



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
NOVEMBER 6, 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) SPECIAL RECOGNITIONS
- 5) PLANNING COMMISSION

ZONING PUBLIC HEARING

1. **ORDINANCE 27-2014-15** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Claudell B. Wootton Revocable Living Trust, Wayne P. Wilkinson-Agent, for zone change on property at Warfield Boulevard and Bellamy Lane from O-1 Office District to C-2 General Commercial District (*RPC: Approval/Approval*)
2. **ORDINANCE 28-2014-15** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Huneycutt Properties, L.P., for zone change on property at Evans Road and Timber Ridge Drive from RM-1 Single Family Mobile Home Residential District to R-2D Two Family Residential District (*RPC: Approval/Approval*)
3. **ORDINANCE 29-2014-15** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on property at Riverside Drive/Highway 48-13/ College Street from M-1 Light Industrial District to C-2 General Commercial District (*RPC: Approval/Approval*)

ZONING POSTPONED

1. **ORDINANCE 18-2014-15** (Second Reading; Postponed October 2nd) 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) 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 21-2014-15** (Second Reading) Amending the FY15 General Fund Budget for Congestion Mitigation and Air Quality Improvement grant matching funds
2. Adoption of Minutes: Regular Session October 2nd

7) COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

8) FINANCE COMMITTEE

Joel Wallace, Chair

1. **ORDINANCE 24-2014-15** (First Reading) Amending the Official Code relative to internal auditing (*Finance Committee: Approval*)
2. **ORDINANCE 25-2014-15** (First Reading) Amending the Official Code relative to the number of retail liquor stores inside the city limits (*Finance Committee: No Recommendation*)
3. **RESOLUTION 13-2014-15** Authorizing incurrence of \$30 million debt for water and wastewater system construction and repair (*Finance Committee: Approval*)
4. **RESOLUTION 14-2014-15** Authorizing \$30 million loan agreement for water and wastewater system construction and repair (*Finance Committee: Approval*)

9) GAS & WATER COMMITTEE

Jeff Burkhart, Chair

10) PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

1. **RESOLUTION 15-2014-15** Expressing support of U.S. Army donation of a combat helicopter for static display (*Parks Committee: Approval*)

11) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

1. **RESOLUTION 12-2014-15** Authorizing an agreement with the TBI for use of office space (*Public Safety Committee: Approval*)

12) STREET COMMITTEE

James Lewis, Chair

13) TRANSPORTATION COMMITTEE

Marc Harris, Chair

14) NEW BUSINESS

1. **ORDINANCE 26-2014-15** (First Reading) Rescheduling the January 2015 regular meeting of the City Council (*Mayor McMillan*)
- 2a. Approval to consider **RESOLUTION 16-2014-15** [3/4 majority approval required] (*Mayor McMillan*)
- 2b. **RESOLUTION 16-2014-15** Authorizing legal action pertaining to Liberty Park (*Mayor McMillan*)

15) MAYOR AND STAFF REPORTS

16) ADJOURNMENT

ORDINANCE 27-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CLAUDELLE B. WOOTTON REVOCABLE LIVING TRUST, WAYNE P. WILKINSON-AGENT, FOR ZONE CHANGE ON PROPERTY AT WARFIELD BOULEVARD AND BELLAMY LANE

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 476 +/- feet southeast of the Bellamy Lane & Warfield Blvd. intersection, said point further identified at the southwest corner of the Jesse G. Burney Family Partnership and the northwest corner of the subject tract. thence in an easterly direction with the Jesse G. Burney Family Partnership southern boundary 427 +/- feet to a point, said point being in the western boundary of the Jennifer D. Schaus property and the western boundary of the Virginia Hills subdivision, thence in a southerly direction with the western boundary of the Virginia Hills Subdivision 1,290 +/- feet to a point, said point being the northeast corner of the Claudell B. Wootton property, thence in a westerly direction with the Wootton northern boundary 400 +/- feet to a point, thence in a southerly direction 192 +/- feet with the eastern boundary of the Claudell B. Wootton property to a point, said point being the northeast corner of the Claudell B. Wootton property, thence in a westerly direction 604 +/- feet with the northern boundary of the Claudell B. Wootton property to a point said point being in the eastern boundary of Warfield Blvd. thence in a northerly direction 1,550 +/- feet with the eastern ROW of Warfield Blvd. to the point of beginning, containing 23.59 +/- acres, further identified as (Tax Map 40, Parcel 32.04)

ORDINANCE 28-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HUNEYCUTT PROPERTIES, L.P., FOR ZONE CHANGE ON PROPERTY AT EVANS ROAD AND TIMBER RIDGE 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 RM-1 Single Family Mobile Home Residential District, as R-2D Two Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 151 +/- feet southeast of the Timber Ridge Dr. and Evans Rd. intersection, further identified as the southwest corner of the Nick Dattilo property, thence in an easterly direction 150 +/- feet with the southern boundary of the Dattilo property to a point, said point being in the western boundary of the Nick W. Dattilo property, thence in a southerly direction 155 +/- feet with the western boundary of the Nick W. Dattilo property to a point, said point being in the northern boundary of the Amos R. Caskey, thence in a westerly direction 155 +/- feet with the northern boundary of the Amos R. Caskey to a point, said point being in the eastern ROW of Evans Rd. thence in a northerly direction 107 +/- feet with the eastern ROW of Evans Rd. to the point of beginning, containing 0.45 +/- feet further identified as (Tax Map 29-M-B, Parcel 11.00)

ORDINANCE 29-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF THE REGIONAL PLANNING COMMISSION FOR ZONE CHANGE ON PROPERTY AT RIVERSIDE DRIVE/HIGHWAY 48-13/COLLEGE STREET

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Properties located west of Riverside Drive and east of the Red River, generally located north of Highway 48/13 and south of College Street, 17.13 +/- acres, further identified as Montgomery County Tax Map and Parcels:

Tax Map 066B-A, parcels 030.00, 031.00, 033.00,
034.00, 036.00, 037.00, 039.00 and 040.00

Tax Map 079, parcels 009.00 – 016.00

Tax Map 079B-B, parcel 032.00

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: November 6, 2014. The public hearing will be held on: November 6, 2014.

CITY ORD. #: 27-2014-15 RPC CASE NUMBER: Z-34-2014

Applicant: CLAUDELL B WOOTTON REVOCABLE LIVING TRUST

Agent: Wayne P Wilkinson

Location: fronting on the east side of Warfield Blvd. 800 +/- feet south of the Warfield Blvd. & Bellamy Lane intersection.

Ward #: 12

Request: O-1 Office District

to

C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 28-2014-15 RPC CASE NUMBER: Z-35-2014

Applicant: HUNEYCUTT PROPERTIES L P

Agent:

Location: fronting on the east side of Evans Rd. 200 +/- feet south of the centerline of the Evans Rd. & Timber Ridge Dr.

Ward #: 3

Request: RM-1 Single-Family Mobile Home Residential District

to

R-2D Two-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 29-2014-215 RPC CASE NUMBER: Z-36-2014

Applicant: REGIONAL PLANNING COMMISSION (RIVERSIDE DRIVE)

Agent:

Location: west of Riverside Drive and east of the Red River, generally located north of Highway 48/13 and south of College Street

Ward #: 6/7

Request: M-1 Light Industrial District / R-1 Single-Family Residential District

to

C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 10/29/2014

CASE NUMBER: Z - 34 - 2014

NAME OF APPLICANT: Claudell B

Wootton Revocable Living Trust

AGENT: Wayne P

Wilkinson

GENERAL INFORMATION

PRESENT ZONING: O-1

PROPOSED ZONING: C-2

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT To develop the property for commercial purposes.
FOR PROPOSED USE:

PROPERTY LOCATION: fronting on the east side of Warfield Blvd. 800 +/- feet south of the Warfield Blvd & Bellamy Lane intersection.

ACREAGE TO BE REZONED: 23.59 +/-

DESCRIPTION OF PROPERTY Existing tract with varying topography. Areas of vegetation. Property also
AND SURROUNDING USES: contains sinkholes.

GROWTH PLAN AREA:

CITY **TAX PLAT:** 040

PARCEL(S): 032.04

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

PREVIOUS ZONING HISTORY: Z-34-1987

**(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 DEPARMENT
- ☐ 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:

No Sewer Onsite, However In Close Proximity.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Traffic Assessment Submitted And Reviewed By The Clarksville Street Dept.
Access Will Be Permitted.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS:

Sink Holes On Site

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

6. FIRE DEPT/EMERGENCY MGT.:

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

7. POLICE DEPT/SHERIFF'S OFFICE:

Comments Received From Department And They Had No Concerns.

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

9.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments Received From Department And They Had No Concerns.

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

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

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 SURROUNDING DEVELOPMENT:

Potential for increased light, traffic & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: WARFIELD BLVD.

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:

Rossview Road Planning Area - One of the most diversified areas of the county in terms of land use. It has the best remaining agricultural land. One of the fastest growing sectors of Montgomery County. Factors affecting growth all average to above average.

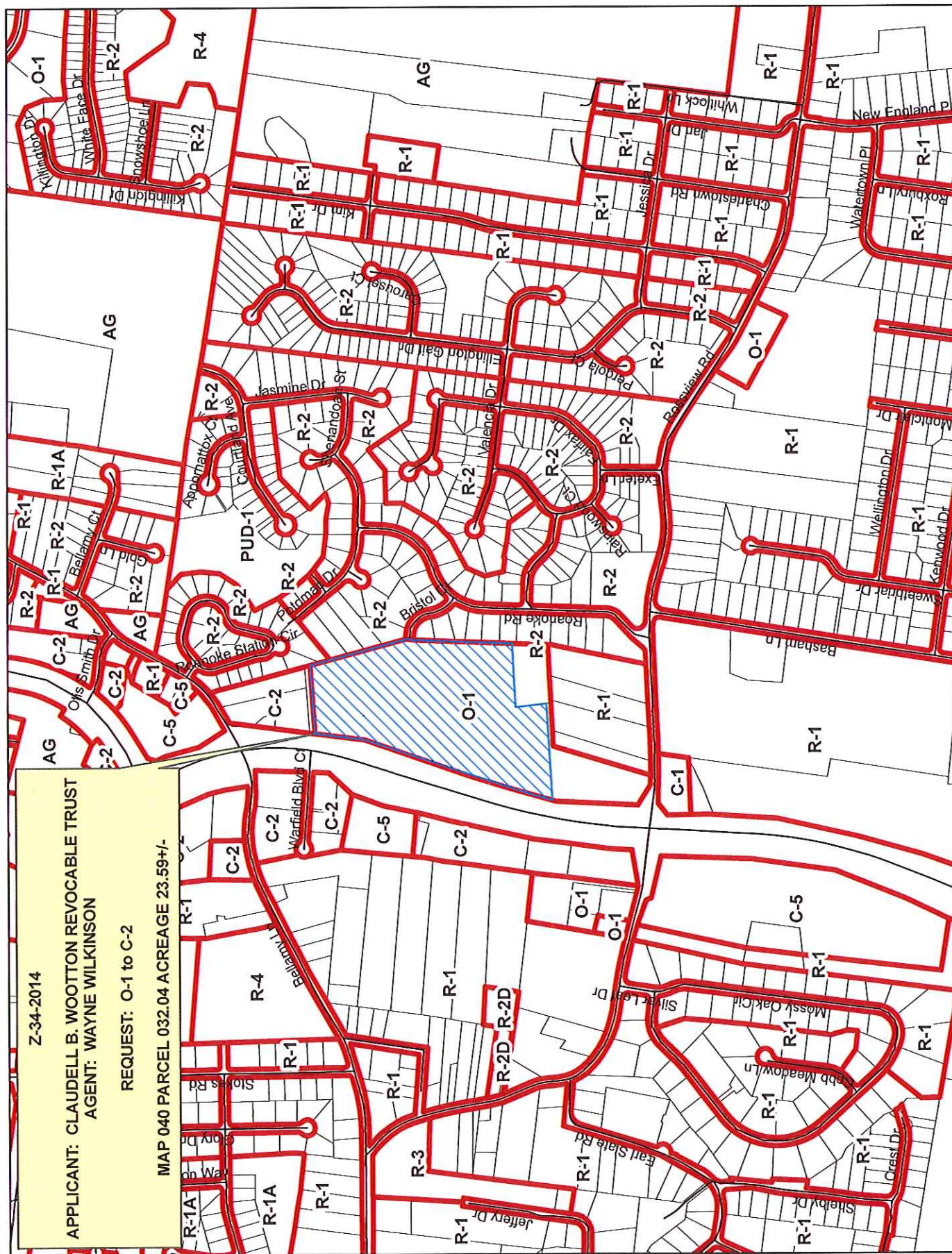
STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan. The "Future Land Use Opinion Map" indicates commercial on the east side of Warfield Blvd. south of Ted Crozier Blvd.
2. Waterlines serve the site and sanitary sewer is available on abutting parcels. The traffic assessment demonstrates that the traffic generated by the commercial development is not to the magnitude to alter the level-of-service on the mainline of Warfield Blvd. or its intersections with Rossview Rd. or Ted Crozier Blvd. While traffic operations on the existing two-lane Warfield Blvd. (cont. 3.)
3. and its intersections with Rossview Rd. and Ted Crozier Blvd. are unsatisfactory, the widening of Warfield Blvd. to five lanes from Stokes Rd. to Dunbar Cave Rd. is proposed for completion in the 2017-2026 phase of the adopted Metro Transportation Plan and was the top project last year (and likely this year) recommended by the local legislative delegation for TDOT construction funding.(cont. 4.)
4. The subject property developer is not responsible for correcting past deficiencies, but will be held accountable for the roadway improvements necessitated by the development through the Site Plan Approval process.
5. Sinkholes were identified on the property however; no adverse environmental issues were identified relative to this request. Drainage improvements will be addressed during the Site Plan Approval process.

**APPLICANT: CLAUDELL B. WOOTTON REVOCABLE TRUST
AGENT: WAYNE WILKINSON**

REQUEST: O-1 to C-2

MAP 040 PARCEL 032.04 ACREAGE 23.59+/-



CASE NUMBER: Z 34 2014

MEETING DATE 10/29/2014

APPLICANT: Claudell B

Wootton Revocable Living Trust

PRESENT ZONING O-1

PROPOSED ZONING C-2

TAX PLAT # 040

PARCEL 032.04

GEN. LOCATION fronting on the east side of Warfield Blvd. 800 +/- feet south of the Warfield Blvd.
& Bellamy Lane intersection.

PUBLIC COMMENTS

10/24/2014 Douglas Neely (Potomac Dr.)- Opposed due to traffic congestion.

10/24/2014 Bob Stuerke - Opposed due to heavy traffic and does not feel it is appropriate adjacent to residences.

Ripple, David

From: Gannon, John <JGannon@hilliard.com>
Sent: Wednesday, October 22, 2014 3:11 PM
To: Ripple, David
Subject: rezoning case Z-34-2014 rezoning from O1 to C2 on Warfield Blvd

As a resident in this area, I feel this rezoning is premature due to the significant vacant commercially zoned land around this area that is currently vacant. There is vacant commercial land to the west of this parcel and another C2 on Warfield south of Rossvie to the west side. There is already significant number of commercially zoned locations in this area and doesn't appear as it is necessary to add another tract.

One of the issues that continues to surface is the traffic congestion and with the recent addition of the Mapco station at Warfield and Ted Crozier Blvd the traffic congestion has only gotten worse. I feel this rezoning is premature due to current traffic congestion and that the road has not been improved to handle any additional traffic.

So due to the fact that there is significant vacant commercially zoned land around this area and that the road has not been improved to handle any additional traffic, I feel that this rezoning is premature.

Thanks,
John

John M. Gannon
Montgomery County Commissioner District 1 and resident

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PETITION TO OPPOSE REZONING

CASE NUMBER Z-34-2014

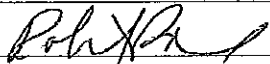
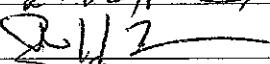
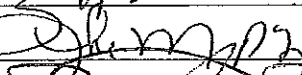
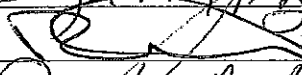
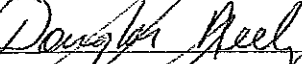




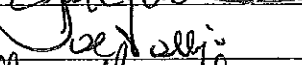
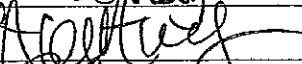
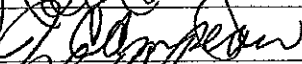

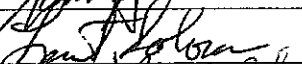
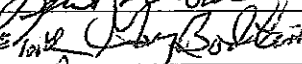
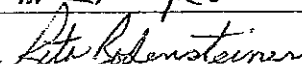
TO THE CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

Owner: Claudell B Wootton Revocable Living Trust

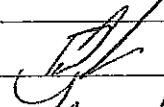
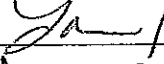
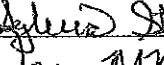
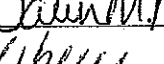
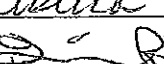
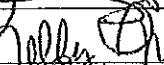
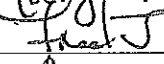
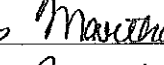
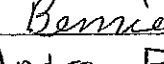
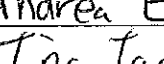
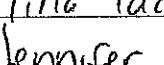
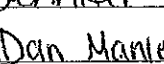
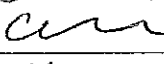
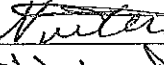
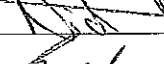
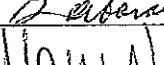
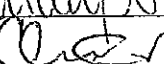
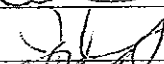
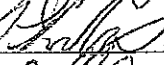
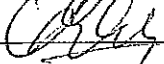
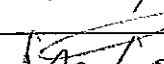


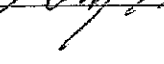


Property Subject to Petition: 23.59+/- acres fronting the east side of Warfield Blvd, 800+/- feet south of Warfield Blvd. & Bellamy Lane intersection

Proposed Zoning Change: From O-1 Office District to C-2 General Commercial District

We, the undersigned residents of property affected by the requested zoning change described in the above referenced file do hereby protest against any change which would rezone the property to any classification other than O-1. This property directly adjoins residential property and we oppose any zoning that will increase and/or alter the type of traffic entering and exiting Warfield Blvd. The negative impact on water drainage and noise will detrimentally affect the peaceful enjoyment of our homes and negatively affect the value of our properties. We feel the best use of this land, for all concerned, is for low intensity office and professional areas providing a transitional zone between residential and more intense commercial areas.

Printed Name	Signature	Address	Date
Robert Bachand		640 Potomac CT	10/21
Russell Murphy		642 Potomac Ct	10/21
Sheri Murphy		642 Potomac Ct	10/21
BOB STUBBINS		636 POTOMAC DR	10/21
Douglas Neely		634 Potomac Dr	10/21
ROBERT CARR		585 Bristol CT	10/21
JOHN M. GANNON		586 BRISTOL CT	10/21/14
Sheila Hunter		590 Bristol CT	10/21/14
Ed Hunter		590 BRISTOL CT	10/21/14
JOE VANEZO		2224 ROANOKE RD	10/21/14
Alec Avery		2222 Roanoke Road	10/21/14
JRPF CAMERON		2220 ROANOKE RD	10/21/14
LANCE H. CAMPBELL		2218 ROANOKE RD	10/21/14
LEVERETT SOLBERG		2216 Roanoke Rd	10/21/14
GARY & RITA BODENSTEIN		2221 ROANOKE RD	10-21-14
RITA Bodenstein		2221 Roanoke Rd	10/21/14

PETITION TO OPPOSE REZONING CASE NUMBER Z-34-2014

Printed Name	Signature	Address	Date
Eric & Laura Torres		2223 Roanoke Rd.	22 Oct 14
Laura Torres		2223 Roanoke Rd	22 Oct 14
Sylvia Stuerke		636 Potomac Dr	21 Oct 14
Dawn Moore		638 Potomac Dr	22 Oct 14
Rebecca Neely		2252 Yeager Dr.	24 Oct 14
Quincy Phillips		512 Ruby Dr	10-24-14
Kelly Phillips		512 Ruby Dr	10-24-14
Fred J Matthews		700 Norfolk Ave	10-24-14
Maxina Matthews		700 Norfolk Ave	10/24/14
Bernie Reed		2234 Runette Rd	10/24/14
Andrea Ellison		2232 Roanoke Rd.	10/24/14
Tina Tadsen		591 Britol Ct.	10/24/14
Jennifer Mantley		2225 Roanoke Rd	10/24/14
Dan Mantley		2225 Roanoke Rd	10/24/14
Nanci Woods		2229 Roanoke Rd	10/24/14
Nick Patel		2231 Roanoke Rd	10/24/14
Barbara With		2233 Roanoke Rd	10/24/14
Mary Neely		634 Potomac	10-24-14
Charles Garrison		157 Roanoke Sta	10/27/14
Jennifer Garrison		157 Roanoke Sta	10/27/14
Philip Zach		133 Roanoke Sta.	10/27/14
GABRIEL EBERLY		125 Roanoke Sta	10/27/14
Larry Givote		113 Roanoke Sta	10/27/14
Mark Givote		113 Roanoke Sta	10/27/14
Steve Talbot		101 Roanoke Sta	10/27/14
TODD LUNDGREN		647 Potomac Drive	10/27/14

PETITION TO OPPOSE REZONING CASE NUMBER Z-34-2014

Jenifer Schaus	Scott 144-5	169 Roanoke Station Cr	10/27/14
Scott 144-5	Scott 144-5	169 Roanoke Station	10/27/14
Scott 144-5	Scott 144-5	169 Roanoke Station	10/27/14
Robert Kendrick	Robert Kendrick	132 Roanoke STAT	10/27/14
Carrie Kendrick	Carrie Kendrick	132 Roanoke STAT	10/27/14
Robert Kendrick IV	Robert Kendrick IV	132 Roanoke STAT	10/27/14
Natasha Thompson	Natasha Thompson	1414 Potomac Dr.	10/27/14
Michael Bege	Michael Bege	652 Potomac Dr.	10/27/14
Jane Lambert	Jane Lambert	656 Potomac	10/27/14
DONG ZHANG	DONG ZHANG	105 Shenandoah	10/27/14
Dinesh N K	Dinesh N K	2271 Roanoke R.	10-27-14

Spainhoward, John T

From: sheilad01@charter.net
Sent: Tuesday, October 28, 2014 1:30 PM
To: Spainhoward, John T
Subject: Opposition to rezoning case # Z-34-2014

Mr. Spainhoward,

This e-mail is to express my opposition to the rezoning of case # Z-34-2014. I am very concerned that a change would bring heavy traffic and noise to my quiet peaceful neighborhood in Virginia Hills.

Thank you,
Sheila Hunter

590 Bristol Court
Clarksville, TN 37043

(931)647-2019 (home)

Spainhoward, John T

From: Hunter, Edward (Mack) C <huntere1@AmericanSnuff.com>
Sent: Tuesday, October 28, 2014 11:42 AM
To: Spainhoward, John T
Subject: Opposition to Rezoning Case #Z-34-2014.....

Mr. Spainhoward,

I am emailing you to express my opposition to the rezoning of the property under consideration in Case #Z-34-2104. I am concerned about what business(es) may go into this potentially rezoned property, the additional traffic that could possibly be created on Warfield Boulevard and Rossvie Road, and the ramifications this rezoning may have to my property located in the Virginia Hills subdivision (i.e., noise, decrease in property value, increase in crime, etc).

Thank you,

Edward Hunter
590 Bristol Court
Clarksville, TN. 37043
(931) 647-2019 (home)
(931) 206-0454 (cell)

CONFIDENTIALITY NOTE: This e-mail message, including any attachment(s), contains information that may be confidential, protected by the attorney-client or other legal privileges, and/or proprietary non-public information. If you are not an intended recipient of this message or an authorized assistant to an intended recipient, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message and/or any of its attachments (if any) by unintended recipients is not authorized and may be unlawful.

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Spainhoward, John T

From: JEFF CAMPEAU <dessiejeff@hotmail.com>
Sent: Wednesday, October 22, 2014 4:53 PM
To: Spainhoward, John T
Subject: Case number Z-34-2014

I am against the rezoning of the land on tax map 040, parcel 032.04 from O-1 to C-2.

The vehicle traffic on Warfield Blvd at referenced location has been terrible in the past and has gotten worse with the recent addition of the Mapco gas station at the intersection of Warfield and Ted Crozier Blvd. We are experiencing very slow movement of traffic with continuous vehicles from the light at Ted Crozier Blvd to Dunbar Cave Rd and sometimes all the way to Memorial Blvd. Most of the uses covered under C-2 zoning will extremely increase vehicle traffic and make driving on Warfield unbearable. The uses for the present O-2 zoning will have less impact on traffic than C-2.

Jeff Campeau
2220 Roanoke Rd
Clarksville, Tn 37043

Spainhoward, John T

From: JEFF CAMPEAU <dessiejeff@hotmail.com>
Sent: Monday, October 27, 2014 5:33 PM
To: Spainhoward, John T
Subject: Case # z-34-2014

I'd like to add the following to my first e-mail.

Rezoning the property on Warfield from O-1 to C-2 will not only add a lot of traffic to Warfield Blvd and increase the traffic congestion it will have a negative impact on water drainage and noise and will detrimentally affect the peaceful enjoyment of my home as well as affect the value of my property.

Jeff Campeau

Ripple, David

From: Ripple, David
Sent: Friday, October 24, 2014 3:32 PM
To: Spainhoward, John T
Subject: Rezoning Case Z-34-2014

Dear John: For the public record of rezoning case Z-34-2014, Douglas Neely (931-552-8007, 634 Potomac Drive) in the Virginia Hills Subdivision called to express his opposition to the proposed rezoning of 23 acres from Office to Commercial adjacent to his subdivision. He explained that Warfield Boulevard was very congested, and at times, he has had to sit through five cycles of the traffic light to get through. He is concerned that the rezoning would result in more commercial traffic exacerbating the situation. He said that a petition was being circulated in his subdivision and that the petition would be submitted at the Planning Commission public hearing on Wednesday October 29th. I mentioned that a second public hearing would be held at the City Council Regular Session at 7:00 PM on Thursday November 6th at the Old City Hall and that two proponents and two opponents would be able to speak at each public hearing with a rebuttal from each side. He indicated that he would be present at the RPC public hearing on October 29th. Sincerely,
Dave Ripple

David A. Ripple, PhD, PE, AICP
Director of Planning
Clarksville-Montgomery County
Regional Planning Commission
329 Main Street
Clarksville, TN 37040
Tel: 931-645-7448
Fax: 931-645-7481
E-Mail: david.ripple@cityofclarksville.com

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 10/29/2014

CASE NUMBER: Z - 35 - 2014

NAME OF APPLICANT: Huneycutt

Properties L P

AGENT:

GENERAL INFORMATION

PRESENT ZONING: RM-1

PROPOSED ZONING: R-2D

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT To build a duplex similar to adjoining property.
FOR PROPOSED USE:

PROPERTY LOCATION: fronting on the east side of Evans Rd. 200 +/- feet south of the centerline of the Evans Rd. & Timber Ridge Dr.

ACREAGE TO BE REZONED: 0.45 +/-

DESCRIPTION OF PROPERTY Vacant mobile home lot.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY **TAX PLAT:** 29-M-B

PARCEL(S): 11.00

CIVIL DISTRICT: 3rd

CITY COUNCIL WARD: 3

COUNTY COMMISSION DISTRICT: 10

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:

2. STREET DEPARTMENT/

COUNTY HIGHWAY DEPARTMENT:

Comments Received From Department And They Had No Concerns.

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.

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

9. SCHOOL SYSTEM:

ELEMENTARY: MINGLEWOOD

MIDDLE SCHOOL: NEW PROVIDENCE

HIGH SCHOOL: NORTHWEST

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 Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: EVANS RD.

DRAINAGE:
SOUTH TO NORTH

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

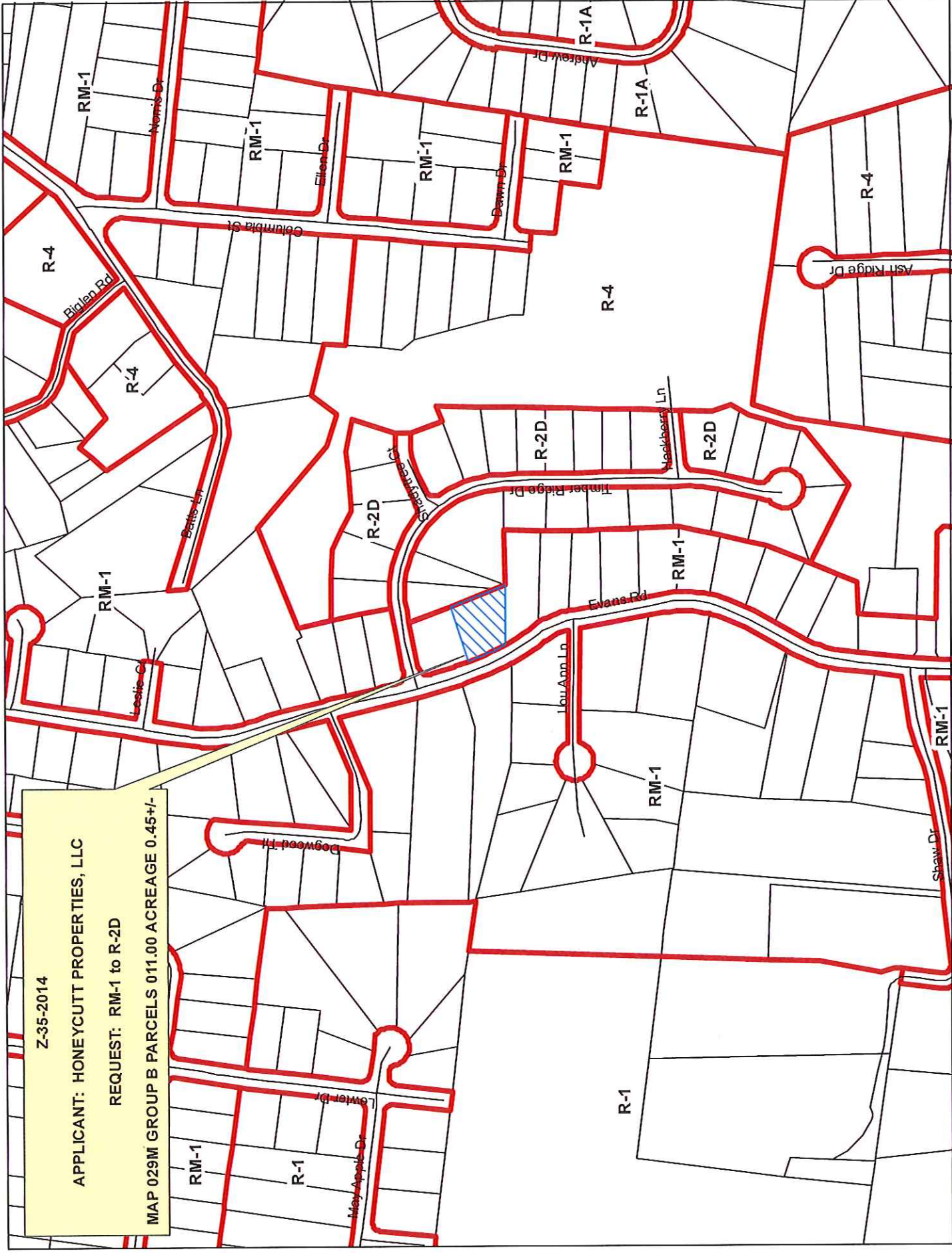
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Lafayette Road Planning Area - There is considerable room for expansion here with SR 374 (Purple Heart Highway) as a target for residential growth

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. Request is an extension of the existing R-2D zoning to the east.
- 5.



CASE NUMBER: Z 35 2014 MEETING DATE 10/29/2014
APPLICANT: Huneycutt Properties L P
PRESENT ZONING RM-1 PROPOSED ZONING R-2D
TAX PLAT # 29-M-B PARCEL 11.00

GEN. LOCATION fronting on the east side of Evans Rd. 200 +/- feet south of the centerline of the
Evans Rd. & Timber Ridge Dr.

PUBLIC COMMENTS

None received as of 11:30 a.m. on 10/29/2014 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 10/29/2014

CASE NUMBER: Z - 36 - 2014

NAME OF APPLICANT: Regional Planning Commission (Riverside Drive)

AGENT:

GENERAL INFORMATION

PRESENT ZONING: M-1 R-1

PROPOSED ZONING: C-2

EXTENSION OF ZONE
CLASSIFICATION: YES

APPLICANT'S STATEMENT Create consistency with surrounding zoning classifications and uses.
FOR PROPOSED USE:

PROPERTY LOCATION: west of Riverside Drive and east of the Red River, generally located north of Highway 48/13 and south of College Street

ACREAGE TO BE REZONED: 17.13 +/-

DESCRIPTION OF PROPERTY Various commercial properties along Riverside Dr. & the Cumberland River.
AND SURROUNDING USES:

GROWTH PLAN AREA: CITY **TAX PLAT:** See Attached **PARCEL(S):**

CIVIL DISTRICT: 12

CITY COUNCIL WARD: 6/7

COUNTY COMMISSION DISTRICT: 17/5

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:

Comments Received From Department And They Had No Concerns.

2. STREET DEPARTMENT/

COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

3. DRAINAGE COMMENTS:

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

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

9.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

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 SURROUNDING DEVELOPMENT: Minimal

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: RIVERSIDE DR.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

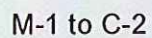
APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

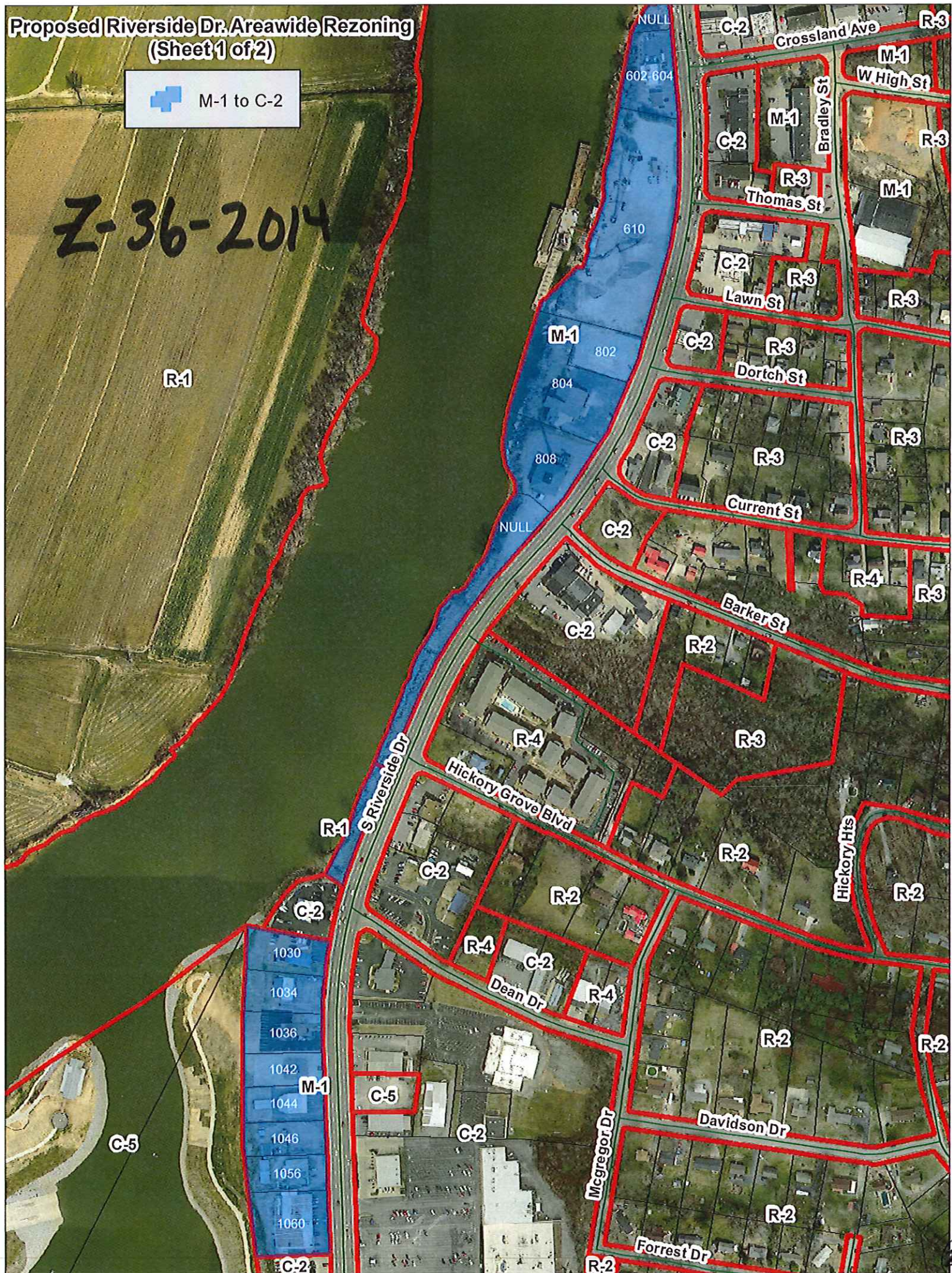
STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. Proposed area wide rezoning protects property investments for both the short-term and long-term by verifying that conforming uses fall under the correct zoning classification
- 5.

(Sheet 1 of 2)



Z-36-2014

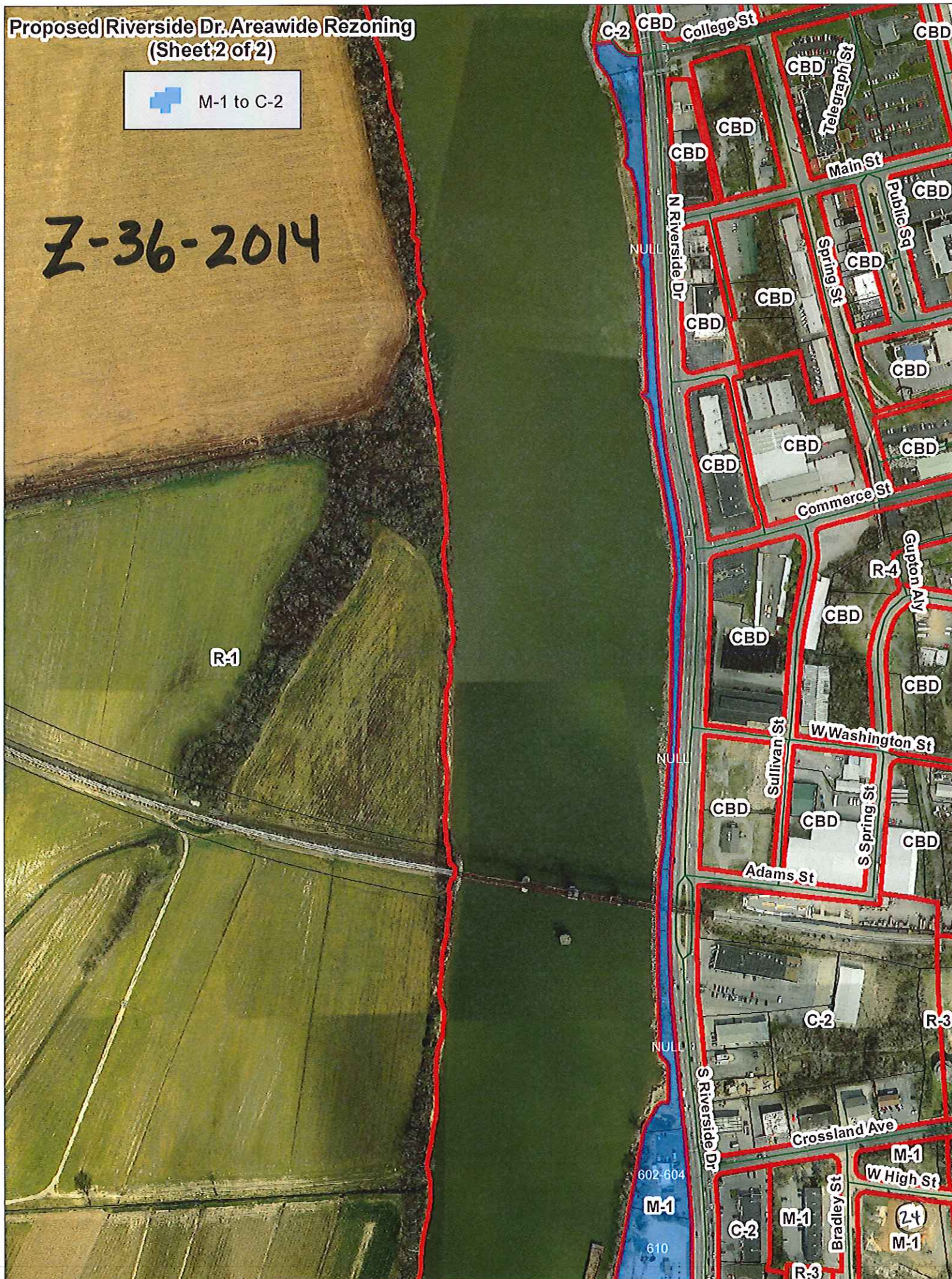


Proposed Riverside Dr. Areawide Rezoning
(Sheet 2 of 2)



M-1 to C-2

Z-36-2014



CASE NUMBER: Z 36 2014 **MEETING DATE** 10/29/2014
APPLICANT: Regional Planning Commission (Riverside Drive)
PRESENT ZONING M-1 **PROPOSED ZONING** C-2
TAX PLAT # See Attached **PARCEL**
GEN. LOCATION west of Riverside Drive and east of the Red River, generally located north of
Highway 48/13 and south of College Street

PUBLIC COMMENTS

See Attached



One Public Square, Suite 314
Clarksville, TN 37040
trc@cityofclarksville.com
(931) 472-3720

October 29, 2014

Dr. David Ripple, Director of Planning
Regional Planning Commission
329 Main Street
Clarksville, TN 37040

re: proposed areawide rezoning from M-1, Light Industrial to C-2, Commercial
for the west side of Riverside Drive from College Street to Hardware City

Dear Dr. Ripple:

At its meeting of October 23, 2014, the Board of Directors of the Two Rivers Company heard a presentation regarding the proposed areawide rezoning from M1, Light Industrial to C2, Commercial on the west side of Riverside Drive from College Street to Hardware City. Subsequent to the presentation and discussion, the Board approved a motion of support for this application, as follows:

Consistent with the River District Master Plan Phase II, the Two Rivers Company, by action of its Board on October 23, 2014, supports the areawide rezoning of Riverside Drive from M-1 Industrial to C-2 Commercial (Case Z-36-2014) including the rezoning of Pine Bluffs Material to facilitate any possible future relocation of the sand and gravel materials operation, and the accommodation of a mixed use purpose should an interest arise.

Please feel free to contact me with any questions you may have.

Sincerely,

Brenda Kelley
Executive Director

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
POSTPONED: October 2, 2014; To Next Regular Session
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 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: October 2, 2014

SECOND READING:

EFFECTIVE DATE:



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
OCTOBER 2, 2014**

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, October 2, 2014, at 7:00 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: 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)

UPDATE FROM DIRECTOR OF SCHOOLS

Dr. B. J. Worthington, Director of Clarksville-Montgomery County Schools, gave the system's annual update. Dr. Worthington said the CMCSS had received approximately \$16,000,000 in grants for 38 schools, plus the middle college at Austin Peay State University. The system had 4,200 employees, 2,100 certified teachers, and 32,071 students. He said 42 different languages were being spoken through the schools and the system had a 94% graduation rate.

PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding a request for zone change. The motion was seconded by Councilman Harris. There was no objection.

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

Sandra Fusco said this property was near two major thoroughfares which would benefit a small business. Faye Whitmer said the property had a limited residential use and it would not require a large amount of parking. No one expressed opposition to the change.

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

ZONING

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 23-2014-15**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilman McNeill said his constituents opposed this change. The following vote was recorded:

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

The motion to adopt this ordinance on first reading failed.

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 *[Removed; see below]*

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

Councilwoman Jones requested separate consideration of **ORDINANCE 18-2014-15**. Councilwoman McLaughlin made a motion to adopt the Consent Agenda with the exception of Item #5. The motion was seconded by Councilwoman Jones. The following vote was recorded:

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

The motion to adopt the Consent Agenda as amended passed.

KIRBY ZONING

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

This item was removed from the original Consent Agenda. Councilwoman Guzman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman McLaughlin. Councilwoman Jones said this development, along with a nearby market development already underway, would worsen traffic problems. She said there was also the potential for a decrease in the value of adjacent properties. Councilman Allen made a motion to defer second reading to the next regular session to allow members to review the new information regarding a study that showed the proposed turn lanes would improve peak traffic. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Lewis, Redd, Summers

NAY: Jones, McLaughlin, McNeill, Wallace

The motion to postpone to the next regular session passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said the Community Development Department had met recently with the Red River neighborhood regarding the Choice Neighborhood Planning Grant. The staff also participated in Operation Serve by assisting residents with various home repairs. Councilman Allen said the Consolidated Annual Performance Evaluation Report had been submitted to Housing & Urban Development. He said the first EPA report for the city-owned Frosty Morn property gave the site a clean bill of health.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 21-2014-15 (First Reading) Amending the FY15 General Fund Budget for Congestion Mitigation and Air Quality Improvement grant matching funds

The recommendation of the Finance Committee was for approval of this ordinance. 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, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Summers, Wallace

NAY: Redd

The motion to adopt this ordinance on first reading passed.

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

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. 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 resolution passed.

RESOLUTION 11-2014-15 Directing and approving payment of a claim for replacement of a water pipe for Moore's Office Furniture

The recommendation of the Finance Committee was for disapproval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Harris. Councilman Burkhart said this customer did not have water service following the City's repair of the sidewalk and water meter. Councilman Redd and Councilwoman McLaughlin opposed payment of this claim saying because it would establish a precedent for other customers. The following vote was recorded:

AYE: Allen, Burkhart, Guzman, Harris

NAY: Grubbs, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this resolution failed.

GAS & WATER COMMITTEE

Jeff Burkhart, Chair

Councilman Burkhart said he would personally reimburse Moore's Office Furniture for their water line repairs.

PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

Councilman Redd invited the public to the annual downtown "Fright on Franklin" event on October 25th. He announced Fort Defiance had new signage.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

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

The recommendation of the Public Safety Committee was for approval of this resolution. 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 shared the following September department statistics: Building & Codes Enforcement Division – 489 cases; Building & Codes Construction Division – 1,846 inspections; Building & Codes Abatement Program – 52 work orders; Clarksville Fire & Rescue – 989 emergency calls; Clarksville Police – 12,241 responses.

Councilman Grubbs announced the City received a \$1,700,000 Department of Justice grant for fourteen new police officers.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department completed 250 work orders during the month of September.

TRANSPORTATION COMMITTEE

Marc Harris, Chair

Councilman Harris mentioned that **ORDINANCE 21-2014-15**, adopted during the Finance Committee report, included funding for three new hybrid buses.

Councilman Harris said the Clarksville Transit System transported 65,219 during September. The City Garage completed 329 work orders with unleaded fuel at a cost of \$3.02 per gallon and diesel fuel at a cost of \$2.82 per gallon.

BANK OF AMERICA PROPERTY

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 made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Allen then made a motion to postpone first reading on this ordinance indefinitely. The motion was seconded by Councilman Redd. Councilman Allen said a premature transfer of funds may interfere with securing grant monies for demolition of existing structures. Councilman Burkhardt stated his intent to abstain from voting because of his previous business relationship with the property owner. The following vote was recorded:

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

ABSTAIN: Burkhardt

The motion to postpone indefinitely passed.

RECOGNITION OF GUESTS

Councilwoman McLaughlin recognized Boy Scouts who were in the audience.

SETTLEMENT OFFER

The City Council recessed at 7:43 p.m. for a closed session with City Attorney Lance Baker regarding the City v. Greenfield case, then reverted to regular session at 7:49 p.m.

Councilwoman McLaughlin made a motion to approve a settlement in the City v. Greenfield case, as recommended by Mr. Baker during the closed session, of \$150,000.00, less the amount previously tendered to the Court, plus ordinary court costs and discretionary court costs not to exceed \$7,000.00, with the Clarksville Gas & Water Department agreeing to make the existing sewer line operational within six months, and each party paying their own attorney fees. The motion was seconded by Councilman Wallace. The following vote was recorded:

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

The motion to approve the City v. Greenfield settlement passed.

MAYOR AND STAFF REPORTS

Mayor McMillan proclaimed October as “Bullying Prevention Month” in the City of Clarksville.

Councilman Burkhart congratulated the Rossview High School ladies golf team for winning the state championship.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

AN ORDINANCE AMENDING TITLE 6 (FINANCE AND TAXATION), CHAPTER 6 (INTERNAL AUDITING) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE RELATING TO INTERNAL AUDITING AND THE AUDIT COMMITTEE

WHEREAS, The City Council has determined that it is appropriate to amend the Official Code of Ordinances of the City of Clarksville to be in compliance with Tennessee Code Annotated § 9-3-405, and in compliance with other recommendations made by the Tennessee State Comptroller of the Treasury, Division of Local Government Audit.

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

1. That Title 6, “Finance and Taxation,” Chapter 6, “Internal Auditing,” is hereby amended by deleting the current language of said section and substituting therefore the following:

Section 6-601. Department of Internal Audit.

There shall be a department of internal audit as a department of the city. The department of internal audit is established as an independent appraisal function.

Section 6-602. Purpose.

The objectives of internal audit are to assist all levels of management of the city and its component units in the effective discharge of their responsibilities by furnishing them with analyses, appraisals, recommendations, counsel, and information concerning the activities reviewed by internal audit and promoting effective control at reasonable cost.

Section 6-603. Audit Committee Established.

A board, to be designated the “Clarksville Audit Committee,” is hereby created to provide independent review and oversight of the city’s financial reporting processes and the city’s internal controls. The board is to review external auditors’ reports and follow up on management’s corrective action and compliance with laws, regulations, and ethics. The board is to provide oversight of the department of internal audit’s independent appraisal function.

Section 6-604. Clarksville Audit Committee composition; eligibility; appointment; qualifications; term; vacancy during unexpired term.

a. *Composition.* The Clarksville Audit Committee shall be composed of five (5) members. One (1) member of the Clarksville Audit Committee shall be a current member of the city council. No more than one (1) member of the Clarksville Audit Committee may be a current member of the city council.

b. *Eligibility for appointment.* No one shall be eligible for appointment to the Clarksville Audit Committee unless he or she has been a resident of the City of Clarksville for at least one (1) year preceding the date of his or her appointment. No former elected mayor or city council member, or current regularly compensated officer or employee of the city, shall be eligible for appointment to the board until at least one (1) year after the

expiration of the term of such person's public office or employment with the city, except as otherwise provided herein above.

c. *Qualifications for appointment.* Other than the member of the city council who shall be appointed by the mayor, members of the committee shall have experience in one or more of the following areas: finance, accounting, business management, public administration, or law. No former Clarksville Audit Committee member who has served two (2) consecutive, full terms shall be eligible for reappointment to the Committee until two (2) years have passed since the expiration of his or her previous term.

d. *Appointment of board members.* The mayor shall appoint the current member of the city council to the Clarksville Audit Committee, subject to the approval of the city council. If the city council nominee is not approved by majority vote of the city council, then the mayor shall appoint a subsequent member of the city council until a member has been approved by a majority vote of the city council. The four (4) remaining members shall be nominated separately by the Clarksville Audit Committee and shall be subject to city council approval. If one or more of the nominees are not approved by the city council, then the Clarksville Audit Committee shall submit a subsequent nominee until a nominee has been approved by the city council for each vacancy.

e. *Term.* Members of the committee shall serve a two (2) year term on a calendar year basis. Members of the Clarksville Audit Committee may serve up to two (2) full, consecutive terms. Terms of service for council members appointed to the audit committee shall be coterminous with their term as a city council member.

f. *Residency.* Members of the Clarksville Audit Committee must maintain their residency within the limits of the City of Clarksville during their term(s) of service. If a member of the Clarksville Audit Committee moves out of the limits of the City of Clarksville during his or her term of service on the committee, he or she will be removed from the committee.

g. *Vacancy before expiration of term.* If any member of the Clarksville Audit Committee, other than the current city council member, resigns from, is removed from, or ceases to be a member of the committee before the expiration of his or her term, the Clarksville Audit Committee shall nominate a new member to the board, subject to the approval of city council, to serve the remainder of the unexpired term. If the current member of the city council resigns from, is removed from, or ceases to be a member of the Clarksville Audit Committee before the expiration of his or her term, the mayor shall appoint a new current member of the city council to serve the remainder of the unexpired term, subject to city council approval. For purposes of computing a term, the filling of an unexpired term shall not count toward the two (2) full, consecutive term limit. The newly appointed city council member shall serve on the Clarksville Audit Committee coterminous with his or her term on the council.

Section 6-605. Clarksville Audit Committee organization; meetings; procedure; compensation.

a. *Quorum.* A majority of the Clarksville Audit Committee shall constitute a quorum and the committee shall act by vote of a majority present at any meeting attended by a quorum. Vacancies in the board shall not affect its power and authority so long as a quorum remains.

b. *Election of a chair and a vice chair.* The Clarksville Audit Committee shall hold a meeting in January of each year to elect a chairperson and a vice chairperson. The director of internal audit shall convene the committee in January of each year and shall chair the first meeting until the audit committee members elect a chairperson and a vice chairperson from its membership.

c. *Public Meetings.* The Clarksville Audit Committee shall hold public meetings, and give notice to the public thereof, at such regular time and place as the committee may determine. Changes in such time and place of meeting shall be made known to the public as required by law. All meetings of the Clarksville Audit Committee shall be subject to state law of general application concerning open meetings, except, upon a majority vote of those members in attendance for the public portion of a meeting, the Clarksville Audit Committee may hold confidential, nonpublic executive sessions to discuss the following items as authorized in Tennessee Code Annotated § 9-3-405;

- i. Items deemed not subject to public inspection under Tennessee Code Annotated § 10-7-503 and Tennessee Code Annotated § 10-7-504, and all other matters designated as confidential or privileged;
- ii. Current or pending litigation and pending legal controversies;
- iii. Pending or ongoing audits or audit related investigations;
- iv. Information protected by federal law; and
- v. Matters involving the reporting of illegal, improper, wasteful, or fraudulent activity under Tennessee Code Annotated § 9-3-406, where the informant has requested anonymity.
- vi.

d. *Rules of Procedure.* The meetings of the Clarksville Audit Committee shall be conducted in accordance with the most current edition of *Robert's Rules of Order*.

Section 6-606. Compensation.

Members of the Clarksville Audit Committee shall not receive, or be entitled to receive, any monetary compensation for their service on the committee.

Section 6-607. Removal of Members.

a. *Grounds.* Any member of the Clarksville Audit Committee may be removed from office for cause, to include permanent disability, knowing or willful misconduct in office, knowing or willful failure to perform any duty required by law, or the committing of any act constituting a violation of any penal statute involving moral turpitude, or malfeasance, misfeasance, or nonfeasance as a board member, upon a vote of three-fourths (3/4) of the city council, but only after preferment of formal charges by resolution of the city council at a public hearing.

b. *Charges, investigation, notice.* All charges shall be in writing and the city council shall make or direct such investigation in relation to the matter as it may consider necessary. Prior to any hearing, a copy of the charges to be considered at the hearing shall be delivered to or mailed to the committee member against whom they have been filed, together with notice of the time and place for the hearing, which shall not be less than five (5) days from the delivery or mailing of the charges to the accused member.

c. *Hearing, right to counsel and process, vote by roll call.* The hearing shall be public. The accused shall have the right to appear and defend in person or by counsel, and shall have process of the city council to compel the attendance of witnesses on his or her behalf. Vote of the city council on the issue of removal shall be by roll call.

d. *Expiration of term upon removal.* Immediately upon a vote approving removal, the term of the accused shall expire, and his or her office status, power, and authority shall cease without further action.

Section 6-608. Records and reports of the Clarksville Audit Committee.

The Clarksville Audit Committee shall keep a complete and accurate record of all meetings and actions taken and a copy of the same shall be filed with the city clerk.

Section 6-609. External Auditors.

The Clarksville Audit Committee shall review and select, pursuant to state law of general application, the external auditors required by the city, to include all city departments and activities, and blended component units, for financial, performance, internal, or other special audits. The awarding of all external audit contracts shall be at the discretion of the audit committee, except that discreetly presented component units may select their own external auditor. No member of the audit committee shall be a member of any audit firm that is awarded an audit engagement.

Section 6-610. Professional Standards.

The internal audit staff shall govern themselves by adherence to the Institute of Internal Auditor's "International Professional Practices Framework" or such other standards as may be approved by the State Comptroller of the Treasury. All audit reports shall include a statement that the audit was conducted pursuant to these standards. In addition, internal audit will adhere to the policies and procedures contained in the Internal Audit Department's Policies and Procedures Manual and approved by the Clarksville Audit Committee.

Section 6-611. Authority.

Authority is granted for full, free, and unrestricted access to any and all of the city's records, physical properties, and personnel relevant to any function under review. Internal audit's authority shall extend to all city departments, component units, and any other organization or individual that receives city funds. All employees shall assist internal audit in fulfilling their staff function. Internal audit shall also have free and unrestricted access to the mayor and the city council. Documents and information given to internal audit during a periodic review will be handled in the same prudent manner as by those employees normally accountable for them. Any request for documentation or other information by internal audit must be processed and receipted to internal audit within thirty (30) days unless otherwise approved by the director of internal audit.

Section 6-612. Independence.

All audit activities shall remain free of influence by any element in the organization, including matters of audit scope, procedures, frequency, timing, or report content to permit maintenance of an independent mental attitude necessary in rendering objective reports. Internal auditors shall have no direct operational responsibility or authority over any of the activities they review. Additionally, they shall not develop nor install systems or procedures, prepare records, or engage in any other activity that would normally be audited.

Section 6-613. Audit Scope.

The scope of internal audit encompasses the examination and evaluation of the adequacy and effectiveness of the city's system of internal control structure and the quality of performance in carrying out assigned responsibilities to achieve the city's stated goals and objectives. It includes:

- a. Reviewing the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information.
- b. Reviewing the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations, which could have a significant impact on operations and reports, and whether the organization is in compliance.
- c. Reviewing the means of safeguarding assets and, as appropriate, verifying the existence of such assets.
- d. Reviewing and appraising the economy and efficiency with which resources are employed.
- e. Reviewing operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out as planned.
- f. Reviewing specific operations at the request of the audit committee, mayor, or director of finance and revenue as appropriate.
- g. Reviewing the quality of performance of the external auditors and the degree of coordination with internal audit.

Section 6-614. Director of Internal Audit.

- a. *Director.* The department of internal audit shall be headed by a director of internal audit, who shall be appointed by the mayor upon nomination by the audit committee, and subject to confirmation by a majority vote of the city council.
- b. *Certification.* The director of internal audit shall be a certified public accountant, and shall possess education and experience as an accountant, auditor, chief financial officer, controller, or principal accounting officer of a governmental entity or private business sufficient to demonstrate an understanding of Generally Accepted Accounting Principles, applicable auditing standards, financial statements, internal controls, procedures for financial reporting, and the audit functions of a governmental entity.
- c. *Pay.* The director of internal audit's pay shall not be reduced absent a general pay reduction for all city employees, notwithstanding any other provision in the city code. The director of internal audit shall be eligible to receive an upwards equity adjustment upon approval by the Clarksville Audit Committee. Any such equity adjustment shall not

exceed the maximum of the range for the job classification and shall not exceed the amount appropriated for the internal audit department.

d. *Reporting.* The director of internal audit shall report to the audit committee, and shall conduct, or cause to be conducted, such financial, performance, and other audit functions and services as may be determined by the audit committee and as otherwise may be provided for by ordinance approved by the city council.

e. *Authority.* The director of internal audit shall have the power and authority to hire and to discipline, and to fix the compensation, within the funds appropriated by the city council therefore, in accordance with the human resource provisions of the City Code, of such other employees as the director may deem necessary for the work of the department of internal audit. The audit committee shall oversee the general activities of the director of internal audit and shall review and evaluate the performance of the director of internal audit as required for any other city employees under this Code or other personnel policies.

f. *Discipline.* The director of internal audit shall be subject to discipline by the audit committee, to include discharge, and shall have the right to appeal same, in the same manner as provided by city ordinance for other department heads.

Section 6-615. Audit Planning & End of Year Reporting.

a. *Audit Planning.* The Clarksville Audit Committee shall approve a general audit plan for the ensuing fiscal year. The audit plan shall provide time for self-directed activities and special investigations. The director of internal audit shall be self-directed in his or her work and shall be authorized to investigate all instances of fraud, abuse, waste and mismanagement without the approval of the audit committee. The audit work schedule is to be developed based on a prioritization of the audit universe using relevant risk factors. The director of internal audit shall submit to the director of finance and revenue, the mayor, the city council, and the Clarksville Audit Committee a summary of the audit work schedule, staffing plan, and budget for the following fiscal year. Any significant deviation from the formally approved work schedule shall be communicated to the director of finance and revenue, the mayor, the city council, and the Clarksville Audit Committee through periodic activity reports.

b. *End of Year Reporting.* An annual report shall be filed with the city council at the end of each fiscal year disclosing all completed audits and investigations.

Section 6-616. Audit Reporting and Response.

a. *Report.* A written report will be prepared and issued by the director of internal audit or designee following the conclusion of each audit and will be distributed as appropriate. A copy of each audit report or a summarization will be forwarded to the mayor, the city council, the director of finance and revenue, the Clarksville Audit Committee, and the entity or individual audited.

b. *Timely Response.* The director of internal audit or designee will include in the audit report the auditee's timely response and corrective action taken or to be taken in regard to the specific findings and recommendations. Timely response is defined as fifteen (15) calendar days with extension to twenty-two (22) calendar days possible if approved by

the director of internal audit for good cause. Management's response should include a timetable for anticipated completion of action to be taken and an explanation for any recommendations not addressed. In cases where a timely response is not included within the audit report, management of the audited area shall respond, in writing, within thirty (30) days of publication to internal audit and those on the distribution list. Internal audit shall be responsible for appropriate follow-up on audit findings and recommendations.

Section 6-617. Fraud and Abuse Hotline.

The director of internal audit shall establish a process by which employees, taxpayers, or other citizens may confidentially report suspected illegal, improper, wasteful, or fraudulent activity under the provisions of Tennessee Code Annotated § 9-3-406.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:



STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
DEPARTMENT OF AUDIT
DIVISION OF LOCAL GOVERNMENT AUDIT
SUITE 1500
JAMES K. POLK STATE OFFICE BUILDING
NASHVILLE, TENNESSEE 37243-1402
PHONE (615) 401-7841

September 30, 2014

Lynn Stokes
City of Clarksville
Director of Internal Audit
1 Public Square, Room 315
Clarksville, Tennessee 37040

Dear Ms. Stokes:

We have reviewed the proposed City of Clarksville ordinance that you presented to our office containing language pertaining to the city's internal audit and audit committee functions. The audit committee language defines the essential components of an audit committee as provided in Section 9-3-405, *Tennessee Code Annotated*. The ordinance also adequately describes the responsibilities and duties of the audit committee regarding the review of city financial statements and reports; internal controls; compliance with various laws and regulations; ethics; and the confidential reporting of suspected fraud, waste, and abuse.

Do not hesitate to contact our office if you have any questions regarding the audit committee.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Arnette, Jr.".

James R. Arnette, Jr.
Director

Tenn. Code Ann. § 9-3-405

TENNESSEE CODE ANNOTATED
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*** Current through the 2013 Regular Session ***

Title 9 Public Finances
Chapter 3 Local Governments
Part 4 Local Government Modernization Act of 2005

Tenn. Code Ann. § 9-3-405 (2013)

9-3-405. Establishment of audit committee -- Notice requirements -- Open meetings -- Confidential, nonpublic executive sessions.

(a) Local governments are encouraged to consider establishing an audit committee. The comptroller may require that an audit committee be established in any local government in this state that:

(1) Is in noncompliance with the accounting and financial reporting standards required by the GASB on or after the prescribed date of June 30, 2008; or

(2) Has recurring findings from the annual audit for three (3) or more consecutive years as determined by the comptroller to be a material weakness in internal control or material noncompliance under government auditing standards.

(b) The governing body of the local government shall create the audit committee. The audit committee members shall be external to management and may be members of the governing body, citizens from within the boundaries of the local government, or a combination of both. Members of the audit committee shall be selected by the legislative body. The audit committee shall establish responsibilities and duties that are stated in a resolution approved by the legislative body. The responsibilities and duties, at a minimum, shall address financial and other reporting practices, internal control, compliance with laws and regulations, and ethics. The resolution, or any subsequent amendments to the resolution, creating the duties and responsibilities of the audit committee shall be submitted to the comptroller prior to approval by the legislative body. The comptroller shall review the proposed resolution, or any subsequent amendments to the resolution, and report back to the local government on whether the resolution, or subsequent amendments to the resolution, follows recommended guidelines for an audit committee. The resolution, or subsequent amendments to the resolution, adopted by the legislative body must conform to the report issued by the comptroller. Notwithstanding the requirements of this subsection (b), if an audit committee was created by the legislative body of a county whose charter requires charter changes to be approved in a referendum, and if such actions occurred and were approved in a referendum prior to January 1, 2011, then such an audit committee shall be considered created pursuant to this part.

(c) Except as provided in subsection (d), all meetings of an audit committee created pursuant to this chapter shall abide by the notice requirements adhered to by the local government to which the audit committee is attached.

(d) All meetings of an audit committee created pursuant to this chapter shall be subject to the open meetings provisions of title 8, chapter 44, except, upon a majority vote of those members in attendance for the public portion of the meeting, the audit committee may hold confidential, nonpublic executive sessions to discuss the following items:

(1) Items deemed not subject to public inspection under §§ 10-7-503 and 10-7-504, and all other matters designated as confidential or privileged under this code;

Tenn. Code Ann. § 9-3-406

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*** Current through the 2013 Regular Session ***

Title 9 Public Finances
Chapter 3 Local Governments
Part 4 Local Government Modernization Act of 2005

Tenn. Code Ann. § 9-3-406 (2013)

9-3-406. Establishment of process for confidential reporting of suspected illegal, improper, wasteful or fraudulent activity -- Retaliatory activities prohibited.

(a) An audit committee created pursuant to this chapter shall establish a process by which employees, taxpayers, or other citizens may confidentially report suspected illegal, improper, wasteful, or fraudulent activity. If the information provided causes the chair of the audit committee to believe that illegal, improper, wasteful, or fraudulent activity may have occurred, then the chair of the audit committee shall report the information to the office of the comptroller of the treasury pursuant to title 8, chapter 4, part 5. The detailed information received and generated pursuant to a report of suspected illegal, improper, wasteful, or fraudulent activity, shall be considered audit working papers and is therefore not an open record pursuant to title 10, chapter 7.

(b) Section 50-1-304 shall apply to all local government employees. In addition, no local government employees shall suffer any of the prohibited retaliatory actions specified in § 50-1-304 for reporting or cooperating with the audit committee, internal auditors, or auditors from, or approved by, the comptroller of the treasury, or for reporting any facts to the local government to which the audit committee is attached. Any person who knowingly and willingly retaliates or takes adverse action of any kind against any person for reporting alleged wrongdoing pursuant to this chapter commits a Class A misdemeanor.

HISTORY: Acts 2009, ch. 368, § 2; 2013, ch. 64, § 2.

ORDINANCE 25-2014-15

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES); TITLE 2(ALCOHOLIC BEVERAGES), CHAPTER 2 (INTOXICATING LIQUOR) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE RELATIVE TO NUMBER OF RETAIL LIQUOR STORES INSIDE THE CITY LIMITS

WHEREAS, the Official Code of Ordinances of the City of Clarksville regarding the permitted number of liquor stores within the City limits was last amended in the year 1963; and

WHEREAS, the population of the City of Clarksville has increased significantly since the year 1963; and

WHEREAS, Code of Ordinances, Title 2, Section 2-205 created a retail liquor store “monopoly” by limiting the number of retail liquor stores to “no more than 12”; and

WHEREAS, the City Council has determined that it is appropriate to amend the Official Code of Ordinances of the City of Clarksville regarding the permitted number of liquor stores.

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

That the Official Code of Ordinances of the City of Clarksville, Tennessee, Title 2, “Alcoholic Beverages,” Chapter 2, “Intoxicating Liquor,” Section 2-205, “Restriction on Number of Stores,” is hereby amended as follows:

The language of Clarksville, Tennessee, Code of Ordinances, TITLE 2 - ALCOHOLIC BEVERAGES, Chapter 2 INTOXICATING LIQUOR, Section 2-205 is deleted.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

CURRENT LANGUAGE:

Chapter 2 INTOXICATING LIQUOR

Sec. 2-205. Restriction on number of stores.

There shall be no more than twelve (12) retail stores for the sale of alcoholic beverages as defined above.

(1963 Code, § 4-45)

ORDINANCE 28-2011-12

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES); TITLE 2 (ALCOHOLIC BEVERAGES), CHAPTER 2 (INTOXICATING LIQUOR) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE RELATIVE TO NUMBER OF RETAIL LIQUOR STORES INSIDE THE CITY LIMITS

WHEREAS, the Official Code of Ordinances of the City of Clarksville regarding the permitted number of liquor stores within the City limits was last amended in the year 1963; and

WHEREAS, the population of the City of Clarksville has increased significantly since the year 1963; and

WHEREAS, the City Council has determined that it is appropriate to amend the Official Code of Ordinances of the City of Clarksville regarding the permitted number of liquor stores.

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

That the Official Code of Ordinances of the City of Clarksville, Tennessee, Title 2, "Alcoholic Beverages," Chapter 2, "Intoxicating Liquor," Section 2-205, "Restriction on Number of Stores," is hereby amended as follows:

The language of Section 2-205 is deleted.

DISAPPROVED: October 6, 2011

RESOLUTION 13-2014-15

INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY THE CITY OF CLARKSVILLE, TENNESSEE, IN THE AMOUNT OF NOT TO EXCEED \$30,000,000, BY THE EXECUTION WITH A PUBLIC BUILDING AUTHORITY OF A LOAN AGREEMENT TO PROVIDE FUNDING FOR WATER AND WASTEWATER SYSTEM CONSTRUCTION AND REPAIR, AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO

WHEREAS, it is necessary and in the public interest of the City of Clarksville, Tennessee (the "Municipality") to incur indebtedness (the "Indebtedness"), through the execution with The Public Building Authority of the City of Clarksville, Tennessee (the "Authority"), of a loan agreement (a "Loan Agreement"), for the purpose of financing certain public works projects, as hereinafter more fully described.

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

SECTION 1. For the purpose of financing a portion of the costs of the construction, improvement, repair, replacement, and equipping of the water and wastewater system of the Municipality, including the construction, repair, improvement, and equipping of the wastewater treatment facility which was damaged by the flood of 2010, the acquisition of equipment, and other necessary costs in connection with such work, paying legal, fiscal, architectural, design, planning, administrative, and engineering costs in connection with such project, reimbursement for expenditures related to the foregoing project, and paying costs incident to incurring the Indebtedness (collectively, the "Project"), the Municipality is hereby authorized to incur Indebtedness in the amount of not to exceed Thirty Million Dollars (\$30,000,000), for the financing of the Project through the execution of a Loan Agreement with the Authority. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a variable rate which rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

SECTION 2. The indebtedness evidenced by the Loan Agreement shall be payable from any and all funds of the Municipality legally available therefor, including, but not necessarily limited to, ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the Municipality, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the Municipality will be irrevocably pledged. The indebtedness evidenced by the Loan Agreement shall be additionally payable from, but not secured by, the revenues of the water and wastewater system, subject only to the payment of reasonable and necessary costs of operating, maintaining, repairing, and insuring the water and wastewater system and to a prior pledge of such revenues in favor of other obligations of the Municipality payable from revenues of the water and wastewater system.

SECTION 3. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

SECTION 4. After the adoption of this Resolution, the City Clerk is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the Municipality.

SECTION 5. This Resolution shall take effect from and after its adoption, the welfare of the Municipality requiring it.

Adopted and approved this 6th day of November, 2014.

MAYOR

ATTEST:

CITY CLERK

NOTICE

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of the City of Clarksville, Tennessee, shall have been filed with the City Clerk of the City of Clarksville, Tennessee, protesting the incurrence of the Indebtedness by the execution of the Loan Agreement, such Loan Agreement will be executed, as proposed.

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

I, Sylvia Skinner, hereby certify that I am the duly qualified and acting City Clerk of the City of Clarksville, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the City Council (the "Council"), of said Municipality held on November 6, 2014; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$30,000,000 by said Municipality; (4) that the actions by said Council including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Council was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 6th day of November, 2014.

CITY CLERK

(SEAL)

RESOLUTION 14-2014-15

RESOLUTION AUTHORIZING A LOAN PURSUANT TO A LOAN AGREEMENT BETWEEN THE CITY OF CLARKSVILLE, TENNESSEE, AND THE PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE, TENNESSEE IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$30,000,000; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND OTHER DOCUMENTS RELATING TO SAID LOAN; APPROVING THE ISSUANCE OF A BOND BY THE PUBLIC BUILDING AUTHORITY; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID BOND AND LOAN AND THE PAYMENT OF SUCH INDEBTEDNESS; AND, CONSENTING TO THE ASSIGNMENT OF THE CITY'S OBLIGATION UNDER SUCH LOAN AGREEMENT

WHEREAS, the City Council (the "Council"), of the City of Clarksville, Tennessee (the "Municipality"), has determined that it is necessary to finance the costs of certain "public works projects", as defined in Title 9, Chapter 21, Tennessee Code Annotated, as from time to time amended and supplemented, consisting of financing a portion of the costs of the construction, improvement, repair, replacement, and equipping of the water and wastewater system of the Municipality, including the construction, repair, improvement, and equipping of the wastewater treatment facility which was damaged by the flood of 2014, the acquisition of equipment, and other necessary costs in connection with such work, paying legal, fiscal, architectural, design, planning, administrative, and engineering costs in connection with such project, reimbursement for expenditures related to the foregoing project, and paying costs incident to the issuance of the bond and the loan of the proceeds thereof to the City (collectively, the "Project"), by obtaining a loan from The Public Building Authority of the City of Clarksville, Tennessee (the "Authority");

WHEREAS, it has been determined by the Council of the Municipality to be in the best interests of the Municipality to finance the Project through The Tennessee Municipal Bond Fund variable rate loan program;

WHEREAS, the Authority has been established pursuant to the provisions of Title 12, Chapter 10, Tennessee Code Annotated, as amended (the "Act"), and is authorized pursuant to the provisions of the Act to issue its bonds from time to time, in one or more series, and to loan the proceeds thereof to the Municipality for the above described purposes;

WHEREAS, in order to effectuate the program, the Authority has authorized and approved by its Resolution, adopted November 5, 2013, the issuance of its Local Government Loan Program Bonds, in an aggregate principal amount not to exceed \$300,000,000;

WHEREAS, the Authority will issue its Variable Rate Local Government Loan Program Bond, Series 2014 (City of Clarksville Water and Wastewater System Loan) (the "Bond"), in the principal amount of not to exceed Thirty Million Dollars (\$30,000,000), and loan the proceeds thereof to the Municipality pursuant to the provisions of a Loan Agreement, by and among the Municipality, the Authority, and the purchaser of the Bond, to be dated the date of issuance and delivery (the "Loan Agreement");

WHEREAS, the Municipality has adopted on the date hereof, an Initial Resolution authorizing the borrowing of funds and the incurring of indebtedness for the purpose of financing the Project in the amount of not to exceed \$30,000,000, and the City Clerk of the Municipality has been instructed to publish such Initial Resolution together with the Notice required by Section 9-21-206 of Tennessee Code Annotated, as amended, in a local newspaper in the Municipality;

WHEREAS, the indebtedness evidenced by the Loan Agreement shall be payable from any and all funds of the Municipality legally available therefor, including, but not necessarily limited to, ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the Municipality, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the Municipality will be irrevocably pledged; provided, however, it is the intention of the Municipality that the indebtedness evidenced by the Loan Agreement shall be additionally payable from, but not secured by, the revenues to be derived from the operation of the water and wastewater system, subject to the payment of reasonable and necessary costs of operating, maintaining, repairing, and insuring such water and wastewater system, and to any pledge of such revenues in favor of other obligations of the water and wastewater system; and,

WHEREAS, the Bond is to be secured by and contain such terms and provisions as set forth in (i) that certain Indenture of Trust (the "Indenture"), by and between the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), and (ii) that certain Bond Purchase Agreement, entered into between the Authority and the purchaser of the Bond (the "Purchaser").

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

Section 1. Approval of the Loan. (a) For the purpose of providing funds to finance the Project and to pay costs incident to the issuance and sale of the Bond, the loan to the Municipality from the Authority is hereby authorized in the principal amount of not to exceed \$30,000,000 and the Municipality is hereby authorized to borrow such funds from the Authority.

(b) The Bond to be issued by the Authority shall bear interest at a variable rate, such variable rate to be based on the Securities Industry and Financial Markets Association Rate ("SIFMA"), plus a purchasing bank spread to be determined at the time of the issuance of the Bond, based on the Municipality's rating, plus any additional fees, all as provided in the Indenture and Loan Agreement; provided, however, that such rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee. The Mayor and City Clerk are authorized to enter into the Loan Agreement. The Municipality shall make payments of interest and principal in the amounts and on the dates set forth in the Loan Agreement from the sources and funds described herein and in the Loan Agreement. The term of the Loan Agreement shall not exceed two years. The final principal payment dates, interest rate and fees payable, amortization of principal amounts of the loan evidenced by the Loan Agreement, and prepayment provisions of such Loan Agreement, may be established by the Mayor, at the time of the sale of the Bond and the execution and delivery of the Loan Agreement, as shall be determined to be in the best interests of the Municipality.

Section 2. Approval of Loan Agreement. The form, terms, and provisions of the Loan Agreement, presented at this meeting, are in the best interest of the Municipality and are hereby approved and the Council hereby authorizes the Mayor and the City Clerk of the Municipality to execute and deliver such Loan Agreement, such Loan Agreement to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the Mayor and the City Clerk to evidence their approval of any and all changes to such Loan Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement. The Municipality further agrees to comply with, and to enable the Authority to comply with, all covenants and requirements contained in the Indenture, the Bond Purchase Agreement, and that certain Tax Exemption Certificate to be executed by the Authority at the time of the issuance of the Bond.

Section 3. Fulfillment of Obligations. The Council of the Municipality is authorized and directed to fulfill all obligations of the Municipality under the terms of the Loan Agreement.

Section 4. Tax Levy. There shall be levied and collected in the same manner as other ad valorem taxes of the Municipality on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount, to the extent necessary in the event funds of the Municipality legally available to pay the indebtedness evidenced by the Loan Agreement are insufficient, a tax sufficient to pay when due the amounts payable under the Loan Agreement, as and when they become due, and to pay any expenses of maintaining and operating the Project required to be paid by the Municipality under the terms and provisions of the Loan Agreement. For the prompt payment of the Loan Agreement, both principal and interest, as the same shall become due, the full faith and credit of the Municipality are irrevocably pledged.

Section 5. Approval of Bond, Indenture, and Bond Purchase Agreement. For the purpose of providing funds to make the loan to the Municipality evidenced by the Loan Agreement, as provided herein and in the Loan Agreement, and to pay legal, fiscal, and administrative costs incident thereto, including costs incident to the issuance and sale of the Bond related to the Loan Agreement, the issuance and sale of the Bond by the Authority in connection with the Loan Agreement is hereby approved. The Municipality further approves the execution and delivery of the Indenture and the Bond Purchase Agreement by the Authority in connection with the issuance of the Bond.

Section 6. Disposition of Proceeds. The proceeds from the sale of the Bond shall be paid, from time to time, to the official of the Municipality designated by law as the custodian of the funds, upon submission of a requisition for such funds by the Municipality to the Trustee, in accordance with the terms of the Indenture and Loan Agreement. Such proceeds shall be disbursed solely to finance the costs of the Project and to pay costs of issuance incurred in connection with the issuance of the Bond.

Section 7. Consent to Assignment. The Municipality hereby consents to the assignment of all of the Authority's right, title, and interest in and to the Loan Agreement to the Trustee as security for the Bond to which such Loan Agreement relates, except for certain reserved rights of the Authority.

Section 8. Reimbursement Provisions. The Municipality may have made or may hereafter make expenditures with respect to the Project from a source of funds other than proceeds of the loan from the Authority under the Loan Agreement, such expenditures occurring prior to the execution and delivery of the Loan Agreement. The Municipality reasonably expects that it will reimburse such original expenditures with proceeds of the loan from the Municipality made pursuant to the Loan Agreement to the extent permissible under Treasury Regulation 1.150-2.

Section 9. Arbitrage Certification. The Municipality recognizes that the Purchaser of the Bond will have accepted it on, and paid therefor a price, that reflects the understanding that interest thereon is excludable from gross income for purposes of federal income taxation under laws in force on the date of delivery of the Bond. In this connection, the Municipality agrees that it shall take no action which may cause the interest on said Bond to be included in gross income for federal income taxation. It is the reasonable expectation of the Council of the Municipality that the proceeds of the Bond will not be used in a manner which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code, and to this end the said proceeds of the Bond and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The Council further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Bond to the United States government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Bond from becoming taxable. The Mayor and City

Clerk, or either of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bond as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the Municipality.

Section 10. Miscellaneous Acts. The Mayor, the City Clerk, the City Attorney, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement and the issuance of the Bond by the Authority, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved.

Section 11. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

Section 12. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

Section 13. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 14. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the Municipality requiring it.

Adopted this 6th day of November, 2014.

MAYOR

Attest:

CITY CLERK

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

I, Sylvia Skinner, hereby certify that I am the duly qualified and acting City Clerk of the City of Clarksville, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the City Council (the "Council") of said Municipality held on November 6, 2014; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$30,000,000 by said Municipality; (4) that the actions by said Council including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Council was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 6th day of November, 2014.

CITY CLERK

(SEAL)

RESOLUTION 15-2014-15

A RESOLUTION EXPRESSING SUPPORT OF UNITED STATES ARMY DONATION OF COMBAT HELICOPTER FOR STATIC DISPLAY

WHEREAS, the City of Clarksville wishes to recognize its citizens employed by the armed forces and the neighboring Fort Campbell military installation by installing a static display of a decommissioned military helicopter in a city park; and

WHEREAS, Title 10, U.S. Code § 2572 allows the Secretary concerned to lend or give condemned or obsolete combat equipment that are not needed by the military department concerned, to any municipal corporation, county, or other political subdivision of a State; and

WHEREAS, the United States Army Donations Program requires municipalities to apply for obsolete combat equipment to be issued as equipment becomes available.

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

That the Clarksville City Council wholeheartedly supports the City of Clarksville Parks and Recreation Department's request to the United States Army Donations Program for a decommissioned Army helicopter for static display at Liberty Park.

BE IT FURTHER RESOLVED that the City of Clarksville Parks and Recreation Department will assume all responsibility for the upkeep and safety of the display with the understanding that the equipment will not be placed on privately owned property.

ADOPTED:

RESOLUTION 12-2014-15

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TENNESSEE BUREAU OF INVESTIGATION FOR USE OF OFFICE SPACE

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

That the Clarksville City Council hereby authorizes an agreement between the City of Clarksville and the Tennessee Bureau of Investigation for maintenance and use of office space, attached hereto as Exhibit A.

ADOPTED:

EXHIBIT A

**MEMORANDUM OF AGREEMENT
FOR
MAINTENANCE AND USE OF OFFICE SPACE
BETWEEN THE
TENNESSEE BUREAU OF INVESTIGATION
AND
CLARKSVILLE POLICE DEPARTMENT**

1. Parties

The Parties to this agreement are the Tennessee Bureau of Investigation (herein "TBI") and the Clarksville Police Department (herein "CPD") and both referred to collectively as the "Parties".

2. Authority

Each party warrants that they are respectively authorized to enter into this Agreement and that the undersigned individuals are authorized to bind their respective agency to the terms thereof.

3. Purpose

The purpose of this Agreement is to establish the respective duties of the TBI and CPD and the terms by which both Parties will establish and maintain office space and equipment to be used by the Parties for the electronic interception of communications done in the course of the Parties' official functions.

Both Parties agree that the establishment of such is mutually beneficial to each Party and willingly enter into this agreement with the intent to effect this purpose.

4. Definitions

"Monitoring Room" for the purposes of this agreement refers to the office space which is the subject of this Agreement and is to be used by the Parties for court authorized interception of electronic communications.

"Surrounding Areas" for the purposes of this agreement means any areas surrounding the Monitoring Room such that they are necessary for the use and access of Monitoring Room.

"Monitoring Equipment" for the purposes of this agreement means all equipment and software necessary for and related to court authorized interception of electronic communications.

"Infrastructure" for the purposes of this agreement means utilities, telephone lines, internet access, lights, office furniture, environmental controls and air conditioning, restrooms, and general security for the office space and the surrounding area.

"Secured Access" for the purposes of this agreement means any means, physical and/or electronic, by which access to the Monitoring Room is limited to authorized personnel and documented in accordance with State law.

"Security" for the purposes of this agreement refers to controlled access and protection from theft, fire, water damage, or other adverse effect that is normally provided for similar such areas and shall include but is not limited to: smoke alarms, physical security, fire suppression systems, and regular building maintenance that establishes protection from the elements and uncontrolled access by occupants and employees in the area.

5. Responsibilities

The Parties agree to and are responsible for all costs associated with the Responsibilities outlined in this agreement.

The Parties agree that any financial liability resulting from performance under this agreement shall be limited to the actions taken by the respective Party taken in furtherance thereof and that each Party shall not be liable for the actions of the other Party taken respectively.

The Parties agree that the CPD does not assume any liability or financial responsibility for any members of any other outside agency, including the TBI, that are allowed access to the Monitoring Room or surrounding areas.

The CPD agrees to and is responsible for the establishment and maintenance of sufficient office space to be used as a Monitoring Room, and that ownership of said space shall be maintained by the CPD.

The CPD agrees to and is responsible for the establishment and maintenance of all Infrastructure necessary for the normal course of using the Monitoring Room for official purposes.

The CPD agrees to and is responsible for the establishment and maintenance of Security for the areas surrounding the Monitoring Room such that they may affect or allow access to the Monitoring Room.

The CPD agrees to permit access as necessary of TBI personnel to the Monitoring Room and other related areas necessary for the installation of

Monitoring Equipment during normal business hours or other times agreed to by the Parties.

The CPD shall not charge or otherwise hold liable the TBI for any rents or other costs incurred in performing responsibilities under this agreement.

The TBI agrees to and is responsible for the provision, installation, and maintenance of all Monitoring Equipment to be used in the Monitoring Room, and ownership of said equipment shall be maintained by the TBI.

The TBI agrees to and is responsible for the provision, installation, provision of key cards (or other means), and maintenance of the Secured Access (Key Card Entry) system for the Monitoring Room.

The TBI agrees to and is responsible for the ongoing maintenance, updates of software and hardware, and functionality of the Monitoring Equipment and the Secured Access (Key Card Entry) system during its official use.

The TBI shall not charge or otherwise hold liable the CPD for any costs incurred in performing responsibilities under this agreement.

The Parties agree to establish personnel rosters of those employees of their respective agency that shall have access to the Monitoring Room during its official use, and that said access will be controlled by the commander of the Special Operations Unit of the CPD or his designee.

6. Use

The Parties agree that the use of the facility being described within this agreement be restricted to the investigation of criminal activity in and around the area of Clarksville TN.

7. Points of Contact (POC)

The POC for this agreement for the CPD is Sgt. Bert Clinard at (931) 320-0757

The POC for this agreement for the TBI is SA Robert Schlafly at (615) 613-3693

8. Effective Date and Duration

This Agreement shall take effect on _____ and shall remain in effect for a period of five (5) years from the effective date.

9. Modification

Modification of this Agreement shall only occur on the agreement of the Parties and the terms of such modification shall be reduced to writing and attached as an Amendment to this Memorandum of Agreement.

10. Termination

Either Party may terminate this agreement with sixty (60) days notice to the non-terminating Party.

11. Construction

To the extent that any provisions of this Agreement are disputed by the Parties, this Agreement shall be construed in the manner that most closely effects its purpose and intent.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year indicated above.

Alonzo Ansley
Chief
Clarksville Police Department

Robb Rowlett
Special Agent in Charge
Drug Investigation Division - Middle
Tennessee Bureau of Investigation

Date

Date

ORDINANCE 26-2014-15

AN ORDINANCE RESCHEDULING THE JANUARY 2015 REGULAR MEETING
OF THE CITY COUNCIL

WHEREAS, the regular meeting of the Clarksville City Council is scheduled, per City Code Section 1-201, for January 1, 2015; and

WHEREAS, the City Council has determined that it is appropriate to reschedule said regular meeting of the City Council because city offices will be closed on the first Thursday of January 2015, New Year's Day.

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

(1) Notwithstanding any provision of Section 1-201 of the Official City Code to the contrary, the regular meeting of the City Council scheduled to occur on January 1, 2015, per said City Code provision, is hereby canceled and a new regular meeting date of Tuesday, January 6, 2015, at 7:00 p.m. at the City Council Chambers in City Hall is scheduled instead.

(2) That this ordinance shall be effective upon passage.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

PUBLICATION DATE:

RESOLUTION 16-2014-15

A RESOLUTION AUTHORIZING LEGAL ACTION PERTAINING TO LIBERTY PARK

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

That the Clarksville City Council hereby authorizes the City Attorney to take all necessary legal action, against any individual, party or entity, as may be necessary to preserve any rights or claims it may have with regard to liability for any damages suffered by the City pertaining to the design or construction of Liberty Park, should negotiations fail to resolve any such claims.

BE IT FURTHER RESOLVED THAT the City Attorney is further authorized to employ or to continue to employ private counsel selected by him in furtherance of such aims, as he may determine necessary.

ADOPTED: