



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
JANUARY 3, 2013, 7:00 P.M.**

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

AGENDA

- 1) CALL TO ORDER
- 2) PRAYER AND PLEDGE OF ALLEGIANCE
- 3) ATTENDANCE
- 4) SPECIAL RECOGNITIONS
- 5) PLANNING COMMISSION PUBLIC HEARING
 1. **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 (*RPC: Approval/Approval*)
 2. **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 (*RPC: Approval/Approval*)
 3. **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 (*RPC: Approval/Approval*)

6) 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

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 (FYI: Amended December 6 minutes are attached)

7) COMMUNITY DEVELOPMENT COMMITTEE

Marc Harris, Chair

8) FINANCE COMMITTEE

Joel Wallace, Chair

1. **ORDINANCE 54-2012-13** (First Reading) Amending the FY13 Capital Projects Budget to accept grants for the Clarksville River Trail project (*Finance Committee: Approval*)
2. **ORDINANCE 55-2012-13** (First Reading) Amending the FY13 Capital Projects Budget to accept a donation for the Police Scenario House (*Finance Committee: Approval*)

9) GAS & WATER COMMITTEE

Jeff Burkhart, Chair

10) PARKS & RECREATION
(Parks, Recreation, General Services)
Deanna McLaughlin, Chair

11) PUBLIC SAFETY COMMITTEE
(Building & Codes, Fire, Police)
Geno Grubbs, Chair

12) STREETS & TRANSPORTATION COMMITTEE
James Lewis, Chair

13) NEW BUSINESS

1. **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*)

14) MAYOR AND STAFF REPORTS

15) ADJOURNMENT

ORDINANCE 56-2012-13

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

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 an existing capped iron pin located in the south right of way of Nolen Road, said iron pin being 27.4 ft from the centerline of the said Nolen Road, and being approximately 1,288 feet southwest of the intersection of Old Trenton Road, and corner to Campus Crest of Clarksville, LLS (V1358/482), being the point of beginning. Thence leaving Nolen Road with Campus Crest, South 6 degrees 38 minutes 5 seconds West 553.16 feet to an existing iron pin on the bluff in the line of Greenfield (V948/1432) and a corner to Steve Meadows (1/6511760); thence with Meadows, South 81 degrees 48 minutes 40 Seconds West 267.77 feet to an existing iron pin; thence North 16 degrees 28 minutes 46 seconds West 118.41 feet to an existing capped iron pin, corner to Sutton (V1364/2353); thence with Sutton, North 16 degrees 25 minutes 09 seconds West 294.02 feet to an existing iron pin set in concrete, lying 21.4 feet in a southerly direction from the centerline of Nolen Road; thence along the south right of way line of Nolen Road, North 66 degrees 41 minutes 25 seconds East 485.26 feet to the point of beginning, and containing 3.92 +/- acres (Tax Map 055 Parcel 033.00)

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:

FIRST READING:

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.

Mayor

ATTEST:

City Clerk

PUBLIC HEARING:

FIRST READING:

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).

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: January 3, 2013. The public hearing will be held on: January 3, 2013.

CITY ORD. #: 56-2012-13 RPC CASE NUMBER: Z-39-2012

Applicant: REDA HOMEBUILDERS

Agent:

Location: located southeast of the of the Twin Rivers Rd. and Nolen Rd.

Ward #: 11

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

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 57-2012-13 RPC CASE NUMBER: Z-40-2012

Applicant: RANDY & GLORIA SUGGS

Agent: Syd Hedrick

Location: the northeast corner of Gateway Lane & Haynes Street intersection.

Ward #: 11

Request: R-1 Single-Family Residential District
 to
 OP Office/Professional District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 58-2012-13 RPC CASE NUMBER: Z-41-2012

Applicant: THOMAS W CORK

Agent:

Location: fronting on the north side of Terminal Rd. 500 +/- feet west of the Wilma Rudolph Blvd. & Terminal Road intersection.

Ward #: 12

Request: M-2 General Industrial District
 to
 C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RECORD # 1855

RPC MEETING DATE: 12/20/2012

CASE NUMBER: Z - 39 - 2012

NAME OF APPLICANT: Reda

Homebuilders

AGENT:

GENERAL INFORMATION

PRESENT ZONING

CLASSIFICATION: R-1

PROPOSED ZONING

CLASSIFICATION: R-4

GROWTH PLAN AREA CITY

APPLICANT'S STATEMENT To match adjacent property.

FOR PROPOSED USE:

CITY COUNCIL WARD: 11

TAX PLAT # 055

PARCEL # 033.00

COUNTY COMMISSION

DISTRICT: 14

CIVIL DISTRICT 12th

Z-35-1987

PREVIOUS ZONING

HISTORY:

GENERAL DESCRIPTION OF PROPERTY TO BE REZONED

PROPERTY located southeast of the of the Twin Rivers Rd. and Nolen Rd.
LOCATION:

DESCRIPTION Residential tract with a single family home.
OF PROPERTY:

ACREAGE TO
BE REZONED: 3.92 +/-

EXISTING LAND USE: Single Family

SURROUNDING USES: Single Family - West & North Multi-Family-East M-2 Industrial- South

EXTENSION OF ZONE

CLASSIFICATION: Yes To The East

DRAINAGE: Varies

ACCESSIBILITY: Nolen Rd.

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. No Gravity Sewer Onsite.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

1a. COST TO ENGINEER/UTILITY DISTRICT:

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

3. DRAINAGE COMMENTS:

2a. COST TO STREET/HIGHWAY DEPT.:

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

4. CDE/CEMC:

3a. DRAINAGE COST:

4.

5. CHARTER COMM./BELL SOUTH:

4a. COST TO CDE/CEMC:

5.

6. FIRE DEPT/EMERGENCY MGT.:

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

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

7. POLICE DEPT/SHERIFF'S OFFICE:

6a. COST FIRE DEPT/EMERGENCY MGT.:

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

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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

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

9. SCHOOL SYSTEM:

9.

ELEMENTARY: ST. B.

MIDDLE SCHOOL: ROSSVIEW

HIGH SCHOOL: ROSSVIEW

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

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10.

11. OTHER COMMENTS:

10a. COST TO FT. CAMPBELL:

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. 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>Baxter Cherty Silt Loam, 5 - 12 %</u> | |
| d. ACCESSIBILITY: | d. <u>Nolen Rd.</u> | |
| e. DRAINAGE: | e. <u>Varies</u> | |
| f. OTHER SERVICES: | f. | |

3. DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

- | | |
|--|-----|
| a. ESTIMATED LOTS/UNITS: | 46 |
| b. ESTIMATED ROAD MILES: | |
| c. ESTIMATED POPULATION: | 124 |
| d. ESTIMATED ELEMENTARY SCHOOL STUDENTS: | |
| e. ESTIMATED MIDDLE SCHOOL STUDENTS: | |
| f. ESTIMATED HIGH SCHOOL STUDENTS: | |

4. APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 1 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

5. STAFF RECOMMENDATION: Approval

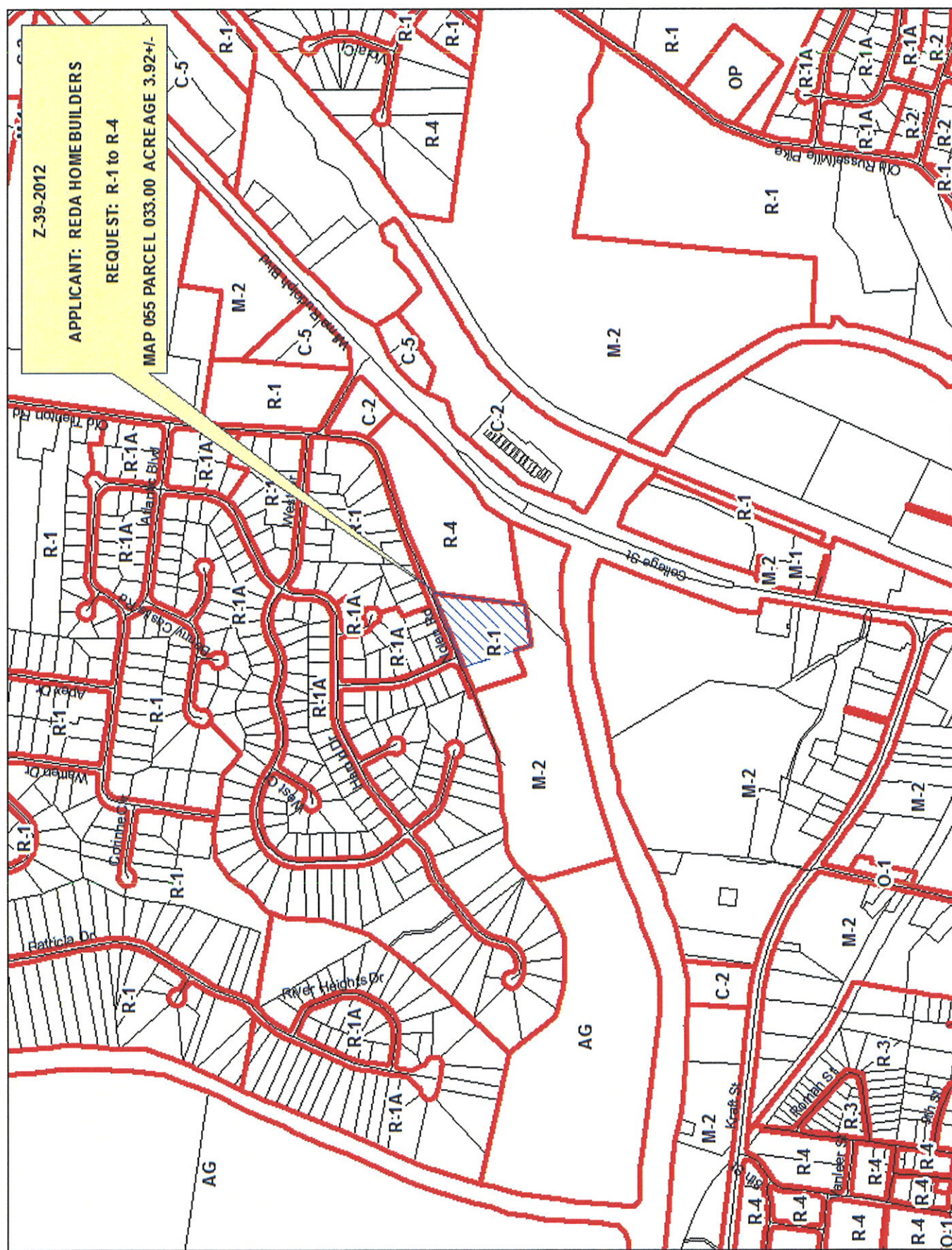
- The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
- The R-4 request will is a continuation of the established R-4 zoning to the east and will serve as a transition to the single family property to the north and west.
- Adequate infrastructure serves the site.
- No adverse environmental issues were identified relative to this request.
-

Z-39-2012

APPLICANT: REDA HOMEBUILDERS

REQUEST: R-1 to R-4

MAP 055 PARCEL 033.00 ACREAGE 3.92+/-



CASE NUMBER: Z 39 2012 MEETING DATE 12/20/2012

APPLICANT: Reda Homebuilders

PRESENT ZONING R-1 PROPOSED ZONING R-4

TAX PLAT # 055 PARCEL 033.00

GEN. LOCATION located southeast of the of the Twin Rivers Rd. and Nolen Rd.

PUBLIC COMMENTS

None received as of 9:30 on 12/20/2012 (jhb)

See attached

Z-39-2012

Spainhoward, John T

From: Jones, Kaye
Sent: Thursday, December 20, 2012 9:24 AM
To: Spainhoward, John T
Cc: Jones, Kaye; Bob & Cathy Brundage
Subject: Rezoning

Mr. Spainhoward:

I am writing you in reference to two separate rezoning cases that will come before the Regional Planning Commission today. Could you please read my comments into record, as I am unable to attend due to a previous commitment.

1.) Z-39-2012 Property at Twin Rivers and Nolan Rd.

This property is currently zoned R-1, single family, and the request is for R-4 Multi-family. I would like to convey the feelings of the residents of the Twin Rivers development, as most of these homeowners work during the day. This neighborhood has endured countless problems over the past 2 years, with the development of the apartment complex known as "The Groves". During construction, the road was destroyed, many yards were damaged, and the noise and violations of building "hours" were many. Although the street department paved the road after construction was finished, the extra traffic and noise has been especially difficult for the homes around this development. I will be asking Chief Al Ansley for reports on the problems and amounts of calls that this current development have meant to the Police Department, to show that adding more apartments would just be another detriment to this neighborhood. I ask on behalf of the current residents of Twin Rivers and Nolan Rd. that you deny this request to add more traffic, noise and problems to their previously quite development.

2.) Z-40-2012 Property located at Haynes St. and Gateway Lane. R-1 to OP.

I have been receiving email already and expect to receive more in the coming weeks in reference to this property. Just a little over a year ago, this property was up for rezoning, and the residents of this quaint neighborhood banded together to fight this very same issue. They believe as I do, that these are homes, and part of their neighborhood. I have read an email, sent to some of the residents, that stated if the houses between the commercial and the neighborhood are not rezoned to OP, that it will cause the property values to decline for the remainder of the homes, and they will not be able to sell them for as much. These homes have existed directly behind Memorial/Gateway Hospital for over 50 years, and they have been bought and sold I am sure several times, although some are the original owners. They have not been bothered by the hospital, nor the new Publix, and in fact have stated that they enjoy not having to travel very far to shop for groceries. I ask you to please allow the residents in this neighborhood to continue to enjoy urban living without having to tolerate increase traffic on an already busy street, not to mention cut-through to avoid the lights at Madison. There are still ample Office spaces on and around Memorial that sit empty, without having to use home sites. This particular property will not have ample parking without creating a parking surface, which would be unsightly for the neighbors. It does not have a circular driveway, and if one were created, it would increase traffic on Gateway lane, which again is a neighborhood street. The residents of this neighborhood believe if this rezoning is allowed, it will cause a domino effect, including other previously denied rezoning's such as at Merritt and Memorial.

I thank you for your time and consideration of this information on behalf of the residents of Ward 11, whom I serve.

Kaye Jones
Councilwoman Ward 11

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RECORD # 1856

RPC MEETING DATE: 12/20/2012

CASE NUMBER: Z - 40 - 2012

NAME OF APPLICANT: Randy & Gloria

Suggs

AGENT: Syd

Hedrick

GENERAL INFORMATION

PRESENT ZONING

CLASSIFICATION: R-1

PROPOSED ZONING

CLASSIFICATION: OP

GROWTH PLAN AREA: CITY

**APPLICANT'S STATEMENT
FOR PROPOSED USE:**

CITY COUNCIL WARD: 11

TAX PLAT # 065-O-G

PARCEL # 014.00

COUNTY COMMISSION

DISTRICT: 19

CIVIL DISTRICT 11

Z-10-2011

PREVIOUS ZONING

HISTORY:

GENERAL DESCRIPTION OF PROPERTY TO BE REZONED

PROPERTY LOCATION: the northeast corner of Gateway Lane & Haynes Street intersection.

**DESCRIPTION
OF PROPERTY:** Corner lot with a single family residence

**ACREAGE TO
BE REZONED:** 0.38 +/-

EXISTING LAND USE: Single Family

SURROUNDING USES: North, East-R-1 West-O-1 South C-2

**EXTENSION OF ZONE
CLASSIFICATION:** No

DRAINAGE: Varies

ACCESSIBILITY: Hayes Street & Gateway Lane

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. Increased traffic light and 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>Baxter Cherty Silt Loam, 12 - 20 %</u> | |
| d. ACCESSIBILITY: | d. <u>Hayes Street & Gateway Lane</u> | |
| e. DRAINAGE: | e. <u>Varies</u> | |
| f. OTHER SERVICES: | f. | |

3. DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

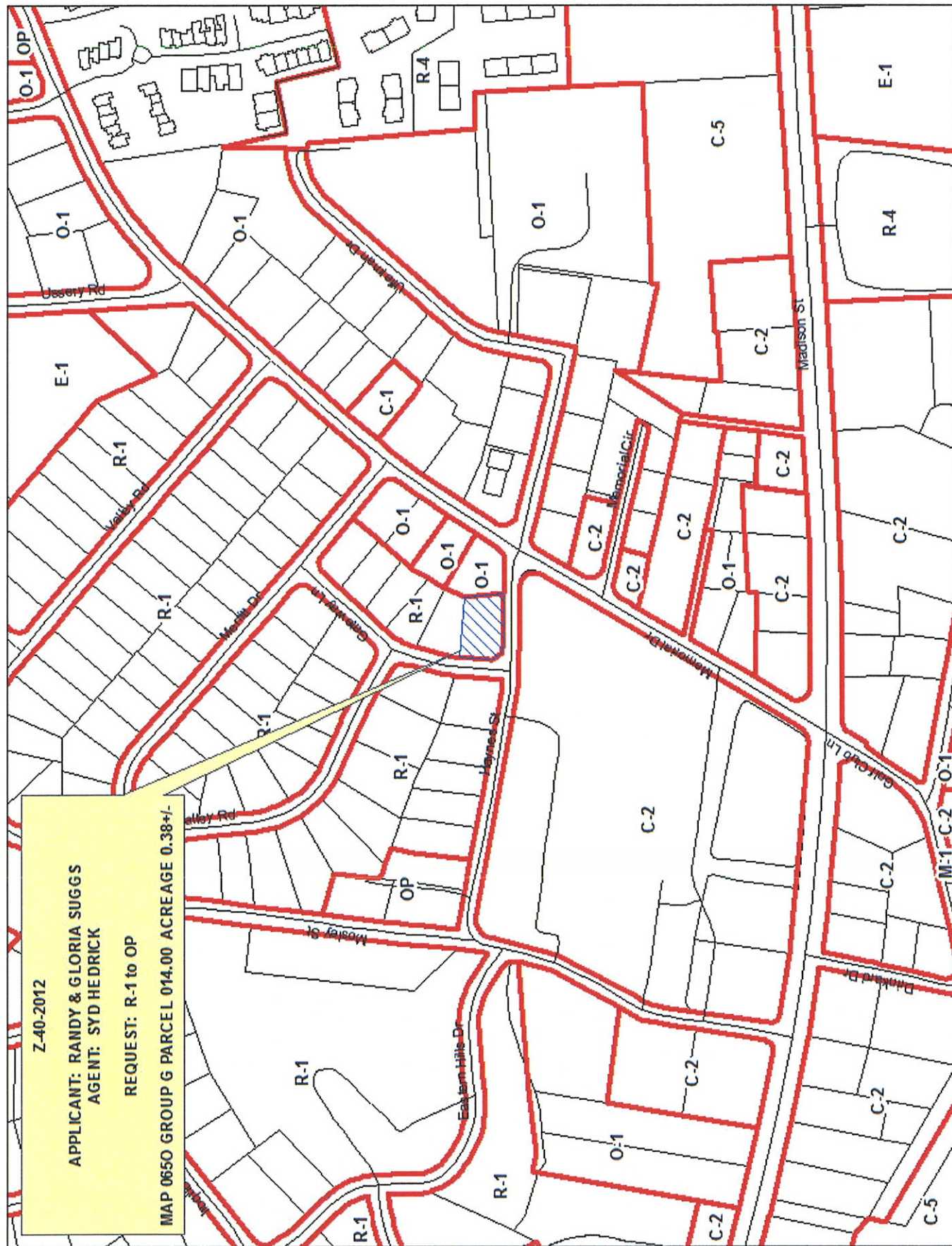
- a. ESTIMATED LOTS/UNITS:
- b. ESTIMATED ROAD MILES:
- c. ESTIMATED POPULATION:
- d. ESTIMATED ELEMENTARY SCHOOL STUDENTS:
- e. ESTIMATED MIDDLE SCHOOL STUDENTS:
- f. ESTIMATED HIGH SCHOOL STUDENTS:

4. APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Medical District- This Planning area was driven by the former Hospital located within the district. With the hospital being relocated and the former site being redeveloped as commercial, it expected to trigger major changes in the area.

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 OP zoning classification serves as a transition form the established O-1 to the east and the C-2 to the south. The OP zoning classification limits the use of the property to very low intensity office uses.
- c. A "B" Landscaping Buffer will be required adjoining single family residential for this development.
- d. Lot has visibility along a high traffic corridor and is across from an entrance/exit from a large commercial/retail development.
- e. Adequate infrastructure serves the site and no adverse environmental issues were identified relative to this request.



CASE NUMBER: Z 40 2012 MEETING DATE 12/20/2012

APPLICANT: Randy & Gloria

Suggs

PRESENT ZONING R-1

PROPOSED ZONING OP

TAX PLAT # 065-O-G

PARCEL 014.00

GEN. LOCATION the northeast corner of Gateway Lane & Haynes Street intersection.

PUBLIC COMMENTS

None received as of 9:30 on 12/20/2012 (jltb).

See attached

2-40-2012

Spainhoward, John T

From: Jones, Kaye
Sent: Thursday, December 20, 2012 9:24 AM
To: Spainhoward, John T
Cc: Jones, Kaye; Bob & Cathy Brundage
Subject: Rezoning

Mr. Spainhoward:

I am writing you in reference to two separate rezoning cases that will come before the Regional Planning Commission today. Could you please read my comments into record, as I am unable to attend due to a previous commitment.

1.) Z-39-2012 Property at Twin Rivers and Nolan Rd.

This property is currently zoned R-1, single family, and the request is for R-4 Multi-family. I would like to convey the feelings of the residents of the Twin Rivers development, as most of these homeowners work during the day. This neighborhood has endured countless problems over the past 2 years, with the development of the apartment complex known as "The Groves". During construction, the road was destroyed, many yards were damaged, and the noise and violations of building "hours" were many. Although the street department paved the road after construction was finished, the extra traffic and noise has been especially difficult for the homes around this development. I will be asking Chief Al Ansley for reports on the problems and amounts of calls that this current development have meant to the Police Department, to show that adding more apartments would just be another detriment to this neighborhood. I ask on behalf of the current residents of Twin Rivers and Nolan Rd. that you deny this request to add more traffic, noise and problems to their previously quite development.

2.) Z-40-2012 Property located at Haynes St. and Gateway Lane. R-1 to OP.

I have been receiving email already and expect to receive more in the coming weeks in reference to this property. Just a little over a year ago, this property was up for rezoning, and the residents of this quaint neighborhood banded together to fight this very same issue. They believe as I do, that these are homes, and part of their neighborhood. I have read an email, sent to some of the residents, that stated if the houses between the commercial and the neighborhood are not rezoned to OP, that it will cause the property values to decline for the remainder of the homes, and they will not be able to sell them for as much. These homes have existed directly behind Memorial/Gateway Hospital for over 50 years, and they have been bought and sold I am sure several times, although some are the original owners. They have not been bothered by the hospital, nor the new Publix, and in fact have stated that they enjoy not having to travel very far to shop for groceries. I ask you to please allow the residents in this neighborhood to continue to enjoy urban living without having to tolerate increase traffic on an already busy street, not to mention cut-through to avoid the lights at Madison. There are still ample Office spaces on and around Memorial that sit empty, without having to use home sites. This particular property will not have ample parking without creating a parking surface, which would be unsightly for the neighbors. It does not have a circular driveway, and if one were created, it would increase traffic on Gateway lane, which again is a neighborhood street. The residents of this neighborhood believe if this rezoning is allowed, it will cause a domino effect, including other previously denied rezoning's such as at Merritt and Memorial.

I thank you for your time and consideration of this information on behalf of the residents of Ward 11, whom I serve.

Kaye Jones
Councilwoman Ward 11

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RECORD # 1857

RPC MEETING DATE: 12/20/2012

CASE NUMBER: Z - 41 - 2012

NAME OF APPLICANT: Thomas W

Cork

AGENT:

GENERAL INFORMATION

PRESENT ZONING
CLASSIFICATION: M-2

PROPOSED ZONING
CLASSIFICATION: C-5

GROWTH PLAN AREA CITY

APPLICANT'S STATEMENT All businesses interested in renting property will need C-5 zoning instead of M-2.
FOR PROPOSED USE:

CITY COUNCIL WARD: 12

TAX PLAT # 032

PARCEL # 021.00 p/o

COUNTY COMMISSION
DISTRICT: 1

CIVIL DISTRICT 2nd

SR-16-2007

PREVIOUS ZONING
HISTORY:

GENERAL DESCRIPTION OF PROPERTY TO BE REZONED

PROPERTY fronting on the north side of Terminal Rd. 500 +/- feet west of the Wilma Rudolph Blvd.
LOCATION: & Terminal Road intersection.

DESCRIPTION
OF PROPERTY: Commercial lot with warehouse and gravel parking lot.

ACREAGE TO
BE REZONED: 2.8 +/-

EXISTING LAND USE: Vacant warehouse

SURROUNDING USES: Vacant C-5-North M-2 Truck Terminal/C-5 Restaurant -South M-2 Brick yard-West M-2 Tire Sales-East

EXTENSION OF ZONE
CLASSIFICATION: Yes

DRAINAGE: East to West

ACCESSIBILITY: Terminal Road

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: NORTHEAST

MIDDLE SCHOOL: NORTHEAST

HIGH SCHOOL: NORTHEAST

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>Pembroke Silt Loam, 2 - 5 %</u> | |
| d. ACCESSIBILITY: | d. <u>Terminal Road</u> | |
| e. DRAINAGE: | e. <u>East To West</u> | |
| f. OTHER SERVICES: | f. | |

3. DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

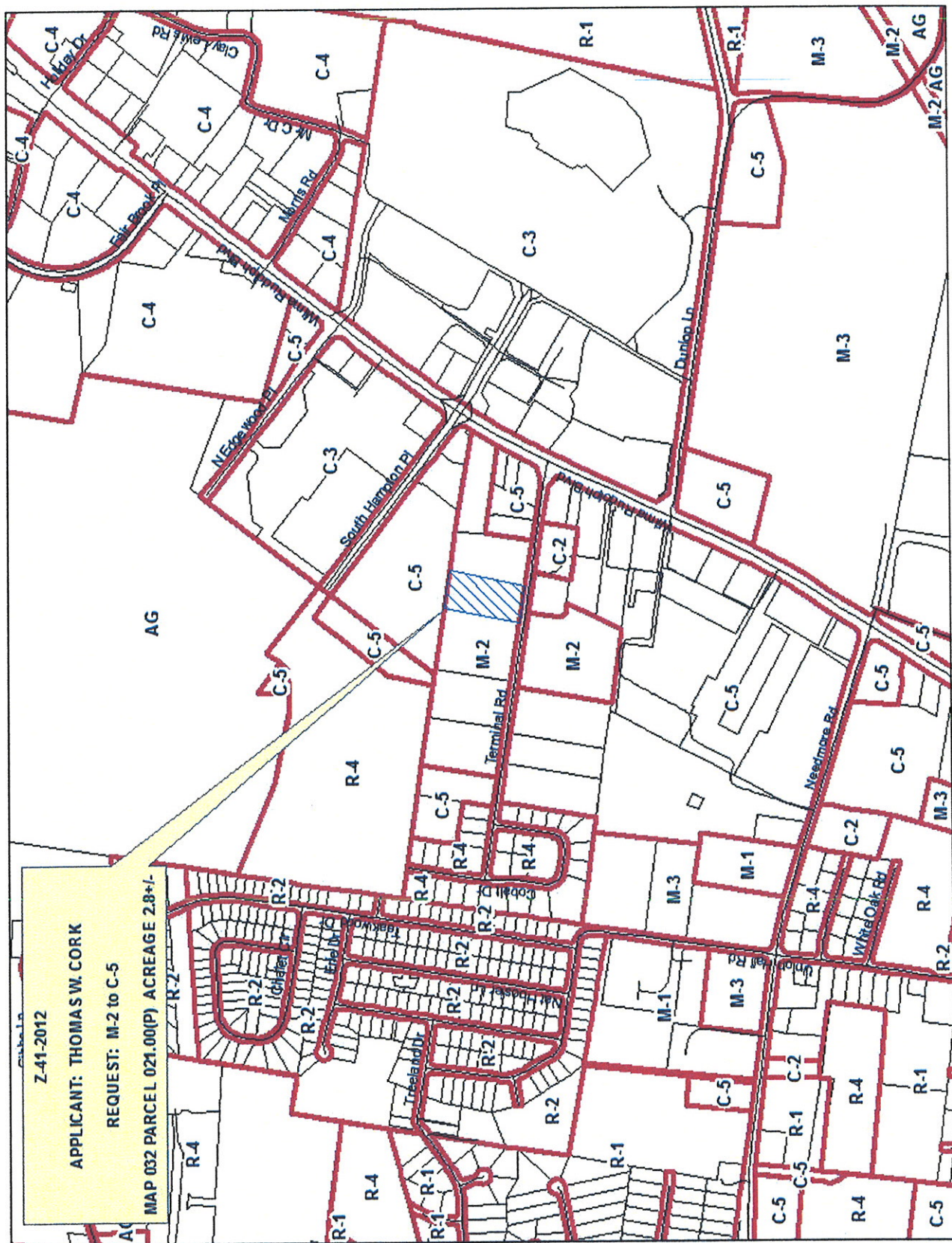
- a. ESTIMATED LOTS/UNITS:
- b. ESTIMATED ROAD MILES:
- c. ESTIMATED POPULATION:
- d. ESTIMATED ELEMENTARY SCHOOL STUDENTS:
- e. ESTIMATED MIDDLE SCHOOL STUDENTS:
- f. ESTIMATED HIGH SCHOOL STUDENTS:

4. APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 1 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

5. STAFF RECOMMENDATION: Approval

- a. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
- b. This area is transitioning from uses associated with M-2 industrial zoning to commercial and retail oriented uses.
- c. Adequate infrastructure serves the site.
- d. No adverse environmental issues were identified relative to this request.
- e.



CASE NUMBER: Z 41 2012 MEETING DATE 12/20/2012

APPLICANT: Thomas W Cork

PRESENT ZONING M-2 PROPOSED ZONING C-5

TAX PLAT # 032 PARCEL 021.00 p/o

GEN. LOCATION fronting on the north side of Terminal Rd. 500 +/- feet west of the Wilma Rudolph Blvd. & Terminal Road intersection.

PUBLIC COMMENTS

None received as of 9:30 on 12/20/2012 (jhb).

ORDINANCE 35-2012-13

AN ORDINANCE AMENDING THE 2012-13 PARKS SPECIAL REVENUE FUND BUDGET (ORDINANCE 100-2011-12) AUTHORIZING THE CITY OF CLARKSVILLE TO ACCEPT GRANTS AND IN-KIND DONATIONS TO DEVELOP NEW DESIGN GUIDELINES FOR THE CITY OF CLARKSVILLE'S HISTORIC DISTRICT

WHEREAS, the City of Clarksville has been awarded a \$15,000 grant from the Tennessee Historical Commission which requires a local match of \$10,000;

WHEREAS, the City of Clarksville agrees to accept a \$3,000 donation from Two Rivers Company and a in-kind professional services donation from Philip Walker, AICP at a value of \$7,000.

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

That the following Parks Special Revenue Fund budget be increased:

2445000-33410-MAY01	Grants Revenue-State of TN	Increase	\$15,000
2445000-36400-MAY01	Contribution & Donation Revenue	Increase	\$ 3,000
24450003-4330-MAY01	Professional Services	Increase:	\$18,000

FIRST READING: December 13, 2012

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 41-2012-13

AN ORDINANCE AMENDING THE 2012-13 CAPITAL PROJECTS FUND BUDGET (ORDINANCE 100-2011-12) AUTHORIZING THE CITY OF CLARKSVILLE TO ACCEPT A BOATING INFRASTRUCTION GRANT FROM THE US DEPARTMENT OF THE INTERIOR PASS THROUGH THE TENNESSEE WILDLIFE RESOURCE AGENCY AND PROVIDE MATCHING FUNDS ON THE MARINA CONSTRUCTION

WHEREAS, the City of Clarksville has been awarded four grants totaling \$585,956 by the US Department of the Interior pass through the Tennessee Wildlife Resource Agency to construct transient facilities at the new off-river marina basin; and

WHEREAS, the construction of stated facilities has been completed; and

WHEREAS, the City has met all the match requirements and is now accepting the four grants totaling \$585,956.

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

That the following Capital Project Fund adjustments be made:

4041000 33130-MP007	Federal Grant Revenue	Increase: \$325,956
4041000 33130-MP008	Federal Grant Revenue	Increase: \$260,000
4041000-4450-71003	Marina Construction Services	Increase: \$585,956

FIRST READING: December 13, 2012

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 42-2012-13

AN ORDINANCE AUTHORIZING CONVENYANCE OF A SANITARY SEWER
EASEMENT TO PLEASANT VIEW UTILITY DISTRICT

WHEREAS, the Pleasant View Utility is in need of an easement across certain real estate property owned by the City of Clarksville, Tennessee, located in Cheatham County, Tennessee, as described in Deed Book 80, Page 178 in the Registers Office of Cheatham County, Tennessee and shown on Cheatham County Tax Map 23, Parcel 91.00; and

WHEREAS, said easement shall be utilized for the purposes of extending sanitary sewer and/or water distribution lines;

WHEREAS, a copy of said Easement is attached hereto as Exhibit "A;" and

WHEREAS, the presence of the easement and/or abovementioned lines will cause no foreseen complications for the City of Clarksville or said property.

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

That the above-described easement is hereby conveyed.

FIRST READING: December 13, 2012

SECOND READING:

EFFECTIVE DATE:

This instrument prepared by:
James C. Hailey & Company

EASEMENT

For and in consideration of the sum of \$ -0- Dollars and other good and valuable considerations, the receipt of all which is hereby acknowledged, I (we) the undersigned City of Clarksville, TN., by these presents hereby grant, transfer and convey to **PLEASANT VIEW UTILITY DISTRICT** of Cheatham County, a municipal corporation, its successors and assigns, an **Easement and/or Right-of-Way** for the purpose of installing a water/sewer line, including the right to install, repair and re-install, if necessary, and repair and keep repaired said water/sewer line, together with necessary egress and ingress to accomplish the foregoing purposes, across and under the land described as follows:

An easement 20 ft wide and extending 10 ft on each side of a center line which is described as follows:

Beginning at a point on the western property line of said property, said point being 10 feet south of the property corner of said property; thence parallel to the right-of-way of Hwy 41 A a distance of approximately 120 feet to the opposite property line from beginning.

Being the same property conveyed to the undersigned by deed in Deed Book 80, Page 178 in the Registers Office of Cheatham County, Tennessee, if available, the property is shown on Cheatham County Tax Map 23, Parcel 91.00.

After installation is complete and settling of the ground has occurred, the Pleasant View Utility District will restore the property.

To have and to hold the above described easement and /or right-of-way is conveyed to the **PLEASANT VIEW UTILITY DISTRICT** of Cheatham County, Tennessee.

The Grantor(s) covenant that they are lawfully seized and possessed of said real estate, has a good and lawful right to convey said easement.

IN WITNESS WHEREOF, the Grantor(s) has executed this instrument on this the _____ day of _____, 2012.

Signature

Date

Signature

Date

State of Tennessee County of

On this _____ day of _____, 2012, before me personally appeared _____ to be known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal at _____, Tennessee, the day and year aforesaid.

NOTARY PUBLIC

My commission expires _____ **day of** _____.

ORDINANCE 43-2012-13

AN ORDINANCE UPDATING THE MADISON STREET CORRIDOR URBAN DESIGN OVERLAY AND DESIGN STANDARDS AND GUIDLEINES

WHEREAS, the Madison Street Corridor Urban Design Overlay and Design Standards and Guidelines, as prepared by Gresham and Smith Partners, was approved and adopted per Ordinance 85-2007-08; and

WHEREAS, Ordinance 85-2007-08 created a Madison Street Corridor Design Review Board responsible for reviewing and approving all projects within the Overlay District; and

WHEREAS, the Review Board was to be made up of two (2) design professionals, one (1) owner of a business within the Overlay District, one (1) member of the Clarksville City Council and one (1) attorney; and

WHEREAS, after several years of operation, the Board has concluded and recommends a revision in its structural makeup to better reflect the needs, talents and duties in performing the assigned mission;

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

The revised Madison Street Corridor urban Design Overlay Board shall consist of five (5) members recommended by the City of Clarksville Mayor and ratified by the Clarksville City Council. The Board shall consist of one (1) design professional, two (2) owners of businesses located within the overlay District, one (1) member of the Clarksville City Council whose ward boundaries are included within the overlay district and one (1) member that may be either a design professional, a business owner within the district, or residential property owner within the district.

All other terms, guidelines and operational procedures used in initially creating the Overlay District and Board remain in effect.

FIRST READING: December 13, 2012

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 85-2007-08

AN ORDINANCE ADOPTING THE MADISON STREET CORRIDOR URBAN DESIGN OVERLAY AND DESIGN STANDARDS AND GUIDELINES

WHEREAS, the “Hilldale Revitalization Report” of Leadership Clarksville recommended the enactment of zoning laws and sign ordinances applicable to properties along Madison Street; and

WHEREAS, in late 2007, the Clarksville-Montgomery County Regional Planning Commission convened a Steering Committee of elected officials, business owners, and residents to work with consultants on design guidelines for the Madison Street Corridor; and

WHEREAS, the Steering Committee and the Regional Planning Commission recommends the adoption of said land use plan and design standards and guidelines;

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

That the Madison Street Corridor Urban Design Overlay and Design Standards and Guidelines as prepared by Gresham Smith and Partners are hereby created and adopted.

There is hereby created a Madison Street Corridor Design Review Board which shall be responsible for reviewing and approving all projects within the Overlay District that require demolition, building and sign permits, and that make modifications to the exterior appearance of buildings, landscaping and parking, in order to insure compliance with the above referenced design standards and guidelines.

The Board shall consist of five (5) members recommended by the Mayor of the City of Clarksville and ratified by the Clarksville City Council. The Board shall consist of two (2) design professionals, one (1) owner of a business located within the Overlay District, one (1) member of the Clarksville City Council, and one (1) attorney. The terms of the Board members shall be three (3) years after the initial terms established below. No member may serve more than two (2) consecutive three-year terms. Vacancies on the Board shall be filled by the City Council, based on the recommendation of the Mayor. Any member may be removed for cause by a majority vote of the City Council. The initial terms of the initial Board shall be as follows:

Initial one-year term: A design professional.

Initial two-year term: A member of the Clarksville City Council and a design professional.

Initial three-year term: An attorney and a business owner.

The Clarksville-Montgomery County Regional Planning is authorized to charge fees as they deem appropriate for the administration of plans review required by this Ordinance.

<i>FIRST READING:</i>	March 6, 2008
<i>SECOND READING:</i>	April 3, 2008
<i>EFFECTIVE DATE:</i>	April 9, 2008

ORDINANCE 44-2012-13

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF ALLEN MOSER FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF FAIRVIEW LANE 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 R-1 Single Family Residential District, as R-4 Multiple Family Residential District.

PUBLIC HEARING: December 13, 2012

FIRST READING: December 13, 2012

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the north right of way of Fairview Lane, said point being the southwest corner of the Weatherford property, thence in a northerly direction 229 +/- feet to a point, said point being in the southern boundary of the Edmondson property, thence in a westerly direction 99 +/- feet to a point, said point being the northeast corner of Deluca property, thence in a southerly direction with the Deluca property line 226 +/- feet to a point said point being the southeast corner of the Deluca property and in the northern right of way Fairview Lane, thence in an easterly direction 99 +/- feet with the northern right of way of Fairview Lane to the point of beginning, containing 0.52 +/- acres (Tax Map 041-K-A Parcel 013.00)

ORDINANCE 45-2012-13

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

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: December 13, 2012

FIRST READING: December 13, 2012

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the northern ROW of Fairview Lane, said point being 548 +/- feet northwest of the centerline of the Fairview Lane and Wilma Rudolph Blvd. intersection and the southeast corner of the subject tract, thence in a northern direction 230 +/- feet with the William Edmondson property line to a point, thence in a westerly direction 100 +/- feet with the William Edmondson property line to a point, thence in a southerly direction 230 +/- feet with the Allen Moser property line to a point in the northern ROW of Fairview Lane, said point being the southeast corner of the Allen Moser property, thence in a easterly direction 100 +/- feet with the northern ROW of Fairview Lane to the point of beginning, further identified as Tax Map 41-K-A Parcel 12.00 containing 0.525 +/- acres.

ORDINANCE 46-2012-13

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

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 AG Agricultural District, as R-2 Single Family Residential District, R-5 Residential District, and C-1 Neighborhood Commercial District.

PUBLIC HEARING: December 13, 2012
FIRST READING: December 13, 2012
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

(C-1 Description) Beginning at a the southeast corner of Avalon Subdivision section 1 as recorded in Plat Book 13, Page 134 ROMCT, lying in the north right of way of said Tylertown Road, also being the southwest property corner of said Seay property, said point lying South 84 degrees 17 minutes 43 seconds East for a distance of 500.31 feet from the centerline intersection of said Tylertown Road and Roscommon Way; Thence leaving the north right of way along the east boundary of Avalon section 1, North 09 degrees 23 minutes 39 seconds East for 250.01 feet; Thence leaving the east boundary, South 81 degrees 12 minutes 44 seconds East for 347.38 feet; Thence South 08 degrees 47 minutes 16 seconds West for 250.00 feet to Tylertown Road north right of way; Thence along the right of way, North 81 degrees 12 minutes 44 seconds West for 350.03 feet to the beginning. This parcel contains 2.00 +/- acres (Tax Map 08 Parcel 4.00 p/o)

(R-5 Description) Beginning at a the southeast corner of Avalon Subdivision section 1 as recorded in Plat Book 13, Page 134 ROMCT, lying in the north right of way of said Tylertown Road, also being the southwest property corner of said Seay property, said point lying South 84 degrees 17 minutes 43 seconds East for a distance of 500.31 feet from the centerline intersection of said Tylertown Road and Roscommon Way; Thence leaving the north right of way along the east boundary of Avalon section 1, North 09 degrees 23 minutes 39 seconds East for 250.01 feet, to "The True Point of Beginning", lying in the east boundary line of Arbour Greene Section 2 as recorded in Plat Book 14, Page 142, ROMCT; Thence along the east boundary, North 08 degrees 47 minutes 16 seconds East for 280.00 Thence leaving the east boundary line, South 81 degrees 12

minutes 44 seconds East for 146.30 feet; Thence South 63 degrees 17 minutes 55 seconds East for 211.32 feet; Thence South 81 degrees 12 minutes 44 seconds East for 1234.59 feet; Thence South 08 degrees 47 minutes 16 seconds West for 465.00 feet, lying in the north right of way of Tylertown Road; Thence along the right of way, North 81 degrees 12 minutes 44 seconds West for 1234.59 feet to "The True Point of Beginning". This parcel contains 15.26 +/- acres (Tax Map 08 Parcel 4.00 p/o)

(R-2 Description) Beginning at the southeast property corner of said Seay property, lying in the north right of way of Tylertown Road also being the southwest corner of the Tylertown Subdivision section 1C as recorded in Plat Book 13, Page 723 ROMCT, lying North 73 degrees 53 minutes 07 seconds West for 197.87 feet from the centerline intersection of Tylertown Road and Parada Drive; Thence along the north right of way, North 81 degrees 12 minutes 44 seconds West for 928.89 feet; Thence leaving said right of way, North 08 degrees 47 minutes 16 seconds East for 465.00 feet; Thence North 81 degrees 12 minutes 44 seconds West for 1234.59 feet; Thence North 63 degrees 17 minutes 55 seconds West for 211.32 feet; Thence North 81 degrees 12 minutes 44 seconds West 146.30 feet, lying in the east boundary of Arbour Greene Section 2 as recorded in Plat Book 14, Page 142, ROMCT; Thence along the east property line, North 09 degrees 06 minutes 32 seconds East 830.09 feet to the southeast corner of Arbour Greene Section 1C as recorded in Plat Book E, Page 294, ROMCT; Thence along the east boundary line, North 09 degrees 02 minutes 25 seconds East for a distance of 1584.68 feet to the south property line of the Paul Cooper property as recorded in ORV 739, Page 2440 ROMCT; Thence along the south property line, South 75 degrees 52 minutes 30 seconds East for 626.96 feet; Thence along east property line, North 39 degrees 34 minutes 23 seconds East for 568.23 feet; Thence continuing along east property line, North 07 degrees 35 minutes 41 seconds East for 90.80 feet to the TN/KY state line, also being the northeast corner of said Cooper property; Thence leaving said Cooper property along state line, North 86 degrees 05 minutes 00 seconds East for 1595.73 feet to the northwest corner of Tylertown Section 1E, as recorded in Plat Book 14, page 51 ROMCT; Thence along west boundary line, South 09 degrees 04 minutes 34 seconds West for 950.91 feet, to the northwest corner of Tylertown Section 1E as recorded in Plat Book 14, Page 51 ROMCT; Thence along west boundary line passing sections 1D and 1C of Tylertown Subdivision, South 08 degrees 05 minutes 33 seconds West for 2805.94 feet to the northeast corner of the City of Clarksville property as recorded in ORV 1224, Page 1187 ROMCT; Thence along the city property for the next bearings and distance: North 79 degrees 59 minutes 31 seconds West for 34.53 feet; South 11 degrees 18 minutes 36 seconds West for 20.40 feet; South 81 degrees 52 minutes 12 seconds East for 35.36 feet to the west boundary line of section 1C; Thence along the west boundary line, South 08 degrees 31 minutes 51 seconds West for 40.45 feet to the point of beginning. This parcel contains 176.60 +/- acres (Tax Map 08 Parcel 4.00 p/o)

ORDINANCE 47-2012-13

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF TODD MORRIS FOR ZONE CHANGE ON PROEPRTY AT MADISON STREET AND HILLCREST DRIVE

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

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

PUBLIC HEARING: December 13, 2012
FIRST READING: December 13, 2012
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a the southeast corner of John Hadley property as recorded in ORV 1418, Page 1255 ROMCT, lying in the north right of way of Madison Street, then along Hadley's east property line, North 03 degrees 25 minutes 30 seconds West for 199.72 feet to the northeast corner of Hadley property, being "The True Point Of Beginning"; Thence along Hadley north property line, South 86 degrees 44 minutes 34 seconds West for 175.27 feet to the northwest corner of Hadley property; Thence South 02 degrees 40 minutes 22 seconds East for 5.42 feet to the northeast corner of the Alan Werner property as recorded in ORV 905, Page 625 ROMCT; Thence along Werner north property line, South 86 degrees 31 minutes 33 seconds West for 129.72 feet to the northwest corner of Werner property, lying in the east property line of William Hutton property as recorded in ORV 1453, Page 2465ROMCT; Thence Hutton east property line, North 08 degrees 12 minutes 34 seconds East for 207.76 feet to the southwest corner of the Madison Warren III property as recorded in ORV 830, Page 1720 ROMCT; Thence along Warren south property line, South 77 degrees 10 minutes 24 seconds East for 210.50 feet to the southeast corner of Warren property; Thence along Warren east property line, North 09 degrees 45 minutes 34 seconds East for 12.56 feet to the southwest corner of the SNH/LTA Properties Trust as recorded in ORV 1145, Page 801 ROMCT; Thence along SNH/LTA south property line, North 87 degrees 01 minutes 16 seconds East for 520.48 feet to the southeast corner of SNH/LTA property, also lying in the west property line of Morris Construction property; Thence along the west property line, North 03 degrees 32 minutes 26 seconds West for 181.70 feet to Morris northwest corner, also being the

southwest corner of the Burney Family property as recorded in ORV 1361, Page 1244 ROMCT; Thence along Burney south property line North 87 degrees 03 minutes 11 seconds East for 312.24 feet to the Morris northeast corner; Thence along Morris east property line, South 03 degrees 5. minutes 03 seconds East for 293.67 feet; Thence leaving Morris east property line, South 87 degrees 01 minutes 16 seconds West for 377.94 feet; Thence North 03 degrees 25 minutes 30 seconds West for 92.12 feet; Thence South 87 degrees 01 minutes 16 seconds West for 398.90 feet; Thence South 03 degrees 25 minutes 30 seconds East for 131.34 feet to "The True Point Of Beginning". This parcel contains 3.56 +/- acres.

ORDINANCE 48-2012-13

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

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 and R-4 Multiple Family Residential District.

PUBLIC HEARING: December 13, 2012

FIRST READING: December 13, 2012

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

(R-2 Description) Commencing at an iron pin in the east margin of Tobacco Road, said point being located South 25 degrees 20 minutes 57 seconds West for a distance of 257.28 feet, more or less, from the centerline intersection of Tobacco Road and Sandburg Drive; Thence North 28 degrees 24 minutes 15 seconds East for a distance of 129.28 feet, more or less, to a point; Thence on a curve to the right, said curve having a radius of 398.94 feet, arc length of 75.83 feet, and being subtended by a chord having a bearing of North 33 degrees 50 minutes 58 seconds East for a distance of 75.72 feet, more or less; Thence North 38 degrees 56 minutes 21 seconds East for a distance of 116.41 feet, more or less, to a point; Thence South 58 degrees 32 minutes 38 seconds East for a distance of 350.86 feet, more or less, to a point; Thence South 33 degrees 54 minutes 25 seconds West for a distance of 395.95 feet, more or less, to a point; Thence North 58 degrees 22 minutes 34 seconds West for a distance of 51.15 feet, more or less, to a point; Thence South 89 degrees 25 minutes 14 seconds East for a distance of 56.99 feet, more or less, to a point; Thence North 00 degrees 02 minutes 48 seconds West for a distance of 100.87 feet, more or less, to a point; Thence North 89 degrees 16 minutes 25 seconds West for a distance of 99.52 feet, more or less, to a point; Thence South 0 degrees 21 minutes 27 seconds West for a distance of 75.03 feet, more or less, to a point; Thence North 58 degrees 22 minutes 34 seconds West for a distance of 253.88 feet, more or less, to the point of beginning. Said tract contains 3.066 acres, more or less. Said property is

identified in the Montgomery County Assessor of Property office on Tax Map 30 as a portion of Parcel 6.00.

(R-4 Description) Commencing at an iron pin in the east margin of Tobacco Road, said point being located South 25 degrees 20 minutes 57 seconds West for a distance of 257.28 feet, more or less, from the centerline intersection of Tobacco Road and Sandburg Drive; Thence South 58 degrees 22 minutes 34 seconds East for a distance of 253.88 feet, more or less, to a point; Thence South 0 degrees 21 minutes 27 seconds West for a distance of 26.09 feet, more or less, to a point; Thence South 89 degrees 25 minutes 14 seconds East for a distance of 43.24 feet, more or less, to a point; Thence South 58 degrees 22 minutes 34 seconds East for a distance of 51.15 feet, more or less, to a point; Thence South 33 degrees 54 minutes 25 seconds West for a distance of 52.22 feet, more or less, to a point; Thence South 28 degrees 30 minutes 31 seconds East for a distance of 87.18 feet, more or less, to a point; Thence South 06 degrees 54 minutes 54 seconds East for a distance of 168.61 feet, more or less, to a point; Thence South 1 degrees 13 minutes 54 seconds East for a distance of 179.79 feet, more or less, to a point; Thence South 10 degrees 20 minutes 44 seconds West for a distance of 140.48 feet, more or less, to a point; Thence South 30 degrees 43 minutes 23 seconds West for a distance of 68.37 feet, more or less, to a point; Thence North 59 degrees 16 minutes 37 seconds West for a distance of 340.51 feet, more or less, to a point; Thence North 9 degrees 11 minutes 43 seconds East for a distance of 15.96 feet, more or less, to a point; Thence North 1 degrees 14 minutes 30 seconds West for a distance of 161.93 feet, more or less, to a point; Thence North 6 degrees 50 minutes 32 seconds West for a distance of 19.94 feet, more or less, to a point; Thence North 6 degrees 56 minutes 43 seconds West for a distance of 65.17 feet, more or less, to a point; Thence North 28 degrees 09 minutes 45 seconds West for a distance of 49.64 feet, more or less, to a point; Thence North 40 degrees 43 minutes 04 seconds West for a distance of 46.75 feet, more or less, to a point; Thence North 54 degrees 40 minutes 24 seconds West for a distance of 209.10 feet, more or less, to a point; Thence on a curve to the left, said curve having a radius of 313.21 feet, arc length of 71.81 feet, and being subtended by a chord having a bearing of North 81 degrees 27 minutes 23 seconds East for a distance of 71.65 feet, more or less; Thence on a curve to the left, said curve having a radius of 192.50 feet, arc length of 156.18 feet, and being subtended by a chord having a bearing of North 51 degrees 38 minutes 47 seconds East for a distance of 151.93 feet, more or less; Thence North 28 degrees 24 minutes 15 seconds East for a distance of 124.36 feet, more or less, to the point of beginning. Said tract contains 5.966 acres, more or less. Said property is identified in the Montgomery County Assessor of Property office on Tax Map 30 as a portion of Parcel 6.00.

ORDINANCE 49-2012-13

AN ORDINANCE AMENDING THE 2012-13 GENERAL FUND OPERATING BUDGET (ORDINANCE 100-2011-12) AUTHORIZING THE CITY OF CLARKSVILLE MUNICIPAL PROPERTIES DEPARTMENT TO INCREASE FUNDING IN THE AMOUNT OF \$20,000 FOR CENTERSTONE ROOF REPAIR

WHEREAS, the City of Clarksville owns property located at 404 Pageant Lane leased to Centerstone of Tennessee, Inc.

WHEREAS, the roof is in need of replacement at this time.

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

That the following Budget Amendments be made:

Municipal Properties Expenditures:

Constuction Services 10419703-4450	Increase:	\$20,000
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BE IT FURTHER ORDAINED that the source of funding for this \$20,000 shall be from the fund balance of the General Fund.

FIRST READING: December 13, 2012

SECOND READING: December 13, 2012

EFFECTIVE DATE:



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
DECEMBER 13, 2012**

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Pastor Tommy Vallejos expressed opposition to adoption of any ordinance relative to employee hiring and benefits with regard to sexual orientation. Calvin Brown shared his discontent with the way a recent shooting incident at C-Ray's Social Club was being handled by the Clarksville Police Department. David Shelton asked the Council to adopt a hiring policy with a non-discrimination clause relative to sexual orientation.

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, December 13, 2012, at 7:10 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 (3), Wallace Redd (4), Candy Johnson (5), Marc Harris (6), Geno Grubbs, Mayor Pro Tem (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhart (12)

SPECIAL RECOGNITIONS

Mayor McMillan presented certificates of recognition to the Northeast Middle School Robotics Team for their recent achievements in gameboard interaction, team work, design, and presentation.

PUBLIC HEARING

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

ORDINANCE 44-2012-13 (First 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

There were no comments for or against this request.

ORDINANCE 45-2012-13 (First 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

There were no comments for or against this request.

ORDINANCE 46-2012-13 (First 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

Gordon Seay said in light of some departments' concerns about traffic congestion and fire response time, he planned to donate property in the immediate area for construction of a new fire station. There was no voiced opposition.

ORDINANCE 47-2012-13 (First 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

Todd Morris offered to answer questions regarding this request. There was no voiced opposition.

ORDINANCE 48-2012-13 (First 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

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 Lewis. A voice vote was taken; the motion passed without objection.

ZONING

The recommendations from the Regional Planning Staff and Commission were for approval of **ORDINANCE 44-2012-13**. 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, Harris, Johnson, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

The recommendations from the Regional Planning Staff and Commission were for approval of **ORDINANCE 45-2012-13**. 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, Harris, Johnson, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

The recommendations from the Regional Planning Staff and Commission were for approval of **ORDINANCE 46-2012-13**. 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, Grubbs, Harris, Johnson, Jones, Lewis, Redd, Summers, Wallace

NAY: Burkhart, McLaughlin, Steward

The motion to adopt this ordinance on first reading passed.

The recommendations from the Regional Planning Staff and Commission were for approval of **ORDINANCE 47-2012-13**. 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, Harris, Johnson, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

The recommendations from the Regional Planning Staff and Commission were for approval of **ORDINANCE 48-2012-13**. 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, Harris, Johnson, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

6) 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 10-2012-13** (Second Reading) Amending the Official Code relative to anti-noise regulations *[Removed; see Public Safety Committee]*
2. **ORDINANCE 28-2012-13** (Second Reading) Authorizing acquisition of property for the Brook Hill Drive sewer pump station
3. **ORDINANCE 30-2012-13** (Second Reading) Amending the FY13 Capital Projects Budget for R. J. Corman Rail Road Bridge rehabilitation
4. **ORDINANCE 31-2012-13** (Second Reading) Amending the FY13 Parking Authority Budget to purchase debit/credit card meter mechanisms *[Removed; see Finance Committee]*
5. **ORDINANCE 32-2011-12** (Second Reading) Amending the Official Code relative to appointment of the Executive Director of the Arts & Heritage Development Council to the Public Arts Commission
6. **ORDINANCE 33-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of North Tennessee Bible Institute, Dr. James W. Hunt-Agent, for zone change on property at Martin Luther King Boulevard & Trough Springs Road from O-1 Office District to C-5 Highway & Arterial Commercial District
7. **ORDINANCE 34-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Griffy Family Partnership c/o Susan Hembree for zone change on property at Allen Griffy Road & Peachers Mill Road from AG Agricultural District to R-2 Single Family Residential District
8. Approval of Board Appointments:
Two Rivers Company: Dan Hanley – January 2013 through October 2015
9. Approval of Minutes: Regular Session November 1, Regular Session December 6 *[Removed; see below]*

Councilwoman McLaughlin requested separate consideration of **ORDINANCE 31-2012-13** and the December 6th minutes. Councilman Grubbs asked for separate consideration of **ORDINANCE 10-2012-13**. Councilman Redd made a motion to adopt the Consent Agenda as amended. The motion was seconded by Councilman Lewis. A voice vote was taken; the motion passed without objection.

MINUTES

Councilman Allen made a motion to adopt the December 6th minutes. The motion was seconded by Councilman Summers. Councilwoman McLaughlin made a motion to add language to clarify the reason for changing the regular session meeting date and note Mayor McMillan's recent trip to Saudi Arabia. The motion was seconded by Councilman Wallace. A voice vote was taken; the motion passed without objection.

COMMUNITY DEVELOPMENT COMMITTEE

Marc Harris, Chair

Councilman Harris summarized the Consolidated Annual Performance and Evaluation Report and reported the Community Development Department assisted 14 families with housing rehabilitation, 19 families with emergency repairs, and 11 first-time homebuyers with down payments and closing cost assistance.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 31-2012-13 (Second Reading) Amending the FY13 Parking Authority Budget to purchase debit/credit card meter mechanisms

This ordinance was removed from the original Consent Agenda. Councilman Wallace made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Johnson. Parking Manager David Smith said the request for debit/credit card meters came from the downtown merchants. Councilwoman McLaughlin made a motion to postpone second reading indefinitely to allow the Economic Development Council and the Two Rivers Company time to review free parking in the downtown area. The following vote was recorded:

AYE: Allen, Jones, McLaughlin, Steward, Summers

NAY: Burkhart, Grubbs, Harris, Johnson, Lewis, Redd, Wallace

The motion to postpone failed. The following vote on the original motion was recorded:

AYE: Burkhart, Grubbs, Harris, Johnson, Lewis, Redd, Steward, Wallace

NAY: Allen, Jones, McLaughlin, Summers

The motion to adopt this ordinance on second reading passed.

ORDINANCE 35-2012-13 (First Reading) Amending the FY13 Parks & Recreation Special Revenue Budget to accept in-kind donations for development of historic district design guidelines

Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. Councilman Wallace

expressed appreciation to the Two Rivers Company and Phil Walker for their contribution of matching funds and in-kind services. The following vote was recorded:

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

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

ORDINANCE 41-2012-13 (First Reading) Amending the FY13 Capital Projects Budget to accept a boating infrastructure grant for marina construction

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

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

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

ORDINANCE 49-2012-13 (First Reading) Amending the FY13 Operating Budget for Centerstone roof repair

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

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

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

GAS & WATER COMMITTEE

Jeff Burkhart, Chair

ORDINANCE 42-2012-13 (First Reading) Conveying a sanitary sewer easement to Pleasant View Utility District

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

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

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

PARKS & RECREATION

(Parks, Recreation, General Services)

Deanna McLaughlin, Chair

Councilwoman McLaughlin encouraged the public to visit Christmas on the Cumberland at McGregor Park

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

Councilman Grubbs reported the following monthly department statistics: 1,027 permits issued by Building & Codes; 1,672 inspections made by the Building & Codes Construction Division; 715 emergency responses by Clarksville Fire & Rescue, and 11,782 calls answered by Clarksville Police Department.

ORDINANCE 10-2012-13 (Second Reading) Amending the Official Code relative to anti-noise regulations

Councilman Grubbs made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Wallace.

Amendment #1. Councilman Grubbs made a motion to amend this ordinance by deleting the word “Reserved” in Sec. 10-224(8)(a)(11) and substituting instead: *“Motor vehicles used for the collection and/or compacting of garbage or refuse, but such vehicles shall not operate between 10:00 p.m. and the following 6:00 a.m. in residentially zone areas.”* The motion was seconded by Councilman Redd. Councilman Burkhardt made a motion to amend the amendment from 6:00 a.m. to 5:00 a.m. The motion was seconded by Councilman Lewis. A voice vote was taken; with some objection, Councilman Burkhardt’s motion passed. A voice vote on the original amendment was taken; with some objection, the first amendment passed.

Amendment #2. Councilman Redd made a motion to amend this ordinance by deleting Sec. 10-224(8)(a)(17) (a) and (b) in their entirety and by substituting instead the following:

“(a) Except as otherwise provided below, all race tracks properly licensed and operating in the City of Clarksville that conducts recreational or competitive motor vehicle racing shall not conduct said racing between the hours of twelve (12) midnight and the following eight (8) a.m., or such other time as may be established within the City of Clarksville zoning code. At the conclusion of a racing event, the track owner(s) or management shall encourage all participants and patrons to vacate the premises by not later than one (1:00) a.m. of the day following the conclusion of any racing event at twelve (12) midnight.

(b) All race tracks properly licensed and operating in the City of Clarksville on or before the effective date of this ordinance that conducts recreational or competitive motor vehicle racing shall not conduct said racing between the hours of one-thirty (1:30) a.m. and the following eight (8) a.m. At the conclusion of a racing event, the track owner(s) or management shall encourage all participants and patrons to vacate the premises by not later than two (2:00) a.m.”

The motion was seconded by Councilwoman Jones. Councilman Allen made a motion to amend the amendment to change “1:30 a.m.” to “midnight.” The motion was seconded by Councilman Summers. The following vote was recorded:

AYE: Allen, Summers

NAY: Burkhart, Grubbs, Harris, Johnson, Jones, Lewis, McLaughlin, Redd, Steward, Wallace

Councilman Allen’s motion failed. The following vote on the second amendment was recorded:

AYE: Burkhart, Grubbs, Harris, Johnson, Jones, Lewis, McLaughlin, Redd, Summers, Wallace

NAY: Allen, Steward

Amendment #2 passed.

Amendment #3. Councilwoman McLaughlin made a motion to amend this ordinance by deleting Sec. 10-224(9) relative to “special noise permits” in its entirety and by substituting instead “Reserved.” The motion was seconded by Councilman Redd. The following vote was recorded:

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

NAY: Allen, Johnson

The third amendment passed.

Amendment #4. Councilman Summers made a motion to create a new chapter, “Anti-noise Regulations,” and to renumber sections where necessary in accordance with the previous amendments. The motion was seconded by Councilman Wallace. The following vote was recorded:

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

Amendment #4 unanimously passed.

Amendment #5. Councilman Steward made a motion to delete Sec. 10-224(6) relative to use of domestic power tools. The motion was seconded by Councilwoman Johnson. Following brief discussion, the motion was withdrawn without objection. Councilman Steward made a motion to amend this section to allow use of domestic power tools between 5:00 a.m. and midnight. The motion was seconded by Councilwoman Johnson.

AYE: Burkhart, Harris, Johnson, Lewis, McLaughlin, Steward

NAY: Allen, Grubbs, Jones, Redd, Summers, Wallace

Mayor McMillan voted “nay.” The Amendment #5 failed.

Amendment #6. Councilman Steward made a motion to delete Sec. 10-224(8)(12) relative to cleaning of parking lots. The motion was not seconded.

Councilwoman Jones called for the question. The question was seconded by Councilman Redd. A voice vote was taken. With some objection, the motion to cease discussion passed.

The following vote on the original motion was recorded:

AYE: Burkhart, Grubbs, Harris, Johnson, Jones, Lewis, McLaughlin, Redd, Summers, Wallace

NAY: Allen, Steward

The motion to adopt this ordinance as amended passed.

STREETS & TRANSPORTATION COMMITTEE

James Lewis, Chair

Councilman Lewis reported the following monthly department statistics: 119 work orders completed by the Street Department; 75,712 passengers transported by Clarksville Transit System; 308 work orders completed by the City Garage with diesel fuel at \$3.52 per gallon and unleaded fuel at \$2.90 per gallon.

PUBLIC ART COMMISSION

Deanna McLaughlin

RESOLUTION 31-2012-13 Approving the Public Arts Program

Councilwoman McLaughlin made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

MADISON STREET DESIGN REVIEW BOARD

Bill Summers

ORDINANCE 43-2012-13 (First Reading) Amending the Official Code to update Madison Street Corridor Urban Design Overlay design standards and guidelines

Councilman Summers made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Steward. Councilman Summers said this ordinance would change the makeup of the Madison Street Design Review Board. Councilman Burkhart made a motion to amend this ordinance by deleting the requirement for the city council representative to be chosen from a ward

adjacent to the district. The motion was seconded by Councilman Steward. The following vote was recorded:

AYE: Burkhart, Grubbs, Harris, Johnson, Steward, Wallace

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

Mayor McMillan voted “aye.” The amendment passed. The following vote on the original motion as amended was recorded:

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

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

NEW BUSINESS

Mayor McMillan reminded the Council that City Attorney Lance Baker had previously advised against taking any action on ordinances relative to alleged ethics complaints because there were no policies or procedures currently established to address a complaint.

ORDINANCE 37-2012-13 (First Reading) Pertaining to an alleged ethics complaint against a member of the City Council (Councilman Joel Wallace)

Councilman Summers made a motion to adopt this ordinance. The motion was seconded by Councilwoman McLaughlin. Councilwoman Johnson made a motion to postpone action on this ordinance indefinitely. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Grubbs, Johnson, Lewis, Redd

NAY: Allen, McLaughlin, Summers

ABSTAIN: Burkhart, Harris, Jones, Steward, Wallace

The motion to postpone passed.

ORDINANCE 50-2012-13 (First Reading) Pertaining to an alleged ethics complaint against a member of the City Council (Councilwoman Kaye Jones)

ORDINANCE 51-2012-13 (First Reading) Pertaining to an alleged ethics complaint against a member of the City Council (Councilman Jeff Burkhart)

ORDINANCE 52-2012-13 (First Reading) Pertaining to an alleged ethics complaint against a member of the City Council (Councilman Jeff Burkhart)

ORDINANCE 53-2012-13 (First Reading) Pertaining to an alleged ethics complaint against a member of the City Council (Councilman Marc Harris)

Councilman Steward made a motion to postpone action on **ORDINANCE 50-2012-13, ORDINANCE 51-2012-13, ORDINANCE 52-2012-13, and ORDINANCE 53-2012-13** indefinitely. The motion was seconded by Councilman Redd. Councilman Steward called for the question. The question was seconded by Councilwoman Johnson. A voice vote was taken; the motion to cease discussion passed. The following vote on the original motion was recorded:

AYE: Grubbs, Johnson, Lewis, Redd, Steward, Wallace

NAY: Allen, McLaughlin, Summers

ABSTAIN: Burkhart, Harris, Jones

The motion to postpone action on these ordinances indefinitely passed.

MAYOR COMMENTS

Mayor McMillan expressed appreciation to outgoing Councilwoman Candy Johnson for her four years of service to the City of Clarksville as the City Council representative for Ward 5. Councilwoman Johnson had chosen not to seek re-election and dedicate more time to her family and her career. She was succeeded by Valerie Guzman.

ADJOURNMENT

The meeting was adjourned at 9:47 p.m.



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
DECEMBER 6, 2012, 7:00 P.M.**

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

MINUTES

At the request of Mayor Kim McMillan, this regular session was rescheduled to a special session on December 13, 2012. Mayor McMillan participated in a U. S. Conference of Mayors delegation to Saudia Arabia November 29th through December 7th.

ADOPTED: December 13, 2012

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 pass 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:

SECOND READING:

EFFECTIVE DATE:

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 THE POLICE BALLISTIC SCENARIO HOUSE

WHEREAS, the City of Clarksville has received private donations in the amount of \$51,711 for the construction of the Police Shoot House ;

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	Construction Services	Increase: \$ 51,711

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 32-2012-13

A RESOLUTION AUTHORIZING THE REGIONAL PLANNING COMMISSION TO INITIATE REVISIONS TO THE CITY ZONING ORDINANCE AND THE CITY CODE RELATIVE TO SIGNAGE AND LIGHTING PROVISIONS

WHEREAS, the City of Clarksville has approved the developed and use of general guidelines that set standards of appearance and development for any function or operation that desires to locate and operate within the city limits; and

WHEREAS, the City of Clarksville has approved and uses more comprehensive and stringent guidelines for the improvement in appearance and the quality of development within certain designated areas of the city such as the Madison Street Corridor; and

WHEREAS, the success of these more comprehensive and stringent guidelines has drawn the attention and increased desire by citizens, business people, developers, elected representatives and city officials to update the general city-wide guidelines using these more comprehensive and stringent standards, such as the Madison Street Corridor Urban Design Overlay, as point-of-reference; and

WHEREAS, such an update would enable all the citizens and business operations of the City of Clarksville to share in improved standards and help develop more uniform guidelines that would be easier to plan for, operate and maintain by those affected by such standards and those who ensure the compliance of such standards.

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

That the Clarksville City Council hereby approves and directs the Clarksville-Montgomery County Regional Planning Commission to undertake action(s) that will:

- (1) Provide for review, development and approval of updated guidelines and standards that affect, but not limited to, signage and lighting provisions of the planning and zoning ordinance using approved and more stringent standards, such as the Madison Street Overlay, as reference point.
- (2) Provide for review, development and approval of updated guidelines and standards, where feasible, for other building and development planning ordinance issues such as awnings and canopies, flag poles, garbage container enclosures.
- (3) Ensure, where feasible, that a common set of updated guidelines and standards (in reviewed categories) are developed for use across the entire City of Clarksville.

- (4) Starting the month after council approval of this resolution, provide a monthly update of actions accomplished in regard to these updates at the regular session of the Clarksville City Council as part of the Planning Commission section of the agenda.
- (5) Provide a completed product(s) for council review and consideration on or about six months from approval of this resolution.

ADOPTED: