provide authority for updating and administering the Occupational Safety and Health Program for the employees of the City of Clarksville, Tennessee.

PURPOSE:

The City of Clarksville, in electing to update and maintain an effective occupational safety and health program for its employees.

COVERAGE:

The provisions of the Occupational Safety and Health Program for the employees of the City of Clarksville shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.

STANDARDS AUTHORIZED:

The occupational safety and health standards adopted by the City of Clarksville are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

VARIANCES FROM STANDARDS AUTHORIZED:

The Mayor or City Attorney may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with ☐ Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, the Mayor or City Attorney shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

ADMINISTRATION:

For the purposes of this Ordinance, the Risk Manager is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Plan. The Director shall develop a plan of operation for the program.

FUNDING THE PROGRAM:

Sufficient funds for administering and staffing the program pursuant to this Ordinance shall be made available as authorized by the City Council.

SEVERABILITY:

SECTION 2. *BE IT FURTHER ORDAINED* that if any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

AMENDMENTS, ETC:

SECTION 3. *BE IT FURTHER ORDAINED* that this Ordinance shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the employees requiring it.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*



# **OCCUPATIONAL SAFETY AND HEALTH PROGRAM CITY OF CLARKSVILLE, TENNESSEE**

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## I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Clarksville.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Clarksville in electing to update and maintain an effective occupational safety and health program for its employees:

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

## II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. EMPLOYER means the City of Clarksville and includes each administrative department, board, commission, division, or other agency of the City of Clarksville.
- c. DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or DIRECTOR means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of City of

Clarksville.

- d. INSPECTOR(S) means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
- f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as □volunteers□ provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
  - 1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
  - 2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.
- l. ACT or TOSHAct shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

### III. EMPLOYERS RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.

- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

#### IV. EMPLOYEES RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

#### V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
  - 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.
  - 2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
  - 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
  - 4. The Director may request qualified technical personnel from any department or section of government to

- assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
5. The Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
  6. The Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
  7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
  8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
  9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
1. The administrative or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.
  2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
  3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
  4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

## VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

## VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
  1. A specification of the standard or portion thereof from which the variance is sought.
  2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
  3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
  4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
  5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are

normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
  - 1. The employer
    - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
    - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
    - iii. Has as effective program for coming into compliance with the standard as quickly as possible.
  - 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

#### VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to [www.osha.gov](http://www.osha.gov) ; click on Recordkeeping Forms located in the blue ribbon on the right side of the home page. Then, go to "What do I need to comply with the new recordkeeping requirements?" and click on "Open Forms Package for CY 2004 and beyond - PDF" then email it to yourself and print it.

Or now you can download the 300 log to your desktop in a spread sheet form that will do the math automatically. All you have to do is enter the information and it will total it up for you. Go to [www.osha.gov](http://www.osha.gov) ; type 300 log in the Search Block; click on OSHA's 300 Form (Excel File); save it to your desktop; when the screen says Download Complete - it is on your desk top. Open it (note: maximize the screen)and by moving the side and bottom bar, the page can be filled out. Also, if you click on the 300A or 301 tab located at the bottom left hand of the screen, those forms will open.

- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan.

#### IX. EMPLOYEE COMPLAINT PROCEDURE



If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

#### X. EDUCATION AND TRAINING

- a. Director and/or Compliance Inspector(s):
  1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained from the internet. Go to [www.state.tn.us](http://www.state.tn.us); click on Government; click on List of Departments and Agencies (in center column); scroll down to The Department of Labor and Workforce Development-click; scroll down to Workplace Safety-TOSHA (located on the left side)-click; click on TOSHA Training Seminars.
  2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.
- b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

  1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
  2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person hygiene, etc., which may be required.
  3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHA standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
  - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.
  - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
  - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

## XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
  1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
  2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
  1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
  2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their

- authorized representative(s) will also be given notice of the inspection.
- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
    - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
    - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
  - i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

## XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
  - 1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
  - 2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
  - 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
  - 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
  - 5. The imminent danger shall be deemed abated if:
    - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
    - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
  - 6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
  - 1. Any refusal to abate an imminent danger situation shall be reported to the Director and Chief Executive Officer immediately.
  - 2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

## XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:

1. Issue an abatement order to the head of the worksite.
2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

b. Abatement orders shall contain the following information:

1. The standard, rule, or regulation which was found to violated.
  2. A description of the nature and location of the violation.
  3. A description of what is required to abate or correct the violation.
  4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

#### XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
  1. Oral reprimand.
  2. Written reprimand.
  3. Suspension for three (3) or more working days.
  4. Termination of employment.

#### XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

#### XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

#### XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety

and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.

- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

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Director, Occupational Safety and Health and Date

**OCCUPATIONAL SAFETY & HEALTH PROGRAM  
APPENDIX I**

**December 2012**

<b>Department</b>	<b>Total WORKFORCE</b>	<b>No. White</b>	<b>% White</b>	<b>No. Minority</b>	<b>% Minority</b>	<b>No. Female</b>	<b>% Female</b>
Police	345	298	81.0%	47	13.6%	87	25.2%
Fire	200	176	88.0%	24	12.0%	6	3.0%
Gas & Water	251	228	90.8%	23	9.2%	51	20.3%
Fin & Adm	56	44	78.6%	12	21.4%	22	39.3%
Parks & Rec.	56	32	57.1%	12	21.4%	14	25.0%
Golf Courses	7	7	100.0%	0	0.0%	1	14.3%
Bldg. Codes	27	24	88.9%	3	11.1%	7	25.9%
Cemetery	2	2	100.0%	0	0.0%	0	0.0%
Street	80	72	90.0%	8	10.0%	6	7.5%
Garage	10	9	90.0%	1	10.0%	1	10.0%
Transit	64	45	70.3%	19	29.7%	22	34.4%
Comm Development	6	2	33.3%	4	66.7%	4	66.7%
<b>Total</b>	<b>1104</b>	<b>939</b>	<b>85%</b>	<b>153</b>	<b>13.9%</b>	<b>221</b>	<b>20.0%</b>

**OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN  
APPENDIX II**

NOTICE TO ALL EMPLOYEES OF THE CITY OF CLARKSVILLE, TENNESSEE:

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director or the Mayor.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Director for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the City of Clarksville available for inspection by any employee at the Human Resources Department during regular office hours.

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MAYOR AND DATE

**OCCUPATIONAL SAFETY AND HEALTH PLAN  
APPENDIX III**

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the City of Clarksville, Tennessee has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program and to comply with standards.



**OCUPATIONAL SAFETY AND HEALTH PROGRAM  
ACCIDENT REPORTING PROCEDURES  
APPENDIX IV**

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.
- (51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.

7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under PROGRAM PLAN in Chapter V, Part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

ORDINANCE 69-2012-13

AN ORDINANCE ACCEPTING DONATION OF PROPERTY FROM IN-REL DEVELOPMENT FOR THE CLARKSVILLE GREENWAY

*WHEREAS,* the Clarksville City Council has previously authorized the acquisition of real property for and the construction of a nature and fitness trail for public use, and said trail has been substantially completed and is known as the Clarksville Greenway;

*WHEREAS,* the Clarksville City Council finds that the recent dedication and opening of the Clarksville Greenway has been a great success, and makes a significant contribution to an enhanced quality of life for City residents; and

*WHEREAS,* the Clarksville City Council finds further that the acquisition by the City of additional real property appurtenant to or nearby the Clarksville Greenway trail for use as public facilities for patrons of the Clarksville Greenway is in the public interest, and said real property is more particularly described in Exhibit A attached hereto and incorporated herein.

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

That the City may accept donation of the real property described in Exhibit A attached hereto and incorporated herein for use by patrons of the Clarksville Greenways.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

## EXHIBIT A

Being a tract of land situated in the 12<sup>TH</sup> Civil District in Clarksville, Montgomery County, Tennessee, said tract being a portion of the Two Rivers Center LLC property, (ORV.975, page 1558), said tract also being south of and adjacent to U.S. Highway 41-A, said tract also being east of and adjacent to Red River, said tract also being more fully described as follows;

Beginning at a ½" rebar found in the south right of way of U.S. Highway 41-A), said rebar being the northwest corner of the WH Capitol LLC property, (Waffle House), (ORV. 1023, Page 815), said ½" rebar also being the northeast corner of said herein tract described;

Thence leaving said U.S. Highway 41-A and with the west line of said WH Capitol LLC property, (Waffle House), property, **South 33°41'24" West, a distance of 175.00 feet** to a point, said point being the southwest corner of said WH Capitol LLC property, (Waffle House), property;

Thence leaving said WH Capitol LLC property, (Waffle House), property, and along a new severance line for the next (6) six calls;

Thence **South 33°30'03" West, a distance of 181.45 feet** to a point;

Thence **South 33°07'45" West, a distance of 230.22 feet** to a point;

Thence **South 38°45'39" West, a distance of 64.91 feet** to a point;

Thence **South 41°10'38" West, a distance of 230.04 feet** to a point;

Thence **South 41°58'26" West, a distance of 109.21 feet** to a point;

Thence **South 43°15'56" West, a distance of 136.12 feet** to a point, said point being in the north line of the City of Clarksville property, (ORV.1305, Page 2846), said point being the southeast corner of said herein tract described;

Thence with said north line of City of Clarksville property, **North 58°44'24" West, a distance of 110.69 feet** to a point, said point being at the low water mark of said Red River, said point also being the southwest corner of the Two Rivers Center LLC property, (ORV.975, page 1558), said point also being the northwest corner of said City of Clarksville property, said point also being the southwest corner of said herein tract described;

Thence with said low water mark of Red River for the next (7) seven calls;

Thence **North 52°38'36" East, a distance of 36.36 feet** to a point;

Thence **North 43°26'36" East, a distance of 196.06 feet** to a point;

Thence **North 43°49'36" East, a distance of 200.06 feet** to a point;

Thence **North 39°34'36" East, a distance of 27.82 feet** to a point;

Thence North **36°23'23"** East, a distance of **166.78 feet** to a point;

Thence North **31°21'36"** East, a distance of **305.22 feet** to a point;

Thence North **29°34'36"** East, a distance of **198.10 feet** to a point in said south right of way of U.S. Highway 41-A, said point also being the northwest corner of said herein tract described;

Thence leaving said low water mark and with said south right of way of U. S. Highway 41-A, South **58°44'24"** East, a distance of **117.61 feet** to the point of beginning;

Said tract containing **2.59 acres** more or less.

Said tract being subject to all easements, right of ways, restrictions and conveyances of record and not of record.

Being a portion of the same property conveyed to Two Rivers Center, LLC from the Estate of Emma B. Pressler, Deceased, and Pressler Trust by Quitclaim Deed dated June 14, 2004 and recorded on June 18, 2004 in Volume Book 975, Page 1558, Register's Office for Montgomery County, Tennessee.

RESOLUTION 35-2012-13

A RESOLUTION AUTHORIZING LEGAL ACTION PERTAINING TO PATRICK PLACE  
SUBDIVISION, SECTION 5

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

That the Clarksville City Council hereby directs the City Attorney to take all necessary legal action against any parties to enforce the City zoning ordinance with regard to Patrick Place subdivision, Section 5, to include specifically the filing and pursuit of a lawsuit seeking an injunction or restraining order, both temporary and permanent, to prohibit the erection, construction, reconstruction, alteration, conversion, maintenance, use or occupancy of any residences, buildings, or other structures on perimeter lot sizes of less than TWELVE THOUSAND (12,000) square feet, or perimeter lot widths of less than EIGHTY (80) feet, in the Patrick Place sub-division, Section Five (5), cluster development, as authorized by Tenn. Code Ann. §13-7-208; and

That the Clarksville City Council hereby directs the Clarksville City Building Commissioner (Director of the Department of Building and Codes) to suspend or revoke any and all building permits or certificates of occupancy, to cease issuing any new building permits or certificates of occupancy, until the final completion of the above directed legal action pertaining to Patrick Place subdivision, Section Five (5), cluster development, as authorized by Tenn. Code Ann. §13-7-208.

*BE IT FURTHER RESOLVED* that the City Attorney is further authorized to employ private counsel in furtherance of such aims.

*ADOPTED:*