



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
OCTOBER 2, 2014, 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) UPDATE FROM DIRECTOR OF SCHOOLS
- 5) PLANNING COMMISSION: PUBLIC HEARING

1. **ORDINANCE 23-2014-15** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Sandra Fusco, Faye Whitmer-Agent, for zone change on property at Copeland Road and Darrow Road from R-4 Multiple Family Residential District to C-2 General Commercial District (*RPC: Disapproval/Disapproval*)

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 14-2014-15** (Second Reading) Amending the FY15 Operating Budget for Burchwood Park redevelopment
2. **ORDINANCE 15-2014-15** (Second Reading) Amending the FY15 Parking Authority budget for parking meter sleeves and cleaning the Cumberland Garage
3. **ORDINANCE 16-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Safeplace Storage c/o Powers &

Means for zone change on property at Peachers Mill Road and Allen Griffey Road from C-2 General Commercial District to C-5 Highway & Arterial Commercial District

4. **ORDINANCE 17-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Three B Sac Self Storage, LP, John H. Comperry-Agent, for zone change on property at Wilma Rudolph Boulevard and South Hampton Place from M-2 General Industrial District to C-5 Highway & Arterial Commercial District
5. **ORDINANCE 18-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wilson and Norma Kirby, Carlson Consulting Engineers, Inc.- Agent , for zone change on property at 101st Parkway & Whitfield Road from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District
6. **ORDINANCE 19-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Caudill, Maynard, and Robert E. Durrett, III, Robert E. Durrett, III-Agent, for zone change on property at the terminus of West Allen Griffey Road and south of the terminus of Bandera Drive from R-4 Multiple Family Residential District to R-2 Single-Family Residential District
7. **ORDINANCE 20-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on portions of Belle Forest Subdivision from R-3 Three Family Residential District to R-2 Single Family Residential District and R-2D Two Family Residential District
8. Approval of Minutes: Regular Session September 4th

7) COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

8) FINANCE COMMITTEE

Joel Wallace, Chair

1. **ORDINANCE 21-2014-15** (First Reading) Amending the FY15 General Fund Budget for Congestion Mitigation and Air Quality Improvement grant matching funds (*Finance Committee: Approval*)
2. **RESOLUTION 10-2014-15** Authorizing application to the Tennessee Department of Transportation for matching funds for the proposed Northeast Connector and improvements to Trenton Road (*Finance Committee: Approval*)
3. **RESOLUTION 11-2014-15** Directing and approving payment of a claim for replacement of a water pipe for Moore's Office Furniture (*Finance Committee: Disapproval*)

9) GAS & WATER COMMITTEE

Jeff Burkhardt, Chair

10) PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

11) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

1. **RESOLUTION 9-2014-15** Authorizing a lease between the City of Clarksville and the Fraternal Order of Police, Two Rivers Lodge #23, for purposes of conducting the Clarksville Police Department Youth Coalition Program (*Public Safety Committee: Approval*)

12) STREET COMMITTEE

James Lewis, Chair

13) TRANSPORTATION COMMITTEE

Marc Harris, Chair

14) NEW BUSINESS

1. **ORDINANCE 22-2014-15** (First Reading) Amending the FY15 Capital Project Revenue District to transfer funds to Two Rivers Company for purchase of Bank of America Property (*Councilman Allen*)

15) SETTLEMENT OFFER

1. Closed Session: City v. Greenfield case
2. Consideration of settlement in City v. Greenfield case

16) MAYOR AND STAFF REPORTS

17) ADJOURNMENT

ORDINANCE 23-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SANDRA FUSCO, FAY WHITMER-AGENT, FOR ZONE CHANGE ON PROPERTY AT COPELAND ROAD AND DARRROW 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-4 Multiple Family Residential District, to C-2 General Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 35 +/- feet northeast from the centerline of the Darrow Rd and Copeland Rd. intersection further identified as the southwest corner of the subject tract. Thence in an easterly direction with the northern ROW of Copeland Rd. 103 +/- feet to a point said point being the southwest corner of the Bellglade Development Co. property thence in a northerly direction 113 +/- feet with the Bellglade Development Co. west property line to a point, said point being the southeast corner of the Progress Properties LLC. property thence in a westerly direction 56 +/- feet with the Progress Properties LLC south property line to a point said point being in the eastern ROW of Darrow Rd. thence in a southerly direction 97 +/- feet with the eastern ROW of Darrow Rd. to the point of beginning, containing 0.19 +/- acres further identified as (Tax Map 5-M, Group A, Parcel 3.00)

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: October 2, 2014. The public hearing will be held on: October 2, 2014.

CITY ORD. #: 23-2014-15 RPC CASE NUMBER: Z-32-2014

Applicant: SANDRA FUSCO

Agent: Faye Witmer

Location: at the northeast corner of the Copeland Rd & Darrow Rd. intersection.

Ward #: 1

Request: R-4 Multiple-Family Residential District
 to
 C-2 General Commercial District

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: DISAPPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/24/2014

CASE NUMBER: Z - 32 - 2014

NAME OF APPLICANT: Sandra

Fusco

AGENT: Eaye

Witmer

GENERAL INFORMATION

PRESENT ZONING: R-4

PROPOSED ZONING: C-2

EXTENSION OF ZONE

CLASSIFICATION: YES NORTH & WEST

APPLICANT'S STATEMENT Commercial properties already border subject property.

FOR PROPOSED USE:

PROPERTY LOCATION: at the northeast corner of the Copeland Rd & Darrow Rd. intersection.

ACREAGE TO BE REZONED: 0.19

DESCRIPTION OF PROPERTY A small corner lot with an existing single family structure.

AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY **TAX PLAT:** 5-M-A

PARCEL(S): 3.00

CIVIL DISTRICT: 3rd

CITY COUNCIL WARD: 1

COUNTY COMMISSION DISTRICT: 8

PREVIOUS ZONING HISTORY:

(to include zoning, acreage and
action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT: Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

No Traffic Assessment Required.

2. STREET DEPARTMENT/
COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS: Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5.

4a. COST TO CDE/CEMC:

5. CHARTER COMM./BELL SOUTH:

6.

5a. COST TO CHARTER AND/OR BELLSOUTH:

6. FIRE DEPT/EMERGENCY MGT.:

7.

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

7. POLICE DEPT/SHERIFF'S OFFICE:

8.

Comments Received From Department And They Had No Concerns.

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

8. CITY BUILDING DEPARTMENT/
COUNTY BUILDING DEPARTMENT:

9.

Comments Received From Department And They Had No Concerns.

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

9. SCHOOL SYSTEM:

ELEMENTARY: WEST CREEK

MIDDLE SCHOOL: WEST CREEK

HIGH SCHOOL: WEST CREEK

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Increased Traffic, Light & Noise
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: COPELAND RD. & DARROW RD.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

STAFF RECOMMENDATION: DISAPPROVAL

1. The proposed zoning request is inconsistent with Growth Plan (as in the City) and adopted Land Use Plan, being an intrusion into a residential neighborhood.
2. No adverse environmental issues were identified relative to this request.
3. The limited lot size (8,275 +/- sq. ft.) severely restricts commercial development opportunity for this parcels without possible variances.
- 4.
- 5.

Z-32-2014

APPLICANT: SANDRA FUSCO
AGENT: FAYE WITMER

REQUEST: R-4 to C-2

MAP 005M GROUP A PARCEL 003.00 ACREAGE 0.19+/-

FT CAMPBELL

C-5

R-4

C-5

R-1

R-1

R-1

R-1

R-4

R-4

R-4

R-4

C-5

R-4

R-4

C-1

C-5

Darrow Rd

Tim Town Rd

Clark Rd

King Rd

Copeland Rd

W Copeland Ct

Notgrass Rd

Burch Rd

Fort Campbell Blvd

7

CASE NUMBER: Z 32 2014 MEETING DATE 9/24/2014

APPLICANT: Sandra

Fusco

PRESENT ZONING R-4

PROPOSED ZONING C-2

TAX PLAT # 5-M-A

PARCEL 3.00

GEN. LOCATION at the northeast corner of the Copeland Rd & Darrow Rd. intersection.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 9/24/2014 (jhb).

ORDINANCE 14-2014-15

AN ORDINANCE AMENDING THE 2014-15 OPERATING BUDGET (ORDINANCE 81-2013-14) AUTHORIZING THE CITY OF CLARKSVILLE PARKS AND RECREATION DEPARTMENT TO INCREASE FUNDING FOR BURCHWOOD PARK REDEVELOPMENT

WHEREAS, the Parks and Recreation Department proposes upgrades to Burchwood Park, located in North Clarksville at 2608 Burch Street; and

WHEREAS, the cost of playground equipment is estimated to cost \$35,000; and

WHEREAS, the cost site development to include installation of a security light, park signage, and a parking lot is estimated at \$25,000.

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

That the following Budget Amendments be made:

Parks and Recreation Expenditures:

Improvements-Non Building	10451004-4730	Increase:	\$25,000
Equipment	10451004-4740	Increase:	\$35,000

BE IT FURTHER ORDAINED that the source of funding for this \$60,000 shall be from the fund balance of the General Fund.

FIRST READING: September 4, 2014

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 15-2014-15

AN ORDINANCE AMENDING THE 2014-15 CLARKSVILLE GENERAL FUND OPERATING BUDGET (ORDINANCE 81-2013-14) AND THE CLARKSVILLE PARKING AUTHORITY FUND BUDGET (ORDINANCE 76-2013-14) AUTHORIZING THE PARKING AUTHORITY TO INCREASE THE PARKING AUTHORITY BUDGET BY \$14,000 FOR THE PURCHASE OF PARKING METER SLEEVES AND CLEANING THE CUMBERLAND GARAGE

WHEREAS, the Parking Authority Board recommends the purchase of decorative parking meter sleeves to enhance aesthetics of downtown Clarksville; and

WHEREAS, cleaning of the Cumberland Garage by contracting services to pressure-wash twice during the fiscal year.

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

That the following General Fund adjustment be made:

100390-39140	Transfer in from Parking Authority	Increase	\$	14,000
10415103-4610	Operating Expense	Increase	\$	10,000
10415103-4423	Custodial Services	Increase	\$	4,000

That the following Parking Authority Fund adjustments be made:

11410003-4150	Management Fee	Increase	\$	14,000
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BE IT FURTHER ORDAINED:

That the \$14,000 funding for the decorative parking meter sleeves and pressure-washing of the Cumberland Garage come from the Parking Authority Fund balance.

FIRST READING: September 4, 2014

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 16-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SAFEPLACE STORAGE, C/O POWERS AND MEANS, FOR ZONE CHANGE ON PROPERTY AT PEACHERS MILL ROAD AND ALLEN GRIFFEY ROAD

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned C-2 General Commercial District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING: September 4, 2014

FIRST READING: September 4, 2014

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the western right of way of Peachers Mill Road, said iron pin also being north 02 degrees 23 minutes 37 seconds east 453.47 feet from the intersection of Peachers Mill Road and Allen-Griffey Road, thence leaving the right of way of Peachers Mill Road, north 80 degrees 39 minutes, 16 seconds west 236.02 feet to an iron pin; thence north 88 degrees 59 minutes 52 seconds west 91.10 feet to an iron pin located in the eastern boundary line of the Durrett Investment Company, L.P.; thence along said boundary line of the Durrett Investment Company, L.P on the following 2 calls: north 00 degrees 44 minutes 20 seconds west 14.94 feet to an iron pin; thence north 00 degrees 44 minutes 20 seconds west 332.71 feet to a point; thence along southern boundary line of the Durrett Investment Company, L.P. north 89 degrees 16 minutes 24 seconds east 377.45 feet to a point in the western right of way of Peachers Mill Road; thence along the right of way of Peachers Mill Road south 07 degrees 25 minutes 16 seconds west 380.58 feet to an iron pin; thence 07 degrees 25 minutes 16 seconds west 15.01 feet to the point of beginning. Containing 3.0 +/- acres. Further identified as (Tax Map 18, Parcel 35.01)

ORDINANCE 17-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF THREE B SAC SELF STORAGE, LP, JOHN H. COMPERRY-AGENT, FOR ZONE CHANGE ON PROPERTY AT WILMA RUDOLPH BOULEVARD AND SOUTH HAMPTON PLACE

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: September 4, 2014
FIRST READING: September 4, 2014
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a concrete monument in the south property line of Page, which is situated 681.50 feet from an iron pin in the west right of way line of U.S. Highway 79; thence with Page's property line, south 86 degrees 52 minutes east, 681.50 which is situated 681.50 feet in the west right of way line of U.S. Highway 79; Thence with the west right of way line of U.S. Highway 79, south 24 degrees 36 minutes 56 seconds west, 198.91 feet to an iron pin in said right of way; Thence north 86 degrees 52 minutes west, 608.69 feet to an iron pin; Thence north 3 degrees 8 minutes east, 185 feet to the concrete monument at the point of beginning containing 2,737 +/- acres. further identified as (Tax Map 32-L-C, Parcel 17.00)

ORDINANCE 18-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF WILSON AND NORMA KIRBY FOR ZONE CHANGE ON PROPERTY AT 101ST PARKWAY AND WHITFIELD ROAD

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING: September 4, 2014
FIRST READING: September 4, 2014
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a concrete right-of-way line north 01 55' 28" East a distance of 245.72 feet to a capped 5/8" iron rebar set at an angle point therein; thence continuing along said easterly right-of-way line north 08 47' 48" east a distance of 115.00 feet to a capped 5/8" iron rebar set at an angle point therein; thence continuing along said easterly right-of-way line north 08 06' 35" east a distance of 292.43 feet to an iron rebar found in the southerly line of a gravel road (30 feet wide); thence along said southerly right-of-way line south 81 18' 31" east a distance of 421.37 feet to a capped 5/8" iron rebar set at the northwesterly corner of land conveyed to William M. and Mary W. Devers by deed recorded in deed book 355, page 2466 in the Montgomery County Register of Deeds Office; thence along the westerly line of land so conveyed to Devers south 07 27' 42" west a distance of 392.92 feet to an iron rebar found at the southwesterly corner thereof; thence along the southerly line of land so conveyed to Devers, and the southerly line of land conveyed to emery J. and Caroline J. Hendrickson, trustees by deed recorded in deed book 1459, Page 1443 in the Montgomery County Register of Deeds Office; south 80 23' 17" east a distance of 267.12 feet to an iron rebar found at a southeasterly corner thereof lying in a westerly line of land conveyed to Sherman, Jr. and Annie Mae Martin by deed recorded in deed book 128, Page 215 in the Montgomery County Register of Deeds Office; thence along said westerly line south 08 34' 57" west a distance of 212.60 feet to a concrete monument found at the southwesterly corner thereof lying in said northerly right-of-way of 101st Airborne Division Parkway; thence along said northerly right-of-way of 101st Airborne Division Parkway; thence along said northerly right-of-way line north 83 53' 40" west a distance of 666.88 feet to the place of beginning containing 328,032 square feet or 7.53 acres of land, more or less.

ORDINANCE 19-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CAUDILL, MAYNARD AND ROBERT E. DURRETT, III, ROBERT E. DURRETT, III-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE TERMIUS OF WEST ALLEN GRIFFEY ROAD AND SOUTH OF THE TERMINUS OF BANDERA 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-4 Multiple Family Residential District, as R-2 Single Family Residential District.

PUBLIC HEARING: September 4, 2014

FIRST READING: September 4, 2014

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Being a parcel of land located in the 3rd Civil District in the City of Clarksville, in the County of Montgomery, TN, being a portion of the Robert E. Durrett, III property as recorded in ORV 1556, Page 2220 ROMCT, portion of tax map 31, parcel 1.00 and a portion of Courtney Maynard Caudill property as recorded in ORV 1473, Page 1642 ROMCT, portion of map 31, parcel 1.00, said parcel being more fully described as being located south of Tiny Town Road, south of Allen Griffey Road, west of and adjacent to Peachers Mill Road, said tract being more particularly described as follows;

Beginning at an iron pin in the south right of way of Bandera Drive, lying South 48 degrees 55 minutes 07 seconds East for 36.73 feet from the centerline intersection of Bandera Drive and Silo Drive, also being the northwest corner of lot 130 of West Creek Farms 2B not yet recorded;

Thence along the west property line of lot 130, South 04 degrees 55 minutes 10 seconds West for 174.48 feet to the north boundary line of the Renaissance at Peacher's Mill complex as recorded in ORV 1347, Page 1624 ROMCT;

Thence continuing along Renaissance property line, South 83 degrees 11 minutes 52 seconds West for 54.79 feet;

Thence along Renaissance west property line, South 00 degrees 01 minutes 39 seconds East for 507.79 feet to the north property line of the Robert Durrett III property, also being the southwest corner of Renaissance property;

Thence leaving Renaissance property on a new severance line, South 37 degrees 24 minutes 58 seconds East for 53.41 feet;

Thence South 14 degrees 58 minutes 01 seconds East for 279.64 feet to a point in the north property line of the Courtney Maynard Caudill property as recorded in ORV 1473, Page 1642 ROMCT;

Thence along the Caudill north property line, South 77 degrees 18 minutes 43 seconds East for 158.15 feet;

Thence continuing along the Caudill north property line, South 40 degrees 50 minutes 50 seconds East for 124.97 feet to a point in the gully;

Thence continuing along Caudill property and with the centerline of a gulley for the next 27 calls:

South 71 degrees 31 minutes 37 seconds West for 35.51 feet;
South 57 degrees 17 minutes 00 seconds West for 44.35 feet;
South 64 degrees 25 minutes 21 seconds West for 96.77 feet;
South 34 degrees 29 minutes 25 seconds West for 43.69 feet;
South 30 degrees 39 minutes 55 seconds West for 38.33 feet;
South 52 degrees 05 minutes 07 seconds West for 95.85 feet;
South 53 degrees 58 minutes 55 seconds West for 142.00 feet;
South 67 degrees 15 minutes 41 seconds West for 71.63 feet;
South 26 degrees 33 minutes 54 seconds West for 13.69 feet;
South 28 degrees 37 minutes 49 seconds West for 29.23 feet;
South 01 degrees 02 minutes 34 seconds West for 50.92 feet;
South 32 degrees 26 minutes 08 seconds West for 30.30 feet;
South 08 degrees 58 minutes 21 seconds West for 36.82 feet;
South 09 degrees 03 minutes 10 seconds West for 49.94 feet;
South 07 degrees 18 minutes 55 seconds West for 14.34 feet;
South 26 degrees 43 minutes 01 seconds West for 21.11 feet;
South 59 degrees 34 minutes 27 seconds West for 68.84 feet;
South 48 degrees 56 minutes 43 seconds West for 19.37 feet;
South 17 degrees 09 minutes 43 seconds East for 33.53 feet;
South 19 degrees 39 minutes 14 seconds West for 21.01 feet;
South 16 degrees 20 minutes 10 seconds West for 28.47 feet;
South 03 degrees 56 minutes 35 seconds West for 25.58 feet;
South 29 degrees 29 minutes 11 seconds West for 19.40 feet;
South 55 degrees 58 minutes 04 seconds West for 43.77 feet;
South 15 degrees 36 minutes 40 seconds West for 33.26 feet;
South 45 degrees 27 minutes 30 seconds West for 41.64 feet;
South 40 degrees 06 minutes 25 seconds West for 40.58 feet, being the southwest corner of herein described parcel, lying in the west property line of herein described parcel, also lying in the Little West Fork Creek;

Leaving a gulley, along Little West Fork Creek centerline, North 54 degrees 31 minutes 42 seconds West for 417.54 feet to an iron pin;

Thence continuing along centerline, North 43 degrees 16 minutes 41 seconds West for 267.56 feet;

Thence continuing along centerline, North 16 degrees 16 minutes 44 seconds West for 184.22 feet to a point;

Thence North 77 degrees 19 minutes 00 seconds West for 70.55 feet to the center of Little West Fork Creek;

Thence along the approximate centerline of Little West Fork Creek for the next 6 calls:

On a curve to the right having a radius of 100.00 feet, an arc length of 127.61 feet, a delta of 73 degrees 06 minutes 46 seconds, chord bearing of North 09 degrees 07 minutes 58 seconds East for 119.12 feet, being the southeast corner of herein described parcel; North 45 degrees 41 minutes 22 seconds East for 293.21 feet;

On a curve to the left having a radius of 100.00 feet, an arc length of 124.76 feet, a delta of 71 degrees 29 minutes 04 seconds, chord bearing of North 09 degrees 56 minutes 50 seconds East for 116.83 feet; North 25 degrees 47 minutes 42 seconds West for 337.36 feet;

On a curve to the right having a radius of 150.00 feet, an arc length of 151.94 feet, a delta of 58 degrees 02 minutes 11 seconds, chord bearing of North 03 degrees 13 minutes 23 seconds East for 145.53 feet;

On a curve to the right having a radius of 100.00 feet, an arc length of 99.14 feet, a delta of 56 degrees 48 minutes 19 seconds, chord bearing of North 03 degrees 50 minutes 19 seconds East for 95.13 feet;

Thence leaving centerline, along the south property line of the Durrett Investment property as recorded in ORV 1046, Page 663 ROMCT, North 73 degrees 54 minutes 18 seconds East for 380.25 feet;

Thence North 74 degrees 43 minutes 32 seconds East for 14.92 feet to the south corner of lot 71 of West Creek Farms Section 1C as recorded in PB G, Page 127-128 ROMCT;

Thence along the south and ease boundary of Section 1C for the next eight calls;

North 73 degrees 50 minutes 17 seconds East for 182.88 feet;

South 73 degrees 39 minutes 43 seconds East for 78.00 feet;

North 82 degrees 34 minutes 50 seconds East for 99.22 feet;

North 06 degrees 02 minutes 59 seconds East for 6.98 feet;

On a curve to the right having a radius of 175.00 feet, an arc length of 76.26 feet, a delta of 24 degrees 58 minutes 05 seconds, chord bearing of North 18 degrees 32 minutes 01 seconds East for 75.66 feet; North 31 degrees 01 minutes 04 seconds East for 5.04 feet;

On a curve to the left having a radius of 100.00 feet, an arc length of 32.12 feet, a delta of 18 degrees 24 minutes 17 seconds, chord bearing of North 21 degrees 48 minutes 55 seconds East for 31.98 feet;

On a curve to the left having a radius of 25.00 feet, an arc length of 43.82 feet, a delta of 100 degrees 25 minutes 48 seconds, chord bearing of North 37 degrees 36 minutes 07 seconds West for 38.42 feet to a point in the south right of way of Bandera Drive;

Thence along Bandera Drive for the next 5 calls;

South 87 degrees 49 minutes 01 seconds East for 20.71 feet;

On a curve to the left having a radius of 145.00 feet, an arc length of 80.70 feet, a delta of 31 degrees 53 minutes 15 seconds, chord bearing of North 76 degrees 14 minutes 21 seconds East for 79.66 feet; North 60 degrees 17 minutes 44 seconds East for 51.80 feet;

On a curve to the right having a radius of 130.00 feet, an arc length of 78.56 feet, a delta of 34 degrees 37 minutes 25 seconds, chord bearing of North 77 degrees 36 minutes 27 seconds East for 77.37 feet; South 85 degrees 04 minutes 50 seconds East for 5.48 feet to the point of beginning.

Said parcel containing 32.95+/- acres further identified as (Tax Map 31, Parcel(s) portions of 1.00 & 2.00)

ORDINANCE 20-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF THE REGIONAL PLANNING COMMISSION FOR ZONE CHANGE ON PORTIONS OF BELLE FOREST SUBDIVISION

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-2D Two Family Residential District.

PUBLIC HEARING: September 4, 2014
FIRST READING: September 4, 2014
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Properties located South of Lafayette Road and Ryder Avenue, north of Donna Drive, and east and west of Cunningham Lane (properties located in Belle Forest Subdivision), 38.72 +/- acres, properties further identified as Montgomery County Tax Map and Parcel(s):

Tax Map 043H – G parcels, 001.00 – 004.00,
Tax Map 043H – H parcels, 004.00 – 040.00
Tax Map 043I – E parcels, 001.00 – 004.00, 006.00 – 024.00, 028.00 – 036.00, 038.00 – 042.00
Tax Map 043I – F parcels, 001.00 – 017.00, 026.00 – 038.00
Tax Map 044E – D parcels, 034.00 - 041.00
Tax Map 044E – E parcels, 001.00 – 012.00, 012.01, 013.00, 013.01, 014.00 – 026.00

Properties located South of Lafayette Road and Ryder Avenue, north of Donna Drive, and east and west of Cunningham Lane (properties located in Belle Forest Subdivision), 6.80 +/- acres, properties further identified as Montgomery County Tax Map and Parcel(s):

Tax Map 043 H – G parcels, 007.00 – 016.00
Tax Map 043H – H parcel 001.00
Tax Map 043I – E parcels, 005.00, 025.00 – 027.00, 037.00
Tax Map 043I – F parcels, 018.00 – 024.00



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 4, 2014**

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, September 4, 2014, 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 Mayor Pro Tem James Lewis.

ATTENDANCE

PRESENT: Kip McNeill (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)

PLANNING COMMISSION

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 16-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Safeplace Storage c/o Powers & Means for zone change on property at Peachers Mill Road and Allen Griffey Road from C-2 General Commercial District to C-5 Highway & Arterial Commercial District

Clay Powers offered to answer questions. There was no one present to object to this change.

ORDINANCE 17-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Three B Sac Self Storage, LP, John H. Comperry-Agent, for zone change on property at Wilma Rudolph Boulevard and South Hampton Place from M-2 General Industrial District to C-5 Highway & Arterial Commercial District

There were no comments in support of or in opposition to this request.

ORDINANCE 18-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wilson and Norma Kirby, Carlson Consulting Engineers, Inc.- Agent , for zone change on property at 101st Parkway & Whitfield Road from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District

Richard Hopgood said the developer agreed to install an eight-foot wood privacy fence between the subject property and the adjacent residential lot. Ronda Devers expressed concern about traffic problems; Matt Brown said sidewalks should be installed if the property is rezoned.

ORDINANCE 19-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Caudill, Maynard, and Robert E. Durrett, III, Robert E. Durrett, III-Agent, for zone change on property at the terminus of West Allen Griffey Road and south of the terminus of Bandera Drive from R-4 Multiple Family Residential District to R-2 Single-Family Residential District

There were no comments in support of or in opposition to this change.

ORDINANCE 20-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on portions of Belle Forest Subdivision from R-3 Three Family Residential District to R-2 Single Family Residential District and R-2D Two Family Residential District

There were no comments in support of or in opposition to this change.

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

ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 16-2014-15**. 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, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 17-2014-15**. 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, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 18-2014-15**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Burkhardt informed the Council that he was an adjoining property owner. Councilman Allen made a motion to go out of regular session to get information from the Street Department. The motion was seconded by Councilman Summers. The following vote was recorded:

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

The motion to go out of regular session passed. In response to Councilman Allen's question, Traffic Engineer Chris Cowan said the applicant submitted a traffic study which included an extended left turn lane, an additional right turn lane, and a center turn lane on Whitfield and deceleration lane on 101st Parkway. Mr. Cowan said current regulations would not allow access to the property from 101st Parkway. Councilman Redd made a motion to revert to regular session. The motion was seconded by Councilman Lewis. There was no objection. The following vote on the original motion was recorded:

AYE: Allen, Burkhardt, Grubbs, Jones, McMillan, Redd, Summers

NAY: Harris, Lewis, McLaughlin, McNeill, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 19-2014-15**. 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, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 20-2014-15**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

The motion to adopt this ordinance on first reading 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 2-2014-15** (Second Reading) Authorizing purchase of property on Edmondson Ferry Road for Community Development
2. **ORDINANCE 3-2014-15** (Second Reading) Authorizing purchase of property at 912 Richardson Street for Community Development
3. **ORDINANCE 7-2014-15** (Second Reading) Amending the Zoning Ordinance and the Official Code relative to homeless shelter residential separation distance *[Removed; See below]*
4. **ORDINANCE 9-2014-15** (Second Reading) Amending the 2014-15 Special Revenue Budget for Roadscape Project Phase I and Phase II
5. **ORDINANCE 11-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on portions of Lafayette Point Subdivision from R-3 Three Family Residential District and R-4 Multiple Family Residential District to R-2A Single Family Residential District
6. **ORDINANCE 12-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eddie Burchett for zone change on property at Woodhaven Drive and Terrier Way from R-1 Single Family Residential District to R-2 Single Family Residential District
7. **ORDINANCE 13-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Highpoint Row/Jeff Robinson for zone change on property at Marion Street and North First Street from R-4 Multiple Family Residential District and H-1 Historical District to R-4 Multiple Family Residential District
8. **RESOLUTION 5-2014-15** Repealing the Certificate of Compliance for CRM Liquors, LLC (Calvin R. McKay) for operation of Elite Wine & Spirits and approving a Certificate of Compliance for Todd Morris for operation of Elite Wine & Spirits (1820 Madison Street) *(CPD: No Criminal History)*
9. **RESOLUTION 6-2014-15** Approving a Certificate of Compliance for Peter Martin for operation of Ebenezer's (2896 Wilma Rudolph Boulevard) *(CPD: No Criminal History)*
10. Approval of Minutes: July 31, August 7
11. Approval of Board Appointments:

Beer Board: Mary Rives – September 2014 through March 2016

Councilman Allen requested separate consideration of **ORDINANCE 7-2014-15**. Councilman Harris made a motion to adopt the Consent Agenda with the exception of **ORDINANCE 7-2014-15**. The motion was seconded by Councilman Summers. The following vote was recorded.

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

The motion to adopt the Consent Agenda as amended passed.

HOMELESS SHELTER ZONE

ORDINANCE 7-2014-15 (Second Reading) Amending the Zoning Ordinance and the Official Code relative to homeless shelter residential separation distance

This ordinance was removed from the original Consent Agenda. Councilman Harris made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Summers. Councilman Allen encouraged the Council to disapprove this ordinance. He and Councilman Redd felt the change was being requested for the benefit of Manna Café. Councilman Harris said the change would apply to the entire city and the ordinance did not authorize establishment of any homeless shelter. The following vote was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Jones, McLaughlin, McNeill, Summers

NAY: Allen, Lewis, Redd, Wallace

The motion to adopt this ordinance on second reading passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said Grace Community Church recently sponsored “Operation Serve” which assists fixed and low-income residents with necessary home repairs through the Community Development Block Grant program. The ninth annual event helped families in Wards 3, 6, 7, and 11.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 14-2014-15 (First Reading) Amending the FY15 Operating Budget for Burchwood Park redevelopment

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

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 15-2014-15 (First Reading) Amending the FY15 Parking Authority budget for parking meter sleeves and cleaning the Cumberland Garage

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, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

GAS & WATER COMMITTEE

Jeff Burkhart, Chair

Councilman Burkhart said a claim submitted by Moore's Office Supplies, Franklin Street, for reimbursement for water line repairs following ADA sidewalk installation was being resolved.

PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

Councilman Redd invited the Council and the public to the annual RiverFest event on September 5th and 6th.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

RESOLUTION 7-2014-15 Authorizing a Memorandum of Understanding between the Clarksville Police Department and the Bureau of Alcohol, Tobacco, Firearms, and Explosives

Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Redd. The following vote was recorded:

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

The motion to adopt this resolution passed.

Councilman Grubbs reported the following August department statistics: Clarksville Fire & Rescue – 1,057 emergency responses; Building & Codes Enforcement Division – 501 cases.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis reported 350 work orders completed by the Street Department during the month of August.

TRANSPORTATION COMMITTEE

Marc Harris, Chair

Councilman Harris reported the following August department statistics: Clarksville Transit System – 63,430 passengers; Nashville-Clarksville Express – 5,413 passengers; City Garage – 353 work orders with unleaded fuel at a cost of \$3.09 and diesel fuel at a cost of \$2.94.

NEW BUSINESS

RESOLUTION 8-2014-15 Authorizing an interlocal agreement with Emergency Communications District of Montgomery County

Councilman Grubbs made a motion to consider **RESOLUTION 8-2014-15**. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

The motion to consider passed. Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Harris. The following vote was recorded:

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

The motion to adopt this resolution passed.

MAYOR AND STAFF REPORTS

There were no Mayor or Staff reports.

In response to Councilman Allen's question, Mayor McMillan said the appraisal for the downtown Bank of America property had been received and the City would be following the proper acquisition process.

ADJOURNMENT

The meeting was adjourned at 8:04 p.m.

ORDINANCE 21-2014-15

AN ORDINANCE AMENDING THE 2014-15 GENERAL FUND BUDGET (ORDINANCE 81-2013-201) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE FUNDING OF THE GENERAL FUND BUDGET IN THE AMOUNT OF \$201,347 TO BE TRANSFERRED TO THE CLARKSVILLE TRANSIT SYSTEM AND ACCEPTANCE OF FEDERAL AND STATE GRANTS IN THE AMOUNT OF \$1,812,122

WHEREAS, the Clarksville Transit System has been selected for funding under the federal Congestion Mitigation and Air Quality Improvement program to receive funding to purchase three 30-foot hybrid diesel-electric transit buses at an estimated cost of \$2,013,469; and

WHEREAS, the Clarksville Transit System has been awarded \$1,610,775 in federal funds, and \$201,347 in state funds; and

WHEREAS, the Clarksville Transit System will be required to provide a 10% match in the amount of \$201,347.

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

That the following Budget Amendments be made:

General Fund:

Transfer to Transit	10491004-4740	Increase:	\$ 201,347
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BE IT FURTHER ORDAINED that the source of funding for this \$201,347 shall be from the fund balance of the General Fund.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 10-2014-15

A RESOLUTION AUTHORIZING APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR MATCHING FUNDS FOR THE PROPOSED NORTHEAST CONNECTOR AND IMPROVEMENTS TO TRENTON ROAD

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

That the City of Clarksville is hereby authorized to apply to the Tennessee Department of Transportation for fifty percent matching funds for the proposed Northeast Connector from Trenton Road (SR48) to Wilma Rudolph Boulevard (SR13) and for improvements to Trenton Road (SR48) between Merriweather Road and the proposed Northeast Connector.

ADOPTED:

RESOLUTION 11-2014-15

A RESOLUTION DIRECTING AND APPROVING PAYMENT OF A CLAIM FOR
REPLACEMENT OF A WATER PIPE FOR MOORE'S OFFICE FURNITURE

WHEREAS the Clarksville City Council finds that the City should pay a claim for the costs of replacement of a water pipe for Moore Office Furniture.

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

That the Clarksville City Council hereby approves the payment of a claim for the costs of replacement of a water pipe, and the same shall be paid from funds as determined by the Mayor, in an amount not to exceed FIFTEEN HUNDRED DOLLARS AND ZERO CENTS (\$1,500.00).

ADOPTED:

RESOLUTION 9-2014-15

A RESOLUTION AUTHORIZING A LEASE BETWEEN THE CITY OF CLARKSVILLE AND THE FRATERNAL ORDER OF POLICE, TWO RIVERS LODGE #23, FOR PURPOSES OF CONDUCTING THE CLARKSVILLE POLICE DEPARTMENT YOUTH COALITION PROGRAM

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

That the Clarksville City Council hereby authorizes a lease between the City of Clarksville and the Fraternal Order of Police, Two Rivers Lodge #23, attached hereto as Exhibit A, for purposes of conducting the Clarksville Police Department Youth Coalition program.

ADOPTED:

EXHIBIT A

LEASE

THIS AGREEMENT of Lease executed by and between the **Fraternal Order of Police, Two Rivers Lodge #23** with its situs and principal place of business at 2576 North Ford Street, Clarksville, Tennessee, 37042, hereinafter referred to as Lessor, and the **CITY OF CLARKSVILLE**, a municipal corporation organized and existing under the laws of the State of Tennessee with its situs in Montgomery County, Tennessee, hereinafter referred to as Lessee. The City of Clarksville enters into this lease with **Fraternal Order of Police, Two Rivers Lodge #23** for purposes of conducting the Clarksville Police Department's program Clarksville Police Department Youth Coalition.

WITNESSETH:

1. **PREMISES.** Lessor, in consideration of the lease payments provided in this Agreement and in further consideration of the mutual benefits which will accrue to the parties (which both parties acknowledge are a valid sufficient consideration for this agreement) leases to Lessee use of its building located at 2576 North Ford Street, in Clarksville, Montgomery County, Tennessee 37042.

2. **TERM.** The lease term shall be for a one (1) year term and commence on December 1, 2014, and end on December 1, 2015.

3. **RENEWAL.** The parties may renew this lease by mutual written consent, executed prior to the end of the initial term to extend this Agreement for the same terms and conditions as contained herein for an additional year, at a rental amount agreed to by the parties. If there is no written lease renewal executed prior to the expiration of this lease, and the parties continue to allow the Lessee to lease the premise from the Lessor without any interruption or alteration to the terms of this agreement, this lease will continue for on a month-to-month basis.

4. **TERMINATION.** This lease shall allow either party to terminate this lease with at least thirty (30) days notice provided. Termination of this lease can occur at any time during the initial term of the lease or at any time during the lease if the lease is extended.

5. **LEASE PAYMENT.** The Lease Payment shall be the sum of TWO HUNDRED DOLLARS (\$200.00) per month, payable on the first (1st) day of each month beginning December 1, 2014. This amount shall remain the same for any renewal term, unless some other amount is otherwise mutually agreed to in writing by the parties.

6. **POSSESSION.** Lessee shall be entitled to possession on the designated dates of when the Clarksville Police Department Youth Coalition will meet.

7. **PREMISES CONDITION.** By execution of this Lease, the Lessee acknowledges that it has examined the leased premises, and hereby accepts said property in its present condition, without any representation or warranties, either expressed or

implied, by the Lessor as to the condition of the property or use which the property may be put.

8. **USE OF PREMISES.** The primary use for this lease will be for the meeting of the Clarksville Police Department Youth Coalition. The Lessee will not use the premises for any noxious or offensive use, or any other use prohibited by the laws of the State of Tennessee, County of Montgomery, or any other governmental regulatory authority with jurisdiction over Lessor, the Lessee, or the leased premises. The Lessee agrees that it will not use said property in violation of any current building code or zoning ordinance. The Lessee agrees to keep the property clean and free of rubbish.

9. **BANKRUPTCY.** In the event Lessor files a bankruptcy petition, or has an insolvency petition filed against it, Lessee shall have the option of immediate termination of this Agreement.

10. **MAINTENANCE.** Lessee shall have the obligation to maintain the premises in good repair at all times it uses the facility, by providing all normal maintenance and upkeep of said property. Lessee will notify the Lessor of any unsafe condition of which it becomes aware, and such obligation to notify the Lessor of any unsafe condition shall constitute the full extent of the Lessee's liability for any unsafe condition of which it has notice. Lessee agrees to return the aforescribed property of the Lessor at the expiration of its Lease term to them in as good a condition as received, less normal wear and tear and depreciation.

11. **PROPERTY AND LIABILITY INSURANCE.** Lessor shall be responsible for obtaining and maintaining any appropriate insurance it desires for its' interests in the premises and property located on the premises, and Lessee shall not be required to maintain any property or liability insurance in relation to the premises.

12. **CONDEMNATION.** In the event all or any part of the leased premises are taken by way of condemnation or eminent domain, any award for Lessor's reversion in fee simple absolute shall be the sole and absolute property of the Lessor. In the event Lessee determines that the leased premises are no longer suitable for Lessee's use as a result of any taking by way of condemnation or eminent domain, Lessee shall have the option of immediate termination of Lease.

13. **TAXES.** All taxes attributable to the premises or the use of the premises shall be paid by and be the responsibility of Lessor.

14. **CUMULATIVE RIGHTS.** The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.

15. **RIGHT OF INSPECTION.** The Lessor shall have the right to inspect the leased premises during normal business hours, or at any time due to emergency conditions.

16. **DEFAULT.** In the event of default in the payment of any sum due Lessor by Lessee and after ten (10) days written notice to Lessee, or in the event of any other

default, and after thirty (30) days written notice to Lessee, the Lessor may physically retake possession of the leased premises. In the event of default, Lessee recognizes that a retaking of the premises by Lessor does not terminate any financial obligation which may then be owing or to become due under the terms of this Lease Agreement. Either party may pursue all remedies available to it, in law or equity, for damages or otherwise in the event of a breach of this Agreement. In the event suit is necessary to enforce this Agreement, the party which does not prevail shall reimburse the prevailing party for reasonable attorney's fees and other costs incident to said action.

17. **NOTICE.** Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

LESSOR: Fraternal Order of Police, Two Rivers Lodge #23
2576 North Ford Street
Clarksville, Tennessee, 37042

LESSEE: City of Clarksville
Clarksville Police Department
Attn: Chief Al Ansley
135 Commerce Street
Clarksville, Tennessee 37040

Such addresses may be changed from time-to-time by either party by providing notice as set forth above.

18. **ENTIRE AGREEMENT/AMENDMENT.** This Agreement contains the entire agreement of the parties, and there are no other promises or conditions in any other agreement whether oral or written. The Agreement may be modified or amended in writing, signed by both parties.

19. **SEVERABILITY.** If any portion of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

20. **APPLICABLE LAW.** This agreement shall be governed by, and construed in accordance with, the laws of the State of Tennessee.

21. **JURISDICTION AND VENUE.** Any dispute arising out of or in connection with this Agreement shall be submitted to the exclusive jurisdiction and venue of the state courts located in Montgomery County, Tennessee, and both parties specifically agree to be bound by the jurisdiction and venue thereof.

22. **RECORDING.** Either party may record this Agreement at their option and own expense.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement
this the ____ day of _____, 2014.

FRATERNAL ORDER OF POLICE, TWO RIVERS LODGE #23

By: _____
DeMone Chestnut, President

Date: _____

CITY OF CLARKSVILLE

BY: _____
Kim McMillan, Mayor *NRA* *LSB*

Date

ATTESTED BY:

Sylvia Skinner, City Clerk

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

Personally appeared before me, _____, (name of notary) a Notary Public of the State and County aforementioned, personally appeared **DeMONE CHESNUT**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the President of **Fraternal Order of Police, Two Rivers Lodge #23**, and as such as such officer, executed the within instrument for the purposes therein contained.

Witness my hand and seal this the _____ day of _____, 2014.

NOTARY PUBLIC **Seal**

My commission expires:

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Personally appeared before me, the undersigned Notary Public, in and for said County and State, **KIM McMILLAN**, with whom I am personally acquainted and who, upon oath, acknowledged herself to be the Mayor of the City of Clarksville, and that she, as such, executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal this, the _____ day of _____, 2014.

NOTARY PUBLIC

My commission expires:

ORDINANCE 22-2014-15

AN ORDINANCE AMENDING THE 2014-15 GENERAL FUND AND CAPITAL PROJECT FUND BUDGETS (ORDINANCE 81-2013-14) AUTHORIZING THE CITY OF CLARKSVILLE TO REMOVE THE BANK OF AMERICA PROPERTY PURCHASE CAPITAL PROJECT AND TRANSFER \$995,000 TO THE TWO RIVERS COMPANY FOR THEIR USE IN PURCHASING THE BANK OF AMERICA PROPERTY

WHEREAS, the City of Clarksville has determined it to be in the best interest of the citizens of Clarksville to give the Two Rivers Company \$995,000 for them to use to purchase the Bank of America Property.

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

That the following Capital Project be removed:

40410004	4740	15101	Bank of America Property Purchase	Decrease:	\$ 995,000
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4041000	39310		General Obligation Bonds Revenue	Decrease:	\$ 995,000
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BE IT FURTHER ORDAINED

That the following General Fund amendment be added:

10462003	4874		Two Rivers Company	Increase:	\$ 995,000
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BE IT FURTHER ORDAINED

That the \$995,000 will be taken from the fund balance of the general fund.

FIRST READING:

SECOND READING:

EFFECTIVE DATE: