



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
AUGUST 6, 2015, 7:00 P.M.**

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

AGENDA

PUBLIC COMMENTS

- 6:50 p.m. Richard Garrett
- 6:55 p.m. Rev. Tommy Bailey

- 1) CALL TO ORDER
- 2) PRAYER AND PLEDGE OF ALLEGIANCE
- 3) ATTENDANCE
- 4) PUBLIC HEARING: ZONING

ZONING: PUBLIC HEARING

1. **ORDINANCE 5-2015-16** (First Reading; Postponed July 2) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jason Lee Senseney for zone change on property at the intersection of Oak Street and Providence Boulevard from C-2 General Commercial District to C-5 Highway & Arterial Commercial District (*RPC: Disapproval/Approval*)
2. **ORDINANCE 18-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Syd Hedrick for zone change on property at the intersection of Greenwood Avenue and Clark Street from R-3 Three Family Residential District to R-6 Single Family Residential District (*RPC: Disapproval/Approval*)
3. **ORDINANCE 19-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Action Properties, John Kreaske-Agent, for zone change on property at the intersection of Kraft Street and Providence Boulevard from M-1 Light Industrial District to C-2 General Commercial District (*RPC: Approval/Approval*)

4. **ORDINANCE 20-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Honeycutt Properties, LP, for zone change on property at the intersection of Warfield Boulevard and Stokes Road from R-1 Single Family Residential District to C-2 General Commercial District *(RPC: Approval/Approval)*
5. **RESOLUTION 6-2015-16** Adopting the Metropolitan Transportation Plan and Greenway-Blueway Master Plan as part of the General Regional Plan *(RPC: Approval)*

2) 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 1-2015-16** (Second Reading) Amending the Official Code relative to the Occupational Safety & Health Program
2. **ORDINANCE 2-2015-16** (Second Reading) Accepting donation of real property for the Deer Hollow Pump Station
3. **ORDINANCE 3-2015-16** (Second Reading) Authorizing extension of utilities to property on Lafayette Road; request of Lawson Mabry
4. **ORDINANCE 4-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Greenspace Partners for zone change on property at the intersection of Ashland City Road and Avondale Drive from R-1 Single Family Residential District to R-4 Multiple Family Residential District and C-2 General Commercial District
5. **ORDINANCE 6-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Harris Trucking, Inc. for zone change on property at the intersection of Needmore Road and Union Hall Road from M-3 Planned Industrial District to C-5 Highway & Arterial Commercial District
6. **ORDINANCE 7-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Habitat For Humanity for zone change on property at the intersection of Ann Drive and Belle Court from RM-1 Single Family Mobile Home Residential District to R-1 Single Family Residential District
7. **ORDINANCE 8-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of O. C. Terrell, Jimmy Bagwell-Agent (Moore Design Services), for zone change on property at Ortex Drive and Gupton Court from C-2 General Commercial District to M-2 General Industrial District

8. **ORDINANCE 9-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of ACI Investment Group for zone change on property at the intersection of North Second Street and Kraft Street from M-1 Light Industrial District to C-2 General Commercial District
9. Adoption of Minutes: Special Sessions June 25, June 29, June 30, July 2, July 6, July 7 and Regular Session July 2
10. Approval of Board Appointments:

Senior Citizens Board: Claudia Erb, Laura Ruizdesparza, Dick Stovall, Howard Welch – May 2015 through April 2018

3) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE
David Allen, Chair

4) FINANCE COMMITTEE
Joel Wallace, Chair

1. **ORDINANCE 12-2015-16** (First Reading) Amending the FY16 Internal Audit Budget for a HIPPA Assessment (*Finance Committee: Approval*)
2. **ORDINANCE 13-2015-16** (First Reading) Accepting donation of property from Clarksville Capital Corporation for an access easement for the Upland Trail (*Finance Committee: Approval*)
3. **ORDINANCE 14-2015-16** (First Reading) Amending the Official Code to establish the Parking Commission (*Finance Committee: Approval*)
4. **RESOLUTION 4-2015-16** Amending RESOLUTION 17-2014-15 to provide for issuance and reimbursement of general obligation public improvement bonds not to exceed \$8,550,000 (*Finance Committee: Approval*)
5. **RESOLUTION 5-2015-16** Authorizing the initial intent for issuance and reimbursement of \$9,750,000 general obligation public improvement bonds (*Finance Committee: Approval*)

5) GAS & WATER COMMITTEE
Wallace Redd, Chair

1. **ORDINANCE 15-2015-16** (First Reading) Authorizing extension of utilities to property on International Boulevard; request of WEB Development

6) PARKS, RECREATION, GENERAL SERVICES
Valerie Guzman, Chair

7) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

1. **RESOLUTION 3-2015-16** Authorizing a Memorandum of Understanding with the Tennessee Department of Transportation and the Tennessee Department of Safety & Homeland Security establishing the Open Roads Policy (*Public Safety Committee: Approval*)

8) STREET COMMITTEE

James Lewis, Chair

9) TRANSPORTATION COMMITTEE

Deanna McLaughlin, Chair

10) DESIGNATIONS COMMITTEE

Wallace Redd, Chair

1. **ORDINANCE 17-2015-16** (First Reading) Amending the Official Code relative to public property designations (*Designations Committee: Approval*)

10) NEW BUSINESS

1. **ORDINANCE 11-2015-16** (First Reading) Amending the Official Code relative to Code of Ethics to delete provisions pertaining to indirect interests (*Councilman Garrett*)
2. **ORDINANCE 16-2015-16** (First Reading) Authorizing purchase of real property located at 215 Legion Street (*Councilman Allen*)
3. **RESOLUTION 7-2015-16** Terminating Laurie Matta as Commissioner of Finance/Director of Finance/Chief Financial Officer (*Councilman Allen*)
- 4a. Approval to consider board appointments (*3/4 majority approval required*)
- 4b. Approval of board appointments:

Public Art Commission: Linda Turner (replace Mike Andrews-term expired) and Mike Fink (replace Dixie Webb-term expired) – August 2015 through May 2019; Jennifer Snyder (fill unexpired term of Paul Collins-resigned) – August 2015 through May 2016

11) MAYOR AND STAFF REPORTS

12) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on August 6, 2015. The public hearing will be held on: August 6, 2015.

CITY ORD. #: 5-2015-16 RPC CASE NUMBER: Z-10-2015

Applicant: JASON LEE SENSENEY

Location: fronting on the north frontage of Providence Blvd. 275 +/- feet west of the Oak St. and Providence Blvd. intersection.

Ward #: 4

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

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 18-2015-16 RPC CASE NUMBER: Z-20-2015

Applicant: SYD HEDRICK

Location: southeast corner of Greenwood Ave. & Clark St. intersection.

Ward #: 6

Request: R-3 Three Family Residential District
 to
 R-6 Single-Family District

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 19-2015-16 RPC CASE NUMBER: Z-21-2015

Applicant: ACTION PROPERTIES

Agent: John Kraeske

Location: Property fronting on the north frontage of Kraft Street 590 +/- feet northeast of the Kraft St. & Providence Blvd. intersection.

Ward #: 6

Request: M-1 Light Industrial District
 to
 C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 20-2015-16 RPC CASE NUMBER: Z-22-2015

Applicant: HUNEYCUTT PROP L P

Agent:

Location: Property located at the northeast corner of the Warfield Blvd. & Stokes Rd. intersection.

Ward #: 12

Request: 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: 6/24/2015

CASE NUMBER: Z - 10 - 2015

NAME OF APPLICANT: Jason Lee

Senseney

AGENT:

GENERAL INFORMATION

PRESENT ZONING: C-2

PROPOSED ZONING: C-5

**EXTENSION OF ZONE
CLASSIFICATION:** NO

APPLICANT'S STATEMENT When purchased, the property was zoned C-2 to be able to have a car lot. Now
FOR PROPOSED USE: car lots must have a C-5 zoning.

PROPERTY LOCATION: fronting on the north frontage of Providence Blvd. 275 +/- feet west of the Oak St.
and Providence Blvd. intersection.

ACREAGE TO BE REZONED: 0.22

DESCRIPTION OF PROPERTY Vacant Commercial Parcel.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY **TAX PLAT:** 55-H-H

PARCEL(S): 24.00

CIVIL DISTRICT: 7th

CITY COUNCIL WARD: 4

COUNTY COMMISSION DISTRICT: 13

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:

May Require Water System Upgrades.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

3.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3. DRAINAGE COMMENTS:

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:

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

Comments Received From Department And They Had No Concerns.

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.

11. OTHER COMMENTS:

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: CITY

DRAINAGE:
NORTH TO SOUTH

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:

New Providence Planning Area- made up of a series of mature neighborhoods that center upon U.S. 41A / Ft. Campbell Blvd.

STAFF RECOMMENDATION: DISAPPROVAL

1. The proposed zoning request is consistent with Growth Plan (as in the City) but inconsistent with the adopted Land Use Plan.
2. The adopted Land Use Plan indicates that the present C-2 zoning classification is assumed to be correct unless the proposed zone is more consistent with the land use plan, the parcel was incorrectly zoned in the first place, or major changes of an economic, physical or social nature were not considered in the present plan which have substantially altered the character of the area.
3. All adjacent properties and properties in the immediate area are currently zoned C-2. Barely meeting the minimum lot size threshold for the C-5 District (10,000 sq. ft.) land extensive retail uses of the C-5 District are problematic.
4. No adverse environmental issues were identified relative to this request.
5. The Proposed Use Does Not Support The 2030 Smart Growth Plan. New Providence Goals: "transform Rundown Properties Into Mix Of Residential/commercial Redevelopment.

(1c)

Z-10-2015

APPLICANT: JASON LEE SENSENEY

REQUEST: C-2 to C-5

MAP 055H GROUP H PARCEL 024.00 ACREAGE 0.22+/-

R-3

R-3

R-3

R-2A

R-4

R-3

O-1

R-3

C-2

C-2

C-2

C-2

C-2

C-2

C-2

R-3

R-4

R-3

R-4

C-2

C-2

C-2

C-2

C-2

R-3

R-4

R-4

Church Ct

Oak St

C-2

Plum St

C-2

R-4

C-2

C-2

Chapel St

E St

D St

Providence Blvd

Walnut St

Power St

Plum St

Beech St

10

CASE NUMBER: Z 10 2015 MEETING DATE 6/24/2015

APPLICANT: Jason Lee Senseney

PRESENT ZONING C-2 PROPOSED ZONING C-5

TAX PLAT # 55-H-H PARCEL 24.00

GEN. LOCATION fronting on the north frontage of Providence Blvd. 275 +/- feet west of the Oak St.
and Providence Blvd. intersection.

PUBLIC COMMENTS

None received as of 11:30 a.m. on 6/24/2015 (jhb).

1E

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 7/29/2015

CASE NUMBER: Z - 20 - 2015

NAME OF APPLICANT: Syd

Hedrick

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-3

PROPOSED ZONING: R-6

EXTENSION OF ZONE

CLASSIFICATION: NO

APPLICANT'S STATEMENT Propose change from R-3 to R-6 for the subdivision of the property to engender

FOR PROPOSED USE: single family home usage in the area.

PROPERTY LOCATION: southeast corner of Greenwood Ave. & Clark St. intersection.

ACREAGE TO BE REZONED: 0.27

DESCRIPTION OF PROPERTY Vacant corner lot.

AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY **TAX PLAT:** 66-K-L

PARCEL(S): 1.00

CIVIL DISTRICT: 12th

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 17

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:

Access Appeal Granted

3.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3. DRAINAGE COMMENTS:

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:

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

Concerns Of Spot Zoning / R-6 Lot In A Sea Of R-3.

9.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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

9. SCHOOL SYSTEM:

ELEMENTARY: MOORE

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: CLARKSVILLE

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: GREENWOOD AVE & CLARK ST

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

3

N/A

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

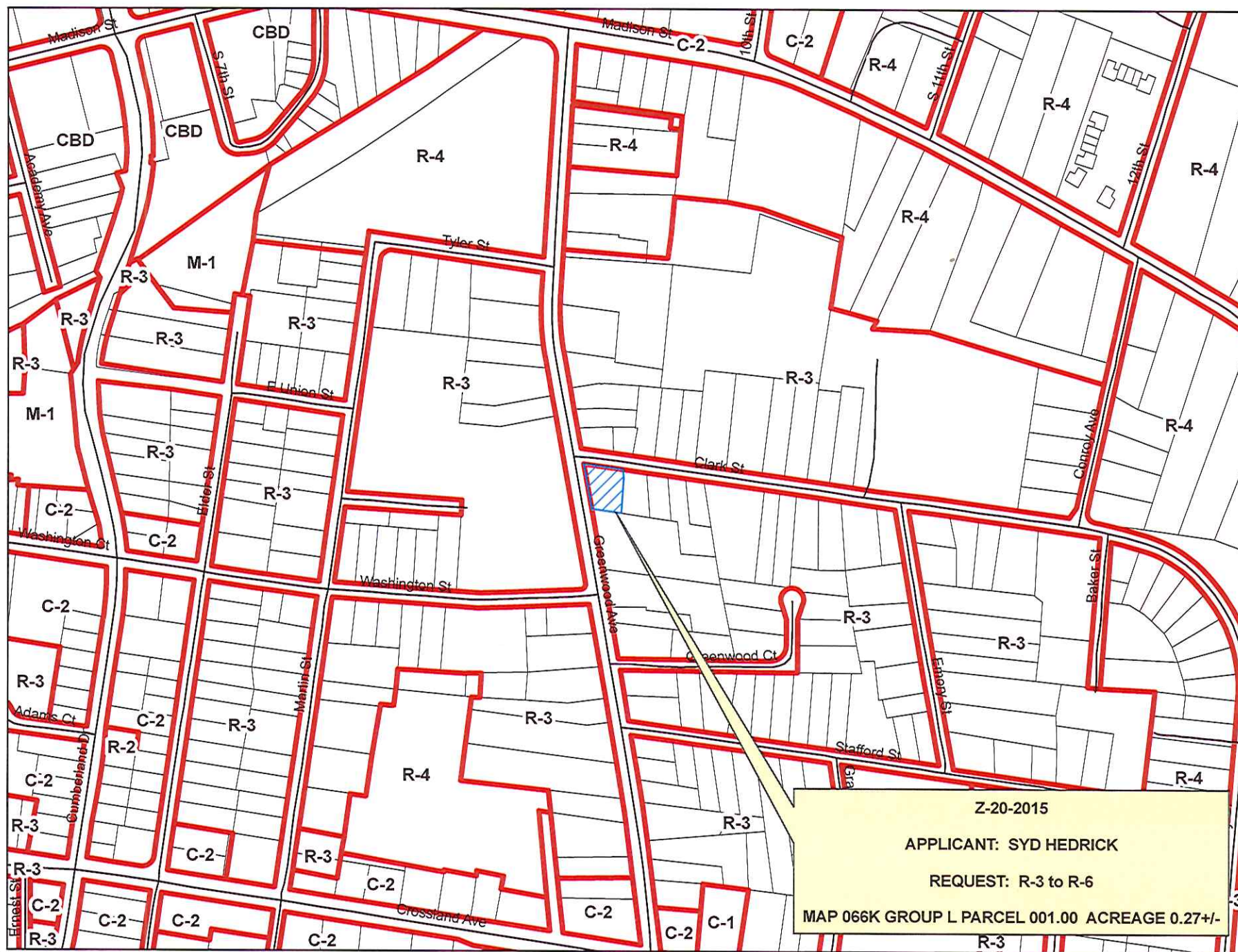
HIGH SCHOOL STUDENTS:

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: **DISAPPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and inconsistent with adopted Land Use Plan.
2. Proposed R-6 zoning would permit lot sizes that are out of character with established surrounding single family uses.
3. No adverse environmental issues were identified relative to this request.
4. Adequate infrastructure serves the site.
- 5.



CASE NUMBER: Z 20 2015 MEETING DATE 7/29/2015
APPLICANT: Syd Hedrick
PRESENT ZONING R-3 PROPOSED ZONING R-6
TAX PLAT # 66-K-L PARCEL 1.00

GEN. LOCATION southeast corner of Greenwood Ave. & Clark St. intersection.

PUBLIC COMMENTS

Amy Lopez- Email in File
Michael Lopez- Email in File

Spainhoward, John T

From: Spainhoward, John T
Sent: Friday, July 24, 2015 8:14 AM
To: 'Historical Treasures Apartments'
Subject: RE: Recommendation for Zoning of Greenwood and Clark

Ms. Lopez,

Your comments have been received and will be placed in the file of **Z-20-2015** as part of the public record.

John T. Spainhoward, Jr.

Zoning Coordinator / Planner
Clarksville Montgomery County
Regional Planning Commission
329 Main Street, Clarksville, TN 37040
931-645-7448
www.cmcrpc.com

From: Historical Treasures Apartments [mailto:historicaltreasuresapartments@gmail.com]
Sent: Thursday, July 23, 2015 4:27 PM
To: Spainhoward, John T
Subject: Recommendation for Zoning of Greenwood and Clark

Good Afternoon John,

I have spoken to Mr. Hedrick regarding his request for rezoning on Greenwood and Clark street and believe that his intent to rezone to allow for single family development is more in tune with the area and will be a greater asset to the area in comparison with the current allowable use (which would be for a duplex). As a resident and property owner in the area, I would prefer to see additional single family development for homes which can be purchased to help meet the needs of affordable housing for prospective homeowners. There are several duplexes and tri-plexes and four unit buildings in the area which are conversions; however, since those buildings reach the end of their useful life and have to be replaced we desire to see single family residential and help to bring Clarksville back into its heyday.

Warm Regards,



Spainhoward, John T

7-20-2015

From: Michael Hampton <mikeahampton@gmail.com>
Sent: Tuesday, July 28, 2015 9:55 PM
To: Spainhoward, John T
Subject: Rezoning Proposal for 507 Greenwood Ave

Mr Spainhoward,

I wanted to voice my opinion regarding the proposal to rezone the lot on 507 Greenwood Ave at the corner of Greenwood and Clark St. I am a resident and homeowner on Greenwood Ave. I think that rezoning the proposed piece of property will unlock its potential and attract young homeowners that can help in the revitalization of our street and neighborhood. As a part of this neighborhood I would like to see detached single family units built that can attract young families.

I have spoken with Mr. Hedrick and I think that he has a great plan that will benefit the quality of our neighborhood and our home values. I would love to see this plan carried out and support that rezoning of this property at 507 Greenwood Ave to R-6 to make this plan possible. I know that the planning commission has to look at worse case scenario of zoning implications. As it sits in its current zoning the worse case scenario in my mind is a triplex (which may be possible with an updated survey). The worse case scenario in a rezoned R-6 is five single family units. I know that Mr Hedrick has proposed dividing into three single family units on the property and I believe that anything more than that would be unwise as a business plan for Mr Hedrick and so his best interest of three units also fits the best interest of our neighborhood. I believe that the worse case scenario of both R3 and R6 are comparable. I believe that the opportunity and reward of rezoning this property to R6 definitely outweigh the risk of this change.

I thank you for your time and support the rezoning of this property to R-6.

Sincerely,

Michael Hampton

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 7/29/2015

CASE NUMBER: Z - 21 - 2015

NAME OF APPLICANT: Action Properties

AGENT: John

Kraeske

GENERAL INFORMATION

PRESENT ZONING: M-1

PROPOSED ZONING: C-2

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT Owner wishes to build commercial retail center on site - not allowed under current
FOR PROPOSED USE: zoning.

PROPERTY LOCATION: Property fronting on the north frontage of Kraft Street 590 +/- feet northeast of the
Kraft St. & Providence Blvd. intersection.

ACREAGE TO BE REZONED: 1.57 +/-

DESCRIPTION OF PROPERTY Vacant lot M-1 lots. Previous commercial structures have been demolished.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY TAX PLAT: 55-O-A

PARCEL(S): 10.00, 11.00 &
12.00

CIVIL DISTRICT: 12th

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 17

PREVIOUS ZONING HISTORY:

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

No Traffic Study. Access Appeal Granted.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

5.

4a. COST TO CDE/CEMC:

6.

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

No Comment(s) Received

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

Comments Received From Department And They Had No Concerns.

9.

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.

11. OTHER COMMENTS:

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: KRAFT ST.

DRAINAGE:
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:

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

STAFF RECOMMENDATION: **APPROVAL**

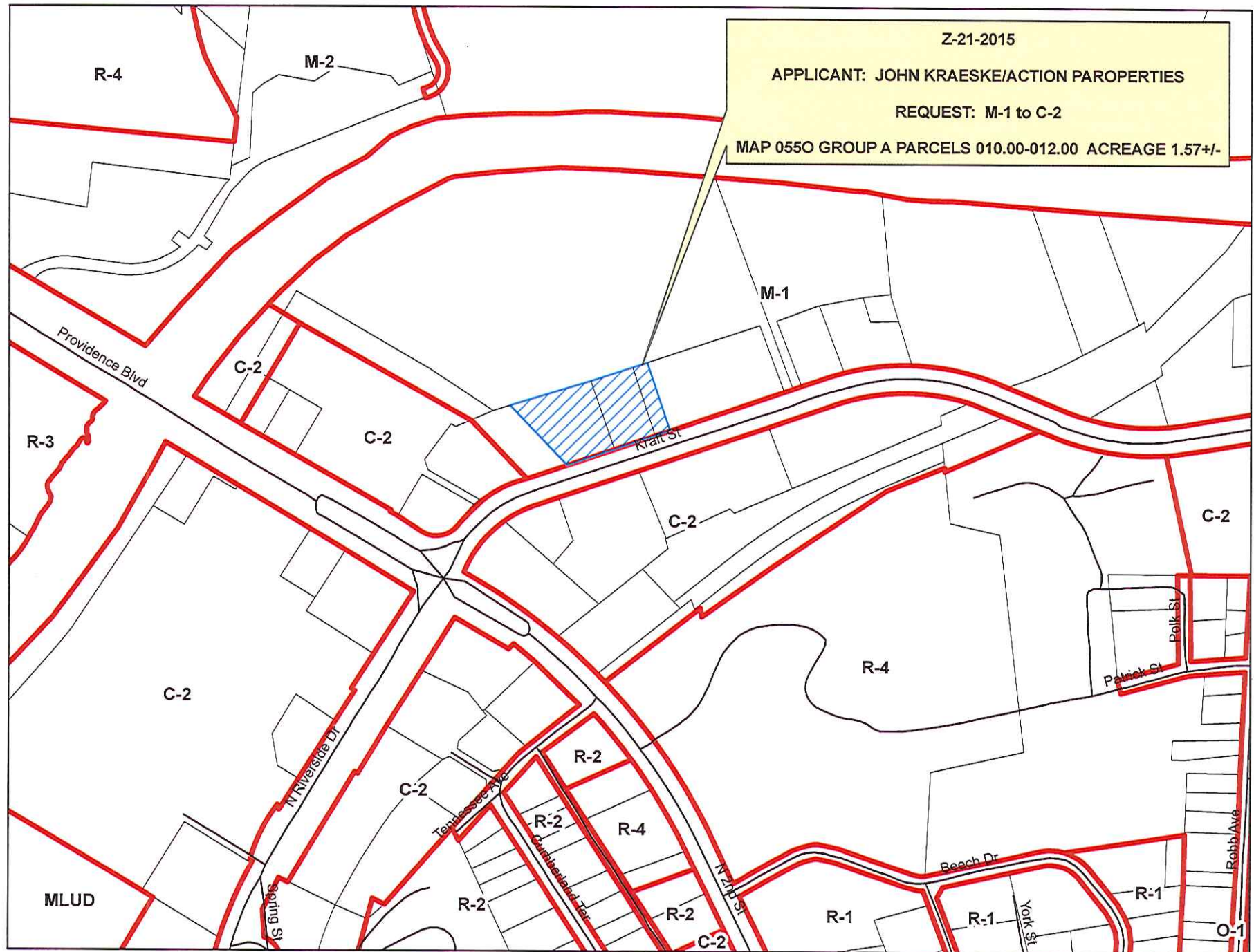
1. The proposed zoning request is consistent with Growth Plan (as in the County) and adopted Land Use Plan.
2. Proposed C-2 request brings proposed commercial retail development into zoning compliance and is consistent with the transition towards retail development at the west end of Kraft Street.
3. No adverse environmental issues were identified relative to this request.
4. Adequate infrastructure serves the site.
- 5.

Z-21-2015

APPLICANT: JOHN KRAESKE/ACTION PAROPERTIES

REQUEST: M-1 to C-2

MAP 0550 GROUP A PARCELS 010.00-012.00 ACREAGE 1.57+/-



CASE NUMBER: Z 21 2015 MEETING DATE 7/29/2015

APPLICANT: Action Properties

PRESENT ZONING M-1

PROPOSED ZONING C-2

TAX PLAT # 55-O-A

PARCEL 10.00, 11.00 & 12.00

GEN. LOCATION Property fronting on the north frontage of Kraft Street 590 +/- feet northeast of the Kraft St. & Providence Blvd. intersection.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 7/29/2015 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 7/29/2015

CASE NUMBER: Z - 22 - 2015

NAME OF APPLICANT: Huneycutt

Prop L P

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-1

PROPOSED ZONING: C-2

**EXTENSION OF ZONE
CLASSIFICATION:** YES

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

PROPERTY LOCATION: Property located at the northeast corner of the Warfield Blvd. & Stokes Rd.
intersection.

ACREAGE TO BE REZONED: 0.52

**DESCRIPTION OF PROPERTY
AND SURROUNDING USES:** Corner lot with single family residential home.

GROWTH PLAN AREA:

CITY **TAX PLAT:** 41-L-A

PARCEL(S): 18.00

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

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.
- ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

No Access To Warfield Blvd. No Traffic Study.

3.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3. DRAINAGE COMMENTS:

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:

No Comment(s) Received

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

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments Received From Department And They Had No Concerns.

9.

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 Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: STOKES RD.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

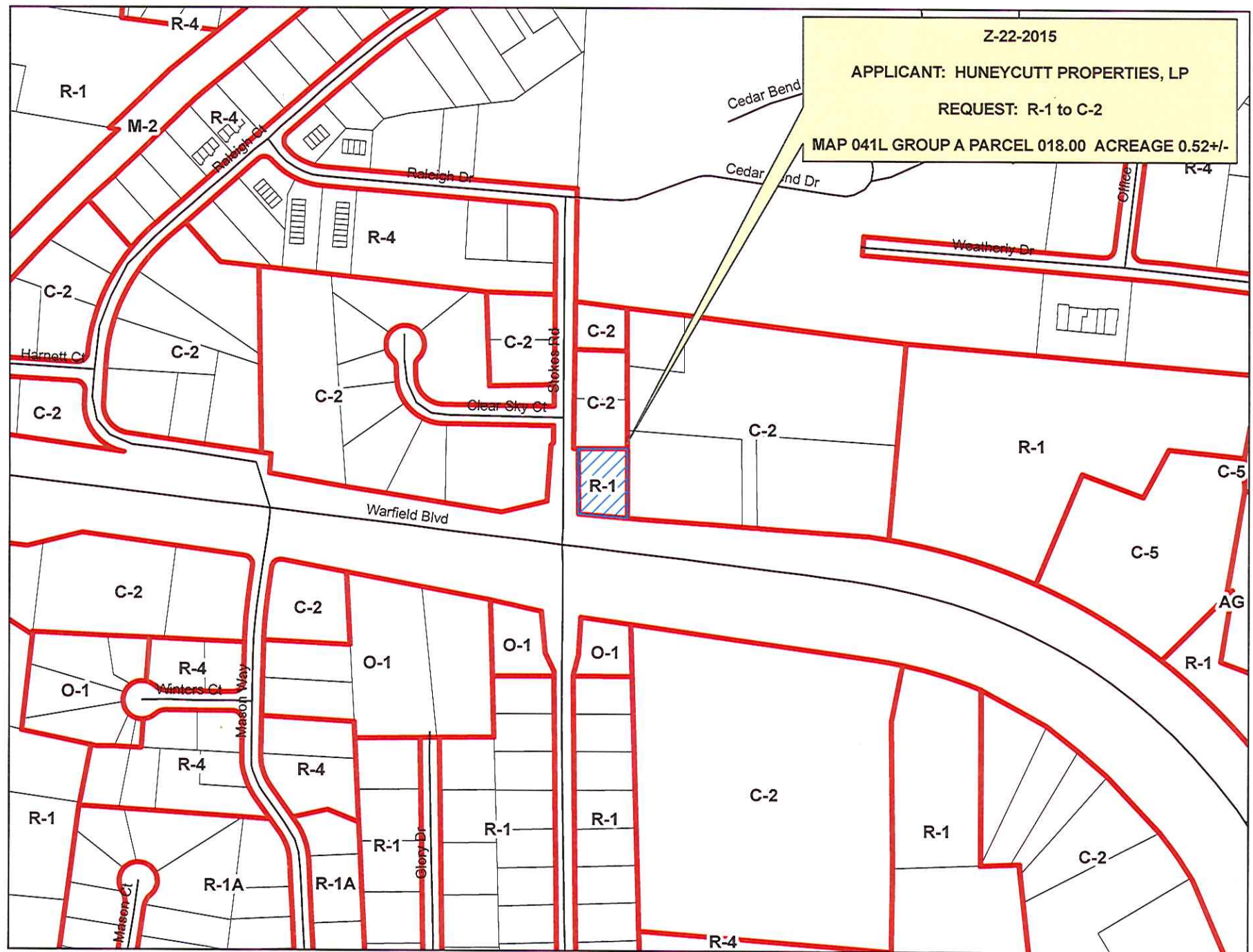
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Rossvie 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 County) and adopted Land Use Plan.
2. The C-2 zoning request is an extension of the established C-2 zoning surrounding the subject property.
3. No adverse environmental issues were identified relative to this request.
4. Adequate infrastructure serves the site.
- 5.



CASE NUMBER: Z 22 2015 MEETING DATE 7/29/2015

APPLICANT: Huneycutt

Prop L P

PRESENT ZONING R-1

PROPOSED ZONING C-2

TAX PLAT # 41-L-A

PARCEL 18.00

GEN. LOCATION Property located at the northeast corner of the Warfield Blvd. & Stokes Rd.
intersection.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 7/29/2015 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RPC MEETING DATE: 7/29/2015

CASE NUMBER: Z - 20 - 2015

NAME OF APPLICANT: Syd

Hedrick

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-3

PROPOSED ZONING: R-6

EXTENSION OF ZONE
CLASSIFICATION: NO

APPLICANT'S STATEMENT Propose change from R-3 to R-6 for the subdivision of the property to engender
FOR PROPOSED USE: single family home usage in the area.

PROPERTY LOCATION: southeast corner of Greenwood Ave. & Clark St. intersection.

ACREAGE TO BE REZONED: 0.27

DESCRIPTION OF PROPERTY Vacant corner lot.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY TAX PLAT: 66-K-L

PARCEL(S): 1.00

CIVIL DISTRICT: 12th

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 17

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:

Access Appeal Granted

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.

7. POLICE DEPT/SHERIFF'S OFFICE:

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

Concerns Of Spot Zoning / R-6 Lot In A Sea Of R-3.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

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

9. SCHOOL SYSTEM:

ELEMENTARY: MOORE

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: CLARKSVILLE

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: GREENWOOD AVE & CLARK ST

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

3

N/A

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

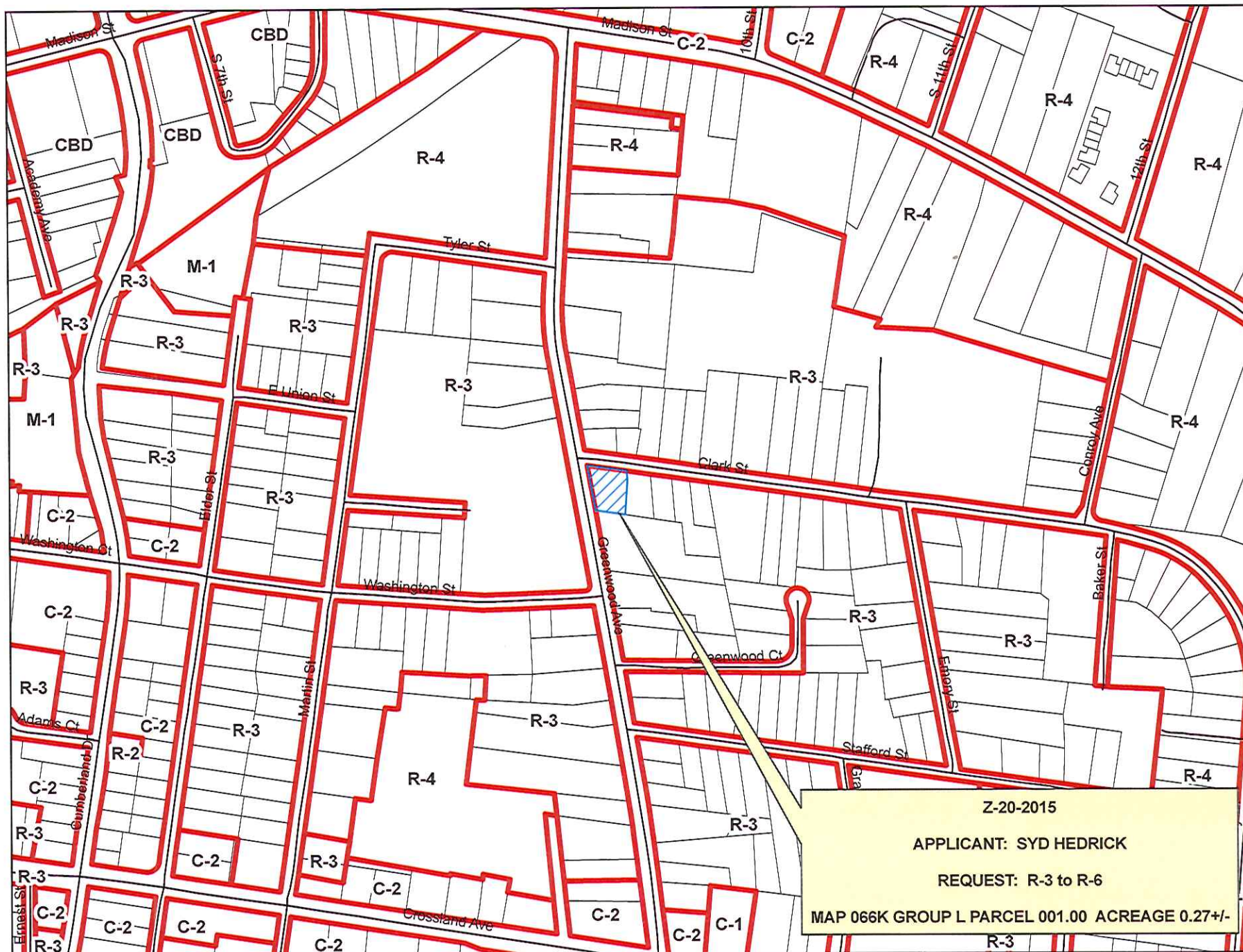
APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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: **DISAPPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and inconsistent with adopted Land Use Plan.
2. Proposed R-6 zoning would permit lot sizes that are out of character with established surrounding single family uses.
3. No adverse environmental issues were identified relative to this request.
4. Adequate infrastructure serves the site.

5.



CASE NUMBER: Z 20 2015 MEETING DATE 7/29/2015

APPLICANT: Syd Hedrick

PRESENT ZONING R-3 PROPOSED ZONING R-6

TAX PLAT # 66-K-L PARCEL 1.00

GEN. LOCATION southeast corner of Greenwood Ave. & Clark St. intersection.

PUBLIC COMMENTS

Amy Lopez- Email in File
Michael Lopez- Email in File

Spainhoward, John T

From: Spainhoward, John T
Sent: Friday, July 24, 2015 8:14 AM
To: 'Historical Treasures Apartments'
Subject: RE: Recommendation for Zoning of Greenwood and Clark

Ms. Lopez,
Your comments have been received and will be placed in the file of **Z-20-2015** as part of the public record.

John T. Spainhoward, Jr.

Zoning Coordinator / Planner
Clarksville Montgomery County
Regional Planning Commission
329 Main Street, Clarksville, TN 37040
931-645-7448
www.cmcrpc.com

From: Historical Treasures Apartments [mailto:historicaltreasuresapartments@gmail.com]
Sent: Thursday, July 23, 2015 4:27 PM
To: Spainhoward, John T
Subject: Recommendation for Zoning of Greenwood and Clark

Good Afternoon John,

I have spoken to Mr. Hedrick regarding his request for rezoning on Greenwood and Clark street and believe that his intent to rezone to allow for single family development is more in tune with the area and will be a greater asset to the area in comparison with the current allowable use (which would be for a duplex). As a resident and property owner in the area, I would prefer to see additional single family development for homes which can be purchased to help meet the needs of affordable housing for prospective homeowners. There are several duplexes and tri-plexes and four unit buildings in the area which are conversions; however, since those buildings reach the end of their useful life and have to be replaced we desire to see single family residential and help to bring Clarksville back into its heyday.

Warm Regards,



Spainhoward, John T

7-20-2015

From: Michael Hampton <mikeahampton@gmail.com>
Sent: Tuesday, July 28, 2015 9:55 PM
To: Spainhoward, John T
Subject: Rezoning Proposal for 507 Greenwood Ave

Mr Spainhoward,

I wanted to voice my opinion regarding the proposal to rezone the lot on 507 Greenwood Ave at the corner of Greenwood and Clark St. I am a resident and homeowner on Greenwood Ave. I think that rezoning the proposed piece of property will unlock its potential and attract young homeowners that can help in the revitalization of our street and neighborhood. As a part of this neighborhood I would like to see detached single family units built that can attract young families.

I have spoken with Mr. Hedrick and I think that he has a great plan that will benefit the quality of our neighborhood and our home values. I would love to see this plan carried out and support that rezoning of this property at 507 Greenwood Ave to R-6 to make this plan possible. I know that the planning commission has to look at worse case scenario of zoning implications. As it sits in its current zoning the worse case scenario in my mind is a triplex (which may be possible with an updated survey). The worse case scenario in a rezoned R-6 is five single family units. I know that Mr Hedrick has proposed dividing into three single family units on the property and I believe that anything more than that would be unwise as a business plan for Mr Hedrick and so his best interest of three units also fits the best interest of our neighborhood. I believe that the worse case scenario of both R3 and R6 are comparable. I believe that the opportunity and reward of rezoning this property to R6 definitely outweigh the risk of this change.

I thank you for your time and support the rezoning of this property to R-6.

Sincerely,

Michael Hampton

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 7/29/2015

CASE NUMBER: Z - 21 - 2015

NAME OF APPLICANT: Action Properties

AGENT: John

Kraeske

GENERAL INFORMATION

PRESENT ZONING: M-1

PROPOSED ZONING: C-2

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT Owner wishes to build commercial retail center on site - not allowed under current
FOR PROPOSED USE: zoning.

PROPERTY LOCATION: Property fronting on the north frontage of Kraft Street 590 +/- feet northeast of the
Kraft St. & Providence Blvd. intersection.

ACREAGE TO BE REZONED: 1.57 +/-

DESCRIPTION OF PROPERTY Vacant lot M-1 lots. Previous commercial structures have been demolished.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY TAX PLAT: 55-O-A

PARCEL(S): 10.00, 11.00 &
12.00

CIVIL DISTRICT: 12th

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 17

PREVIOUS ZONING HISTORY:

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

No Traffic Study. Access Appeal Granted.

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.

No Comment(s) Received

7. POLICE DEPT/SHERIFF'S OFFICE:

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

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

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.

11. OTHER COMMENTS:

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: KRAFT ST.

DRAINAGE:
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:

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

STAFF RECOMMENDATION: APPROVAL

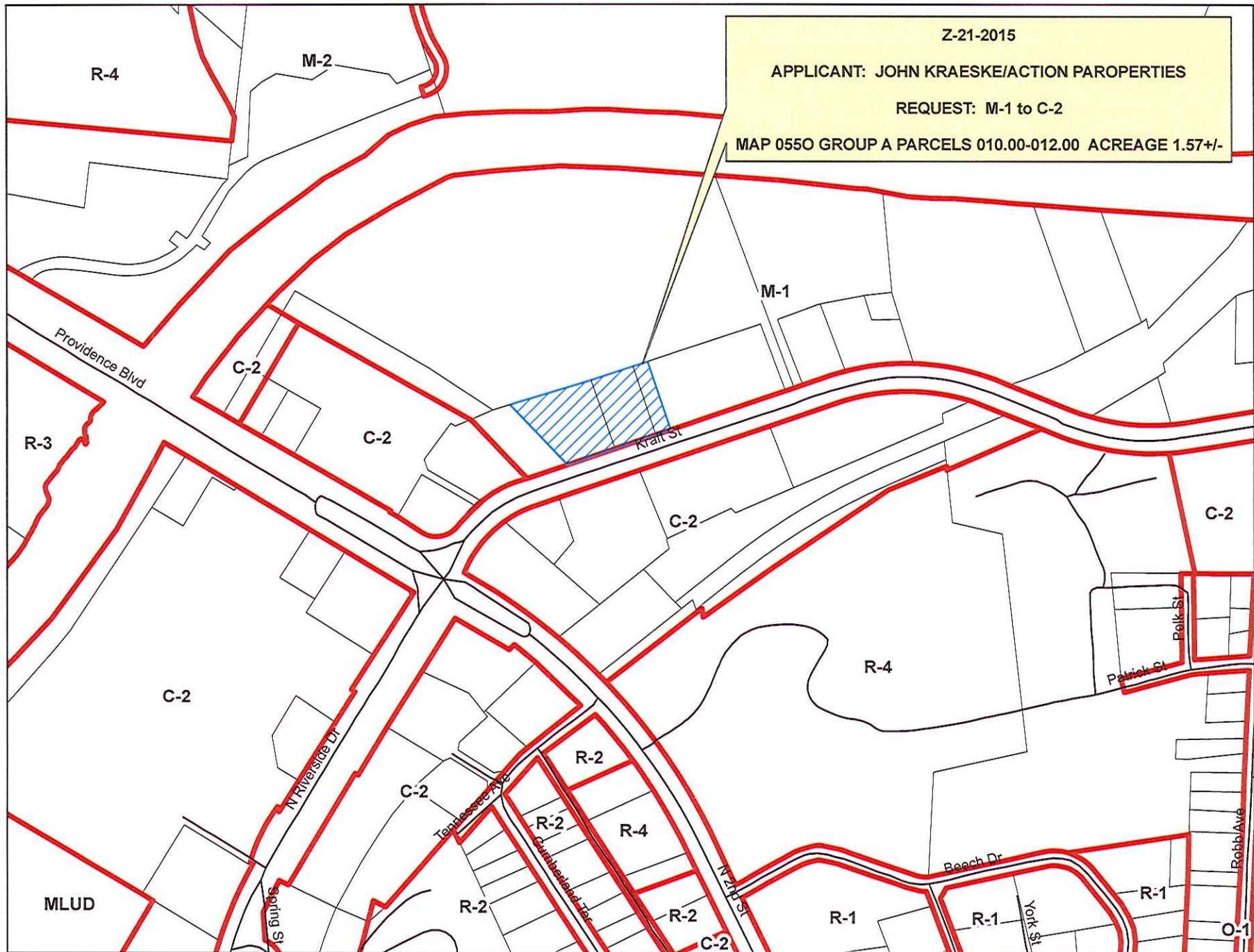
- 1.** The proposed zoning request is consistent with Growth Plan (as in the County) and adopted Land Use Plan.
- 2.** Proposed C-2 request brings proposed commercial retail development into zoning compliance and is consistent with the transition towards retail development at the west end of Kraft Street.
- 3.** No adverse environmental issues were identified relative to this request.
- 4.** Adequate infrastructure serves the site.
- 5.**

Z-21-2015

APPLICANT: JOHN KRAESKE/ACTION PAROPERTIES

REQUEST: M-1 to C-2

MAP 0550 GROUP A PARCELS 010.00-012.00 ACREAGE 1.57+/-



CASE NUMBER: Z 21 2015 MEETING DATE 7/29/2015

APPLICANT: Action Properties

PRESENT ZONING M-1

PROPOSED ZONING C-2

TAX PLAT # 55-O-A

PARCEL 10.00, 11.00 & 12.00

GEN. LOCATION Property fronting on the north frontage of Kraft Street 590 +/- feet northeast of the Kraft St. & Providence Blvd. intersection.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 7/29/2015 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RPC MEETING DATE: 7/29/2015

CASE NUMBER: Z - 22 - 2015

NAME OF APPLICANT: Huneycutt

Prop L P

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-1

PROPOSED ZONING: C-2

EXTENSION OF ZONE
CLASSIFICATION: YES

APPLICANT'S STATEMENT
FOR PROPOSED USE:

PROPERTY LOCATION: Property located at the northeast corner of the Warfield Blvd. & Stokes Rd.
intersection.

ACREAGE TO BE REZONED: 0.52

DESCRIPTION OF PROPERTY Corner lot with single family residential home.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY TAX PLAT: 41-L-A

PARCEL(S): 18.00

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

PREVIOUS ZONING HISTORY:
(to include zoning, acreage and
action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

No Access To Warfield Blvd. No Traffic Study.

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.

No Comment(s) Received

7. POLICE DEPT/SHERIFF'S OFFICE:

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

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

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.

11. OTHER COMMENTS:

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: STOKES RD.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

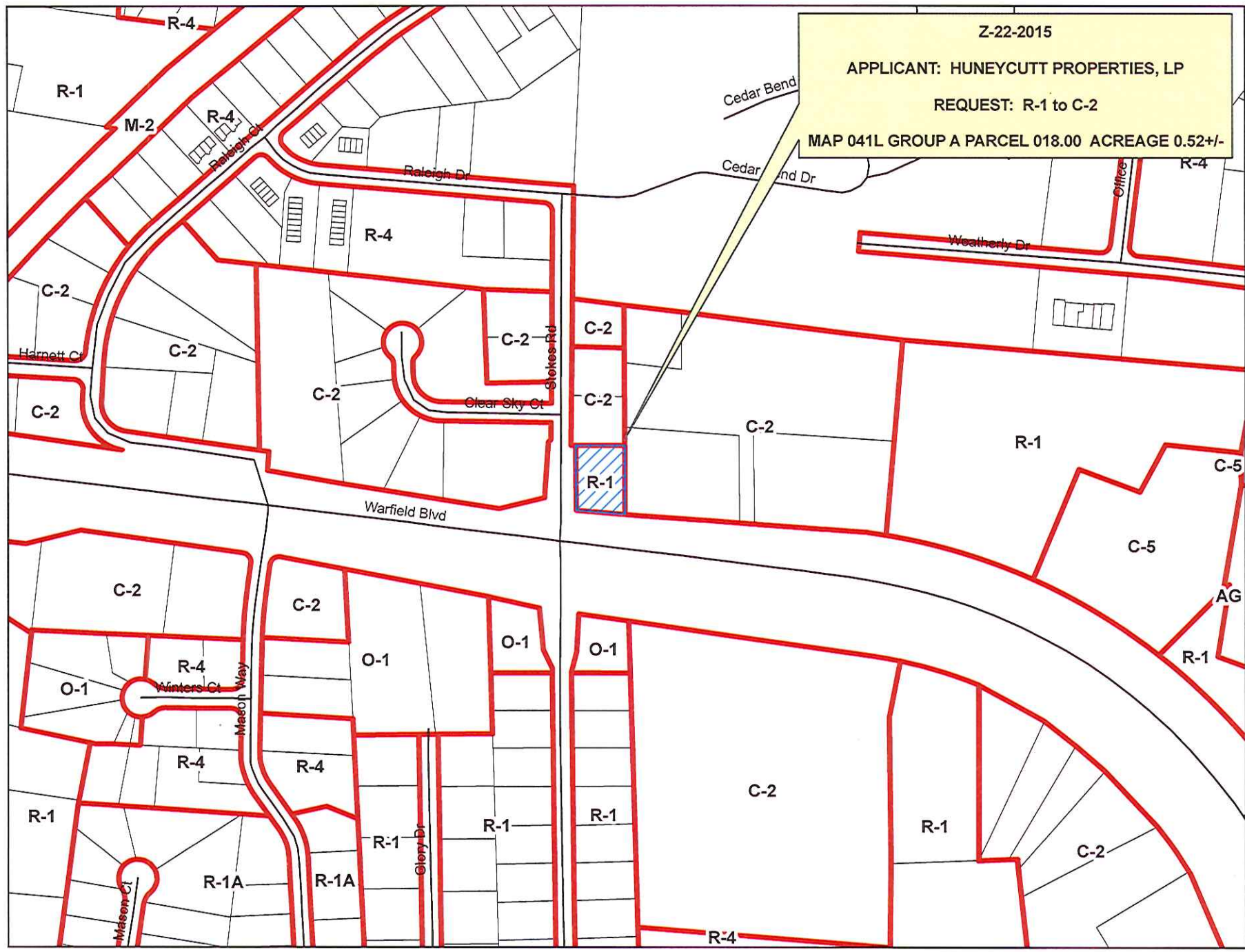
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Rossvie 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 County) and adopted Land Use Plan.
- 2.** The C-2 zoning request is an extension of the established C-2 zoning surrounding the subject property.
- 3.** No adverse environmental issues were identified relative to this request.
- 4.** Adequate infrastructure serves the site.
- 5.**



Z-22-2015
APPLICANT: HUNEYCUTT PROPERTIES, LP
REQUEST: R-1 to C-2
MAP 041L GROUP A PARCEL 018.00 ACREAGE 0.52+/-

CASE NUMBER: Z 22 2015 **MEETING DATE** 7/29/2015

APPLICANT: Huneycutt Prop L P

PRESENT ZONING R-1

PROPOSED ZONING C-2

TAX PLAT # 41-L-A

PARCEL 18.00

GEN. LOCATION Property located at the northeast corner of the Warfield Blvd. & Stokes Rd.
intersection.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 7/29/2015 (jhb).

ORDINANCE 5-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JASON LEE SENSENEY FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF OAK STREET AND PROVIDENCE BOULEVARD

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

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

DEFERRED: July 2, 2015 by Applicant

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 109 +/- feet east of the centerline of the intersection of Providence Blvd. & Power St., said point being the southwest corner of the subject tract, further identified as the southeast corner of Forest C. Ratchford III property, thence in northerly direction 53 +/- feet with the Forest C. Ratchford III east property line to a point, said point being in the southern boundary of the Forest C. Ratchford III property, thence in an easterly direction 103 +/- feet to a point said point being in the western ROW margin of an unnamed alley, thence in a southerly direction 116 +/- feet with the unnamed alley to a point said point being in the norther ROW margin of Providence Blvd., thence in a westerly direction 134 +/- feet to the point of beginning, said tract containing 10271 +/- sq. feet, 0.24 +/- acres. further identified as (Tax Map 55-H-H, Parcel 24.00)

ORDINANCE 18-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SYD HEDRICK FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF GREENWOOD AVENUE AND CLARK STREET

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-6 Single Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin at the intersection of the east margin of Greenwood Ave. and the south side of Clark St., and runs thence with the south line of Clarks Street, back of the sidewalk serving same, south 84 degrees 103.77 feet to an iron pin; thence on a new line south 11 degrees 22 minutes east 31.95 feet; thence south 3 degrees 39 minutes east 93.53 feet to an iron pin; thence north 85 degrees 31 minutes west 83.83 feet to an iron pin in the south margin of Greenwood Ave, back of sidewalk, north 19 degrees 03 minutes west 129 feet to the point of beginning. containing 0.27 +/- acres, further identified as (Tax Map 66-K-L, Parcel 1.00)

ORDINANCE 19-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF ACTION PROPERTIES, JOHN KREASKE-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF KRAFT STREET AND PROVIDENCE BOULEVARD

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point 450 +/- feet northwest of the Kraft St. and Providence Blvd. intersection said point further identified as the southeast corner of the ACI Development Group Property and located in the northern ROW of Kraft St., thence in a northerly direction 232 +/- feet with the eastern boundary of the ACI Development Group property to a point, said point being located in the southern boundary of the Harry L. Arthur property, thence in a easterly direction 402 +/- with the Harry L. Arthur property to a point said point being the northwest corner of the John D. Kraeske, thence in a southerly direction 202 +/- feet with the western boundary of the Kraeske property to a point, said point being in the northern ROW of Kraft St., thence in a westerly direction 305 +/- feet with the northern ROW of Kraft St. to the point of beginning, said tract containing 1.57 +/- acres, further identified as (Tax Map 55-O-A, Parcel(s) 10.00, 11.00 & 12.00)

ORDINANCE 20-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HUNEYCUTT PROPERTIES, L.P., FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF WARFIELD BOULEVARD AND STOKES 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-2 General Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Being Lot. No. 22 and section of Lot No. 21 Volunteer Estates Subdivision Section 1, Beginning at a concrete marker in the northerly right of way of Warfield Boulevard; thence north 4 degrees 13 minutes 32.7 seconds west 33.49 feet to the line by plat of Lot no. 22 thence 129.96 feet to an existing iron pin, for a total of 162.75 feet; thence north 85 degrees 46 minutes 27.3 seconds east 140.673 feet to an existing iron pin; thence south 5 degrees 34 minutes 53.4 seconds east 129.296 feet to the line by plat of Lot no. 2; thence 54.90 feet to the right of way, for a total of 184.10 feet; thence north 85 degrees 52 minutes 23 seconds west 146.58 feet to the point of beginning, said tract containing 0.52 +/- acres, further identified as (Tax Map 41-L-A, Parcel 18.00)

RESOLUTION 6-2014-15

A RESOLUTION ADOPTING THE “2040 METROPOLITAN TRANSPORTATION PLAN” AND THE “CLARKSVILLE-MONTGOMERY COUNTY GREENWAY AND BLUEWAY MASTER PLAN 2014 UPDATE” AS ELEMENTS OF THE CLARKSVILLE-MONTGOMERY COUNTY GENERAL REGIONAL PLAN, AS RECOMMENDED BY THE CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

WHEREAS, the “Clarksville-Montgomery County Land Use Plan Update: 2003-2023” is the General Regional Plan (generically known as the “comprehensive plan”) for the physical development of the region (consisting of the City of Clarksville and Montgomery County) under TCA 13-3-301, and was adopted by the Clarksville-Montgomery County Regional Planning Commission on January 28, 2004, by the Montgomery County Board of Commissioners on March 8, 2004 and by the Clarksville City Council on April 1, 2004; and

WHEREAS, the “Clarksville-Montgomery County Growth Plan” (February 2000) was prepared in response to Tennessee Public Chapter 1101 (May 1, 1998) to address the public service needs of growing residential areas, to maintain the character of rural areas, and to determine appropriate boundaries for the expansion for municipal boundaries; established guidance for residential development and residential densities by designating appropriate zoning densities outside the City of Clarksville in the Urban Growth Boundary Areas (where sanitary sewers and waterlines are readily available and into which areas the City of Clarksville must first expand), the Planned Growth Areas (where sanitary sewers and waterlines may be extended into portions of the area over the next 20 years) and Rural Areas (where the rural character of low-density, isolated and scattered residential development is to be preserved); was adopted by the Clarksville City Council on October 7, 1999, by the Growth Plan Coordinating Committee (which includes all members of the Clarksville-Montgomery County Regional Planning Commission plus additional community representatives appointed by the City and County Mayors) on January 24, 2000, by the Montgomery County Board of Commissioners on February 14, 2000, and by the Local Government Planning Advisory Committee of the Tennessee Department of Economic and Community Development on April 26, 2000; was duly recorded at the Montgomery County Register’s Office on May 16, 2000; and was incorporated by reference into the “Clarksville-Montgomery County Land Use Plan Update: 2003-2023”; and

WHEREAS, the 2012 Update to the “Clarksville-Montgomery County Growth Plan” affirmed that the County-wide population projections of the 2000 Growth Plan were still valid, recognized greater population growth in the unincorporated areas than originally forecasted, amended the allowable zoning districts to increase residential

densities in Planned Growth Area 4 (encompassing the Clarksville-Montgomery County Industrial Park and into which sanitary sewers had been extended), and was adopted by the Growth Plan Coordinating Committee on September 26, 2012, by the Clarksville City Council on October 4, 2012, by the Montgomery County Board of Commissioners on October 8, 2012, and by the Local Government Planning Advisory Committee of the Tennessee Department of Economic and Community Development on October 24, 2012; and was duly recorded at the Montgomery County Register's Office on February 7, 2013; and

WHEREAS, the "Regional Long Range Transportation Plan for Clarksville, Tennessee-Kentucky Metropolitan Area" (November 1995) constitutes the Transportation Element of the General Regional Plan, meets the requirements of a "major road plan" under TCA 13-3-402 and a "major street plan" under TCA 13-3-302, was adopted by the Clarksville Urban Area Metropolitan Planning Organization (CUAMPO) Executive Board (comprised of the chief elected officials of state and local governments) on November 21, 1995, by the Clarksville-Montgomery County Regional Planning Commission on February 27, 1996, by the Clarksville City Council on May 7, 1996, and by the Montgomery County Board of Commissioners on May 13, 1996; and was duly recorded at the Montgomery County Register's Office on May 29, 1996; and

WHEREAS, the "Regional Long Range Transportation Plan" has been subsequently updated as the "2000-2025 Long Range Transportation Plan" adopted by the CUAMPO Executive Board on October 25, 2000, as the "2005-2030 Long Range Transportation Plan" adopted by the CUAMPO Executive Board on July 28, 2005, as the "2035 Metropolitan Transportation Plan" adopted by the CUAMPO Executive Board on February 27, 2010, and as the "2040 Metropolitan Transportation Plan" adopted by the CUAMPO Executive Board on February 20, 2014; and

WHEREAS, the updates to the Regional Long Range Transportation Plan of November 1995 have been in practice considered to the Transportation Element of the General Regional Plan, and the "2000-2025 Long Range Transportation Plan" was incorporated by reference into the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023"; and

WHEREAS, the "Clarksville-Montgomery County Greenway Master Plan" of November 1999 was incorporated by reference into the Long Range/Metropolitan Transportation Plans and the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023"; and

WHEREAS, the "Clarksville-Montgomery County Greenway and Blueway Master Plan: 2014 Update" was prepared as an update to the 1999 "Clarksville-Montgomery County

Greenway Master Plan” with the participation of the Clarksville-Montgomery County Regional Planning Commission Board and Staff; and

WHEREAS, after thirty (30) days of public notice on May 22, 2015, the Clarksville-Montgomery Regional Planning Commission held a public hearing without objection; adopted the “2040 Metropolitan Transportation Plan” as the Transportation Element of the “Clarksville-Montgomery County Land Use Plan Update: 2003-2023” [serving as the General Regional Plan (generically known as the “comprehensive plan”) under TCA 13-3-301] and the “Clarksville-Montgomery County Greenway and Blueway Master Plan: 2014 Update” as complementary to the bicycle, pedestrian and trail components of the Transportation Element and as an elaboration of the Open Space and Recreation Element of the “Clarksville-Montgomery County Land Use Plan Update: 2003-2023”; and certified these amendments to the General Regional Plan to the Clarksville City Council recommending their consideration and adoption.

NOW THEREFORE BE IT RESOLVED, that after thirty (30) days of public notice per TCA 13-3-301(b) and a public hearing, the City Council of the City of Clarksville hereby adopts the “2040 Metropolitan Transportation Plan” as the Transportation Element of the General Regional Plan (per TCA 13-3-301 and 302), and the “Clarksville-Montgomery County Greenway and Blueway Master Plan: 2014 Update” as complementary to the bicycle, pedestrian and trail components of said Transportation Element and as an elaboration of the Open Space and Recreation Element of the General Regional Plan (the “Clarksville-Montgomery County Land Use Plan Update: 2003-2023”).

ADOPTED:

Publish (minimum of 30 days before public hearing): June 30, 2015

Charge: Clarksville City Clerk's Office

NOTICE OF PUBLIC HEARING

Pursuant to Tennessee Code Annotated 13-3-301, the City Council of the City of Clarksville, Tennessee, will hold a public hearing and consider amendments to the Clarksville-Montgomery County General Regional Plan (known generically as the Comprehensive Plan) during the regular session of the City Council to be held on Thursday, August 6, 2015, at 7:00 PM in the City Council Chambers, 106 Public Square, Clarksville, Tennessee 37040. (These facilities are handicapped accessible and anyone needing a special accommodation should call the City Clerk at 931-645-7497.) The amendments involve approving the "2040 Metropolitan Transportation Plan" (previously adopted by the Clarksville Urban Area Metropolitan Planning Organization on February 20, 2014) as the "Transportation Element" of the "General Regional Plan" and approving the "Greenway and Blueway Master Plan 2014 Update" as complementary to the bicycle, pedestrian and trail components of the "Transportation Element" and as an elaboration of the "Open Space and Recreation Element" of the "General Regional Plan." The General Regional Plan is titled the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023" and may be found on the Planning Commission website (CMCRPC.com) under the "About Us" tab: <http://www.cmcrpc.com/pdf/Land%20Use%20Update%20Narrative%20-%20new.pdf>. The "2040 Metropolitan Transportation Plan" is found on the Planning Commission website under the "About Us" tab: http://www.cmcrpc.com/pdf/Final2040MTP_Feb2014.pdf. The "Greenway and Blueway Master Plan 2014 Update" is found on the Planning Commission website under the "About Us" tab: <http://www.cmcrpc.com/pdf/GreenwayBluewayMasterPlan2015-05-07.pdf>. Hard copies of these documents are available for inspection and copying at the Regional Planning Commission offices during regular business hours 8:00 AM to 4:30 PM, Monday through Friday, at 329 Main Street.

RESOLUTION 2015-01

APPROVING THE "2040 METROPOLITAN TRANSPORTATION PLAN" AND THE "CLARKSVILLE-MONTGOMERY COUNTY GREENWAY AND BLUEWAY MASTER PLAN 2014 UPDATE" AS ELEMENTS OF THE CLARKSVILLE-MONTGOMERY COUNTY GENERAL REGIONAL PLAN

WHEREAS, the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023" is the General Regional Plan (generically known as the "comprehensive plan") for the physical development of the region (consisting of the City of Clarksville and Montgomery County) under TCA 13-3-301, and was adopted by the Clarksville-Montgomery County Regional Planning Commission on January 28, 2004, by the Montgomery County Board of Commissioners on March 8, 2004 and by the Clarksville City Council on April 1, 2004; and

WHEREAS, the "Clarksville-Montgomery County Growth Plan" (February 2000) was prepared in response to Tennessee Public Chapter 1101 (May 1, 1998) to address the public service needs of growing residential areas, to maintain the character of rural areas, and to determine appropriate boundaries for the expansion for municipal boundaries; established guidance for residential development and residential densities by designating appropriate zoning densities outside the City of Clarksville in the Urban Growth Boundary Areas (where sanitary sewers and waterlines are readily available and into which areas the City of Clarksville must first expand), the Planned Growth Areas (where sanitary sewers and waterlines may be extended into portions of the area over the next 20 years) and Rural Areas (where the rural character of low-density, isolated and scattered residential development is to be preserved); was adopted by the Clarksville City Council on October 7, 1999, by the Growth Plan Coordinating Committee (which includes all members of the Clarksville-Montgomery County Regional Planning Commission plus additional community representatives appointed by the City and County Mayors) on January 24, 2000, by the Montgomery County Board of Commissioners on February 14, 2000, and by the Local Government Planning Advisory Committee of the Tennessee Department of Economic and Community Development on April 26, 2000; was duly recorded at the Montgomery County Register's Office on May 16, 2000; and was incorporated by reference into the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023"; and

WHEREAS, the 2012 Update to the "Clarksville-Montgomery County Growth Plan" affirmed that the County-wide population projections of the 2000 Growth Plan were still valid, recognized greater population growth in the unincorporated areas than originally forecasted, amended the allowable zoning districts to increase residential densities in Planned Growth Area 4 (encompassing the Clarksville-Montgomery County Industrial Park and into which sanitary sewers had been extended), and was adopted by the Growth Plan Coordinating Committee on September 26, 2012, by the Clarksville City Council on October 4, 2012, by the Montgomery County Board of Commissioners on October 8, 2012, and by the Local Government Planning Advisory Committee of the Tennessee Department of Economic and Community Development on October 24, 2012; and was duly recorded at the Montgomery County Register's Office on February 7, 2013; and

WHEREAS, the "Regional Long Range Transportation Plan for Clarksville, Tennessee-Kentucky Metropolitan Area" (November 1995) constitutes the Transportation Element of the General Regional Plan, meets the requirements of a "major road plan" under TCA 13-3-402 and a "major street plan" under TCA 13-3-302, was adopted by the Clarksville Urban Area Metropolitan Planning Organization (CUAMPO) Executive Board (comprised of the chief elected officials of state and local governments) on November 21, 1995, by the Clarksville-Montgomery County Regional Planning Commission on February 27, 1996, by the Clarksville City Council on May 7, 1996, and by the Montgomery County Board of Commissioners on May 13, 1996; and was duly recorded at the Montgomery County Register's Office on May 29, 1996; and

WHEREAS, the "Regional Long Range Transportation Plan" has be subsequently updated as the "2000-2025 Long Range Transportation Plan" adopted by the CUAMPO Executive Board on October 25, 2000, as the "2005-2030 Long Range Transportation Plan" adopted by the CUAMPO Executive Board on July 28, 2005, as the "2035 Metropolitan Transportation Plan" adopted by the CUAMPO Executive Board on February 27, 2010, and as the "2040 Metropolitan Transportation Plan" adopted by the CUAMPO Executive Board on February 20, 2014; and

WHEREAS, the updates to the Regional Long Range Transportation Plan of November 1995 have been in practice considered to the Transportation Element of the General Regional Plan, and the "2000-2025 Long Range Transportation Plan" was incorporated by reference into the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023"; and

WHEREAS, the "Clarksville-Montgomery County Greenway Master Plan" of November 1999 was incorporated by reference into the Long Range/Metropolitan Transportation Plans and the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023"; and

WHEREAS, the "Clarksville-Montgomery County Greenway and Blueway Master Plan: 2014 Update" was prepared as an update to the 1999 "Clarksville-Montgomery County Greenway Master Plan" with the participation of the Clarksville-Montgomery County Regional Planning Commission Board and Staff; and

NOW THEREFORE BE IT RESOLVED, that after thirty (30) days of public notice and a public hearing, the Clarksville-Montgomery Regional Planning Commission adopts the ""2040 Metropolitan Transportation Plan" as the Transportation Element of the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023" serving as the General Regional Plan (generically known as the "comprehensive plan") under TCA 13-3-301, and adopts the "Clarksville-Montgomery County Greenway and Blueway Master Plan: 2014 Update" as complementary to the bicycle, pedestrian and trail components of the Transportation Element and as an elaboration of the Open Space and Recreation Element of the "Clarksville-Montgomery County Land Use Plan Update: 2003-2023."

RESOLUTION APPROVED: June 24, 2015

Authorized Signature:



Richard Swift, Chair
Clarksville-Montgomery County Regional Planning Commission

RESOLUTION 2015-02

CERTIFICATION TO THE CITY COUNCIL OF THE REGIONAL PLANNING COMMISSION ADOPTION OF THE “2040 METROPOLITAN TRANSPORTATION PLAN” AND THE “CLARKSVILLE-MONTGOMERY COUNTY GREENWAY AND BLUEWAY MASTER PLAN 2014 UPDATE” AS ELEMENTS OF THE CLARKSVILLE-MONTGOMERY COUNTY GENERAL REGIONAL PLAN, AND RECOMMENDATION TO THE CITY COUNCIL TO CONSIDER AND ADOPT THESE AMENDMENTS TO THE GENERAL REGIONAL PLAN

WHEREAS, after thirty (30) days of public notice on May 22, 2015, the Clarksville-Montgomery Regional Planning Commission held a public hearing on June 24, 2015, without objection and adopted the “2040 Metropolitan Transportation Plan” as the Transportation Element of the “Clarksville-Montgomery County Land Use Plan Update: 2003-2023” [serving as the General Regional Plan (generically known as the “comprehensive plan”) under TCA 13-3-301] and the “Clarksville-Montgomery County Greenway and Blueway Master Plan: 2014 Update” as complementary to the bicycle, pedestrian and trail components of the Transportation Element and as an elaboration of the Open Space and Recreation Element of the “Clarksville-Montgomery County Land Use Plan Update: 2003-2023.”

NOW THEREFORE BE IT RESOLVED, the Clarksville-Montgomery County Regional Planning Commission certifies these amendments to the General Regional Plan to the Clarksville City Council recommending their consideration and adoption.

RESOLUTION APPROVED: June 24, 2015

Authorized Signature:



Richard Swift, Chair

Clarksville-Montgomery County Regional Planning Commission

ORDINANCE 1-2015-16

AN ORDINANCE AMENDING THE OFFICIAL CODE, TITLE 1, "ADMINISTRATION, OFFICERS, AND PERSONNEL," CHAPTER 15, "OCCUPATIONAL SAFETY AND HEALTH PROGRAM"

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

That Title 1, Chapter 15, of the Official Code of the City of Clarksville, Tennessee is hereby amended by deleting the chapter in its entirety and by substituting instead the following:

Chapter 15 - OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Sec. 1-1501. - Authority and title.

This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of Clarksville.

(1963 Code, § 9-31)

Sec. 1-1502. - Purpose.

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

- (1) Provide a safe and healthful place and condition of employment by
 - a. Engaging Top Management Commitment and Employee Involvement;
 - b. Continually analyzing the worksite to identify all hazards and potential hazards;
 - c. Developing and maintaining methods for preventing or controlling existing or potential hazards; and
 - d. Training managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the Commissioner of Labor and Workforce Development, or its designated representative with regard to the adequacy of the form and content of records.

- (5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.
- (6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- (7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program.

(1963 Code, § 9-32)

Sec. 1-1503. - Definitions.

For the purpose of the program established pursuant to this chapter:

- (1) Appointing authority means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division, or other agency of the city.
- (2) Commissioner of Labor and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- (3) Health and Safety Manager means the chief executive officer designated by the city to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's occupational safety and health program.
- (4) Employee means any person performing services for the city as listed on city payrolls either as part-time, seasonal, or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.
- (5) Employer means the city, and shall include each administrative department, commission, board, division, or other agency of the city.
- (6) Establishment or workplace means a single physical location under the control of the employer where business is conducted or where services or industrial operations are performed.
- (7) Imminent danger means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal enforcement procedures.

- (8) Inspector means each individual(s) appointed and designated by the Health and Safety Manager to conduct inspections provided for herein. If no such compliance inspector is appointed, the inspections shall be conducted by the Health and Safety Manager.
- (9) Person means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.
- (10) Standard means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes necessary or appropriate to provide safe and healthful employment and places of employment.
(1963 Code, § 9-33)

Sec. 1-1504. - Coverage.

The provisions of the program shall apply to employees of each administrative department, commission, board, division, or other agency of the city.
(1963 Code, § 9-34)

Sec. 1-1505. - Employer's rights and duties.

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

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

- (5) Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- (6) Employer shall inspect all installations, departments, bureaus, and offices to ensure the provisions of this program are complied with and carried out.
- (7) Employer shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard, of corrective action being taken by the city.
- (8) Employer is entitled to protection of its legally privileged communications.
(1963 Code, § 9-35)

Sec. 1-1506. - Employees' rights and duties.

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

- (1) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.
- (2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.
- (3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.
- (4) Any employee may bring to the attention of the person in charge of the program any violation or suspected violation of the standards or other health or safety hazard.
- (5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken.
- (6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Health and Safety Manager or inspector at the time of the physical inspection of the worksite.
- (7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any inspection under or relating to this program. Any such charges of discrimination are subject to investigation by the Commissioner of Labor and Workforce Development.

- (8) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, and except when such medical examination is reasonably required for performance of a specified job.

(1963 Code, § 9-36)

Sec. 1-1507. - Standards authorized.

The standards adopted by the City of Clarksville are the State of Tennessee safety and health standards developed under Section 6 of the State Occupational Safety and Health Act of 1972.

(1963 Code, § 9-37)

Sec. 1-1508. - Variances from standards authorized.

The City of Clarksville may, upon written application to the Commissioner of Labor and Workforce Development, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city or the city's website shall be deemed sufficient notice to employees.

(1963 Code, § 9-38)

Sec. 1-1509. - Abatement.

The program will provide for administrative procedures for abating hazard.

(1963 Code, § 9-39)

Sec. 1-1510. - Inspection.

- (1) In order to carry out the purposes of this program resolution, the Health and Safety Manager and any inspectors are authorized:
- (a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the City of Clarksville and,
 - (b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- (2) The City of Clarksville shall establish and maintain a system for collecting, maintaining, and reporting safety and health data.

- (3) The program shall comply with the record keeping regulations and reporting requirements for occupational illness and injury pursuant to the Tennessee Occupational Safety and Health Act of 1972.
(1963 Code, § 9-40)

Sec. 1-1511. - Administration.

For the purpose of this chapter, the mayor has the authority to designate the Health and Safety Manager to perform duties or to exercise powers assigned to plan, develop, and administer the city's occupational safety and health program.
(1963 Code, § 9-41)

Sec. 1-1512. - Funding the program.

Sufficient funds for administering the program pursuant to this chapter shall be made available as authorized by the budgeting authority.
(1963 Code, § 9-42)

Sec. 1-1513. - Compliance with other laws, etc.

- (1) Compliance with any other law, statute, or city ordinance which regulates safety and health in employment and places of employment shall not excuse the city or any city employee or any other person from compliance with the provisions of this program.
- (2) Compliance with any provisions of the program pursuant to this chapter or any standard or regulation promulgated pursuant to this program shall not excuse the city or any city employee or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed.
(1963 Code, § 9-43)

Cross reference— Public employees to obey traffic regulations, § 9-102.

FIRST READING: July 2, 2015
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 2-2015-16

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM DHE PARTNERS TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF A SANITARY SEWER PUMP STATION KNOWN AS THE DEER HOLLOW PUMP STATION

WHEREAS, DHE PARTNERS, a Tennessee General Partnership, has agreed to donate certain real property to the City of Clarksville for the placement and operation of a sanitary sewer pump station within Deer Hollow Estates, known as the Deer Hollow Pump Station; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from DHE PARTNERS be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from DHE PARTNERS, a Tennessee General Partnership, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 1490, Page 1333, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING: July 2, 2015

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

DHE Partners property
1885 Red Fox Trail
0.28 acres

Map 29O, parcel D 2.01
Recorded in Volume 1490, pg 1333 R.O.M.C.T.
Civil District 3rd

Being the triangular parcel joining Lot 2 on the recorded replat of Deer Hollow Estates, Section 1 in Plat Book G, page 188 ROMCT shown as "Dedicated to City of Clarksville for utility uses".

Also described as follows:

Beginning at a new iron pin in the north margin of Dewberry Road, 25' from centerline, said iron pin being the southwest corner of Lot 2, Deer Hollow Estates, Section 1 replat (recorded in Plat Book G, page 188) and also being North 71 Degrees 17 Minutes 50 Seconds West 54.99 feet the centerline intersection of from Red Fox Trail and Dewberry Road; thence with a curve turning to the right with an arc length of 36.90', with a radius of 25.00', with a chord bearing of North 39 Degrees 22 Minutes 18 Seconds West , with a chord length of 33.64' to a point on the east margin of Red Fox Trail; thence along said margin on a reverse curve turning to the left with an arc length of 149.74', with a radius of 237.73', with a chord bearing of North 15 Degrees 07 Minutes 39 Seconds West , with a chord length of 147.28' to a new iron pin; thence along the Anne Cunningham property (recorded in volume 20, page 357) and Hazel Lou Swinford property (recorded in volume 449, page 457) South 79 Degrees 56 Minutes 36 Seconds East 157.16 feet to a new iron pin the northwest corner of Lot 2, Deer Hollow Estates, Section 1 replat (recorded in Plat Book G, page 188); thence along the west property line of Lot 2 South 34 Degrees 00 Minutes 38 Seconds West 169.78 feet to the point of beginning having an area of 0.28 acres as surveyed by Ben R. Weakley, RLS 1457 of Weakley Brothers Engineering on February 26, 2014, Job Number 10181.

ORDINANCE 3-2015-16

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF LAWSON MABRY FOR PROPERTY LOCATED AT LAFAYETTE ROAD

WHEREAS, proper application has been made by Cal McKay, DBS Engineering, on behalf of Lawson Mabry, for extensions of City utility service to property located at Cmap 44, Parcel 19.00 with the property address of Lafayette Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

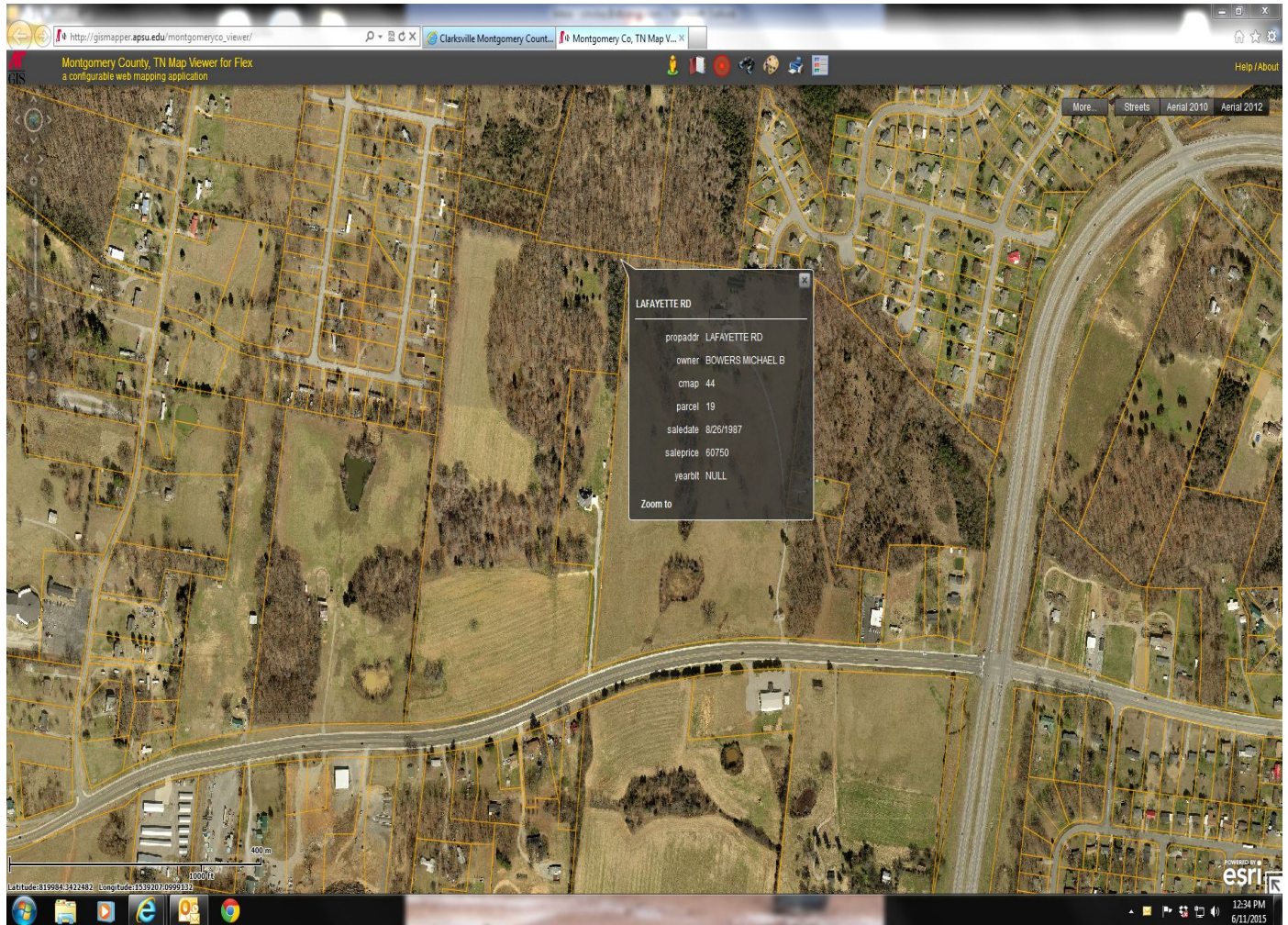
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 44, Parcel 19.00, with the property address of Lafayette Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING: July 2, 2015

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



ORDINANCE 4-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF GREENSPACE PARTNERS FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF ASHLAND CITY ROAD AND AVONDALE DRIVE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as R-4 Multiple Family Residential District and C-2 General Commercial District.

PUBLIC HEARING: July 2, 2015

FIRST READING: July 2, 2015

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

C-2 Request: Beginning at the southwest corner of the parent tract in the northerly margin of the right-of-way of Highway 41-A Bypass; THENCE leaving said right-of-way the following calls: N 16°50'13" E 253.85 feet, N 82°50'16" E 520.92 feet, S 15°10'46" E 126.26 feet to a point at the beginning of a curve to the left; THENCE along said curve 149.93 feet to a point at the beginning of a curve to the right, said curve having a central angle of 42°57'11", a radius of 200.00 feet, and a chord of S 36°39'19" E 146.45 feet; THENCE along second curve 249.86 feet, said curve having a central angle of 71°34'49", a radius of 200.00 feet, and a chord of S 22°20'31" E 233.93 feet; THENCE S 16°26'54" W 62.42 feet to a point in said right-of-way of Highway 41-A Bypass; THENCE along said right-of-way the following calls: N 71°05'52" W 36.87 feet, S 16°42'22" W 9.58 feet to a point at the beginning of a curve to the left; THENCE along said curve 274.12 feet, said curve having a central angle of 2°17'34", a radius of 6850.09 feet, and a chord of N 73°52'25" W 274.10 feet; THENCE continuing along said right-of-way N 75°01'12" W 501.37 feet to the point of beginning; Containing 5.90+/- acres (Tax map 79, Parcel 25.03 p/o)

R-4 Request: Beginning at the southeast corner of the parent tract in the northerly margin of the right-of-way of Highway 41-A Bypass; THENCE along said right-of-way N $68^{\circ}17'24''$ W 236.22 feet to a point at the beginning of a curve to the left; THENCE along said curve 453.98 feet, said curve having a central angle of $2^{\circ}41'51''$, a radius of 9642.25 feet, and a chord of N $69^{\circ}38'20''$ W 453.94 feet; THENCE leaving said right-of-way N $16^{\circ}26'54''$ E 62.42 feet to a point at the beginning of a curve to the left; THENCE along said curve 249.86 feet to a point at the beginning of a curve to the right, said curve having a central angle of $71^{\circ}34'49''$, a radius of 200.00 feet, and a chord of N $22^{\circ}20'31''$ W 233.93 feet; THENCE along said second curve 149.93 feet, said curve having a central angle of $42^{\circ}57'11''$, a radius of 200.00 feet, and a chord of N $36^{\circ}39'19''$ W 146.45 feet;

THENCE the following calls: N $15^{\circ}10'46''$ W 142.73 feet, N $76^{\circ}00'39''$ E 281.03 feet, N $43^{\circ}51'54''$ E 242.08 feet, N $75^{\circ}57'30''$ E 179.83 feet, N $56^{\circ}25'36''$ E 209.39 feet, N $25^{\circ}55'18''$ E 203.38 feet, N $84^{\circ}12'18''$ E 141.87 feet, S $08^{\circ}26'09''$ W 226.36 feet, S $06^{\circ}13'00''$ W 59.95 feet, S $07^{\circ}45'29''$ W 149.92 feet, S $06^{\circ}27'40''$ W 702.08 feet, S $07^{\circ}37'38''$ W 230.64 feet, S $16^{\circ}53'58''$ W 19.33 feet to the point of beginning; Containing 17.09 +/- acres. (Tax map 79, Parcel 25.03 p/o)

ORDINANCE 6-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HARRIS TRUCKING, INC. FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF NEEDMORE ROAD AND UNION HALL 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 M-3 Planned Industrial District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING: July 2, 2015

FIRST READING: July 2, 2015

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin located in the eastern right of way of Union Hall Road, said new iron pin also being located North 24 degrees 59 minutes 06 seconds east 85.65 feet from the centerline intersection of Needmore Road & Union Hall Road; thence along the eastern right of way of Union Hall Road, north 07 degrees 59 minutes 45 seconds east 520.49 feet to a new iron pin located in the southwest corner of the Ryder Truck Rental Property; thence along the southern boundary of the Ryder Truck Rental Property, south 82 degrees 00 minutes 15 seconds east 376.43 feet to an old iron pin located in the northwest corner of the R. Brooks Jarrell Property; thence along the western boundary line of said Jarrell Property south 07 degrees 59 minutes 45 seconds west 600.38 feet to a new iron pin located in the northern right of way of Needmore Road; thence along said right of way of Needmore Road, north 72 degrees 45 minutes 15 seconds west 91.60 feet to a point thence on a curve to the left having a delta of 11 degrees 05 minutes 03 seconds, a radius of 1215.72 feet, a chord of north 78 degrees 17 minutes 46 seconds west 234.82 feet for a length of 235.19 feet to a new iron pin; thence on a curve to the right having a delta of 91 degrees 50 minutes 02 seconds, a radius of 50 feet, a chord of north 37 degrees 55 minutes 16 seconds west 71.83 feet to the point of beginning, containing 4.98 +/- acres. (Tax Map 32, Parcel 106.02)

ORDINANCE 7-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HABITAT FOR HUMANITY FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF ANN DRIVE AND BELLE COURT

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

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

PUBLIC HEARING: July 2, 2015

FIRST READING: July 2, 2015

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 110 feet northwest of the centerline of Ann Drive & Belle Court intersection, said point also being the southeast corner of the subject tract and the northeast corner of the John Lemay property, thence in a westerly direction 165 +/- feet with the northern boundary of the Lemay Property to a point, said point being in the eastern boundary of the Charlie Randall Hinkle Property, thence in a northerly direction 94 +/- feet with the Hinkle Property eastern boundary & others to a point, said point being the northeast corner of the Robert Houck Property and in the southern boundary of the Chong H. Choe Property, thence in a easterly direction 165 +/- feet with the southern boundary of the Choe Property and others to a point said point being in the western right of way of Ann Drive, thence a southerly direction 93 feet with the western right of way boundary of Ann Drive to the point of beginning, said tract containing 0.36 +/- acres (Tax Map 31-P-C, Parcel 35.00)

ORDINANCE 8-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF O. C. TERRELL, JIMMY BAGWELL-AGENT (MOORE DESIGN SERVICES) FOR ZONE CHANGE ON PROPERTY AT ORTEX DRIVE AND GUPTON COURT

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

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

PUBLIC HEARING: July 2, 2015

FIRST READING: July 2, 2015

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 147 +/- feet west of the centerline of the Gatlin Street and Gupton Court intersection, said point also being the southeast corner of the subject tract and in the northern boundary of the Lui Heimansohn Inc. property, thence in a westerly direction 252 +/- feet with the northern boundary of the Heimansohn property to a point, said point being in the eastern right of way of Ortex Drive, thence in a northerly direction 37 +/- feet with the eastern right of way of Ortex Drive to a point, said point being the southwest corner of the Joe Thomas Claude property, thence in a easterly direction 246 +/- feet with the southern boundary of the Claude property and other to a point, said point being in the western right of way of Gupton Court, thence in a southerly direction 59 +/- feet with the western right of way of Gupton Court to the point of beginning, said tract containing 0.31 +/- acres. (Tax Map 79-M-A, Parcel 26.00)

ORDINANCE 9-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF ACI INVESTMENT GROUP FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF NORTH SECOND STREET AND KRAFT 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: July 2, 2015

FIRST READING: July 2, 2015

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin in the north right of way of Kraft Street 0.08 mile from the right of way of US 41-A as measured along said right of way of Kraft Street, being the southeast corner of Manju P. Patel property; thence on a new line North 50 degrees 18 minutes 37 seconds West 220.07 feet; thence North 61 degrees 45 minutes 40 seconds East 48.86 feet to an iron pin; thence North 66 degrees 57 minutes 51 seconds East 63.35 feet to an iron pin, the northwest corner of the realty conveyed to Burcon Properties, Inc. by deed of record; thence with the Burcon Properties Inc., South 46 degrees 59 minutes, 54 seconds East 218.49 feet to an iron pin in the North margin of Kraft Street; thence with said right of way South 66 degrees 45 minutes 02 seconds West 99.91 feet to the point of beginning, containing 0.49 +/- acres. (Tax Map 55-O-A, Parcel 14.01)



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 25, 2015
MINUTES**

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, June 25, 2015, at 5:05 p.m. following the Council's executive session in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Jeff Burkhart; the Pledge of Allegiance was led by Councilman James Lewis.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12; arrived 6:45 p.m.)

ABSENT: David Allen (Ward 8)

TRC BOARD OF DIRECTORS

ORDINANCE 60-2014-15 (Second Reading) Amending the Official Code relative to membership of the Central Business Improvement District Management Corporation (Two Rivers Company)

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

Councilman Wallace offered an amendment to correct the number of ex-officio members from 10 to 11. The motion was seconded by Councilwoman McLaughlin. A voice vote was taken; the amendment passed. The following vote on the original motion was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

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

FY16 COMMUNITY DEVELOPMENT BUDGET

ORDINANCE 69-2014-15 (Second Reading) Amending the FY15 Budget and approving the FY15-20 Consolidated Plan and the FY16 Annual Action Plan and Budget and authorizing application for Community Development Block grant and HOME Investment Partnership Funds

Councilman Lewis made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Smith.

Because of the recent ratification of comprehensive amendments to the Official Charter, Councilman Wallace offered an amendment to change Charter reference from Article V to Article VII. The motion was seconded by Councilman Garrett. A voice vote was taken; the amendment passed. The following vote on the original motion was recorded:

AYE: Alexander, Burkhart, Grubbs, Guzman, Lewis, McLaughlin, McMillan, Powers, Redd, Smith, Wallace

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

*NOTE: This ordinance was reconsidered and tabled following recess. This ordinance was postponed indefinitely following the vote on **ORDINANCE 76-2014-15**.*

FY16 PARKING AUTHORITY BUDGET

ORDINANCE 70-2014-15 (Second Reading) Amending the FY15 Budget and adopting the FY16 Operating Budget for the Clarksville Parking Authority

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

For procedural purposes, there was no objection to Finance Director Laurie Matta responding to questions regarding any of the proposed budgets.

With regard to the proposed employee pay increase, Councilman Alexander made a motion to lay this ordinance on the table for consideration following action on the FY16 General Government budget. The motion was seconded by Councilman Redd. Following discussion, the motion and second were withdrawn.

Because of the recent ratification of comprehensive amendments to the Official Charter, Councilman Wallace offered an amendment to change Charter reference from Article V to Article VII. The motion was seconded by Councilman Redd. A voice vote was taken; the amendment passed. The following vote on the original motion was recorded:

AYE: Alexander, Burkhart, Grubbs, Guzman, Lewis, McLaughlin, McMillan, Powers, Redd, Smith, Wallace

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

FY16 CLARKSVILLE TRANSIT SYSTEM BUDGET

ORDINANCE 71-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for Clarksville Transit System

Councilman Lewis made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Smith.

Because of the recent ratification of comprehensive amendments to the Official Charter, Councilman Wallace offered an amendment to change Charter reference from Article V to Article VII. The motion was seconded by Councilman Garrett. A voice vote was taken; the amendment passed.

With regard to the proposed employee pay increase, Councilman Alexander made a motion to lay this ordinance on the table for consideration following action on the FY16 General Government budget. The motion was seconded by Councilman Redd. A voice vote was taken; the motion to table passed.

*NOTE: This ordinance was removed from the table and postponed indefinitely following the vote on **ORDINANCE 76-2014-15**.*

FY16 DEPARTMENT OF ELECTRICITY BUDGET

ORDINANCE 72-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for CDE Lightband

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

Because of the recent ratification of comprehensive amendments to the Official Charter, Councilman Wallace offered an amendment to change Charter reference from Article V to Article VII. The motion was seconded by Councilman Redd. A voice vote was taken; the amendment passed.

With regard to the proposed employee pay increase, Councilwoman McLaughlin made a motion to lay this ordinance on the table for consideration following action on the FY16 General Government budget. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion to table passed.

*NOTE: This ordinance was removed from the table and adopted on second reading following the vote on **ORDINANCE 76-2014-15**.*

FY16 GAS & WATER BUDGET

ORDINANCE 73-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for the Clarksville Gas & Water Department

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

Because of the recent ratification of comprehensive amendments to the Official Charter, Councilman Wallace offered an amendment to change Charter reference from Article V to Article VII. The motion was seconded by Councilman Redd. A voice vote was taken; the amendment passed.

With regard to the proposed employee pay increase, Councilwoman McLaughlin made a motion to lay this ordinance on the table for consideration following action on the FY16 General Government budget. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion to table passed.

*NOTE: This ordinance was removed from the table and postponed indefinitely following the vote on **ORDINANCE 76-2014-15**.*

FY16 INTERNAL SERVICE FUNDS BUDGET

ORDINANCE 74-2014-15 (Second Reading) Amending the FY15 Operating Budget and adopting the FY16 Operating Budget for the Internal Service Funds

Councilman Lewis made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Wallace. Ms. Matta said employee pay increases were not a part of this budget.

Because of the recent ratification of comprehensive amendments to the Official Charter, Councilman Wallace offered an amendment to change Charter reference from Article V to Article VII. The motion was seconded by Councilman Redd. A voice vote was taken; the amendment passed.

The following vote on the original motion was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, guzman, Lewis, McLaughlin, McMillan, Powers, Redd, Smith, Wallace

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

FY16 GENERAL GOVERNMENT BUDGET

ORDINANCE 76-2014-15 (First Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital budgets for the City of Clarksville Governmental Funds and adopting the Tax Rate beginning July 1, 2015 and ending June 30, 2016

Mayor McMillan shared implications the City would face as a result of not adopting a general operating budget and made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander.

POINT OF ORDER

Councilman Redd called for a point of order and referenced the City Code provision for action on previously denied items (**ORDINANCE 75-2014-16**). In response to Mayor cMillan's question, City Attorney Lance Baker shared his opinion that a Court and accounts may come to different conclusions regarding whether a document was materially and substantially changed and said the Council should make a determination whether this provision applied to this ordinance. Mayor McMillan ruled the referenced code did not apply to **ORDINANCE 76-2014-15**.

Councilman Redd made a motion to overturn the ruling of the Chair. The motion was seconded by Councilwoman McLaughlin. Following discussion, Councilman Alexander called for the question. The question was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Lewis, McLaughlin, McMillan, Redd, Smith, Wallace

NAY: Guzman, Powers

The motion to cease discussion on the motion to overturn the ruling passed. The following vote was recorded:

AYE: Burkhart, McLaughlin, Redd

NAY: Alexander, Garrett, Grubbs, Guzman, Lewis, McMillan, Powers, Smith, Wallace

The motion to overturn the ruling of the Chair failed.

BANK OF AMERICA PROPERTY, ATHLETIC COMPLEX, CARDINAL LANE, EMPLOYEE PAY INCREASE, TAX RATE (*Amendment 1*)

Councilman Wallace offered an amendment to add \$1,000,000 for purchase of the downtown Bank of America property, to delete \$100,000 for environmentally related studies for the proposed athletic complex, and to delete \$6,750,000 for extension of Cardinal Lane (these three amendments were approved during the special session on June 16, 2015), to reduce the proposed 3% employee general wage increase to 1.75%, and to establish the property tax rate at \$1.34. The motion was seconded by Councilman Alexander.

Mayor McMillan made a motion to separate the amendment and consider each item individually. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Grubbs, Powers, Smith

NAY: Alexander, Burkhart, Garrett, Guzman, Lewis, McLaughlin, Redd, Wallace

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

AYE: Alexander, Burkhart, Garrett, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

NAY: Grubbs, McMillan

Councilman Wallace's amendment as stated above passed.

MISCELLANEOUS AGENCIES (*Amendment 2*)

Councilman Lewis made a motion to amend the Miscellaneous Agencies appropriations by reducing funding for the Leap Organization by \$2,000, by reducing funding for Manna Café by \$1,000, by reducing funding for the Mid-Cumberland Human Resources Agency by \$2,000, and by adding \$5,000 for the Mayor's Fitness Council. The motion was seconded by Councilman Grubbs.

Councilman Redd offered an amendment to not add funding for the Mayor's Fitness Council. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, McLaughlin, Redd, Wallace

NAY: Burkhart, Grubbs, Guzman, Lewis, McMillan, Powers, Smith

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

AYE: Grubbs, Lewis, McMillan, Powers

NAY: Alexander, Burkhart, Guzman, McLaughlin, Redd, Smith, Wallace

The motion to amend the Miscellaneous Agencies appropriations failed.

EMPLOYEE GENERAL WAGE INCREASE (*Amendment 3*)

Councilman Lewis made a motion to raise the employee general wage increase from 1.75% to 3%. The motion was seconded by Councilman Alexander. Mayor McMillan said a 3% increase would keep employee pay in line with the current job market. Councilman Alexander called for the question. The question was seconded by Councilman Redd. A voice vote was taken; the motion to cease discussion passed. The following vote on the amendment was recorded:

AYE: Alexander, Grubbs, Lewis, McMillan, Powers

NAY: Burkhart, Garrett, Guzman, McLaughlin, Redd, Smith, Wallace

The motion to raise the employee general wage increase to 3% failed.

PROPERTY TAX RATE (\$1.28) (*Amendment 4*)

Councilman Alexander made a motion to reduce the property tax rate from \$1.34 to \$1.28. The motion was seconded by Councilman Powers. Following extended discussion, Councilman Wallace called for the question. The question was seconded by Councilman Redd. A voice vote was taken; Councilwoman McLaughlin voted "nay." The motion to cease discussion passed. The following vote on the amendment was recorded:

AYE: Alexander, Burkhart, McLaughlin, Powers, Redd

NAY: Garrett, Grubbs, Guzman, Lewis, McMillan, Smith, Wallace

The amendment to reduce the property tax rate to \$1.28 failed.

RECESS

The Council recessed at 7:18 p.m. and reconvened at 7:41 p.m.

FY16 COMMUNITY DEVELOPMENT BUDGET

Councilman Redd made a motion to reconsider **ORDINANCE 69-2014-15**. The motion was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion passed. Councilman Redd made a motion to lay this ordinance on the table so the proposed employee pay increase could be discussed after the vote on **ORDINANCE 76-2014-15**. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion to lay this ordinance on the table passed.

NEW POSITIONS (Garage, Police, I.T., Parks) (*Amendment 5*)

Councilwoman McLaughlin made a motion to delete proposed new positions for a Garage/Fleet Manager (\$89,743), a Police Grounds/Facility Maintenance Worker (\$19,567), an Information Technology Applications Specialist (\$54,535), and four (4) Parks Grounds/Maintenance Assistants (\$30,569 each). The motion was seconded by Councilman Redd.

Councilman Redd made a motion to consider the IT Applications Specialist separately. The motion was seconded by Councilwoman Guzman. A voice vote was taken; Councilwoman McLaughlin voted “nay.” The motion passed.

The following vote on the motion as amended was recorded:

AYE: Alexander, Burkhart, Garrett, McLaughlin, Redd, Smith

NAY: Grubbs, Guzman, Lewis, McMillan, Powers, Wallace

The motion to delete six proposed positions as stated failed due to lack of a majority.

INFORMATION TECHNOLOGY APPLICATION SPECIALIST (*Amendment 6*)

The following vote to delete the I.T. Applications Specialist was recorded:

AYE: Alexander, Burkhart, Garrett, McLaughlin, Redd

NAY: Grubbs, Guzman, Lewis, McMillan, Powers, Smith, Wallace

The motion to delete the proposed I.T. Application Specialist failed.

CEASE BUDGET DISCUSSION

Councilman Lewis called for the question on **ORDINANCE 76-2014-15**. The question was seconded by Councilman Grubbs. The following vote was recorded:

AYE: Burkhart, Grubbs, Lewis, McMillan, Wallace

NAY: Alexander, Garrett, Guzman, McLaughlin, Powers, Redd, Smith

The motion to cease discussion on the FY16 General Government Budget failed.

FIRE STATION 11

Councilwoman Guzman made a motion delay opening of Fire Station 11 to July 2016. Ms. Matta said operating expenditures for this station were not included in the FY16 budget. The motion was not seconded.

PERFORMING ARTS CENTER (*Amendment 7*)

Councilman Garrett made a motion to delete \$100,000 from capital projects for the Performing Arts Center. The motion was not seconded.

ATHLETIC COMPLEX (*Amendment 8*)

Councilman Garrett made a motion to add \$100,000 to capital projects for a geotechnical study for an athletic complex. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Garrett, Grubbs, Lewis, Smith

NAY: Alexander, Burkhart, Guzman, McLaughlin, Powers, Redd, Wallace

The motion to add \$100,000 for the athletic complex study failed.

PERFORMING ARTS CENTER (*Amendment 9*)

Councilman Redd made a motion to reconsider the motion to delete \$100,000 from capital projects for the Performing Arts Center. The motion was seconded by Councilman Alexander.

AYE: Alexander, Burkhart, Garrett, Guzman, McLaughlin, Powers, Redd, Smith

NAY: Grubbs, Lewis, McMillan, Wallace

The motion to reconsider the previous motion passed. Councilman Redd made a motion to delete \$100,000 from capital projects for the Performing Arts Center. The motion was seconded by Councilwoman Alexander. The following vote was recorded:

AYE: Alexander, Burkhardt, Garrett, Guzman, McLaughlin, Redd

NAY: Grubbs, Lewis, McMillan, Powers, Smith, Wallace

The motion to delete \$100,000 for the Performing Arts Center failed due to lack of a majority.

CEASE DISCUSSION

Councilman Lewis called for the question on the original motion. The question was seconded by Councilman Wallace. The following vote was recorded:

AYE: Burkhardt, Grubbs, Guzman, Lewis, McMillan, Smith, Wallace

NAY: Alexander, Garrett, McLaughlin, Powers, Redd

The motion to cease discussion on **ORDINANCE 76-2014-15** failed due to lack of majority.

DEPARTMENT OPERATING REDUCTION

Councilwoman McLaughlin made a motion to require each department to reduce their operating budget by 2% to 3% and to impose a hiring freeze on open position excluding fire and police. The motion was seconded by Councilman Alexander. Following discussion, the motion and second were withdrawn.

EMPLOYEE GENERAL WAGE INCREASE (*Amendment 10*)

Councilman Garrett made a motion to reduce the employee general wage increase from \$1.75% to 0%. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Burkhardt, Garrett, Guzman, McLaughlin, Redd, Smith

NAY: Alexander, Grubbs, Lewis, McMillan, Powers, Wallace

The motion to reduce the employee general wage increase to 0% failed due to lack of a majority.

CEASE DISCUSSION

Councilman Burkhart made a motion to cease discussion on the original motion. The motion was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion to cease discussion passed.

ADOPTION OF FY16 GENERAL GOVERNMENT BUDGET

The following vote on the motion to adopt **ORDINANCE 76-2014-15** was recorded:

AYE: Grubbs, Lewis, Powers, Wallace

NAY: Alexander, Burkhart, Garrett, Guzman, McLaughlin, McMillan, Redd, Smith

The motion to adopt the FY16 General Government Budget on first reading failed.

FY16 COMMUNITY DEVELOPMENT BUDGET

ORDINANCE 69-2014-15 (Second Reading) Amending the FY15 Budget and approving the FY15-20 Consolidated Plan and the FY16 Annual Action Plan and Budget and authorizing application for Community Development Block grant and HOME Investment Partnership Funds

Councilman Alexander made a motion to remove this ordinance the table. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed.

Councilman Alexander made a motion to postpone action on this budget indefinitely until the employee general wage increase is determined. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

NAY: Grubbs, Lewis, McMillan

The motion to postpone first reading on the FY16 Community Development budget indefinitely passed.

FY16 CLARKSVILLE TRANSIT SYSTEM BUDGET

ORDINANCE 71-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for Clarksville Transit System

Councilman Alexander made a motion to remove this ordinance from the table. The motion was seconded by Councilman Garrett. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

NAY: Grubbs, McMillan

Councilman Alexander made a motion to postpone action on this budget indefinitely until the employee general wage increase is determined. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

NAY: Grubbs, Lewis, McMillan

The motion to postpone first reading on the FY16 Clarksville Transit System budget indefinitely passed.

FY16 DEPARTMENT OF ELECTRICITY BUDGET

ORDINANCE 72-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for CDE Lightband

Councilman Alexander made a motion to remove this ordinance from the table. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

NAY: Grubbs, McMillan

The motion to remove this ordinance from the table passed. Councilman Alexander made a motion to postpone further action on this budget indefinitely until the employee general wage increase is determined. The motion was seconded by Councilwoman McLaughlin. City Attorney Lance Baker had stated the City Council does not have authority to amend the CDE budget, but may only request its reconsideration by the Power Board. The following vote was recorded:

AYE: Alexander, Burkhart, Guzman, McLaughlin, Redd, Smith

NAY: Garrett, Grubbs, Lewis, McMillan, Powers, Wallace

The motion to postpone second reading indefinitely failed due to lack of a majority. The following vote on the original motion was recorded:

AYE: Garrett, Grubbs, Guzman, Lewis, McMillan, Powers, Wallace

NAY: Alexander, Burkhart, McLaughlin, Redd, Smith

The motion to adopt the FY16 CDE Lightband budget on second reading passed.

FY16 GAS & WATER BUDGET

ORDINANCE 73-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for the Clarksville Gas & Water Department

Councilman Alexander made a motion to remove this ordinance from the table. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

NAY: Grubbs, McMillan

The motion to remove this ordinance from the table passed. Councilman Alexander made a motion to postpone action on this budget indefinitely until the employee general wage increase is determined. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Guzman, McLaughlin, Redd, Smith, Wallace

NAY: Grubbs, Lewis, McMillan, Powers

The motion to postpone second reading on the FY16 Gas & Water Department budget indefinitely passed.

ADJOURNMENT

The meeting was adjourned at 8:49 p.m.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 29, 2015**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Monday, June 29, 2015, at 5:05 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Joel Wallace; the Pledge of Allegiance was led by Councilwoman James Lewis.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5; arrived 5:11 P.M.), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12; arrived 6:45 p.m.)

ABSENT: Deanna McLaughlin (Ward 2), David Allen (Ward 8)

ADJOURN

Councilman Alexander made a motion to adjourn since three members were not present for roll call. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Redd, Smith

NAY: Garrett, Grubbs, Guzman, Lewis, McMillan, Powers, Wallace

The motion to adjourn failed.

FY16 GENERAL GOVERNMENT BUDGET

ORDINANCE 77-2014-15 (First Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital budgets for the City of Clarksville Governmental Funds and adopting the Tax Rate beginning July 1, 2015 and ending June 30, 2016

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

POSTPONE

Councilman Redd made a motion to postpone first reading on this ordinance to the August regular session. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Burkhart, Redd, Smith

NAY: Garrett, Grubbs, Guzman, Lewis, McMillan, Powers, Wallace

The motion to postpone failed.

Finance Director Laurie Matta noted changes proposed in this budget that were different from the budget presented June 25th (ORDINANCE 76-2014-15). She said department expenditures had been reduced by \$750,000; \$250,000 had been added for an airport matching grant; the Police and Parks Grounds/Facility Maintenance worker positions had been deleted; construction on Fire Station 11 would proceed; tax rate had been reduced from \$1.36 to \$1.31.

EMPLOYEE GENERAL WAGE INCREASE (*Amendment 1*)

Councilman Garrett made a motion to reduce the proposed employee general wage increase from 3% to 1%. The motion was seconded by Councilman Redd. Following discussion, Councilman Redd called for the question. The question was seconded by Councilman Alexander. A voice vote was taken; the motion to cease discussion on the amendment passed. The following vote on the amendment was recorded:

AYE: Alexander, Burkhart, Garrett, Guzman, Redd, Smith

NAY: Grubbs, Lewis, McMillan, Powers, Wallace

The motion to reduce the employee general wage increase to 1% passed.

NEW POSITIONS *(Amendment 2)*

Councilman Alexander made a motion to delete (\$74,000) the new position for Police Grounds/Facility Maintenance worker and Information Technology Applications Specialist. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Powers, Redd, Smith

NAY: Grubbs, Guzman, Lewis, McMillan, Wallace

The motion to delete the stated positions passed.

EMPLOYEE GENERAL WAGE INCREASE *(Amendment 3)*

Councilman Alexander made a motion to increase the amended employee general wage increase from 1% to 1.75%. The motion was seconded by Councilman Wallace. The following vote was recorded:

AYE: Alexander, Grubbs, Lewis, McMillan, Wallace

NAY: Burkhart, Garrett, Guzman, Powers, Redd, Smith

The motion to increase the employee general wage increase from 1% to 1.75% failed.

PROPERTY TAX RATE *(Amendment 4)*

Councilman Alexander made a motion to reduce the proposed property tax rate from \$1.31 to \$1.28. The motion was not seconded.

MISCELLANEOUS AGENCY FUNDING *(Amendment 5)*

Councilman Lewis made a motion to delete \$125,000 for Miscellaneous Agencies. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Lewis, McMillan, Redd, Smith

NAY: Burkhart, Guzman, Powers, Wallace

ABSTAIN: Garrett, Grubbs

The motion to delete \$125,000 for Miscellaneous Agency funding passed.

EMPLOYEE GENERAL WAGE INCREASE (*Amendment 6*)

Councilman Lewis made a motion to raise the employee general wage increase from 1% to 3%. The motion was seconded by Councilman Grubbs. The following vote was recorded:

AYE: Grubbs, Lewis, McMillan

NAY: Alexander, Burkhardt, Garrett, Guzman, Powers, Redd, Smith, Wallace

The motion to raise the employee general wage increase to 3% failed.

ADOPTION OF FY16 GENERAL GOVERNMENT BUDGET

Councilman Lewis called for the question on the original motion. The question was seconded by Councilman Grubbs. A voice vote was taken; the motion passed. The following vote on the motion to adopt **ORDINANCE 77-2014-15** on first reading was recorded:

AYE: Grubbs, Guzman, Lewis, McMillan, Powers, Wallace

NAY: Alexander, Burkhardt, Garrett, Redd, Smith

The motion to adopt the FY16 General Government Budget on first reading passed.

BUDGET RECONSIDERED

In response to Councilwoman Guzman's question, Ms. Matta confirmed the first reading property tax rate was \$1.31. Councilwoman Guzman made a motion to reconsider the vote. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhardt, Garrett, Guzman, Powers, Redd, Smith, Wallace

NAY: Grubbs, Lewis

The motion to reconsider passed.

PROPERTY TAX RATE (*Amendment 7*)

Councilman Garrett made a motion to reduce the property tax rate from \$1.31 to \$1.285. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Garrett, Guzman, Powers

NAY: Burkhardt, Grubbs, Lewis, McMillan, Redd, Smith, Wallace

The motion to reduce the property tax rate to \$1,285 failed.

ADOPTION OF FY16 GENERAL GOVERNMENT BUDGET

Councilman Alexander called for the question. The question was seconded by Councilman Redd. A voice vote was taken; the motion to cease discussion passed.

The following vote on the original motion to adopt **ORDINANCE 77-2014-15** on first reading was recorded:

AYE: Grubbs, Lewis, McMillan, Powers

NAY: Alexander, Burkhart, Garrett, Guzman, Redd, Smith, Wallace

The motion to adopt the FY16 General Government Budget on first reading failed.

FY16 COMMUNITY DEVELOPMENT BUDGET

ORDINANCE 69-2014-15 (Second Reading) Amending the FY15 Budget and approving the FY15-20 Consolidated Plan and the FY16 Annual Action Plan and Budget and authorizing application for Community Development Block grant and HOME Investment Partnership Funds

Councilman Lewis made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Guzman. Councilman Alexander made a motion to postpone action on this ordinance until the employee general wage increase is determined. The motion was seconded by Councilwoman Guzman. Ms. Matta said this ordinance does not specify a pay increase and stated the employees of this department would receive the same increase that is approved for the general government. The motion and second to postpone were withdrawn. The following vote on the original motion was recorded:

AYE: Alexander, Burkhart, Grubbs, Guzman, Lewis, McMillan, Powers, Redd, Smith

NAY: Garrett

The motion to adopt the FY16 Community Development Budget on second reading passed.

FY16 CLARKSVILLE TRANSIT SYSTEM BUDGET

ORDINANCE 71-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for Clarksville Transit System

Councilman Lewis made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Grubbs. Councilman Alexander made a motion to postpone second reading indefinitely until the general wage increase is determined. The motion was seconded by Councilman Redd. The following vote was recorded.

AYE: Alexander, Burkhardt, Garrett, Powers, Redd, Smith, Wallace

NAY: Grubbs, Guzman, Lewis, McMillan

The motion to postpone second reading on this ordinance indefinitely passed.

FY16 GAS & WATER DEPARTMENT BUDGET

ORDINANCE 73-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for the Clarksville Gas & Water Department

Councilman Lewis made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Grubbs. Councilman Alexander made a motion to postpone second reading indefinitely until the general wage increase is determined. The motion was seconded by Councilwoman Smith. The following vote was recorded.

AYE: Alexander, Burkhardt, Garrett, Powers, Redd, Smith, Wallace

NAY: Grubbs, Guzman, Lewis, McMillan

The motion to postpone second reading on this ordinance indefinitely passed.

ADJOURNMENT

The meeting was adjourned at 6:06 p.m



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 30, 2015**

MINUTES

FY16 GENERAL GOVERNMENT BUDGET

ORDINANCE 77-2014-15 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital budgets for the City of Clarksville Governmental Funds and adopting the Tax Rate beginning July 1, 2015 and ending June 30, 2016

This ordinance was presented for adoption on first reading during a special session of the City Council on June 29, 2015, but was not approved; therefore, this meeting was cancelled.



CLARKSVILLE CITY COUNCIL SPECIAL SESSION JULY 2, 2015

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, July 2, 2015, at 5:05 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 Mike Alexander.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhardt (Ward 12)

ABSENT: James Lewis (Ward 3), David Allen (Ward 8)

CLOSED SESSION

City Attorney Lance Baker met with members of the City Council in a closed session at 5:10 p.m. Mr. Baker explained situations that could occur if a general government budget was not adopted. The regular session was reconvened at 5:58 p.m.

FY16 GENERAL GOVERNMENT BUDGET

ORDINANCE 10-2015-16 (First Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital budgets for the City of Clarksville Governmental Funds and adopting the Tax Rate beginning July 1, 2015 and ending June 30, 2016

There was no objection to allowing Finance Director Laurie Matta to respond to questions from the Council.

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

GENERAL WAGE INCREASE *(Amendment 1)*

Councilman Garrett made a motion to reduce the employee general wage increase from 3% to 1%. The motion was seconded by Councilwoman McLaughlin. Councilman Grubbs said the current pay plan required two years of implementation. He said the proposed 3% increase was recommended to keep the employee pay competitive with the current market. Councilman Grubbs said the report submitted to the Human Resources Department by the pay consultant revealed that general employee pay was 8% below market and public safety pay was 10% below the market. Councilman Burkhardt said all employees should be treated fairly. Councilman McLaughlin expressed her support for a merit based pay plan. Councilman Redd made a motion to table this amendment until the tax rate is determined. The motion was seconded by Councilwoman Smith. The following vote was recorded:

AYE: Burkhardt, Garrett, Guzman, McLaughlin, Redd, Smith

NAY: Alexander, Grubbs, Powers, Wallace

The motion to table this amendment passed.

MAYOR'S VEHICLE *(Amendment 2)*

Councilman Garrett made a motion to delete \$37,000 for a new vehicle. The motion was seconded by Councilwoman Guzman. Councilman Garrett offered an amendment to specify that this deletion was for the Mayor's vehicle. The amendment was seconded by Councilwoman McLaughlin. A voice vote was taken; the amending motion passed. Mayor McMillan said the mayor pays a monthly lease fee and a portion of gas expense to the City. She said the vehicle was budgeted in case the Fleet Manager determined that the existing vehicle needed to be replaced. The following vote on the amendment was recorded:

AYE: Alexander, Burkhardt, Garrett, Grubbs, Guzman, McLaughlin, McMillan, Powers, Redd, Smith, Wallace

The motion to delete the appropriation of the Mayor's vehicle passed.

DEPARTMENT REDUCTIONS

In response to Councilwoman McLaughlin's question, Ms. Matta said some department operating budgets had been reduced in this budget, but the line items had not been specified.

ADVERTISING *(Amendment 3)*

Councilwoman McLaughlin made a motion to delete \$55,000 from the Legislative Budget for advertising. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Burkhardt, Garrett, McLaughlin, Powers, Redd, Smith

NAY: Grubbs, Guzman, McMillan, Wallace

The motion to delete \$55,000 for advertising passed.

MAYOR'S FITNESS COUNCIL *(Amendment 4)*

Councilwoman McLaughlin made a motion to delete \$5,000 appropriated for the Mayor's Fitness Council. The motion was seconded by Councilman Alexander. Following discussion, Councilman Alexander called for the question. The question was seconded by Councilman Redd. A voice vote was taken; the motion to cease discussion passed. The following vote on the amendment was recorded:

AYE: Alexander, Burkhardt, McLaughlin, Redd, Smith, Wallace

NAY: Grubbs, Guzman, McMillan, Powers

ABSTAIN: Garrett

The motion to delete \$5,000 for the Mayor's Fitness Council passed.

FIRE DEPARTMENT FURNITURE *(Amendment 5)*

Councilwoman McLaughlin made a motion to delete \$10,500 for Fire Department furniture. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Burkhardt, Garrett, Guzman, McLaughlin, Redd, Smith

NAY: Grubbs, McMillan, Powers, Wallace

The motion to delete \$10,500 for Fire Department furniture passed.

INFORMATION TECHNOLOGY APPLICATIONS SPECIALIST *(Amendment 6)*

Councilman Alexander made a motion to delete \$54,535 for the I.T. Applications Specialist. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, McLaughlin, Redd, Smith, Wallace

NAY: Grubbs, Guzman, McMillan, Powers

The motion to delete \$54,535 for the Applications Specialist passed.

FIRE STATION 11 *(Amendment 7)*

Councilman Burkhart made a motion to delete Fire Station 11 (Exit 1), \$1,400,000, from the capital projects budget. The motion was seconded by Councilman Redd. Ms. Matta said deleting a capital project would not affect the FY16 operating budget. The following vote was recorded after a lengthy discussion:

AYE: Alexander, Burkhart, Garrett, Guzman, Redd, Smith

NAY: Grubbs, McLaughlin, McMillan, Powers, Wallace

The motion to delete the Fire Station 11 capital project (\$1,400,000) passed.

RECESS/REGULAR SESSION

The Council recessed at 7:36 p.m. to allow the Finance staff to calculate fund balances based on different tax rates. The regular session was conducted during this recess. The Council reconvened at 8:44 p.m.

PROPERTY TAX RATE *(Amendment 8)*

Ms. Matta stated that based on current needs to provide necessary services to the public, maintaining the current property tax rate of \$1.1832 would be financially irresponsible. This tax rate would create a shortfall of \$5,000,000 for FY17. Ms. Matta recommended a minimal tax rate of \$1.28.

Councilman Burkhart made a motion to set the FY16 tax rate at \$1.1832. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Burkhart, Garrett, Guzman, McLaughlin, Redd, Smith

NAY: Alexander, Grubbs, McMillan, Powers, Wallace

The motion to set the property tax rate at \$1.1832 passed.

CEASE DISCUSSION

Councilman Redd called for the question. The question was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Burkhart, Guzman, McLaughlin, Redd, Smith, Wallace

NAY: Alexander, Garrett, Grubbs, McMillan, Powers

The motion to cease discussion failed due to lack of a 2/3 majority.

PROPERTY TAX RATE (*Amendment 9*)

Councilman Alexander made a motion to set the property tax rate at \$1.24. The motion was seconded by Councilman Powers. The following vote was recorded:

AYE: Alexander, Grubbs, Powers, Wallace

NAY: Burkhart, Garrett, Guzman, McLaughlin, Redd, Smith

The motion to set the tax rate at \$1.24 failed.

CEASE DISCUSSION

Councilman Redd called for the question on the original motion. The question was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to cease discussion on **ORDINANCE 10-2015-16** passed.

ADOPTION OF FY16 GENERAL GOVERNMENT BUDGET

The following vote on the motion to adopt **ORDINANCE 10-2015-16** on first reading was recorded:

AYE: Burkhart, Garrett, Guzman, McLaughlin, Redd, Smith

NAY: Alexander, Grubbs, McMillan, Powers, Wallace

The motion to adopt the FY16 General Government Budget on first reading passed with the tax rate set at \$1.1832.

FY16 CLARKSVILLE TRANSIT SYSTEM BUDGET

ORDINANCE 71-2014-15 (Second Reading; Postponed June 29) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for Clarksville Transit System

Councilman Redd made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Burkhart, Garrett, Grubbs, Guzman, McLaughlin, McMillan, Powers, Smith, Wallace

NAY: Alexander, Redd

The motion to adopt the FY16 Clarksville Transit System Budget on second reading passed.

FY16 GAS & WATER DEPARTMENT BUDGET

ORDINANCE 73-2014-15 (Second Reading; Postponed June 29) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital Budgets for the Clarksville Gas & Water Department

Councilman Redd made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Burkhart, Garrett, Grubbs, Guzman, McLaughlin, McMillan, Powers, Redd, Smith, Wallace

NAY: Alexander

The motion to adopt the FY16 Gas & Water Department Budget on second reading passed.

ADJOURNMENT

The meeting was adjourned at 9:22 p.m.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JULY 6, 2015
MINUTES**

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Monday, July 6, 2015, at 5:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman David Allen; the Pledge of Allegiance was led by Councilwoman Valerie Guzman.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

ABSENT: James Lewis (Ward 3)

FY16 GENERAL GOVERNMENT BUDGET

ORDINANCE 10-2015-16 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital budgets for the City of Clarksville Governmental Funds and adopting the Tax Rate beginning July 1, 2015 and ending June 30, 2016

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

Councilman Allen made a motion to postpone second reading to a special session on Tuesday, July 7, 2015, at 6:00 p.m. to give the public an opportunity to attend the budget meetings for the City of Clarksville and for Montgomery County (July 6th at 6:00 p.m.). The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin, Redd,
Smith

NAY: Grubbs, McMillan, Powers, Wallace

The motion to postpone passed.

ADJOURNMENT

The meeting was adjourned at 5:05 p.m.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JULY 7, 2015**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Tuesday, July 7, 2015, at 6:06 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 Joel Wallace.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

ABSENT: James Lewis (Ward 3)

FY16 GENERAL GOVERNMENT BUDGET

ORDINANCE 10-2015-16 (Second Reading) Amending the FY15 Operating and Capital Budgets and adopting the FY16 Operating and Capital budgets for the City of Clarksville Governmental Funds and adopting the Tax Rate beginning July 1, 2015 and ending June 30, 2016

There was no objection to Finance Director Laurie Matta responding to questions from councilmembers.

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

CEASE DISCUSSION

Councilman Redd called for the question. The question was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Burkhart, Redd, Smith

NAY: Alexander, Allen, Garrett, Grubbs, Guzman, McLaughlin, McMillan, Powers, Wallace

The motion to cease discussion on **ORDINANCE 10-2015-16** failed.

FIRE STATION 11 (*Amendment 1*)

Councilwoman McLaughlin made a motion to add the \$1,400,000 Fire Station 11 Capital Project (deleted on July 6th). The motion was seconded by Garrett. In response to Councilman Allen's question, Ms. Matta said approximately \$320,000 had already been spent on the project. Councilman Burkhart encouraged members to reevaluate the location of Fire Station 11. Fire Chief Mike Roberts said the current ten stations cover emergency responses for 9.6 square miles and the coverage would decrease to 8 square miles with Fire Station 11 and Fire Station 12. Councilwoman McLaughlin said the City Council should consider a moratorium on residential development in the Exit 1 area if Fire Station 11 is not funded. Councilman Redd called for the question. The question was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, McMillan, Powers, Redd, Smith, Wallace

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

AYE: Alexander, Allen, Garrett, Grubbs, McLaughlin, McMillan, Powers, Redd, Wallace

NAY: Burkhart, Guzman, Smith

The motion to add the \$1,400,000 Fire Station 11 capital project back into the Capital Projects budget passed.

CARDINAL LANE (*Amendment 2*)

Councilman Garrett made a motion to remove the Cardinal Lane capital project. The motion was seconded by Councilman Redd. Councilman Allen and Councilman Alexander expressed support for this project. Councilman Redd called for the question. The question was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

NAY: McMillan

The motion to cease discussion passed. The following vote was recorded:

AYE: Allen, Burkhart, Garrett, Guzman, McLaughlin, Redd, Smith

NAY: Alexander, Grubbs, McMillan, Powers, Wallace

The motion to delete the Cardinal Lane capital project passed.

ADVERTISING (*Amendment 3*)

Councilwoman Guzman made a motion to add \$45,000 to the Legislative Budget for media advertising and marketing (deleted July 6th). The motion was seconded by Councilman Grubbs. The following vote was recorded::

AYE: Allen, Burkhart, Grubbs, Guzman, McMillan, Powers, Smith, Wallace

NAY: Alexander, Garrett, McLaughlin, Redd

The motion to add \$45,000 back into the Legislative Budget passed.

PROPERTY TAX RATE (*Amendment 4*)

Councilman Powers made a motion to increase the property tax rate to \$1.24 to avoid a drastic tax increase for FY17. The motion was seconded by Councilman Alexander. Ms. Matta suggested a stable rate of \$1.30. Councilman Redd made a motion to table this motion to allow presentation of additional amendments. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Allen, Burkhart, Garrett, Guzman, McLaughlin, Redd, Smith

NAY: Alexander, Grubbs, McMillan, Powers, Wallace

The motion to table passed.

U.S. CONFERENCE OF MAYORS (*Amendment 5*)

Councilman Allen made a motion to delete \$18,680 from the Mayor's Office budget for U.S. Conference of Mayors membership dues. The motion was seconded by Councilwoman McLaughlin. Mayor McMillan, who was currently serving as the U.S.C.M Board of Trustees, said this membership give national recognition to the City of

Clarksville. Councilman Alexander called for the question. The question was seconded by Councilman Garrett. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Gubbs, Guzman, McLaughlin, Redd, Smith, Wallace

NAY: Powers

The motion to crease discussion on this amendment passed. The following vote on the amendment was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, McLaughlin, Redd

NAY: Grubbs, Guzman, McMillan, Powers, Smith, Wallace

The motion to delete funding for U.S. Conference of Mayors membership dues failed due to lack of a majority.

CHIEF OF ADMINISTRATION (*Amendment 6*)

Councilman Allen made a motion to delete \$87,000, plus benefits, for the position of Chief of Administration (Mayor's Office). The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhart, McLaughlin, Redd, Smith, Wallace

NAY: Alexander, Garrett, Grubbs, Guzman, McMillan, Powers

The motion to delete funding for the position of Chief of Administration failed due to lack of a majority.

MILITARY LIAISON (*Amendment 7*)

Councilman Allen made a motion to delete \$68,223 for the position of Military Liaison (Legislative Budget). The motion was seconded by Councilman Garrett. Councilwoman McLaughlin offered an amendment to delete \$6,800 in expenses associated with this position. The motion was seconded by Councilman Allen. Councilwoman Guzman was concerned that the City could lose some communication with Fort Campbell. The following vote was recorded:

AYE: Alexander, Allen, Garrett, McLaughlin, Redd, Smith

NAY: Burkhart, Grubbs, Guzman, McMillan, Powers, Wallace

Councilwoman McLaughlin's amendment failed due to lack of a majority. The following vote on the original motion was recorded:

AYE: Alexander, Allen, Garrett, McLaughlin, Redd, Smith

NAY: Burkhart, Grubbs, Guzman, McMillan, Powers, Wallace

The motion to delete funding for the position of Military Liaison failed due to lack of a majority.

RECESS

The City Council recessed at 8:00 p.m. and reconvened at 8:20 p.m.

NATIONAL LEAGUE OF CITIES *(Amendment 8)*

Councilwoman McLaughlin made a motion to delete \$13,674 for National League of Cities membership dues and conference expenses (Legislative Budget). The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin, Redd, Smith

NAY: Grubbs, McMillan, Powers, Wallace

The motion to delete funding for National League of Cities dues and conference passed.

CEASE DISCUSSION

Councilwoman McLaughlin called for the question on the main motion. The question was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhart, McLaughlin, Redd

NAY: Alexander, Garrett, Grubbs, Guzman, McMillan, Powers, Smith, Wallace

The motion to cease discussion on **ORDINANCE 10-2015-16** failed.

PROPERTY TAX RATE *(Amendment 4)*

Councilman Powers made a motion to remove Amendment 4 from the table. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Grubbs, Guzman, McMillan, Powers, Wallace

NAY: Allen, Burkhart, Garrett, McLaughlin, Redd, Smith

The motion to remove Amendment 4 from the table failed.

CEASE DISCUSSION

Councilwoman Allen called for the question on the main motion. The motion was seconded by Councilwoman Allen. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, McLaughlin, Redd, Smith

NAY: Guzman, McMillan, Powers, Wallace

The motion to cease discussion on **ORDINANCE 10-2015-16** passed.

ADOPTION OF FY16 GENERAL GOVERNMENT BUDGET

The following vote on **ORDINANCE 10-2015-16** as amended was recorded:

AYE: Allen, Burkhart, Garrett, McLaughlin, Redd, Smith

NAY: Alexander, Grubbs, Guzman, McMillan, Powers, Wallace

The motion to adopt the FY16 General Government Budget failed.

Councilman Alexander made a motion to reconsider **ORDINANCE 10-2015-16** on second reading. The motion was seconded by Councilman Garrett. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

NAY: Grubbs

The motion to reconsider passed.

PROPERTY TAX RATE (*Amendment 9*)

Councilman Garrett made a motion to set the property tax rate at \$1.24. The motion was seconded by Councilman Alexander. Councilman Burkhart was concerned that possible reductions in personnel at Fort Campbell could cause a hardship on some property owners. Councilman Garrett said a reduction in residential insurance premiums resulting from the City's improved Insurance Service Organization fire rating could offset a property tax increase.

Councilman Alexander called for the question on this amendment. The question was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Wallace

NAY: Allen, McMillan, Powers, Redd, Smith

The motion to cease discussion on this amendment failed due to lack of 2/3 majority. Following further discussion, Councilman Redd called for the question on this amendment. The question was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to cease discussion on this amendment passed. The following vote on the amendment was recorded:

AYE: Alexander, Garrett, Grubbs, Guzman, McMillan, Powers, Wallace

NAY: Allen, Burkhart, McLaughlin, Redd, Smith

The motion to set the property tax rate at \$1.24 passed.

ADOPTION OF FY16 GENERAL GOVERNMENT BUDGET

The following vote on the main motion was recorded:

AYE: Alexander, Garrett, Grubbs, Guzman, McMillan, Powers, Wallace

NAY: Allen, Burkhart, McLaughlin, Redd, Smith

The motion to adopt the FY16 General Government Budget, as amended, passed.

ADJOURNMENT

The meeting was adjourned at 9:17 p.m.



CLARKSVILLE CITY COUNCIL REGULAR SESSION JULY 2, 2015

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, July 2, 2015, while the City Council was in Special Session recess in the City Council Chambers, 106 Public Square, Clarksville, Tennessee.

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

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

ABSENT: James Lewis (Ward 3), David Allen (Ward 8)

ZONING PUBLIC HEARING

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

ORDINANCE 4-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Greenspace Partners for zone change on property at the intersection of Ashland City Road and Avondale Drive from R-1 Single Family Residential District to R-4 Multiple Family Residential District and C-2 General Commercial District

Jimmy Bagwell offered to answer questions on behalf of the application; there was no one present to express opposition to this request.

ORDINANCE 6-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Harris Trucking, Inc. for zone change on property at the intersection of Needmore Road and Union Hall Road from M-3 Planned Industrial District to C-5 Highway & Arterial Commercial District

There was no one present to express support for or opposition to this request.

ORDINANCE 7-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Habitat For Humanity for zone change on property at the intersection of Ann Drive and Belle Court from RM-1 Single Family Mobile Home Residential District to R-1 Single Family Residential District

There was no one present to express support for or opposition to this request.

ORDINANCE 8-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of O. C. Terrell, Jimmy Bagwell-Agent (Moore Design Services), for zone change on property at Ortex Drive and Gupton Court from C-2 General Commercial District to M-2 General Industrial District

Jimmy Bagwell offered to answer questions on behalf of the application; there was no one present to express opposition to this request.

ORDINANCE 9-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of ACI Investment Group for zone change on property at the intersection of North Second Street and Kraft Street from M-1 Light Industrial District to C-2 General Commercial District

There was no one present to express support for or opposition to this request.

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

ADOPTION OF ZONING

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 4-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Burkhardt, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 6-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Burkhardt, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 7-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 8-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 9-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Garrett. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

CONSENT AGENDA

All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:

1. **ORDINANCE 64-2014-15** (Second Reading) Authorizing purchase of property at 815 Crossland Avenue for Community Development
2. **ORDINANCE 66-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Allen Moser for zone change on property at Reynolds Street and Porters Bluff Road from R-3 Three Family Residential District to R-6 Single Family Residential District
3. **ORDINANCE 67-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Charles W. Hand (CWHFD, LLC), John Hadley-Agent, for zone change on property at Providence Boulevard and Peach Street from C-2 General Commercial District to C-5 Highway & Arterial Commercial District

4. **ORDINANCE 68-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Camilla Welch, Danell Welch-Agent, for zone change on property at Highway 41A South and Shady Maple Drive from C-5 Highway & Arterial Commercial District and R-2 Single Family Residential District to C-2 General Commercial District

5. Adoption of Minutes: May 26, June 4, June 16

6. Approval of Board Appointments:

Economic & Community Development Board: Doug Heimbeck – July 2015 through June 2019

Ethics Commission: Hugh Smith – July 2014 through June 2017; Jimmy Terry, Gene Washer – July 2015 through June 2018

Human Relations Commission: Jeff Burkhart – July 2015 through June 2017; Michael Dale (reappointment), Felecia Johnson, Erin Lee – July 2015 through June 2018

Power Board: Bill Powers – July 2015 through June 2018

Tree Board: Jimmy Weyant – July 2015 through June 2018

Councilman Redd made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Grubbs. Councilman Burkhart abstained from voting on his appointment to the Human Relations Commission; Councilman Powers abstained from voting on his appointment to the Power Board; Councilwoman McLaughlin registered a “nay” vote on **ORDINANCE 66-2014-15**. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt the Consent Agenda as noted passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Richard Garrett

On behalf of Chairman David Allen; Councilman Garrett said the Office of Housing & Community Development had been awarded a \$65,950 grant from the Great Southern Recreation Contract for a playground system for Pettus Park. He said the old fire house day shelter was serving as a cooling center for citizens who need relief from the extreme heat.

Councilman Garrett announced the Clarksville Office won the John Sasso Community Development Week Award at the recent National Community Development Conference in Arlington, Texas.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 1-2015-16 (First Reading) Amending the Official Code relative to the Occupational Safety & Health Program

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 Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

ORDINANCE 2-2015-16 (First Reading) Accepting donation of real property for the Deer Hollow Pump Station

The recommendation of the Finance Committee and the Gas & Water Committee were for approval of this ordinance. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

GAS & WATER COMMITTEE

Wallace Redd, Chair

ORDINANCE 3-2015-16 (First Reading) Authorizing extension of utilities to property on Lafayette Road; request of Lawson Mabry

The recommendation of the Gas & Water Committee was for approval of this ordinance. Councilman Redd made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Grubbs. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

PARKS, RECREATION, GENERAL SERVICES

Valerie Guzman, Chair

Councilwoman Guzman invited the public to the annual Independence Day celebration at Liberty Park on Friday, July 3rd.

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

RESOLUTION 1-2015-16 Renewing the interlocal contract with the E911 Communications District

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 Burkhart. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this resolution passed.

Councilman Grubbs shared the following department statistics for the month of June: Police – 13,527 responses; Fire & Rescue – 1,074 emergency calls; Building & Codes Construction Division – 1,952 inspections; Building & Codes Enforcement Division – 693 cases; Building & Codes Abatement Division – 83 cases; Building & Codes Administration – 53 single family permits.

STREET COMMITTEE
Wallace Redd

No report.

TRANSPORTATION COMMITTEE
Deanna McLaughlin, Chair

Councilwoman McLaughlin reported 61,707 passengers transported by Clarksville Transit System and 426 work orders completed by the City Garage during the month of June. She announced CTS would offer shuttle service to and from the annual Independence Day celebration at Liberty Park.

MAYOR AND STAFF REPORTS

No reports.

ADJOURNMENT

The Regular Session was adjourned at 8:43 p.m. The Special Session was reconvened at 8:44 p.m.

ORDINANCE 12-2015-16

AN ORDINANCE AMENDING THE 2015-16 GENERAL FUND BUDGET(ORDINANCE 10-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE THE OPERATING BUDGET OF INTERNAL AUDIT FOR A HIPPA ASSESSMENT THAT WAS PLANNED AND BUDGETED IN FY15 BUT WILL NEED TO BE PERFORMED IN FY16

WHEREAS, a HIPPA Assessment was planned and funds were budgeted in the amount of \$9,500 during fiscal year 2015; and

WHEREAS, the HIPPA Assessment could not be completed satisfactorily before June 30, 2015; and

WHEREAS, the \$9,500 budgeted funds from fiscal year 2015 will revert back into the general fund allowing those funds to be available for appropriation in fiscal year 2016 to complete this important function.

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

That the following General Fund budget amendment be made:

10415213 4334 Accounting/Auditing Services	Increase:	\$ 9,500
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BE IT FURTHER ORDAINED;

That the \$9,500 will be taken from the fund balance of the general fund.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 13-2015-16

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY EASEMENT RIGHTS FROM CLARKSVILLE CAPITAL CORPORATION TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF AN ACCESS EASEMENT TO THE UPLAND TRAIL

WHEREAS, CLARKSVILLE CAPITAL CORPORATION, a Tennessee Corporation, has agreed to donate certain real property easement rights to the City of Clarksville for the City to access and maintain the City's Upland Trail; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from CLARKSVILLE CAPITAL CORPORATION be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property easement rights from CLARKSVILLE CAPITAL CORPORATION, a Tennessee Corporation, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 927, Page 1230, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property rights.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

EASEMENT DESCRIPTION

Being the southern portion of the Clarksville Capital Corporation property as described in volume 927, page 1230 Register's Office of Montgomery County Tennessee (ROMCT), in the 12th civil district of Montgomery County, Tennessee, said parcel being Tax Map 066J, group B, parcel 007.00. Also being a portion of 50 Franklin St Clarksville, TN 37040. The parcel is generally described as lying south of Franklin Street, east of Spring Street, west of 1st street, north of Commerce Street, and more particularly described as follows.

Beginning at a ½" rebar found the southwest corner of Tract 2 in volume 927, page 1230 ROMCT. Said rebar being in the northern right of way of spring alley and also being the southwest corner of the easement described. Said rebar also having TN State Plane Coordinates of North: **801098.07**, East: **1568521.12**. Said rebar being South 41° 24'21" West, a distance of 415.58 feet from the intersection of Franklin and 1st street.

Thence **North 14°58'57" West**, a distance of **21.00 feet** to a point with the east line of the City of Clarksville property as recorded in Volume 326, Page 2264 ROMCT. Thence leaving the City of Clarksville Property North **75°09'59" East**, a distance of **136.04 feet** to a point, thence **North 74°52'05" East**, a distance of **94.91 feet** in the west line of the Robert C. Roylance II Property as recorded in volume 340, page 346 ROMCT. Thence with the Roylance property **South 08°21'16" East**, a distance of **21.15 feet** to a ½" rebar found; Said rebar being the southwest corner of the Roylance property and a point in the northern right of way. Thence, with the northern margin of Spring Alley, **South 74°52'05" West**, a distance of **92.47 feet** to a point. Thence **South 75°09'59" West**, a distance of **136.04 feet** to the point of beginning. Containing 0.11 acres, more or less.

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE, TITLE I (ADMINISTRATION, OFFICERS, AND PERSONNEL), CHAPTER 19 RELATIVE TO THE CLARKSVILLE PARKING COMMISSION

WHEREAS, the Clarksville City Council desires to establish and implement standards and procedures concerning the enactment and enforcement of parking regulations within the limits of the City of Clarksville.

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

1. That the Official Code of the City of Clarksville, Tennessee, Title I (Administration, Officers, and Personnel), is hereby amended by adding a new Chapter 19 (Clarksville Parking Commission) as follows:

Chapter 19 – CLARKSVILLE PARKING COMMISSION

Section 19-101. Clarksville Parking Commission Established.

A board, to be designated the “Clarksville Parking Commission,” is hereby created to regulate public parking within the City limits.

Section 19-102. Clarksville Parking Commission composition; eligibility for appointment; term; vacancy during unexpired term.

- (a) *Composition.* The Clarksville Parking Commission shall be composed of five (5) members.
- (b) *Eligibility for appointment.* No person shall be eligible for appointment to the Clarksville Parking Commission 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, other than one (1) current member of City Council, shall be eligible for appointment to the Commission until at least one (1) year after the expiration of the term of such person’s public office or employment with the City. No former Clarksville Parking Commission member who has served two (2) consecutive, full terms shall be eligible for reappointment to the Commission until two (2) years have passed since the expiration of his or her previous term.

- (c) *Appointment of Commission members.* The Mayor shall appoint the members of the Clarksville Parking Commission, subject to the approval of the City Council by majority vote. One member of the Clarksville Parking Commission shall be a current member of the City Council. If a nominee is not approved by majority vote of the City Council, then the Mayor shall nominate another person until such nominee has been approved by a majority vote of the City Council.
- (d) *Term.* Members of the Clarksville Parking Commission shall serve a two (2) year term. Members of the Clarksville Parking Commission may serve up to two (2) full, consecutive terms. The term for the City Council member appointed to the Clarksville Parking Commission shall be for a period of two (2) years during his or her term as a City Council member and shall be coterminous with his or her term as a City Council member. For the first Commission appointed, three members shall be appointed for a term period of two (2) years, and two members shall be appointed for a term period of one (1) year, in order for the Commission members to have staggered terms. Thereafter, all subsequent term periods shall be for a period of two (2) years.
- (e) *Residency.* Members of the Clarksville Parking Commission must maintain their residency within the limits of the City of Clarksville during their term(s) of service. If a member of the Commission moves out of the limits of the City of Clarksville during his or her term of service on the Commission, their membership shall be vacated and a new member shall be appointed to fill the unexpired term of the vacated member.
- (f) *Vacancy before expiration of term.* If any member of the Clarksville Parking Commission resigns from, is removed from, or ceases to be a member of the Commission before the expiration of his or her term, the Mayor shall appoint a new member 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 terms limit.

Section 19-103. Clarksville Parking Commission quorum; election of chair and vice chair; public meetings; procedure.

- (a) *Quorum.* A majority of the Clarksville Parking Commission shall constitute a quorum, and the Commission shall act by vote of a majority present at any meeting attended by a quorum. Vacancies in the Commission shall not affect its power and authority so long as a quorum remains.
- (b) *Election of a chair and vice chair.* The Clarksville Parking Commission shall elect a chairperson and a vice chairperson.

(c) *Public Meetings.* The Clarksville Parking Commission shall hold public meetings, and give notice to the public thereof, at such regular time and place as the Commission 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 Commission shall be subject to state law of general application concerning open meetings.

(d) *Rules of Procedure.* The meetings of the Clarksville Parking Commission shall be conducted in accordance with the most current edition of Robert's Rules of Order, and such other rules of procedure as the Commission may adopt by majority vote.

Section 19-104. Compensation.

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

Section 19-105. Removal of Members.

(a) *Grounds.* Any member of the Clarksville Parking Commission 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 felony or a violation of any penal statute involving moral turpitude, or malfeasance, misfeasance, or nonfeasance as a Commission member, by resolution by the City Council, upon a roll call vote of three-fourths (3/4) of the full membership of the City Council at a public hearing, but only after prior preferment of formal charges by resolution of the City Council approved by a majority vote of the full membership 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 Commission member against whom they have been filed, together with notice of the time and place for the public hearing, which shall not be less than five (5) calendar days from the delivery or mailing of the charges to the accused member.

(c) *Hearing, right to counsel, and process.* The hearing on removal shall be public. The accused Commission member shall have the right to appear and to 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. The City Attorney, or such other person as the City Council by majority vote may direct, shall present the evidence and witnesses, if any, against the accused Commission member.

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

Section 19-106. Record and reports of the Clarksville Parking Commission.

The Clarksville Parking Commission shall keep a complete and accurate record of all meetings and actions taken, which may be in summarized form, and a copy of the same shall be filed with the City Clerk.

Section 19-107. Powers and Duties of the Clarksville Parking Commission.

The Clarksville Parking Commission shall have the following powers and duties pertaining to parking on City owned properties and public streets:

- (a) Establishing parking regulations, rates, and a schedule of civil penalties, along with late fees and costs, all of which shall be contained in an appendix to the Official Code of the City of Clarksville;
- (b) Establishing leasing rates for public parking lots and individual public parking spaces; and
- (c) Making recommendations to the City Council regarding parking policy issues.

Section 19-108. Parking Manager.

- (a) There shall be a Parking Manager, appointed by the Mayor, who shall have the following duties:
 - 1. Collecting civil penalties, fines, and fees related to violations of parking regulations;
 - 2. Managing and maintaining any City owned parking garages or other City owned parking facilities as well as managing the acquisition, construction, and establishment of such facilities as may be authorized by the City Council; and
 - 3. Managing and maintaining the installation and use of parking meters or other necessary equipment in connection therewith.
- (b) The Parking Manager shall be reportable to the Mayor, or his or her designee, and shall be responsible for presenting the budget of the Clarksville Parking Commission to the City Council;

Section 19-109. Accounting.

All moneys collected for the Commission from any source shall be remitted to the City of Clarksville and deposited with the City Treasurer, for the retirement of any bonds or other debt related to parking garages or facilities; operations, maintenance, and improvement of parking garages, facilities, or public parking spaces in the City and shall be accounted for in a separate enterprise fund, along with such other funds as may be budgeted for such purposes by the City Council.

Section 19-110. Jurisdiction.

All citations issued for alleged parking violations on City owned property or public streets shall be subject to the jurisdiction of the Clarksville Parking Commission.

Section 19-111. Right to Appeal Citation.

- (a) All parking citations shall contain a notice informing the recipient in summarized form as to the process to appeal the citation to the Clarksville Parking Commission.
- (b) Any person who receives a parking violation citation shall have the right to an administrative hearing before the Clarksville Parking Commission to contest the citation. Any person wishing to contest an alleged parking citation shall file his or her appeal with the Clarksville Parking Commission within ten (10) calendar days from the date of the issuance of the citation. No requests for appeal that are filed outside the ten (10) calendar day period shall be considered.
- (c) At the administrative hearing, the Commission shall keep a record of the proceedings, hear and decide whether a parking violation has occurred, and shall impose the appropriate civil penalty in such cases in accordance with the civil penalty schedule.
- (d) All civil penalties shall be paid within thirty (30) calendar days of the date the citation was issued unless there is a timely filed appeal pending before the Commission. If an individual files a timely appeal to the Clarksville Parking Commission, and if the Commission finds that a parking violation did occur at the appeal hearing, the cited individual shall have ten (10) calendar days from the hearing date to pay the civil penalty.
- (e) Any person aggrieved by a decision of the Clarksville Parking Commission may appeal the decision to the Chancery or Circuit Court of Montgomery County pursuant to state law of general application.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Memo, City of Clarksville

To: Mayor Kim McMillan

From: Laurie Matta, Chief Financial Officer

Subject: 2014-2015 Debt Reimbursement Information

Date: July 21, 2015

June 5, 2014 – Fiscal year 2014-2015 budget was approved; including debt issuance in the amount of \$8,150,000 to fund adopted capital projects.

November 17, 2014 – Resolution 17-2014-15 providing for the Initial Authorization and Reimbursement provision to for debt in the amount of \$8,150,000 was approved

December 11, 2014 – Ordinance 34-2014-15 became effective authorizing an increase to Fire Station #12 project funding of \$400,000, funding to come from increased debt issuance.

Current – requesting approval of Resolution 4-2015-16 to amend Resolution 17-2014-15 for the additional \$400,000 approved on December 11, 2014.

There is currently no date or timeframe set to issue debt. Timing of debt issuance will depend on project expenditures and cash flow. When the timing is appropriate, we will issue debt related to FY 2015 and FY 2016 capital projects together to save issuance costs.

RESOLUTION 17-2014-15

INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED EIGHT MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$8,150,000) GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CLARKSVILLE, TENNESSEE

Section 1. Purpose and Basic Terms. For the purpose of financing (a) all or a portion of the costs of the acquisition of land for and the planning, design, development, construction, renovation, modification, improvement, upgrade, expansion, repair, maintenance, rehabilitation, equipping and/or acquisition of the following public works projects (as defined in Section 9-21-105, Tennessee Code Annotated): (i) roads, including sidewalks, signage, signalization, drainage improvements and a road complex; (ii) police precinct; (iii) parks, greenways, trails, open space areas and other recreation areas and facilities; (iv) riverbank stabilization and improvements; and (v) fire station truck and equipment; (b) acquisition of all property, real and personal, appurtenant to the foregoing; (c) legal, fiscal, administrative, architectural and engineering costs incident to all the foregoing (collectively, the "Projects"); (d) reimbursement to the Municipality for funds previously expended for the Projects and (e) payment of the costs related to the issuance and sale of the bonds authorized herein, the City Council (the "Council") of the City of Clarksville, Tennessee (the "Municipality") hereby determines to issue bonds, in one or more emissions, of said Municipality in the aggregate principal amount of not to exceed \$8,150,000, which shall bear interest at a rate or rates not to exceed the maximum rate permitted under applicable law, and which shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality.

Section 2. Publication of Resolution. The City Clerk of the Municipality is hereby directed and instructed to cause the foregoing initial resolution relative to the issuance of not to exceed \$8,150,000 general obligation public improvement bonds to be published in full in a newspaper having a general circulation in the Municipality, for one issue of said paper, followed by the statutory notice, to-wit:

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 Municipality shall have been filed with the City Clerk of the Municipality protesting the issuance of the bonds, such bonds will be issued as proposed.

Sylvia Skinner, City Clerk

Section 3. Reimbursement. It is reasonably expected that the Municipality will reimburse itself for certain expenditures made by it in connection with the Projects by issuing the bonds authorized herein. This resolution shall be placed in the minutes of the Council and shall be made available for inspection by the general public at the office of the Council. This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.

ADOPTED: November 17, 2014
PUBLISHED: November 20, 2014

STATE OF TENNESSEE)

COUNTY OF MONTGOMERY)

I, Sylvia Skinner, certify that I am the duly qualified and acting City Clerk of the City of Clarksville, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a special meeting of the governing body of the Municipality held on November 17, 2014; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to not to exceed \$8,150,000 General Obligation Public Improvement Bonds of said Municipality.

WITNESS my official signature and seal of said Municipality on this the 17th day of November, 2014.

City Clerk

(SEAL)

FY 2014-15 CAPITAL PROJECT REQUESTS-CAPITAL PROJECTS FUND								
DEPARTMENT	PROJECT NUMBER	NEW CAPITAL PROJECT REQUESTS	REQUESTED AMOUNT	Grant/Other Funding	Available City Funding	New City Funding	Cut by City Council	Total New City Funding by Dept.
FIRE DEPT	15221	STATION 12	1,800,000	700,000	700,000	-	(400,000)	
	15222	100' LADDER TRUCK AND EQUIPMENT-NEW STATION	1,045,617	-	-	1,045,617	\$	1,045,617
PARKS & REC	15501	LAND PURCHASE NEAR LIBERTY PARK	155,940	-	155,940	-		
	15502	ATHLETIC COMPLEX - (GEO Tech, Environmental Appraisal Survey, etc)	100,000	-	-	100,000	(100,000)	
	15503	RED RIVER GREENWAY GRANT MATCH	160,000	-	-	160,000		
	15504	BEACHHAVEN KIDDIE POOL REMOVAL AND SPLASH AREA CONST	53,000	-	-	53,000	\$	213,000
STREETS	15301	TRENTON/NEEDMORE - Design/Construction	350,000	-		350,000		
	15302	NEEDMORE ROAD SALT COMPLEX	450,000	-	450,000	-		
	15303	DRAINAGE MITIGATION 2015	200,000	-	-	200,000		
	15304	MARION/DRANE ROUNDABOUT - Design/Planning	100,000	-	-	100,000	(100,000)	
	15305	CARDINAL LANE EXTENSION - Design	350,000	-	-	350,000		
	15306	SOUTH HAMPTON EXTENSION - Environmental	400,000	-	-	400,000		
	15307	NEW SIDEWALKS 2015	350,000	-	100,000	250,000		
	15308	RIVERBANK STABILIZATION (CITY SHARE \$945,000 - PROJECT TOTAL \$2,200,000)	2,200,000	1,255,000	-	945,000	\$	2,495,000
BANK OF AMERICA PROPERTY PURCHASE			995,000	-	-	995,000	\$	995,000

FY 2014-15 CAPITAL PROJECT REQUESTS-CAPITAL PROJECTS FUND							
DEPARTMENT	PROJECT NUMBER	ADD'L FUNDING FOR EXISTING CAPITAL PROJECTS	REQUESTED AMOUNT	Grant Funding	Available City Funding	New City Funding	Total City Funding by Dept.
POLICE DEPARTMENT	14211	DISTRICT ONE NORTH PRECINCT BUILDING	3,000,000	-	-	3,000,000	\$ 3,000,000
STREETS	13301	TRENTON/TYLERTOWN REGIONAL DRAINAGE PROJECT	80,000	-		80,000	
	43046	DUNBAR CAVE INTERSECTION IMPROVEMENTS (City Share \$90,000 - Project Total \$450,000)	450,000	360,000	30,000	60,000	
	93101	ROSSVIEW/DUNBAR CAVE/CARDINAL IMPROVEMENTS (City Share \$160,000 - Project Total \$800,000)	800,000	640,000	160,000	-	
	93103	Drainage Mitigation	8,140	-	8,140	-	\$ 140,000
MUNICIPAL PROPERTIES	13101	DOWNTOWN PERFORMING ARTS CENTER	100,000	-	-	100,000	(100,000) \$ -
TOTAL CAPITAL PROJECT REQUESTS			\$13,147,697	\$2,955,000	\$1,604,080	\$ 8,188,617	\$ (700,000) \$ 7,888,617



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
NOVEMBER 17, 2014, 4:30 P.M.**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Monday, November 17, 2014, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

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

ATTENDANCE

PRESENT: 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), Jeff Burkhart (12)

ABSENT: Kaye Jones (11)

CDE LIGHTBAND CABLE FRANCHISE

ORDINANCE 30-2014-15 (First Reading) Renewing the CDE Lightband cable franchise

Councilman Harris made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis.

Councilman Wallace made a motion to delete all references to telephone and internet in the franchise agreement. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection.

Councilwoman McLaughlin made a motion to approve the franchise agreement for 3-1/2 years instead of five years. The motion was seconded by Councilman Summers. There was no objection to hearing comments from CDE General Manager Brian Taylor who said some programming contracts associated with the

cable service were effective for a period of five years. The following vote was recorded:

AYE: Guzman, McLaughlin, McNeill, Summers

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

Councilwoman McLaughlin's motion failed. In response to Councilman Summers' question, Mr. Taylor said the broadband division should be net income positive by 2016. In response to Councilman Burkhart's question, Mr. Taylor said state law prohibits the utility from providing services outside the city limits. The following vote on the original motion as amended was recorded:

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

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

BOND ISSUE

RESOLUTION 17-2014-15 Authorizing issuance of \$8,150,000 General Obligation Public Improvement Bonds for various public projects

Councilman Lewis made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. There was no objection to hearing comments from Finance Director Laurie Matta. In response to Councilman Summers' question, Ms. Matta said the bond issue could be drawn in one lump sum or in several draws. The following vote was recorded:

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

The motion to adopt this resolution passed.

ADJOURNMENT

The meeting adjourned at 4:55 p.m.

WELLNESS PLAN

Following adjournment, Human Resources Director Will Wyatt informed the City Council of changes in the employee wellness plan.

ORDINANCE 34-2014-15

AN ORDINANCE AMENDING THE 2014-15 CITY GENERAL CAPITAL PROJECTS BUDGET (ORDINANCE 81-2013-14) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE FUNDING TO FIRE STATION #12 IN THE AMOUNT OF \$400,000 .

WHEREAS, the City Council approved creation and funding of the Fire Station #12 project in the amount of \$1,400,000,

WHEREAS, the lowest responsible bid has come in at \$1,800,000.

WHEREAS, the signing of the contract to move forward is dependent on appropriated funds.

WHEREAS, the City issues debt to match the life of the capital asset; as such increase debt issuance by \$400,000.

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

That the following Budget Amendments be made:

Capital Projects Fund:

Fire Station #12 40422003-4450-15221 Increase: \$400,000

General Obligation Bonds 3041000-39150 Increase: \$400,000

BE IT FURTHER ORDAINED no funds shall be from the fund balance of the General Fund. Funding shall come from debt issuance.

FIRST READING: December 4, 2014
SECOND READING: December 8, 2014
EFFECTIVE DATE: December 11, 2014

RESOLUTION 4-2015-16

A RESOLUTION AMENDING RESOLUTION 17-2014-15 TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CLARKSVILLE, TENNESSEE IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$8,550,000)

WHEREAS, on November 17, 2014, the City of Clarksville, Tennessee (the “Municipality”) adopted, as an initial bond resolution, Resolution 17-2014-15 (the “Original Initial Resolution”), authorizing the issuance of not to exceed \$8,150,000 in general obligation public improvement bonds for the purpose of financing those public works projects and related costs described in the Original Initial Resolution (the “Projects”); and

WHEREAS, the Municipality has now determined that the cost of the Projects exceeds the maximum amount of bonds authorized to be issued in the Original Initial Resolution; and

WHEREAS, in order to finance the Projects with the proceeds of general obligation public improvement bonds as contemplated in the Original Initial Resolution, it is necessary and advisable to amend the Original Initial Resolution to authorize an additional \$400,000 in general obligation public improvement bonds; and

WHEREAS, it is the intention of the City Council of the Municipality to adopt this resolution for the purpose of amending the Original Initial Resolution to provide for the issuance of an additional \$400,000 of general obligations public improvements of the Municipality to finance the Projects.

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

Section 1. The Original Initial Resolution is hereby amended by changing all references to “Eight Million One Hundred Fifty Thousand Dollars” and “\$8,150,000” therein to “Eight Million Five Hundred Fifty Thousand Dollars” and “\$8,550,000,” respectively.

Section 2. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 3. All other resolutions and orders, or parts thereof in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

(signature page follows)

Adopted and approved this ____ day of _____, 2015.

Kim McMillan, Mayor

ATTEST:

Sylvia Skinner, City Clerk

STATE OF TENNESSEE)

COUNTY OF MONTGOMERY)

I, Sylvia Skinner, certify that I am the duly qualified and acting City Clerk of the City of Clarksville, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a [regular][special] meeting of the governing body of the Municipality held on _____, 2015; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to amending Resolution 17-2014-15 of the Municipality.

WITNESS my official signature and seal of said Municipality on this the ____ day of _____, 2015.

City Clerk

(SEAL)

RESOLUTION 5-2015-16

INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED NINE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$9,750,000) GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CLARKSVILLE, TENNESSEE

Section 1. Purpose and Basic Terms. For the purpose of financing (a) all or a portion of the costs of the acquisition of land for and the planning, design, development, construction, renovation, modification, improvement, upgrade, expansion, repair, maintenance, rehabilitation, equipping and/or acquisition of the following public works projects (as defined in Section 9-21-105, Tennessee Code Annotated): (i) roads, including sidewalks, signage, signalization, and drainage improvements; (ii) police precinct; (iii) parks, greenways, trails, open space areas and other recreation areas and facilities; (iv) riverbank stabilization and improvements; (v) fire stations, facilities, truck and equipment; (vi) public buildings and related facilities, including the Senior Citizens Center and Customs House Museum; (b) acquisition of all property, real and personal, appurtenant to the foregoing; (c) legal, fiscal, administrative, architectural and engineering costs incident to all the foregoing (collectively, the "Projects"); (d) reimbursement to the City of Clarksville, Tennessee (the "Municipality") for funds previously expended for the Projects and (e) payment of the costs related to the issuance and sale of the bonds authorized herein, the City Council (the "Council") of the Municipality hereby determines to issue bonds, in one or more emissions, of said Municipality in the aggregate principal amount of not to exceed \$9,750,000, which shall bear interest at a rate or rates not to exceed the maximum rate permitted under applicable law, and which shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality.

Section 2. Publication of Resolution. The City Clerk of the Municipality is hereby directed and instructed to cause the foregoing initial resolution relative to the issuance of not to exceed \$9,750,000 general obligation public improvement bonds to be published in full in a newspaper having a general circulation in the Municipality, for one issue of said paper, followed by the statutory notice, to-wit:

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 Municipality shall have been filed with the City Clerk of the Municipality protesting the issuance of the bonds, such bonds will be issued as proposed.

Sylvia Skinner, City Clerk

Section 3. Reimbursement. It is reasonably expected that the Municipality will reimburse itself for certain expenditures made by it in connection with the Projects by issuing the bonds authorized herein. This resolution shall be placed in the minutes of the Council and shall be made available for inspection by the general public at the office of the Council. This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.

Adopted and approved this ____ day of _____, 2015.

Kim McMillan, Mayor

ATTEST:

Sylvia Skinner, City Clerk

STATE OF TENNESSEE)

COUNTY OF MONTGOMERY)

I, Sylvia Skinner, certify that I am the duly qualified and acting City Clerk of the City of Clarksville, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a regular meeting of the governing body of the Municipality held on _____, 2015; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to not to exceed \$9,750,000 General Obligation Public Improvement Bonds of said Municipality.

WITNESS my official signature and seal of said Municipality on this the ____ day of _____, 2015.

City Clerk

(SEAL)

ORDINANCE 15-2015-16

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF WEB DEVELOPMENT FOR PROPERTY LOCATED ON INTERNATIONAL BOULEVARD

WHEREAS, proper application has been made by Cal Burchett, PE, RLS with DBS Engineering & Associates on behalf of WEB Development for extensions of City utility service to property located at Cmap 40, Parcel 6.07 with the property address of International Boulevard outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

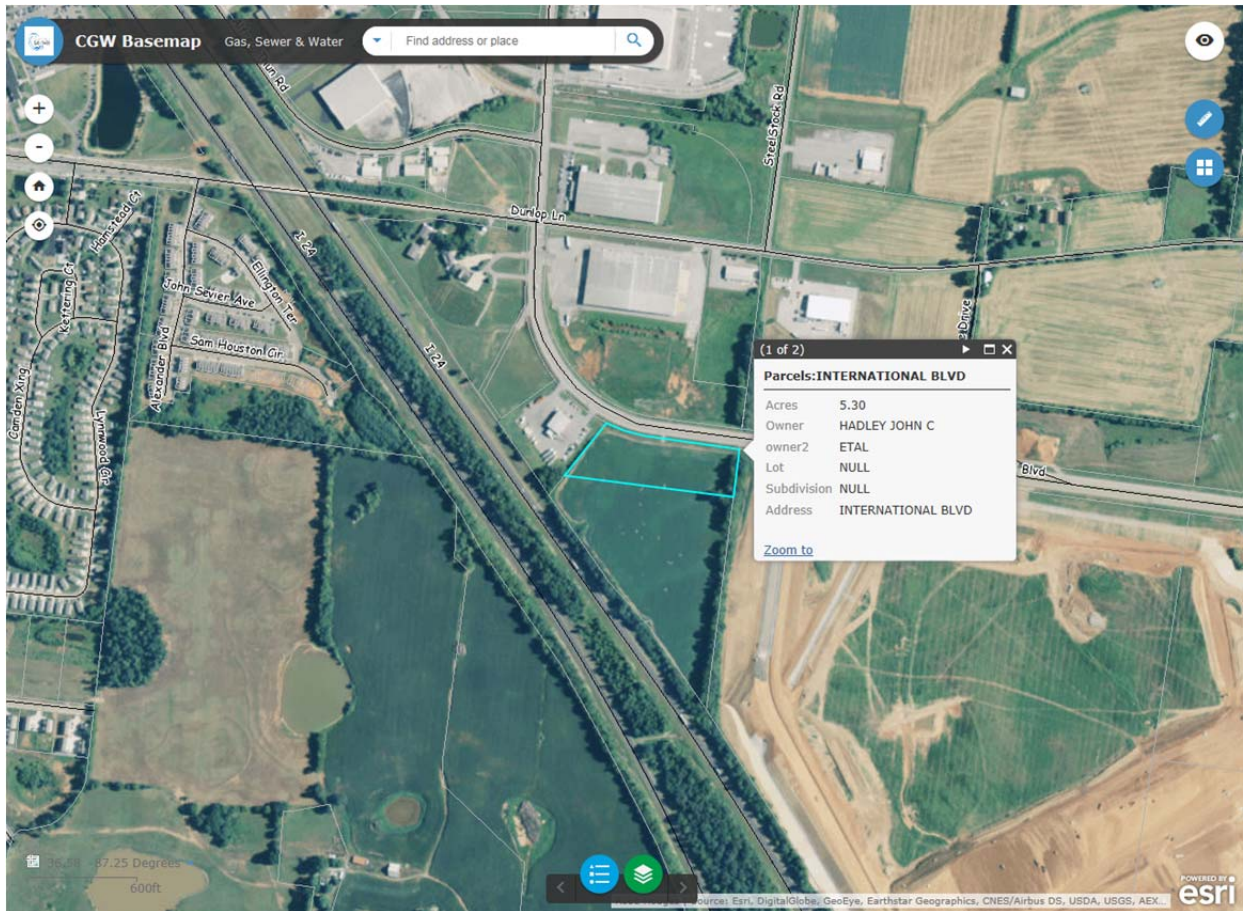
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 40, Parcel 6.07 with the property address of International Boulevard outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING:

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



RESOLUTION 3-2015-16

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND THE TENNESSEE DEPARTMENT OF SAFETY & HOMELAND SECURITY ESTABLISHING THE OPEN ROADS POLICY

WHEREAS, public safety is the highest priority when injuries and hazardous materials are involved in a motor vehicle crash or incident on Tennessee roadways; and

WHEREAS, the quality of life in the State of Tennessee, and certainly in the City of Clarksville, is heavily dependent upon the free movement of people, vehicles, and commerce; and

WHEREAS, the State of Tennessee and the City of Clarksville have the responsibility to do whatever is reasonable to reduce the risk to responders, secondary crashes, and delays associated with incidents, crashes, roadway maintenance, construction, and enforcement activities; and

WHEREAS, this Memorandum of Understanding intends to complement the existing Memorandum of Understanding between the Tennessee Department of Transportation and the Tennessee Department of Safety & Homeland Security dated February 16, 2012; and

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

That the Clarksville City Council hereby authorizes a Memorandum of Understanding with the Tennessee Department of Transportation and the Tennessee Department of Safety & Homeland Security, attached hereto as Exhibit A, establishing the Open Roads Policy.

ADOPTED:

EXHIBIT A

State of Tennessee

“OPEN ROADS POLICY”

Quick Clearance for Safety and Mobility

Between the Tennessee Department of Transportation,

Tennessee Department of Safety and Homeland Security, and

Tennessee Counties and Cities

This Memorandum of Understanding (MOU) by and between the Tennessee Department of Transportation (TDOT), the Tennessee Department of Safety and Homeland Security (TDOSHS), County/City Law Enforcement and Fire and Rescue Agencies (City/County Agencies), establishes a policy for the Tennessee Highway Patrol (THP), TDOT, City/County Agencies to expedite the removal of vehicles, cargo, and debris from roadways on the State Highway System (roadways) to restore, in an URGENT MANNER the safe and orderly flow of traffic following a motor vehicle crash or incident on Tennessee's roadways. This MOU is intend to complement the existing Memorandum of Understanding between TDOT and TDOSHS entered into on February 16, 2012, and does not supersede or circumvent any of the components of that document between the two State departments.

Whereas: Public safety is the highest priority and must be maintained especially when injuries or hazardous materials are involved. The quality of life in the State of Tennessee is heavily dependent upon the free movement of people, vehicles, and commerce. THP, TDOT, and City/County Agencies share the responsibility for achieving and maintaining the degree of order necessary to make this free movement possible. THP, TDOT, and City/County Agencies have the responsibility to do whatever is reasonable to reduce the risk to responders, secondary crashes, and delays associated with incidents, crashes, roadway maintenance, construction, and enforcement activities.

The following operating standards are based on the philosophy that the State Highway System will not be closed or restricted any longer than is absolutely necessary.

Be it resolved: Roadways will be cleared of damaged vehicles, spilled cargo, and debris as soon as it is safe to do so. It is understood that damage to vehicles or cargo may occur as a result of clearing the roadway on an urgent basis. While reasonable attempts to avoid such damage shall be taken, the highest priority is restoring traffic to normal conditions. Incident caused congestion has an enormous cost to society. This cost is significantly greater than the salvage value of an already damaged vehicle and its cargo.

Tennessee Highway Patrol Responsibilities

Members of the THP who respond to the scene of traffic incidents will make clearing the travel portion of the roadway a high priority. When an investigation is required, it will be conducted in as expedient a manner as possible considering the severity of the collision. Non-critical portions of the investigation may be delayed until lighter traffic conditions allow completion of those tasks. The THP will only close those lanes absolutely necessary to conduct the investigation safely. THP will coordinate with TDOT representatives to set up appropriate traffic control, establish alternate routes, expedite the safe movement of traffic trapped at the scene, and restore the roadway to normal as soon as possible.

Whenever practical, crashes on access controlled roadways will be removed to off ramps, accident investigation sites or other safe areas for completion of investigations to reduce the delays associated with motorists slowing to "gawk". Tow trucks will be requested as soon as it is evident that they will be needed to clear the roadway. THP will assure that all authorized tow operators have met established competency levels and that the equipment is of appropriate size, capacity and design meeting the standards for the State of Tennessee.

The THP will not unnecessarily cause the delay in reopening all or part of a roadway to allow a company to dispatch their own equipment to off-load cargo or recover a vehicle or load that is impacting traffic during peak traffic hours or creating a hazard to the public. The THP and TDOT will cooperate in planning and implementing clearance operations in the most safe and expeditious manner.

Tennessee Department of Transportation Responsibilities

When requested by the THP or City/County Agencies, TDOT will respond and deploy resources to major traffic incidents 24 hours a day, 7 days per week. Each TDOT District will develop and implement response procedures to meet the goal of providing initial traffic control within **30 minutes** of notification during normal working hours and **60 minutes** after hours and on weekends.

TDOT, in cooperation with the THP, will determine and deploy the necessary heavy equipment and manpower to reopen the roadway if clearance of the travel lanes are being delayed or is determined that the task is beyond the capabilities of the wrecker service on scene. If cargo or non-hazardous spilled loads are involved, TDOT will make every effort to assist in the relocation of the materials in the shortest possible time, using whatever equipment necessary. All such materials or any vehicles relocated by TDOT will be moved as short a distance as possible to eliminate the traffic hazard.

TDOT personnel will document all hours and equipment used for traffic control, roadway clearance, and debris clean up. TDOT will place traffic control devices at the scene should any damaged vehicles or cargo remain adjacent to the travel lanes on the shoulder for removal at a later time.

The THP and TDOT will continually work together to ensure that the needs of motorists on our roadways are being met in the most professional, safe, and efficient manner.

Local Law Enforcement, Fire and Rescue Department Responsibilities

Members of City/County Agencies who respond to the scene of traffic incidents will make clearing the travel portion of the roadway a high priority. When investigating an incident, the investigation will be conducted in as expedient a manner as possible considering the severity of the collision (serious injuries, fatality, or hazardous materials). City/County Agencies will close only those lanes absolutely necessary to safely conduct the fire/rescue operations. City/County Agencies will coordinate with TDOT representatives to set up appropriate traffic control, establish alternate routes, expedite the safe movement of traffic trapped at the scene, and restore the roadway to normal conditions as soon as possible. As soon as TDOT has set up appropriate traffic control for the safety of the responders and travelers, City/County Agencies will move any fire/rescue apparatus or vehicles initially used to shield responders to appropriate areas.

Therefore, it is agreed as follows:

The THP, TDOT, and City/County Agencies, will evaluate and continually update and modify their operating policies, procedures, rules, and standards to assure they are consistent with this **"OPEN ROADS POLICY"** MOU.

The THP, TDOT, and City/County Agencies, will research, evaluate and conduct training in the most advanced technologies, equipment, and approved methods for the documentation and investigation of crash or incident scenes. THP and City/County Agencies will prioritize the investigative tasks and reopen travel lanes upon completion of tasks that must be conducted, without the impediment of traffic flowing.

Roadways will be cleared as soon as possible. It is the goal of THP, TDOT, and City/County Agencies that **all incidents be cleared from the roadway within 90 minutes of the arrival of the first responding officer.** This goal is being made with the understanding that a more complex scenario may require additional time for complete clearance. Incidents that extend beyond the 90 minute goal will be assessed every 30 minutes to determine an expected clearance time and reported to the appropriate communications center.

City/County Agencies will determine the well-being of motorists in the event of a lengthy traffic queue and /or roadway closure and provide assistance to motorists within the stopped traffic queue whenever possible.

City/County Agencies will establish a local Highway Incident Management Committee that will include Local Law Enforcement, Fire and Rescue Departments and all other City/County agencies that respond to roadway incidents for the purpose of optimizing communication, coordination and collaboration at roadway incident scenes. The Committee will meet at least bi-monthly

It is further agreed that:

The THP, TDOT, and City/County Agencies, will actively solicit and enlist other state, county, and local agencies, political subdivisions, industry groups, and professional associations to endorse and become party to this **"OPEN ROADS POLICY"** for the State of Tennessee.


MOU Execution: Use of Counterpart Signature Pages

This MOU, and any amendments hereto may be simultaneously executed in multiple counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument. Notwithstanding any other provision herein to the contrary, this MOU shall constitute an agreement amongst the parties that have executed a counterpart and parties listed but not executing shall not be deemed to be parties to the MOU.

In witness whereof, each party hereto has caused this document to be executed in its name and on its behalf by it's duly authorized Chief Executive.

**TENNESSEE DEPARTMENT OF
TRANSPORTATION**

By: _____


Commissioner

Date: _____

10/12/2012

**TENNESSEE DEPARTMENT OF SAFETY
AND HOMELAND SECURITY**

By: _____


Commissioner

Date: _____

9/19/12

Tennessee's
"OPEN ROADS POLICY"
Quick Clearance for Safety and Mobility

City/County Agency

By: _____

Printed Name: _____

Title: _____

Date: _____

ADDITIONAL SIGNATORIES

Name	Title	Date
------	-------	------

Name	Title	Date
------	-------	------

Name	Title	Date
------	-------	------

Name	Title	Date
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ORDINANCE 17-2015-16

AN ORDINANCE AMENDING TITLE 12 (STREETS AND OTHER PUBLIC PLACES), CHAPTER 1 (IN GENERAL) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE RELATING TO PUBLIC PROPERTY DESIGNATIONS AND THE DESIGNATIONS COMMITTEE

WHEREAS, the Clarksville City Council desires to establish and implement standards and procedures concerning the honorary naming of City buildings, facilities, streets, parks, and other City properties.

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

1. That Title 12, “Streets and Other Public Ways and Places,” Chapter 1, “In General,” Section 103, “Public Property Designations,” is hereby amended by deleting the current language of said Section, in its entirety.
2. That Title 12, “Streets and Other Public Ways and Places,” is hereby amended by adding a new Chapter, which shall be Chapter 12 and which shall be entitled, “Designations Committee; Streets and Public Place Designations” providing as follows:

Chapter 12: Designations Committee; Streets and Public Place Designations

Section 12-1201. Purpose.

The purpose of this Chapter is to develop and implement standards and procedures for establishing official names of City bridges, buildings, streets and parks, as well as honorary street names and the erection of honorary “home of” signs at entrances to the City.

Section 12-1202. Designations Committee Established.

A board, to be designated the “Clarksville Designations Committee,” is hereby created for the purpose of implementing the provisions of this Chapter.

Section 12-1203. Clarksville Designations Committee composition; eligibility; appointment; qualifications; term; vacancy during unexpired term.

(a) *Composition.* The Clarksville Designations Committee shall be composed of nine (9) members. Three (3) current members of the Clarksville City Council shall be appointed, subject to City Council approval, by the Mayor to serve as members of the Clarksville Designations Committee. No more than three (3) members of the

Clarksville Designations Committee may be current members of the City Council. Also, three (3) members of the Clarksville Designations Committee shall consist of each of the Department Heads from the Clarksville Street Department, the Parks & Recreation Department, and the Building & Codes Department or his or her designee. The remaining three (3) members shall be residents of the City from the public at large and shall be appointed by the Mayor, subject to City Council approval.

(b) *Term.* Members of the Committee shall serve a two (2) year term. Members of the Clarksville Designations Committee may serve up to two (2) full, consecutive terms. Terms of service for City Council members appointed to the Clarksville Designations Committee shall be coterminous with their term as a City Council member.

(c) *Vacancy before expiration of term.* If any member of the Clarksville Designations Committee, other than a 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 Mayor shall nominate a new member, subject to City Council approval, to serve the remainder of the unexpired term. If a current member of the City Council resigns from, is removed from, or ceases to be a member of the Clarksville Designations Committee before the expiration of his or her term, the Mayor shall appoint another, current member of the City Council, subject to City Council approval, to serve the remainder of the unexpired term. 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 Designations Committee coterminous with his or her term on the Council.

Section 12-1204. Clarksville Designations Committee organization; meetings; procedure; compensation.

(a) *Quorum.* A majority of the Clarksville Designations Committee shall constitute a quorum and the Committee shall act by majority vote. Vacancies in the board shall not affect its power and authority, so long as a quorum remains.

(b) *Appointment of a chairperson.* A chairperson shall be appointed by the Mayor.

(c) *Public Meetings.* The Clarksville Designations 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.

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

Section 12-1205. Compensation.

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

Section 12-1206. Removal of Members.

(a) *Grounds.* Any member of the Clarksville Designations Committee may be removed from office for cause, to include (without limitation) 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 three-fourths (3/4) majority vote 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 seeking removal from office for cause shall be made 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 member against whom the charges have been made in accordance with this Chapter shall have the right to appear and defend in person or by counsel, and shall have issued, if necessary, service of 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 member shall expire, and his or her office status, power, and authority shall cease without further action.

Section 12-1207. Records and reports of the Clarksville Designations Committee.

The Clarksville Designations 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 12-1208. Meetings.

The Clarksville Designations Committee shall meet at least once per year and such other times as may be called by the chairman with at least forty-eight (48) hours notice. A majority of the Committee may also call a special called meeting upon forty-eight (48) hours notice.

Section 12- 1209. Definitions.

- (a) **City building** means a building, including but not limited to, fire stations, police stations, and recreation centers, owned and/or maintained by the City for public purposes.
- (b) An **event** means a time in which the designated person or organization made a significant service contribution to the community.
- (c) **Facility** means a building or structure located on City property, including, but not limited to, libraries, office buildings, utility buildings, recreation centers, community centers, plazas, pathways, sports fields or structures used for specific sports, such as tennis courts, basketball courts, and skate parks.
- (d) **Naming** means the assigning of a permanent name to a City building, park or facility.
- (e) **Organization** means a locally recognized civic organization or a unit of the United States Army attached to Fort Campbell.
- (f) **Park** means a parcel of land owned and operated by the City for public recreation purposes.
- (g) **Resident** means a person who currently resides or owns land within the corporate City limits, or a business located within the corporate City limits.

Section 12-1210. Naming of City buildings, parks, or facilities - Policy.

Generally, and whenever possible, the naming of a City building, park, or facility shall occur before development, and be the product of a public participation process. It is the intent and recommendation of the Clarksville Designations Committee that existing City buildings, parks, and facilities currently named for residents or organizations not be renamed.

Section 12-1211. Requests to Be Made in Writing.

All requests to name a City street, building, park, or facility, or to erect an honorary sign or “home of” sign shall be made in writing in the form of an application to the Clarksville Designations Committee.

Section 12-1212. Application Filing Procedure & Administrative Fee.

The application for nomination and an administrative processing fee in the amount of \$250.00 (Two Hundred Fifty Dollars and No Cents) shall be filed with the City Clerk and addressed to the Clarksville Designations Committee.

Section 12-1213. Application Contents / Criteria to be Considered.

The application shall include the following information:

- (a) The name or location of the street, facility, park, building, or property being requested for honorary designation or to bear an official name; and
- (b) The name and contact information of the person, group, or organization seeking to honor a past or current resident, residents, organization, or organizations by naming a City street, facility, park, building, or other property; and
- (c) The name of the person or organization to be honored; and
- (d) The historical significance of the person or organization whose name is proposed to be the honorary name for the street, facility, park, building, or property; and
- (e) Such person’s or organization’s history of contributions to the City of Clarksville; or
- (f) Such person’s or organization’s heroic service or personal sacrifice to the City of Clarksville, State of Tennessee, or United States of America; and
- (g) Such person’s history of residency in the city, including duration and location of such residence; and
- (h) The history of the street, facility, park, building, or property being requested for distinction, including its current and prior name(s), official and prior honorary.

Section 12-1214. Evaluation of Application.

- (a) The Clarksville Designations Committee shall consider how the requested name, sign and/or location could impact public safety, road and right-of-way maintenance, current sign regulations and any other factors that may negatively affect the public or City. The Clarksville Designations Committee shall forward the results of its vote to recommend approval or denial of the

naming or sign request in the form of a resolution to the City Council. After a review of all information, the City Council shall approve or deny the request by majority vote.

- (b) The Clarksville Designations Committee review process shall not apply to signs on State highways and under the control of TDOT.
- (c) Requests initiated by elected City of Clarksville officials are exempt from the payment of the \$250.00 administrative processing fee.

Section 12-1215. Requests to Be Made Per Year.

No more than one (1) application seeking to honor a specific, named individual or organization shall be considered each year by the Clarksville Designations Committee. If an application to honor an individual or organization is submitted and denied, that honoree shall not be considered by the Committee until twelve (12) months following the denial.

Section 12- 1216. Streets and Bridges - Honorary Naming.

The honorary naming of a City street or bridge means the naming of a City street or bridge that is already in existence, with the intent to recognize and honor certain individuals or organizations who have made a positive impact upon the City of Clarksville based upon the aforementioned criteria. The official name of the street or bridge would not be changed under this category.

Section 12-1217. “Home-of” Signs.

- (a) “Home of” Signs are signs which are intended to recognize and honor residents or certain individuals who previously resided in the City of Clarksville, for their contribution to the City of Clarksville, the State of Tennessee, or the United States of America.
- (b) The application for nomination and administrative processing fee in the amount of \$250.00 (Two Hundred Fifty Dollars and No Cents) shall be filed with the City Clerk and addressed to the Clarksville Designations Committee.
- (c) The criteria to be considered by the Clarksville Designations Committee shall be the same criteria considered when naming a city street, facility, building, park, or other property as set forth in Section 12-1213.
- (d) Upon approval of the application, “home of” signs shall be erected in accordance with the Building and Codes provisions at the entrances to the City.
- (e) “Home of” signs shall be for a temporary basis. The mayor shall have the discretion to remove any “home of” signs.

Section 12-1218. Cost of an Honorary Sign or “Home of” Sign.

The City of Clarksville Street Department shall absorb the costs, as determined by the City of Clarksville Street Department, for making and installing the “home of” and honorary signs.

Section 12-1219. Duration for Home of and Honorary Signs to be in place.

The mayor of the City of Clarksville shall have the discretion to remove any “home of” signs or honorary signs.

Section 12-1220. Design and Placement of Honorary and “Home of” Signs

The design and placement of honorary and “Home Of” signs shall be at the discretion of the City of Clarksville Street Department.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 11-2015-16

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 1 (ADMINISTRATION, OFFICERS AND PERSONNEL), CHAPTER 6 (CODE OF ETHICS), TO DELETE PROVISIONS PERTAINING TO INDIRECT INTERESTS

WHEREAS, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to amend the City Ethics Code by deleting certain references to indirect financial interests;

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

1. That the Official Code of the City of Clarksville, Tennessee, Title 1 (Administration, Officers and Personnel), Chapter 6 (Code of Ethics), Section 1-605 (Financial Interests), is hereby amended by deleting said section in its entirety and substituting therefore the following:

Sec. 1-605. - Financial interests.

(a) Except as hereinafter provided, no employee shall enter into or derive any benefit, directly ~~or indirectly~~, from any contractual arrangement with the city or any of its agencies. In recognition of the fact that many husbands and wives have separate careers, the normal employment compensation of a spouse whose regular ongoing employer or business has a contractual arrangement with the city shall not be considered a "benefit" to the employee, provided the contract with the city was procured without any participation assistance, or influence by the employee, and that employee disclose such contracts. Moreover, this prohibition shall not be construed to prohibit any member of any appointed board, commission, committee, authority, corporation, or other instrumentality appointed or created by city from benefiting, either directly or indirectly, from any contractual arrangement with the city or any of its agencies so long as such member complies with the provisions of subsection (b). No member of any appointed board, commission, committee, authority, corporation, or other instrumentality appointed or created by city shall vote on any matter where the member or member's immediate family would benefit, ~~either directly or indirectly~~, from any contractual arrangement with the city or any of its agencies.

(b) No employee shall have a direct ~~or indirect~~ financial interest that conflicts substantially, or appears to conflict substantially, with his or her governmental duties or responsibilities. The employee will disclose any known financial interests related to any topic, subject, or program that has city government interest or involvement. If a possible conflict could arise, the employee will disclose these concerns and interests and abstain from any decision-making processes or votes. ~~"Indirect financial interest" in this case includes a substantial interest on the part of parent, spouse, or minor child of the employee.~~ This subsection shall not apply to interests that have been placed into a "blind trust" arrangement pursuant to which the employee does not have knowledge of the retention or disposition of such interests. If, at the time the employee begins employment with the city or at

any subsequent time during city employment, the employee acquires such direct ~~or indirect~~ financial interests prohibited by subsections (a) or (b), that interest shall be disclosed to the director of finance within fourteen (14) calendar days in a form to be provided by the internal auditor.

BE IT FURTHER ORDAINED that ORDINANCE 65-2014-15, postponed indefinitely by the City Council on June 4, 2015, is hereby replaced by ORDINANCE 11-2015-16.

POSTPONED: June 4, 2015 (ORDINANCE 65-2014-15)

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

OFFICE OF HOUSING
+ COMMUNITY DEVELOPMENT



June 4, 2015

Richard Garrett
2271 Wilma Rudolph Blvd
Clarksville, TN 37040

Re: First Time Homebuyer Application (523 Brentwood Circle).

Dear Richard,

We reviewed the Department of Veterans Affairs Residential Purchase and Sale Agreement contract for 523 Brentwood Circle, during which time it was brought to my attention that Section 15C. contains the name Richard Garrett as the sales person. As you know the City of Clarksville's First Time Homebuyer Program is funded through HUD's HOME Investment Partnership Program. The city enjoys the designation as a Participating Jurisdiction (PJ), which means we have fulfilled HUD requirements. One of the requirements is CFR part 92. 356 Conflict of Interest.

The conflict of Interest Section b. is clear when it comes to elected officials:

Conflicts prohibited. No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. c. Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction, State recipient, or subrecipient, which are receiving HOME funds.

We will not be able to process the First Time Homebuyer application for 523 Brentwood Circle due to your position as an elected official and being on the Community Development Committee. Should you have any further questions or concerns please feel free to contact our office.

Sincerely,

Keith D. Lampkin
Director

Cc: Alexis Jones



U. S. Department of Housing and Urban Development

Knoxville Field Office, Region IV
John J. Duncan Federal Building
710 Locust Street, Suite 300
Knoxville, Tennessee 37902-2526

June 29, 2015

Richard Garrett, Councilman Ward 1
City of Clarksville
1860 Wilma Rudolph Boulevard
Clarksville, TN 37040

Dear Councilman Garrett:

The purpose of this letter is to follow up June 26, 2015, discussion regarding the conflict of interests' requirements under the HOME Investment Partnerships (HOME) Program. We discussed that the requirement of an exception request is the responsibility of the participating jurisdiction, in this matter, the City of Clarksville and its chief elected official, the Mayor or her designee. For the HOME Program, the Mayor's designee is Keith Lampkin, Community Development Director, Office of Housing and Community Development. In addition, I reminded you that an exception request is determined individually, case-by-case, which would mean that each person's situation would be reviewed separately.

As requested, the below is the information required to be submitted for each request for an exception to the HOME conflict of interest requirements, as stipulated at 24 CFR Part 92.356(d):

(d) Exceptions: Threshold requirements. Upon the written request of the participating jurisdiction, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by case basis when it determines that the exception will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the participating jurisdiction's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

- (1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- (2) An opinion of the participating jurisdiction's or State recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(e) Factors to be considered for exceptions. In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraph (d) of this section, HUD will consider the cumulative effect of the following factors, where applicable:

- (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
- (2) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;
- (4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;
- (5) Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- (6) Any other relevant considerations.

For 24 CFR Part 92.356(d) (2), the legal opinion is required to come from the participating jurisdiction's attorney. From my conversation with you, you noted that the City Council had passed local legislation relieving the City Attorney for making opinions in matters of opposing positions between the Mayor's Office and the City Council. A legal opinion on if "the interest for which the exception is sought would not violate State or local law" does not fall within the parameters of that local legislation and the opinion is required to come from the City Attorney. In addition, may I remind you that all correspondence and information regarding the exception request(s) is to come from the Mayor or her designee. Information from other parties will not be considered.

You and your parents are strongly encouraged to have a discussion with the Mayor and/or Mr. Lampkin to discuss this matter further. If you have any questions, please contact me at (865) 545-4391.

Very sincerely yours,

Mary C. Wilson
Mary C. Wilson, Director

Office of Community Planning
And Development

cc:

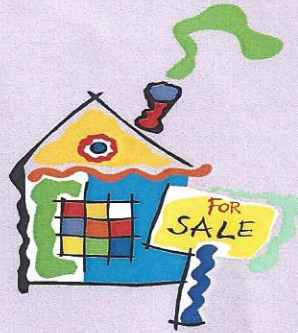
Honorable Kim McMillian
Mayor of Clarksville

Keith Lampkin, Community Development Director
Office of Housing and Community Development

City of Clarksville

Office of Housing & Community Development

Down Payment Assistance Program



The City of Clarksville is committed to making home ownership an affordable, reachable reality for low to moderate income home-buyers. The program was created to give low-income families the opportunity to participate in the "American Dream" of home ownership. The Down Payment Assistance Program is available to low and moderate income households who want to purchase homes within the city limits of Clarksville. The income limits are noted below under eligibility requirements which are determined by the Department of Housing and Urban Development (HUD) and updated annually.

Who is eligible?

Individuals who have not owned a home in the past three years are eligible to participate in the City's program. The candidate must be within the income limits set forth by HUD and should be able to qualify for a first mortgage loan through a local lender at a competitive fixed interest rate.

What kind of assistance am I eligible for?

Eligible applicants may receive up to \$5,000 towards the down payment, up to 5% of the purchase price towards closing costs, and up to 1.5% of the purchase price towards pre-paid items. The buyer must invest 1% of the sales price towards the purchase of the home. To find out if you qualify for this program or to obtain an application, please call the Office of Housing and Community Development at (931)648-6133.

Eligibility Requirements

Household income is not more than
80% of the Median Family Income

<u>Household Size</u>	<u>Max. Income</u>
1	\$30,350
2	\$34,650
3	\$39,000
4	\$43,300
5	\$46,800
6	\$50,250
7	\$53,700
8	\$57,200

City of Clarksville
FIRST-TIME HOMEBUYER PROGRAM

Program Overview:

The City of Clarksville's First-Time Homebuyer Program is a homeownership program designed to help income eligible households with down payment and closing cost assistance to purchase their first home within the City Clarksville. The program is administered through the Office of Housing and Community Development.

The U.S. Department of Housing and Urban Development (HUD) provides the CITY with funding through the HOME Investment Partnership Program (HOME) for the purpose of expanding or improving affordable housing to lower income residents of Clarksville. The CITY allocates a portion of its annual allocation of HOME funds to offer low interest loans for down payments and approved closing costs to qualified lower income households who want to become homebuyers.

The purpose of this program is to make funds available to qualified persons who wish to purchase a home but need financial support with initial costs. These costs include the down payment, as well as the closing costs and prepaid items required to obtain homeownership. These expenses can add up to a substantial amount, and the inability to cover these costs may prevent many individuals from achieving homeownership.

The Homeownership Assistance offered through the City's First-Time Homebuyer program is payable in accordance with specific guidelines. Down payment funds provided to first-time homebuyers will be given as a low-interest loan over a 10-year period. Closing Cost provided will be given as a 0% interest forgivable loan forgiven after 10 years as long as the homebuyer remains the owner/occupant. The agreement made between the buyer and the City will be attached to the property under a two Promissory Notes and a Deed of Trust, as a second mortgage loan.

WHO QUALIFIES?

The City's program is designed to assist families determined to earn income within 50%- 80% of the area median income for Clarksville, Tennessee. The current (2013) median income for a family of four in Clarksville, Tennessee is set at \$52,700. Maximum income limits will be adjusted according to the most recent income figures published by the Department of Housing and Urban Development. Qualifying households would need to meet the following income limits:

2014 Adjusted Income Limits							
Number	1	2	3	4	5	6	7
50% AMI	\$18,950	\$21,650	\$24,350	\$27,050	\$29,250	\$31,400	\$33,550
80% AMI	\$30,350	\$34,650	\$39,000	\$43,300	\$46,800	\$50,250	\$53,700

Eligible Borrowers: Households with income between 50-80 percent of the Clarksville-Montgomery County median area income, as adjusted for household size. Gross income will be calculated based on the Homeownership Assistance Program Guidelines. To establish program eligibility, income of all household members 18 years and older must be taken into account. The borrower is required to provide all pertinent information requested by the City. Borrowers must be first-time homebuyers or those who have not owned or held an interest in a primary residence in the last three years, except the following individual or individuals may not be excluded from this requirement:

- A displaced homemaker who, while a homemaker, owned a home with his or her spouse or resided in a home owned by a spouse. A displaced homemaker is an adult who has not, within the preceding two years, worked on a full-time basis as a member of the labor force for a consecutive twelve month period and who has been unemployed or underemployed, experienced difficulty in obtaining or upgrading employment and worked primarily without remuneration to care for his or her home and family; or
- A single parent who, while married, owned a home with his or her spouse or resided in a home owned by the spouse. A single parent is an individual who is unmarried and has one or more minor children for whom the individual has custody or joint custody.

Applicants must qualify for a mortgage loan with a local financial institution and their ability to repay that loan as determined by the Office of Housing and Community Development Staff. The house must be located within the city limits of Clarksville. Homeownership Counseling is required for all participants utilizing the program. Please note that this list is not exhaustive and other policies may be established as necessary to protect the interest of First-Time Homebuyer Program.

Eligible Properties: Eligible properties are single family homes, townhouses and/or condominiums located anywhere within the City of Clarksville. The First-Time Homebuyer Program is funded using federal funds. The maximum purchase price for a condominium, townhouse or single family home is **\$133,000 for an existing home and \$195,000 for a new home** and may be adjusted by the Department of Housing and Urban Development on a periodic basis.

Housing Inspection:

An inspection is required on all properties and must meet the City of Clarksville Housing Maintenance Code. If the property was built prior to 1978, an assessment for lead-based paint is also required. The Inspection is not a complete home inspection and buyers may consider obtaining a full property inspection from a licensed residential property inspector.

Income Qualifying For Eligibility Only:

The combined income of all members of the household who will be living in the property must be included in the determination of income. The household's income must be projected as an annual income. It should be assumed that today's circumstances would continue for the next 12 months, unless there is verifiable evidence to the contrary.

Assets are considered when determining if a household is 80 percent or less of median area income. Liquid assets of all family members, including children, must be considered. If a portion of the assets will be used towards the purchase and have been placed in escrow, they do not need to be considered. If a household has net assets in excess of \$5,000, the gross income shall include the greater of: 1) actual amount of income derived from all the net assets or; 2) current savings passbook rate. Net assets means value of equity in real property, savings accounts, IRA accounts, cash, stocks, bonds and other forms of capital investments. If a household member has access to their retirement account, it must be considered. In the case where retirement account cannot be accessed, the employer must verify this in writing. All households must be income-qualified no more than 90-days prior to the approval date.

Income Calculations for Debt Service:

Program guidelines require that the combined income of all persons on title must be included in the determination of income. The household's income must be projected as an annual income. It should be assumed that today's circumstances would continue for the next 12 months, unless there is verifiable evidence to the contrary.

Debt-to-Income Ratio:

Borrowers monthly housing debt including property taxes, property insurance, and if applicable, mortgage insurance and homeowner's association dues, cannot exceed 30 percent of the household's gross income.

The ratio of the borrower's monthly cost for housing (rent or mortgage, property insurance, real estate taxes, and if applicable, mortgage insurance and homeowner's associations dues) plus all other household monthly debt (including credit cards, automobile payments, etc.), cannot exceed 40% of the borrowers gross income. If the debt ratio exceeds 40%, it must be presented to the City of Clarksville Office of Housing and Community Development for consideration.

Homebuyer Education Class:

All households are required to attend a homebuyer education class. The class is free to eligible households.

UNDERWRITING GUIDELINES - Applicant Eligibility Standards

Co-Signers who do not have ownership interest in the property are prohibited.

Documentation

Please see checklist with application.

Income Standards

- Alimony and Child Support with six months proof of payment
- Copy of divorce decree
- Disability Income - Copy of award letter from payer.
- Social Security Income - Copy of award letter from payer.
- Retirement or Pension Income - Copy of award letter or W-2 from payer.
- Workers Compensation Benefits - Copy of award letter from payer.
- Unemployment Compensation - Copy of award letter from payer.
- Student Loans (financial aide, etc.) - Copy of award letter from payer.
- Interest or Dividend Income - Two years of 1040s, copies of current statements verifying buyer's assets.
- Salaried Borrowers – copy of two (2) most recent pay stubs.
- If there are multiple employers, all pay stubs showing year to date earnings.
- Verification of Employment form is required from all employers.
- Part-Time Employment recent pay stub, Verification of Employment from employer and letter stating likelihood of continuation.
- Bonus and Overtime income must be documented on pay stub and verification of employment. Will be used if there is a two-year history and likelihood of continuation.
- Self-Employed three years tax returns and current profit and loss statement.
- Commission Only must be verified by employer and documented on tax returns.

Assets Standards

- Checking and Savings Accounts
- Three months most recent bank statements and a Verification of Deposit.
- Stocks and Bonds must be verified by brokerage firm or similar company and statement of account.
- Saving Bonds - Copy of bond.

Liabilities Standards

- Alimony/Child Support - Include as debt if over six months remaining. Need copy of divorce decree.
- 401K Loan - Include as debt.
- Installment Loans - Include as debt if over six months remaining.

- Revolving Accounts - Use payment stated on credit report or application, whichever is higher. If payment is not stated, use the higher of \$10 or 5% of the outstanding balance owing.
- Student Loan - If loan is deferred for one year or more do not include as a monthly obligation. If less than a year deferment or borrower making payments, include as a debt.

Credit History Standards are followed by the lender.

CITY OF CLARKSVILLE FIRST-TIME HOMEBUYER PROGRAM

Policies and Procedures

Purpose:

To provide down payment and closing cost assistance to households that qualify as first-time home buyers through the City's First-Time Homebuyer Program guidelines.

To promote the acquisition and production of more affordable owner-occupied units for very low and low income individuals and families.

101. Applicability:

The policy applies to the local direct homeownership assistance program using HOME funds, governed by the Department of Housing and Urban Development. Further reference to administration of this program can be found under Section 106 of this policy.

102. Definitions:

- a. Area Median Income - median income as estimated by the Department of Housing and Urban Development for an area or State, currently in effect.
- b. Eligible Household - an individual or family whose income is determined to be within 80% of the area median income, adjusted for family size.
- c. First-time Homebuyer - one who has not owned or had ownership in a home in the last three years, except :
 - i. any individual who is a displaced homemaker, being one who has not worked full-time, full-year in the labor force for a number of years, but has worked primarily without remuneration to care for the home and family; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
 - ii. any individual who owns or has owned, as a principal residence during the 3-year period, a dwelling unit of which structure is not permanently affixed to a permanent foundation in accordance with local or other applicable regulations.

- iii. Any individual who is a single parent, being one who is unmarried or legally separated from a spouse, and has either one or more minor children from whom the individual has custody or joint custody; or is pregnant.
- d. Income - the combined gross annual income (before taxes and other deductions) earned by all adult members of the household that is anticipated to be received during the coming twelve month period. This includes all wages, social security payments, unemployment benefits, interest and dividend payments, child support, rent, royalties and all other income derived from any sources. It does not include educational benefits received from the Department of Veteran Affairs or the income of minors. See Section 105 (a) for reference to methodology.

103. Program Rules:

- a) All grantees must have written policies and procedures for operations of the local housing program known and hereafter referred to as the First-Time Homebuyer Program, FTHB, or the program.
- b) Down payment assistance is only available to households meeting the income requirements of the First-Time Homebuyer program. Reference to the methods used in calculating income limits may be found in Sections 102 and 105 of this policy.
- c) Fees associated with mortgage products which deviate from normal closing costs for a fixed-rate, fully amortized loan, including loan discount fees will not be financed with HOME funds.
- d) To guard against lead based paint poisoning, all homes being considered for purchase which were built prior to 1978 must pass a visual assessment inspection by certified Lead contractors. Any subsequent action deemed necessary to address lead hazards would be the responsibility of the seller. For applicable properties, this must be noted in the offer to purchase. Additionally, a "walk away" clause should be included, allowing either party to void the contract should lead hazards be discovered.
- e) Upon sale or transfer of the property, the unpaid portion of the subsidy shall be due and payable immediately. Additional recapture provisions are described in Section 105 (c) and Section 107.
- f) Any funds recaptured under the First-Time Homebuyer program must be used to carry out housing activities in compliance with HUD guidelines. Terms for use of recaptured funds are located in Section 109.

- g) Two Promissory Notes and a Deed of Trust will be used to ensure repayment of the City subsidy and to ensure compliance with the program terms and conditions. Details of the recapture provisions are described in Section 107.
- h) New homes must meet model energy efficiency code, and be within Clarksville city limits. Property must be owner-occupied or vacant at the time of offer, if renter is other than party attempting to purchase.
- i) Homes must pass a visual inspection conducted by the Office of Housing and Community Development staff.
- j) The buyer shall invest one percent (1%) of the purchase price towards the purchase of the property. The City shall provide additional funds as required to complete the purchase transaction as allowed by this policy. Section 105 (g) contains more information regarding this requirement.
- k) Operational expenses to the City will be paid through from Community Development Block Grant and HOME Investment Partnership administrative funds.
- l) Any complaints will be processed under grievance procedures as established by the City of Clarksville and the Office of Housing and Community Development.
- m) The First-Time Homebuyer program will be promoted through the local newspaper, brochures, local Housing and Homeless Coalition and other publications to ensure affirmative marketing of the City's Program.
- n) Households meeting criteria for the First-Time Homebuyer Program may be eligible for a loan for the down payment. This will be loaned at a rate of 1% for buyers whose income is at 60% or below of the area median income or 3% for buyers whose income is at 60% - 80% of the area median income. The loan will be payable to the City of Clarksville monthly for a period of 10 years. The following conditions apply:
 - i) For **existing** properties: The City will also loan the monies necessary to cover the borrower's closing costs (capped at 5% of the sales price) and prepaid items (capped at 1.5% of the sales price). These costs will be loaned at 0% interest. There is a 10 year forgivable clause based upon a 10% reduction per year as long as the homebuyer remains the owner/occupant. After the 10 year period, the advance becomes a grant and no further obligation remains. The borrower must invest 1% of his own funds towards initial application costs and/or prepaid items/interest.

- ii) The seller, if agreeable, may pay for the closing costs and prepaid items/interest, as permitted by the lender, thus reducing or eliminating any repayment of these expenses to the City at the time of sale or other transfer.
- iii) Upon sale or other transfer of the property, this loan will be due immediately.
- o) Recipients of FTHB assistance will not be eligible to apply for housing rehabilitation assistance under the City of Clarksville Community Development Block Grant or HOME programs for a period of five years following the award of FTHB funds. Following that time, applications for housing rehabilitation assistance will only be considered if all FTHB related obligations have been paid in full.

104. Processing of Applicants:

- a) Any person may pre-qualify for eligibility by completing an application with the FTHB Housing Counselor. The counselor will determine if the applicant meets program requirements. Homeownership Counseling will be scheduled for all FTHB recipients.
- b) The applicant will be required to provide proof of income and other documentation including but not limited to bank statements and/or court documents related to either divorce settlements or judgments. The applicant will be required to sign an authorization for release of information, so that the lender and the OHCD may share information relating to the transaction.
- c) Copies of check stubs or other documents such as a statement from the Social Security Office or a letter from the employer stating the amount of wages or benefits will be maintained in applicant's folder, along with a certificate of eligibility letter, signed by the OHCD Director or related party. A copy of this form will be sent to the financing institution issuing the mortgage, upon request.
- d) The applicant should look for a home to purchase that meets the guidelines set down by the City. Established sales price limits must be considered. Any repairs required by the appraisal should be paid for by the seller. All contracts should include the following statement: **"Contract contingent upon property appraising at or above sales price."**
- e) Once the property is located, the lender processing the loan will provide a contract and a good faith estimate to the OHCD. The good faith estimate will

contain all industry standard information such as all closing costs and down payment amounts.

- f) Upon recommendation of the OHCD or related party staff and approval of the OHCD Director, the amount of funds needed for closing will be sent to the Mayor for approval. Since it is impossible to know the exact costs until closing, the Mayor will be asked to approve an amount equal to the amount of down payment and closing costs (including pre-pays) as shown on the good faith estimate, plus 10 percent. This will be stated in the letter to the Mayor as a funding cost "up to but not exceeding the dollar amount shown."
- g) During the course of processing the application, it is understood that a credit report will be obtained by the lender along with other forms of information verification. The City may also request a credit report to make a qualifying determination.
- h) Upon completion of a credit analysis the lender will inform the City and the applicant of the credit condition and the amount of first mortgage money, if any, the applicant can expect to borrow.
- i) The closing agent will provide a Good Faith Estimate (GFE) to the FTHB Housing Counselor or related party, along with a legal description of the property being purchased. Documents will be drafted based upon this information. At closing a check to the settlement agent which shall match all funds normally required on behalf of the borrower (excepting the 1% that the borrower is to invest) will be provided. A copy of the closing packet shall be provided to the City, as well as a copy of the appraisal. See Section 105 (h) for further details of the policies relating to the closing.

105. Additional Requirements:

a) Income Limits

HOME program funds may be used to benefit only individuals and families earning below 80% of the area median income, set by HUD. See Section 102 for definitions concerning income limit breakdowns. Current limits are attached.

- i) Median income guidelines shall automatically change when revised estimates are made.
- ii) In determining applicant eligibility, the methodology used shall be that of the Income and Allowances as determined for the HOME Program.

b) Level of Subsidy

A subsidy is any loan, grant or other transfer of monies from the local program to a program recipient. The City will award the minimum amount of subsidy needed to make projects economically feasible. No subsidy will be paid which exceeds the amount required from the borrower to complete the home purchase as indicated on the HUD-1 form.

c) Type of Subsidy

Subsidies for **income eligible households** shall be in the form of a low interest loan. The subsidy for down payment, closing costs and prepaid items will be loaned at a rate of 1% for buyers whose income is between 50% and 80% of the area median income and 3% for buyers whose income is between 60% and 80% of the area median income. In the event a homeowner sells or moves from the dwelling and it is no longer used as a primary residence any outstanding balance is due and payable immediately.

NOTE: A \$10,000 down payment plus closing costs and prepaids up to 5 % of the purchase price will be available to qualified applicants who purchase a newly constructed property in identified "target neighborhoods." Information on these areas can be obtained from the OHCD. The repayment terms will follow the same guidelines as above.

d) Mortgage Products

The mortgages made in conjunction with the First-Time Homebuyer program must meet the following guidelines: must be a 30-year fixed rate FHA, VA or conventional loan offered at competitive market rate and fees.

e) Compliance Period

Loans and grants made under the First-Time Homebuyer program require an affordability period of a minimum of five years, per the HOME Investment Partnership Program requirements. Should the property be sold or otherwise transferred prior to the five year affordability period, the down payment and closing costs shall immediately become due and payable.

f) Sales Price

The First-Time Homebuyer monetary assistance shall be based on the following:

- i) The contract sales price as shown on line 101 of the HUD-1 form, which shall coincide with the sales price denoted on the Contract for Sale of Real Estate.

g) Borrower Investment

All First-Time Homebuyer program borrowers shall invest one percent (1%) of the sales price towards the purchase of the property. This amount may be put forth as the earnest money, and/or towards the initial application fee, and/or towards the prepaid items/interest. The borrower's 1% investment may not be paid by the seller or through gift letters.

h) Closing Procedures

The City or related parties will require two working days for which to prepare the Notes and Deed of Trust. Therefore a correct HUD-1 form along with a legal description is required. Correct documents received after regular business hours will be ascribed to the subsequent workday and the timetable attributed to that day.

The Deed of Trust shall be six (6) pages in length. The closing agent will be required to record this document and should include these costs in the Settlement Statement. In addition, a \$75.00 document preparation fee payable to Phillip R. Sykes, Attorney, should be collected or included on the Settlement Statement..

106. Subsidy Administration:

This program will be administered as outlined in this policy statement. It will follow all the rules of approval of expenditure of funds and record keeping as outlined in this policy and other applicable policies setup by the City.

This program will be administered in accordance with HUD standards. All HUD grants and loans are subject to audit by HUD. HUD reserves the right to monitor, at any time, the records and the compliance with the rules of this program.

107. Enforcement of Conditions:

TO ENFORCE THE COMPLIANCE PERIOD, ALL BENEFICIARIES MUST AT A MINIMUM SIGN A NOTE AND A DEED OF TRUST. The Note is made payable to the City of Clarksville. The Deed of Trust is recorded at the Register's Office of Montgomery County, TN. It enforces the Note by restricting the use of the land for a specified period of time.

The Deed of Trust places a lien on the property to ensure repayment of the Note and to assure that other conditions are met. The Deed of Trust places a "cloud" on the title of the subsidized property which must be cleared prior to the transfer of the property to a new owner, and helps the City monitor the compliance period.

All conditions for purchase assistance must be met and maintained as agreed upon or the entire unpaid portion is immediately due and payable.

The period in which subsidies for down payment assistance shall be repaid in full is subject to the provisions outlined in the Note. The amount to be repaid shall be the amount of the original disbursement, at the interest rates outlined in Section 105 (c). The method of repayment shall be outlined in the Note.

108. Occupancy Requirement:

Purchasers of homes using First-Time Homebuyer Program monies from the City are required to reside in said property. This property is not to be rented to another household. The owner may rent a room to an outside party but may not move out of the house and rent it to someone else. The owner may not vacate the property without clear intent to return as occupant. If the owner rents, sells, or vacates the property prior to the satisfaction of the Note and Deed of Trust, the unpaid portion of the City subsidy will immediately become due and payable.

109. Use of Recaptured Funds:

All funds repaid to the City will be used to carry out local low income housing programs. These funds will be expended on a regular basis, and will not be allowed to accumulate for more than five years.

110. Final Disposition of Funds:

Should the First HOME program cease to exist, the remaining HOME Investment Partnership funds will be reallocated to other program to meet the requirements and regulations of the HOME Program and will be consistent with the City of Clarksville's Housing and Community Development 5 year Consolidated Plan.



FY 2015 INCOME LIMITS DOCUMENTATION SYSTEM

HUD.gov [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2015 Income Limits Summary

FY 2015 Income Limit Area	Median Income Explanation	FY 2015 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Montgomery County	\$51,400	Very Low (50%) Income Limits (\$) Explanation	18,000	20,600	23,150	25,700	27,800	29,850	31,900	33,950
		Extremely Low (30%) Income Limits (\$) * Explanation	11,770	15,930	20,090	24,250	27,800*	29,850*	31,900*	33,950*
		Low (80%) Income Limits (\$) Explanation	28,850	32,950	37,050	41,150	44,450	47,750	51,050	54,350

Effective 3/6/15



Introduction

The decision to purchase a home is an exciting, but often intimidating, process. Learning the ins and outs of finding and financing a home can be overwhelming. That's why the Tennessee Housing Development Agency (THDA) offers homebuyer education opportunities to walk you through the process. In fact, THDA believes so deeply in homebuyer education that participation in an approved homebuyer education course is a mandatory requirement for THDA's Great Choice Plus loans.

Maybe you are just beginning to think about homeownership. That's okay! This manual will provide you with the important information you need to know about the steps in the homeownership process as well as a straightforward explanation of the Great Choice Loan Program.

Table of Contents

This manual will:

1. Help you determine if you are ready to own a home
2. Discuss various loan types and payment structures
3. Offer an explanation of THDA's Great Choice and Great Choice Plus loans
4. Explain downpayment and closing costs
5. Outline the first steps in the mortgage process

As a State Agency, THDA has a vested interest in seeing Tennesseans succeed and, when ready, realizing their dreams of homeownership. For more information about THDA's homeownership programs, please visit www.GreatChoiceTN.com or call THDA's Homeownership Hotline at 615-815-2100.

www.THDA.org • 615-815-2200 • Toll Free: 800-228-THDA

[Twitter.com/TN_Housing_Dev](https://twitter.com/TN_Housing_Dev) • [Facebook.com/TNHousing](https://facebook.com/TNHousing)

Are You Ready to Own a Home?

Ultimately, only you can answer that question. There are pros and cons to buying a home, and only you can determine if the positives outweigh the negatives. However, the following list represents some starting points to help determine if homeownership is right for you. These points are adapted from NeighborWorks® America's *Realizing the American Dream* manual.

Advantages:

1. **Stable Housing Costs-** A fixed rate mortgage (discussed in next section) provides long-term, predictable housing costs. This makes budgeting much easier. Homeowners with fixed rate mortgages know their principal and interest portions will remain the same for the life of the loan. The only way a payment could change is with an increase or decrease in property taxes and insurance costs.
2. **Tax Benefits-** Income taxes may decrease because loan interest and property taxes you pay each year are deductible on your income taxes.
3. **Equity-** Paying a mortgage is an investment. Over time, you should accumulate equity in the home, which represents your ownership of the house. When you choose to sell, you may have equity in the home depending on how long you have paid on the mortgage and whether or not your house value has appreciated or depreciated. Many financial experts believe that homeownership is one of the best ways to build long-term wealth.
4. **Control over your Environment-** Your home means your rules. You can have pets and make changes to your home that landlords at rental properties may otherwise not allow.
5. **Stability-** Having your own home often produces feelings of permanence, pride and community involvement.

Disadvantages:

1. **Monthly Costs-** Sometimes the monthly costs of a mortgage, utilities and maintenance are higher than the cost of renting. However, in many communities, the opposite is true.
2. **No Guarantees-** There are no guarantees your house will increase in value. Markets can crash; neighborhoods can decline. If your home depreciates in value and you try to move before the loan is paid off, you will have to pay the difference between your net proceeds from the sale of the house and the balance on your mortgage to the lender.
3. **Maintenance and Repairs-** When you rent, it is your landlord's responsibility to maintain the house. When you purchase a home, all of those preventative and emergency maintenance tasks- from repairing the roof to mowing the grass- are your responsibility.
4. **Decreased Mobility-** When you own a home, it is not a simple process to pack up and move. Owning a home makes you responsible for the home. If you stop making your monthly payments, the lender may foreclose on the house and force the sale of the property to repay the loan. This not only will affect your credit for years, but you will also lose your entire downpayment and any equity you have earned.

5. **Fewer Features-** Some apartments have amenities and facilities- like pools and weight rooms- that your home may not have (unless you pay extra to provide them yourself).

Ultimately, homeownership is a decision you and the members of your household must make on your own. The rest of this manual offers some definitions of key concepts and explains how the Great Choice Loan Program can help qualified first-time, repeat and military homebuyers secure a mortgage in Tennessee.

Fixed Rate VS. Other Loan Types

THDA's Great Choice Loan Program is a 30-year fixed rate mortgage. The benefit of the fixed rate mortgage is that the interest rate remains the same ("fixed") throughout the entire lifespan of the loan. These are the most common types of loans for first-time homebuyers.

Some other loan types, not offered under the Great Choice Loan Program, include:

Adjustable-Rate Mortgages (ARMs) - Start at a low rate which adjusts following a set schedule. If you are training in a career that pays more money after training is completed, you might choose a lower payment to get started in your home, expecting to have the house payment increase regularly in the future.

Balloon-Payment Mortgages - Low monthly payments, but require refinancing or pay off at the end of the initial term, sometimes three years. If you will be selling at the same time your balloon mortgage is due, this might be an option for you.

You should approach ARMs and Balloon-Payment Mortgages with caution and care. They come with additional risk and are not designed for first-time homebuyers in low or moderate income ranges.

Government-Insured Loans, Conventional Loans, and How They Work with Great Choice

The Great Choice Loan Program works in conjunction with many of the loan types you commonly hear about. For instance, government-insured loans like FHA, VA, and USDA-RD can work with Great Choice, as do uninsured conventional with a maximum loan to value of 78%. Explanations of these loan types, adapted from NeighborWorks® America's *Realizing the American Dream* manual, are outlined below:

1. **FHA Loans** - FHA stands for Federal Housing Administration; the FHA is an arm of the Department of Housing and Urban Development (HUD). Any qualified buyer may apply for an FHA-insured loan with an approved lender. An FHA downpayment requirement is normally 3.5% of the purchase price. This is significantly lower than the downpayment required for conventional loans. Due to the low downpayment, borrowers are required to pay a monthly mortgage insurance premium (MIP) for the life of the loan.
2. **VA Loans** - VA loans are only for veterans of the U.S. armed forces and eligible spouses. VA loans are popular because the veteran does not need downpayment assistance. Veterans may have to pay some closing costs and a VA funding fee. If you are a veteran and are interested in a VA loan, you can take your eligibility certificate to a local lender and learn more about the loan program.
3. **USDA-RD Loans** - The USDA-Rural Development (RD) Rural Housing Service offers government-guaranteed loans in rural areas directly through local RD offices and through approved lenders. USDA-RD loans do not have a required downpayment. These loans are only available in designated rural areas for low and moderate income buyers. Instead of a monthly mortgage insurance premium a funding fee is added to the loan amount.
4. **Uninsured Conventional Loans** - An Uninsured Conventional Loan is secured by investors, not insured by the FHA or guaranteed by VA. Both fixed rate and adjustable rate loans are available with conventional financing. Conventional loans require a 22% downpayment.

Want to learn more about mortgage loan types and how to obtain a mortgage loan? THDA-approved homebuyer education classes are available across the state and are free or charge a nominal fee. The classes utilize the *Realizing the American Dream* book (referenced above) produced by NeighborWorks® America. To find a THDA-approved homebuyer education course in your area, please [click here](#).

If you think a Great Choice loan might be the right option for you, please talk with a THDA-approved lender in your area. You can find a list of lenders, organized by county, by [clicking here](#) or an alphabetical list of all approved lenders by [clicking here](#).

Great Choice Loan Program Explanation

The Great Choice Loan Program offers 30-year, fixed rate mortgages to qualified first-time, repeat and military veteran homebuyers. Great Choice is used in conjunction with FHA, VA, USDA-RD and uninsured conventional loans. Borrowers must meet the minimum qualifications: satisfactory credit history, income that does not exceed the maximum income limits and a home whose purchase price does not exceed the maximum acquisition price limits. Additionally, all Great Choice Plus and Homeownership for the Brave homebuyers must participate in an eight-hour THDA-approved homebuyer education course. [Click here](#) to find a homebuyer education trainer in your area.

To find out your credit score, [click here](#) to contact one of our approved lenders in your area. If the lender lets you know that your score is too low, our homebuyer education counselors can help you with strategies to raise your credit score.

Great Choice Loans are designed to help low to moderate income Tennesseans purchase modest homes. Income limits are based on the size of your household and county in which you desire to live.

To see a list of maximum income limits by county, please [click here](#).

To see a list of maximum purchase price limits by county, please [click here](#).

The Great Choice Loan Program consists of two parts: **Great Choice** and **Great Choice Plus**.

- **Great Choice** is the 30-year, fixed rate mortgage loan referenced above.
- **Great Choice Plus** is a 15 year 0% interest, deferred, second mortgage to provide homebuyers with downpayment assistance up to 4% of the purchase price of the home.

Borrowers do not have to receive a Great Choice Plus loan in order to receive a Great Choice loan. However, any borrower receiving downpayment assistance through a Great Choice Plus loan **MUST** receive a Great Choice loan.

How does Great Choice **Plus** work?

Even though Great Choice Plus is a second mortgage, it is not as complicated as it may sound. Since it is a 0% interest, non-amortizing, deferred loan, there are no monthly payments. The term of the second mortgage loan is 15 years with a forgiveness feature that begins after year 10. The loan is fully forgiven at the end of year 15. If you choose to sell your home before the 15-year period has passed, or choose to refinance, you will repay the balance of the Great Choice Plus loan at the closing.

Downpayment and Closing Cost Assistance

Before you begin looking for a home, you must understand some of the costs associated with homebuying that are not covered in the loan amount. Borrowers are not only asked to bring some money at the time of closing in the form of downpayment, but other fees, called closing costs and pre-pays, may be required as well.

Downpayment- Some loan types, like FHA loans, require as little as 3.5% of the purchase price of the home as downpayment from the borrower. For instance, if you use an FHA loan to purchase a \$100,000 home, you must have a minimum of \$3,500 as a downpayment on the loan. Other loan types may require little to no downpayment (example: VA loans) while others may require significantly more (example: uninsured conventional loans).

Closing Costs- There are one-time taxes and fees required in making a mortgage. Some of these costs are charged when applying for a mortgage; others are charged at closing when the loan becomes official and title to the property has been transferred to the borrower. If not added to the loan, closing costs are paid by the buyer or seller at closing (depending on the terms negotiated in the sales contract). Exact closing costs will depend on fees charged in your local area, how much is borrowed, the mortgage financing and the closing date (i.e. where it falls within the month). Closing costs are **in addition to the downpayment** and generally are about 3-5% of the loan amount. If you are considering a home in a neighborhood with a homeowners' association, you should check if there is an annual fee. Group ownership of amenities and exterior maintenance of condominiums can also add to costs. Any costs related to this type of ownership should be considered when budgeting.

A sample list of closing costs:

- Loan application fee
- Credit report
- Property appraisal
- Hazard insurance
- Private or federal mortgage insurance premium
- Survey fee
- Inspection fees (Structural & Mechanical, Termite)
- Loan origination fee (covers administrative costs of lender)
- Discount Points
- Recording fees
- Buyer's attorney's fees
- Deposit for appropriate escrow items (insurance, taxes, mortgage insurance, etc.)
- Transfer fees
- Recording fees (local government office)
- Pro-rated interest until the first regular payment
- Title search and title insurance fees

First Steps in the Mortgage Process

Adapted from *Realizing the American Dream* (NeighborWorks America 4th Edition, 2010, pp. 6-9)

1. Prepare for Homeownership

The fact you are reading this manual demonstrates you are actively engaging in the first step to homeownership. Now that you are interested in homeownership, what is the next step? Taking a THDA-approved homeownership class is a great place to start the journey. Most of the classes are free and are a total of eight hours of training. Classes offer comprehensive education and information about:

- a. The “pros and cons” of homeownership
- b. Working with a lender
- c. Choosing a Realtor®
- d. Budgeting and managing finances
- e. Contracts, appraisals, home inspections, taxes and insurance
- f. Avoiding/preventing default and foreclosure
- g. Homeowner’s rights and responsibilities
- h. Home maintenance

[Click here](#) to find a THDA-approved homebuyer education course in your area.

2. Determine Your Budget

It is important to determine how much of your monthly budget you can afford to spend on a mortgage payment. To do this, you must take into account both the monthly mortgage payment and the amount needed in savings to cover the downpayment and closing costs. Potential buyers should consider routine maintenance and repair costs in the budgeting process. Make sure you are not spending all of your available income on the mortgage itself, as there will be preventative and emergency repairs that will require available funds. NeighborWorks® America recommends that borrowers save 1% of the total mortgage value per year to cover repairs. That means for a \$100,000 mortgage, you should save at least \$1,000 over the course of every year (roughly \$83/month) specifically designated to home maintenance and repairs.

One other thing to consider is housing cost burden. The U.S. Department of Housing and Urban Development (HUD) discourages homeowners from spending any more than 30% of their income on housing costs. Please keep this in mind when determining how much home you can afford. For assistance with the budgeting process, THDA-approved homebuyer educators are a great resource.

[Click here](#) to find a THDA-approved homebuyer education course in your area.

3. Get a Pre-Approved Loan

After determining your budget, and ideally after completing a homebuyer education course, it is important to find a reputable lender and loan product that suits your needs. Calling banks, visiting bank websites and speaking with loan officers are great ways to gather and compare information about different mortgage products. Once you find a loan product that fits your needs, talk to the lender who represents that institution in order to gain pre-approval. Pre-approval involves applying for the loan BEFORE finding the home. After providing all the necessary information to the lender, he or she will process your application to determine if they will lend you money for a home and how much they will lend. Gaining pre-approval will provide you with confidence during home negotiations knowing that the lender will loan you the agreed upon amount, assuming you buy a home within a certain time period and the house appraises for the amount of money for which you are qualified.

THDA has lending partners across the state who are familiar with the Great Choice Loan Program. [Click here](#) to find a lender in your area or [click here](#) for an alphabetical list of all approved lenders.

4. Shop for a Home

This is the fun part of the process! This is your chance to determine which home meets the needs of your household. Many homebuyers choose to utilize a real estate professional or Realtor® to assist in this process. For a list of THDA-approved real estate professionals, [click here](#).

This manual was meant to provide a brief summary of some of the important concepts and first steps in the homeownership process. If you are a low or moderate income Tennessean looking to purchase a home, THDA would love to serve you. Whether it's your first home or your next home, the Great Choice Loan Program might fit your needs. Please visit www.GreatChoiceTN.com for more information and to see if you qualify for a Great Choice loan.

ORDINANCE 16-2015-16

AN ORDINANCE AUTHORIZING PURCHASE OF REAL PROPERTY LOCATED AT 215 LEGON STREET

WHEREAS, certain real property owned by Dr. Alan Werner, commonly known as the “Bank of America Building” located at 215 Legion Street, and being more particularly described in the real property legal description attached hereto and incorporated herein as Exhibit A, is for sale; and

WHEREAS, the City / Two Rivers Company (the district management corporation for the City of Clarksville’s Central Business Improvement District), has previously obtained an appraisal of said property by a state certified appraiser, dated September 11, 2014, said appraisal amount being ONE MILLION DOLLARS AND ZERO CENTS (\$1,000,000.00), and said appraisal being attached hereto and incorporated herein as Exhibit B; and

WHEREAS, the Two Rivers Company has previously entered into an option agreement with the owner of said property, dated June 1, 2014, providing the Two Rivers Company with an option to purchase said real property, for a purchase price of NINE HUNDRED AND NINETY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$995,000.00), said real estate option agreement being attached hereto and incorporated herein as Exhibit C; and

WHEREAS, the City Council finds it to be in the best interest of the City to acquire title to said real property for the purpose of building a civic plaza space, and for future economic redevelopment of the surrounding downtown area.

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

That the Clarksville City Council hereby authorizes and directs that the City purchase certain real property owned by Dr. Alan Werner, commonly known as the “Bank of America Building” located at 215 Legion Street, and being more particularly described in the attached Exhibit A, for the purpose of building a civic plaza space, and for redevelopment of the surrounding downtown area, for a purchase price not to exceed the amount of NINE HUNDRED AND NINETY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$995,000.00), and that the Mayor prepare, or have prepared, and execute, any necessary documents, and take any necessary action, to effectuate such transaction, at the earliest date reasonably possible.

BE IT FURTHER ORDAINED that this ordinance replaces ORDINANCE 57-2014-15 which was postponed indefinitely by the Clarksville City Council on June 16, 2015.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT "A"

A tract or parcel of land located in the 12th Civil District of Montgomery County, Tennessee and being more particularly described as follows:

Being at a ½ inch rebar found on the Southeasterly right of way margin of Main Street and being the Northwest corner of The Better Business Bureau of Middle Tennessee, Inc., (Book 941, Page 1312 Montgomery County Register's Office); thence South 21 degrees 18 minutes 20 seconds East along the West boundary of The Better Business Bureau of Middle Tennessee, Inc., a distance of 22.10 feet; thence North 67 degrees 35 minutes 50 seconds East along the South boundary of The Better Business Bureau of Middle Tennessee, Inc., a distance of 22.20 feet to the West right of way margin of North Third Street; thence South 21 degrees 42 minutes 34 seconds East along the West right of way margin of North Third Street a distance of 184.18 feet to the North right of way of Legion Street; thence South 68 degrees 36 minutes 08 seconds West along the North right of way of Legion Street a distance of 222.63 feet to the East right of way of North Second Street; thence North 22 degrees 10 minutes 56 seconds West along the East right of way of North Second Street a distance of 158.16 feet to a ½ inch iron rebar found; thence leaving North Second Street North 67 degrees 51 minutes 10 seconds East a distance of 102.02 feet; thence North 22 degrees 08 minutes 50 seconds West a distance of 45.10 feet to a ½ inch rebar found on the South right of way margin of Main Street; thence North 67 degrees 51 minutes 10 seconds East along the South right of way margin of Main Street 100.22 feet to the point of beginning, having an area of 40,658.5 square feet, (0.933 acres). This description taken from the previous deed of record.

Being the same real estate conveyed to Alan Werner by deed of record in ORBV 1235, Page 1899, Register's Office for Montgomery County, Tennessee.

**A Narrative Appraisal Report
Old Bank of America Building
215 Legions Street
Clarksville, Tennessee 37040**

For:

**Two Rivers Company
Attn: Brenda Kelley
One Public Square
Clarksville, Tennessee 37040**

By:

**Joseph Mark Young
Tennessee State Certified General Appraiser
CG-1117**

Effective Date of Appraisal:

August 14th 2014

Date of Report

September 11th 2014

***Mark Young Real Estate Appraisals
298-H Clear Sky Court
Clarksville, TN 37043
931-552-2877 (p) 931-552-2897
myoung3959@aol.com***

September 11th 2014

Two Rivers Company
Attn: Ms. Brenda Kelley
One Public Square
Clarksville, Tennessee 37040

Re: Old Bank of America Building
215 Legion Street
Clarksville, Montgomery County, Tennessee

Ms. Kelley:

In accordance with your request, I have personally inspected and appraised the above captioned property for the purpose of estimating the Market Value of the Fee Simple estate on an “as is” basis as of the effective date being August 14th 2014. I submit this letter along with the attached appraisal report relative to my findings and conforming to the Uniform Standard of Professional Appraisal Practice and subject to the Contingent and Limiting Conditions identified within the report.

To the best of my knowledge and belief, the reported analysis, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation. The scope of the appraisal assignment has been determined by the appraiser to be the Sales Comparison Approach only of the vacant land. This attached appraisal is intended to comply with the Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), revised June 7th 1994.

The subject of this appraisal is the old Bank of America property in downtown Clarksville. The subject is composed of on parcel containing 40,776 square feet and which is improved with a 23,425 GBA square foot two story building.

The market value estimate shown is based on my personal inspection. This appraisal is based on the assumption that the data relied upon in this report is true and correct. This report, which follows, contains a summary of my investigation and analysis. The pertinent facts and data, which we believe applicable to the property, are summarized and the reasons leading to the estimate of value are included. The appraisal assignment was not based on a requested minimum valuation, a specific valuation or the approval of a loan.

Based upon the subject’s location contained within the attached report, an exposure time of six to eighteen months was estimated for the subject property “as is” assuming the property has been professionally marketed at or near the value estimates contained herein. The appraiser would like to note that the subject property is listed by John Hadley, of NAI Clarksville. Mr. Hadley informed us

that the subject property has been listed since April of 2014 for a list price of \$1,100,000. The property is under option to purchase for \$995,000.

After careful consideration of the various approaches, it is my opinion that the estimated value of the subject property's fee simple estate, "as is" as of the date of my inspection, August 14th 2014 is:

"As Is"

**One Million Dollars and 00/100
\$1,000,000**

I appreciate the opportunity to perform this assignment on your behalf. If I may be of further assistance, please contact me.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "J. Mark Young", with a stylized flourish underneath.

Joseph Mark Young, TNCG-1117
Tennessee State Certified General Appraiser

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Certification of Appraisal

I certify, to the best of my knowledge and belief, that:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainments of a stipulated result or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the requirements of the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation.
- I have made a personal inspection of the subject property on August 14th 2014, the effective date of this report. The date of this appraisal report is the date in which the report is submitted to the client, which in this case is August 28th 2014. I inspected the interior of the property as well on July 23rd 2014 with Mr. Wayne Wilkinson of NAI, Clarksville Tennessee.
- I have performed no services, as an appraiser, or in any other capacity, regarding the property that is the subject of this report, within the three-year period immediately preceding acceptance of this reporting assignment. I did appraise this building in 2008. Some areas of this report are based on previous data at that time such as estimated GBA, old lease data, etc.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- The appraisal report was performed in accordance with the requirements of Title XI of FIRREA and any implementing regulations

- Joseph Mark Young is properly licensed as a Certified General Real Estate Appraiser in the State of Tennessee, with certification number, CG-1117.



Joseph Mark Young, CG-1117
TN State Certified General Appraiser

09/11/2014

Date

Summary of Salient Facts and Conclusions

General Data:

Property Inspection Date/ Effective Date of Appraisal:	August 14 th 2014
Date of Report:	September 11 th 2014
Interest Appraised:	Fee Simple
Type of Property:	General/Professional Office/Bank Subject is identified as Bank of America Site
Name of Property:	Former Bank of America
Location:	215 Legion Street Clarksville, Montgomery Co., TN 37040
Parcel ID:	066G/H/002.00

Physical Data:

Land Area:	40,776 SF (0.94 acres)
Year of Construction:	Various years with remodels Initial Construction 1972 (Bank Building)
Total Building Area	23,425 SF total GBA
Office Area:	15,113 SF
Basement Unfinished:	8,312 SF
Land-to-Building Ratio (LBR):	1.74:1
Zoning Classification:	CBD (Central Business District)
Flood Plain:	Not in Flood Plain (FEMA Map 47125C0238D) March 18, 2008, FEMA Zone X (outside flood area)
Highest and Best Use “As Vacant”: “As Improved”:	General Office/Professional/Civic Various usage

Market Value Indications for 215 Legion Street “As Is”

Cost Approach:	N/A
Income Capitalization Approach:	N/A
Sales Comparison Approach:	\$1,000,000

Reconciled Market Value Estimate

“As Is”:	\$1,000,000
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Identification of the Subject Property

The subject property is identified as the old Bank of America Building which is currently vacant. The property has a physical address of 215 Legion Street, Clarksville Tennessee 37040. The property can further be identified as parcel 2.00 within group H on Tax Map 66-G. The property has frontage along Legion Street, Third and Second Street and Main Street.

Purpose of the Appraisal

The purpose of this appraisal is to estimate the fee simple market value of the subject property “as is” as of the effective date of this report being August 14th 2014. The effective date is the time of our last property inspection. The date of this report is September 11th 2014. .

Client, Intended User, and Intended Use of the Appraisal

The client of this appraisal assignment is Brenda Kelley with the Two Rivers Company. The appraisal will be used to aid the client in making purchasing decisions.

Property Rights Appraised

Real property refers to "all interests, benefits, and rights inherent in the ownership of physical real estate."¹ Property rights are economic interests supported by the law. The bundle of rights referred to as the property rights may include a great many rights such as easements, encroachments, liens, leases, etc. The various rights may be separated and held by different individuals or entities. The most complete form of ownership is fee simple ownership. Any limitation of ownership rights has to be given special attention. An appraisal assignment may require the appraisal of the fee simple estate or a partial interest such as a leasehold estate or an easement. The property rights of ownership, which are being appraised in this report, include the fee simple estate.

Definition of Fee Simple Estate

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.²

Competency Provision

The appraiser involved in this assignment has considerable experience in appraising this property type. The company maintains a database on similar properties. The appraiser feels he has adequate knowledge of this property type and location to meet the competency provision requirements of USPAP.

¹The Dictionary of Real Estate Appraisal, Fifth Edition, page 161, Appraisal Institute, Chicago, IL

² The Dictionary of Real Estate Appraisal, Fifth Edition, page 78, Appraisal Institute, Chicago, IL

Date of Appraisal

I inspected and photographed the subject property on August 14th 2014, which is the effective date of this appraisal assignment. The report was completed and presented to the client on September 11th 2014, which is the date of the appraisal report.

Definition of Market Value

“Market Value³” is the most probable price which a property should bring in a competitive and open market under all conditions requisite to fair sale, the buyer and seller, each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interest;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concession granted by anyone associated with the sale.

³ **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 122, Appraisal Institute, Chicago, IL

Scope of the Appraisal

The scope of the appraisal assignment is to provide an appraisal on the subject property identified herein. The client has requested an appraisal determining the market value of the subjects' fee simple estate based on the properties concluded highest and best use. I have provided a market value of the Fee Simple estate of the subject on an "as is" basis, as of the date of inspection referenced herein. In estimating the market value of the subject property I have determined that the Sales Comparison Approach will be necessary in developing a final market value estimate for the subject property. I do not feel the Cost Approach and the Income Approach are applicable at this time. This will be discussed later within the report. The Sales Comparison Approach has been completed to arrive at the concluded value of the property "as vacant". The value conclusion follows the generally accepted appraisal procedures as set forth in the Uniform Standards of the Professional Appraisal Practice. In the appraisal of this property, the appraiser has completed the following steps and analysis:

1. Inspected and photographed the subject's site on August 14th 2014. I inspected the building with Mr. Wayne Wilkinson by flashlight.
2. Gathered information from various secondary data sources regarding regional, city, market area, site, and improvement data on the existing improvements.
3. Analyzed data to make a determination of the highest and best use of the subject property as is and as vacant.
4. Gathered and confirmed comparable sales on a local and regional basis for comparison to the subject property.
5. Gathered and confirmed vacant site sales in the market area to develop an estimate of the fee simple market value of the subject site "as vacant" and available to be developed at its highest and best use. I interviewed a number of parties involved with these sales and with knowledge of the downtown Central Business District to arrive at these conclusions. The Sales Comparison Approach was utilized to estimate the subject's market value "as vacant"
6. I analyzed market rent data and expense data. I performed an Income and Expense data to support my conclusions that based on the subjects current condition the NOI which could be generated from the property in its current state would not support the continued use "as is" as the market value of the subject "as vacant" taking into consideration the cost to remove the current improvements exceed that value.
7. Due to lack of sales of older buildings in similar condition within the immediate downtown market it was concluded the Sales Comparison of the subject "as improved" was not applicable.
8. Concluded a market value of the subject in its current "as is" condition utilizing vacant land sales in downtown Clarksville and other markets which I deem similar as of the effective date which is August 14th 2014.

Legal Description

The subject is currently owned by Alan Werner. The property is legally described in Volume 1235 Page 1899 within the Register of deeds within Clarksville Montgomery County Tennessee.

History of the Subject Property

The subject tract was once the home of Commerce Union Bank and then Bank of America Building. The last time the property was sold was in 2008 when Alan Werner purchased the building from First States Investors TRS, L.P., a Delaware limited partnership. After that purchase the bank remained in the building for a short period of time. After that Gary Hodges leased a small office containing approximately 1,100 square feet, while a law firm leased a portion of the lower area. At one time the bank was leasing approximately at a rate of \$6.80 per square foot while Mr. Hodges was leasing his space for \$4.46 per square foot. (This information taken from previous appraisal that was performed in 2008.)

Contract/Listing Information

The subject parcel is currently under an option agreement with the owner Dr. Alan Werner and Clarksville CBID Management Corporation of 1999 D/B/A Two Rivers Company of Clarksville Tennessee. The property is under option to purchase for a price of \$995,000. The date of the option is June 1st 2014 and extends until May 15th 2015. In the option the purchaser is to pay the seller \$6,000 per month for a total of \$60,000. If the option is exercised the money obtained during the option period will go toward the purchase price. The purchaser may obtain an extension of the option after May 31st 2015 for \$5,000 per month. A copy of the unsigned option is included within the addenda of this report.

Lease Information

As per Mr. Hadley with NAI there are no leases at this time. In addition, Mr. Hadley has stated that no new leases are being pursued by his company and that he is only trying to sell the property. Obviously with the property under option to buy any future leases will be hard as there is no certainty of the future usage.

Environmental Issues

The appraiser was not made aware of any environmental audits or environmental hazards pertaining to the subject property. In this appraisal assignment, the existence of potentially hazardous material, gases, and/or toxic water, which may or may not be present on property, was not observed by the appraiser, nor does the appraiser have any knowledge of the existence of such material on or in the property. To the best of my knowledge, the presence of potentially hazardous waste, materials, or gases has not been detected, or, if they have been detected, it has been determined that the amount or level is considered safe according to standards established by the Environmental Protection Agency. The appraiser, however, is not qualified to detect such substances and does not make any guarantees or warranties that the property has been tested for the presence of potentially hazardous waste material or gases, or, if tested, that the tests were conducted pursuant to EPA approved procedures. The existence of any potentially hazardous waste or gases may have an effect on the value of the property. The client is urged to retain an expert in this field if desired. **It is my understanding there is some asbestos within the building.**

Zoning Analysis

The subject site is zoned commercial CBD (General Central Business District). A number of commercial uses are allowable within this zoning. A brief description is provided below:

The CBD Central Business District, with complementary office and related uses, forms the center for commercial, residential, financial, professional, governmental, and cultural activities. Pedestrian-oriented uses are encouraged, while uses related to automobile and vehicular traffic are discouraged.

The subject property's use as the Leaf Chronicle Building is permissible under the CBD zoning. The highest and best use as conversion to multitenant office space would also be allowable under the current zoning.

Property Tax Data

In Montgomery County the current tax rate is \$2.97 per \$100 and within the City of Clarksville the tax rate is \$1.16 per \$100. The property is classified as commercial property.

Based on information provided by the Assessor of Property's Office of Montgomery County, the subject is appraised for 2014 tax purposes as follows:

Map/Parcel	Improvement Value	Land Value	Yard Improvements	Total Value	Assessed Value	Tax Burden
66-G/H/2.00	\$811,000	\$278,900	\$9,500	\$1,099,400	\$439,760	\$18,162.09

As illustrated above, the subject parcels have a total tax burden of \$18,162.09 per year with a tax value at \$1,099,400.

Clarksville/Montgomery County Data

General Description: The City of Clarksville, Tennessee is a vibrant community located in the northwestern section of Middle Tennessee in Montgomery County, which borders the state line of Kentucky. The seventy-nine square mile city is the county seat for Montgomery County and is located along I-24 forty-five miles northwest of Nashville, TN. The Clarksville Montgomery County community is experiencing a strong amount of growth and progress. It is also the ninth fastest growing city in the nation and the fifth largest municipality in the state.

Population: The results of the 2010 United States Census are in, and they show Clarksville's population in now 132,929. This is a 28.5% increase from the 2000 Census, by far the largest rate of population increasing among the other top five Tennessee cities. The official population of Montgomery County is now 172,331, which is a 27.8% increase over the 2000 Census-reported population of 134,768. The five most populous Tennessee cities and their 2010 Census counts are Memphis: 646,878; Nashville: 626,681; Knoxville: 178,874; Chattanooga: 167,674; and Clarksville: 132,929. Memphis decreased by 0.5 percent since the 2000 Census, Nashville grew by 10 percent, Knoxville grew by 2.9 percent, Chattanooga grew by 7.8 percent and Clarksville grew by 28.5%.⁴

According to new data Clarksville's population is expected to grow 22% by 2020. The Montgomery County population is expected to grow 23% by 2020.

Government: Clarksville has a Mayor/Council form of government. The Mayor serves a four-year term and is elected at large. The city council is composed of 12 members who are elected from wards. Montgomery County has a County Mayor/County Commissioner form of government that is similar Clarksville's government. The fire department has 199 personnel supporting ten stations. The City Police Department has a staff of over 250 and the Sheriff's Department has a staff of approximately 395 employees, including deputy sheriffs and civilians.

Public Utilities: Electrical service is provided by the Clarksville Department of Electricity and county electrical service is provided by Cumberland Electric Membership Corporation. Both are powered by the Tennessee Valley Authority. Natural gas is supplied by the Clarksville Department of Gas and Water. Police and fire protection are provided by the City of Clarksville.

⁴ Chris Smith. 2011. Clarksville population tops 132,000. *The Leaf Chronicle*, March 16th 2011

Education: There are 38 public schools in the district: one K-5 Magnet School, 22 elementary, seven middle and high schools, one middle college and an alternative school for troubled youth. Clarksville/Montgomery County School System is one of a distinguished group of school districts that has earned whole district accreditation. It is one of the few districts in the nation that is ISO 9001 certified - a standard of effectiveness and efficiency recognized by business and organizations around the world. With a current graduation rate of 90.3% the school system exceeds both state and national averages and receives strong community support for education with an emphasis on 100% graduation for every student. There are also five private schools in the Clarksville/Montgomery County area. Clarksville is home to Austin Peay State University, one of Tennessee's outstanding regional higher education institutions. Austin Peay (enrollment over 10,000) is a four-year public, masters level university offering over 56 majors and 63 different concentrations. APSU was founded in 1927 and named for native son, Governor Austin Peay. The City is also home to Daymar Institute (formerly Draughons Junior College), North Central Institute and Miller-Motte Technical College. Vocation Studies are available at Tennessee Technology Center. Other higher education facilities are also located in nearby Nashville. There are also a growing number of private schools in Clarksville. They are the Clarksville Academy, Clarksville Christian School (Church of Christ), St. Mary's Catholic School, Montgomery Christian Academy, Academy of Academic Excellence and the newest being Tabernacle Christian School, which is associated with the Reverend Jimmy Terry's Tabernacle Baptist Church in New Providence.

Medical: Gateway Medical Center offers programs, services and facilities that rival the best in the state. The hospital employs 1,200 professionals and serves upper Middle Tennessee and South Central Kentucky. It's fully accredited 270 bed medical center provides numerous state-of-the-art services including a heart center, magnetic resonance imaging, respiratory care, surgery, critical care, inpatient rehabilitation and emergency services. The medical staff of more than 150 physicians represents over 30 specialties. Gateway-Vanderbilt Cancer Treatment Center is a joint venture with Vanderbilt Medical Center bringing the latest technology in radiation therapy to Clarksville. There are a total of 10 nursing homes with 578 beds. The former Harriet Cohn Mental Health Center, now known as Centerstone, offers 44 beds and also offers outpatient and residential treatment facilities. It was announced in September 2011 that a veteran's nursing home will be constructed on a 9.5 acre site which the county purchased behind Fort Campbell Wal-Mart. Plans have called for a 108-bed home of almost 100,000 square feet, with an estimated cost of \$22.6 million. This has still yet to be completed on the site.

Financial Institutions: Clarksville has 14 banking institutions, which have combined deposits of \$1,948,741,805. These banks are Bank of America, with six branches and combined deposits of \$203,812,000; Cumberland Bank and Trust, with five branches and combined deposits of \$120,076,000; F & M Bank with seven branches and \$335,150,000; First Advantage Bank (formerly First Federal Savings Bank) with six branches and \$218,468,000 in combined deposits; Fort Still National Bank with one branch located in Wal-Mart and \$464,000 in deposits; Capital Bank (formerly GreenBank) with five branches and \$122,550,000 in combined deposits; Heritage Bank with three branches and \$61,245,000 in combined deposits; Legends Bank with five branches and combined deposits of \$231,162,000; Planters Bank Inc. with five branches and \$187,845,000 in deposits; Regions Bank with five branches and combined deposits of \$264,631,000, US Bank with eight branches and \$201,289,000 in combined deposits, CEMC Credit Union with one branch and combined deposits of \$578,943 and Gateway Credit Union with one branch and combined deposits of \$1,289,862. Not included in the combined deposits is Cornerstone Financial Credit Union with seven branches in six different cities and combined deposits of \$18,599,877.

Labor Force: Along with Clarksville, Montgomery County's growth, the labor force grows as well. For the Clarksville, Tennessee Metropolitan Statistical Area (MSA), the labor force was 111,460 people for the entire area, which includes Montgomery County, Hopkinsville, Kentucky, and Stewart County, Tennessee. Montgomery County's labor force as per March 2010 was 68,460 people. Of that labor force, 62,190 people were employed and 6,270 were unemployed which is a 10.08% unemployment rate. The 2009 labor force was 65,930 persons, which was a 50% increase from 1990. The estimate for March of 2010 was an increase of 2,530 people in the labor force for Montgomery County. This is the most recent data available for Clarksville-Montgomery County Labor Estimates.

Employment: One of the key factors in Clarksville's growth is the relationship it has with adjoining Fort Campbell military base - home of the 101st Airborne Division (Air Assault), the 160th Special Operations Aviation Regiment (SOAR), Fifth Group Special Forces and 101st Corps Support Group. The 101st Airborne Division is one of the most powerful and prestigious divisions, having made a name for itself during World War II as the Screaming Eagles in Bastogne, Belgium, Holland, France and Germany. Today, the highly trained soldiers of the 101st are the world's only Air Assault Division. The 101st participates in peacekeeping and humanitarian missions at home and abroad. Fort Campbell currently has 30,865 active duty soldiers and 4,356 civilian employees. There are over 55,000 family members that call Fort Campbell home. The installation currently has an annual payroll of approximately \$2.5 billion, making it the largest employer in both Tennessee and Kentucky.

Employment Continued

In October 2013 it was announced that the Hankook Tire Company will begin construction on a new tire plant at Exit 8 off Interstate 24. This will generate 1,800 new jobs with an average pay of \$18.50 per hour. The plant is to begin construction in 2014 and will open in 2016.

In 2012, Agero, a leading provider of connected vehicle services including roadside assistance and claims management, opened a call center in Montgomery County, bringing with it a capital investment of \$8 million and the creation of more than 500 jobs. The company has located in the existing building located at 2971 International Blvd, which is at the corner of Rossvie Road and International Blvd. The announcement of Agero's expansion is the latest in a series of economic good news stories that have taken place within the past few years.

In April 2011 it was announced that Jostens Printing and Publishing would be moving more of its yearbook operations to Clarksville. The company is transferring yearbook and commercial print production here from State College, Pennsylvania, bringing in roughly 400 more employees for a total staff of 700. Jostens moved out of its former building on Highway 48 and into the 575,000 square foot Quad Graphics building (formerly Quebecor Worldwide) which recently ceased operations in the Clarksville/Montgomery County Industrial Park. The property sits on 75 acres and has about 20 acres remaining for future expansion, according to the Clarksville-Montgomery County Economic Development Council's web site. Jostens officials said the expansion in Clarksville will allow the company to "capitalize on its advanced technological solutions, innovation and efficiencies benefiting its customers and business. Jostens officials expect to be moved into the new building by the end of the third quarter of 2011. The Economic Development Council's President and CEO James Chavez said that he believes the number one reason they are growing here is the stability of their workforce and the strength of the local workforce.

In mid-2010 it was announced that two new Publix grocery stores would be coming to Clarksville - one being located along Tiny Town Road in North Clarksville and the other in the Hilldale/Richview submarket of Clarksville. Ground was broken in August of 2010 and demolition was completed on the old hospital site, which was located at the northwest corner of Madison Street and Memorial Drive in the Hilldale area of Clarksville. Both new Publix developments are now open.

Employment Continued

In 2009, Conwood Company, LLC, which specializes in the making and distributing smokeless tobacco products, purchased the former Union Carbide Plant located off Highway 79 North, in northeast Montgomery County. Conwood invested \$115 million dollars into the site and created 20+ new jobs. 2009 also saw Akebono (AMBA, LLC) purchase Bosch Brakes for \$13.5 million and created 300 new jobs.

Also in October 2009, Hemlock Semiconductor L.L.C., one of the world's leading suppliers of polycrystalline silicon products used in the manufacturing of energy producing solar cells and semiconductors used widely in the electronics industry, began construction of a new plant that was supposed to create roughly 500 high paying jobs upon the opening of the plant in fall 2012; however, approximately 300 of the 400 workers were laid off in January 2013 - before the plant could even begin production of polycrystalline silicon in support of the solar power industry. Whether the plant will open is unknown, said company president Andrew Tometich. The layoffs are in response to what the company called a "significant oversupply in the polysilicon industry and the threat of protective tariffs on its product sold into China." If these market conditions persist, the layoffs could be permanent. A minimum workforce remains at the massive facility focused on "safely maintaining the site for eventual production." If the trade disputes with China and Europe are settled, production would begin at the plant, but until that time the future of Hemlock Semiconductor is unknown. Although this is significant step back, Clarksville is still seeing growth in other areas.

In 2008, Atlanta Hardwood Corporation purchased the Averitt Lumber Company site, making a \$6 million dollar investment and adding 30+ jobs. Also in 2008, former Bosch Brakes, which is now Akebono (AMBA, LLC), made a \$35 million dollar investment and created 75 new jobs, Bridgestone Metalpha made an \$18 million dollar investment expanding their building and also Trane made a \$6 million dollar investment.

Employment Continued

In addition to Ft. Campbell Military Base, there are numerous successful businesses which employ in Clarksville and Montgomery County. Those companies are listed in the table below:

CLARKSVILLE EMPLOYERS		
Company Name	Product	Employment
Austin Peay State University	State Funded University	900
Akebono Brake Systems	Anti-Lock Brake Systems	650
Beach Oil Company	Oil and Gas	150
Bridgestone Metalpha	Steel Cord	415
Florim USA	Ceramic/Porcelain Tile	260
Convergys Corporation	Call Center	800
Centerstone	Behavioral Health Services	184
Bosch Brakes	Tractor Trailer Air-ride	320
Gateway Medical Center	Hospital	1,165
Hemlock Semiconductor	Polysilicon	100
Jostens Printing and Publishing	Yearbooks/Commercial Printing	700
Letica Corporation	Plastic Cups	400
MW/MB LLC	Fiber Glass Strands	105
Nyrstar	Zinc Refining	249
Orgain Building Supply	Lumber/Construction Equipment	120
Progressive Directions Inc	Childcare and Adultcare Services	300
Rivers End Trading Company	Knit Shirts/Woven Apparel	90
Spear USA	Pressure Sensitive Labels	302
SPX Corporation	Cord Forging	108
Trane US, Inc.	Air Conditioning/Heat Units	1,400
Wal-Mart	Retail	1,363

As noted in the previous table, Austin Peay State University has an enrollment of over 10,500 students and is also a major source of employment for the City of Clarksville. Other major employers include the Montgomery County School System and Gateway Hospital. The City of Clarksville offers many other diverse areas of employment, which among others includes, retail, education, construction and medical. Within the last five years there have been many new retail stores come to Clarksville, including the Seattle-based Starbucks, Dicks Sporting Goods - a large outdoor and recreation retailer - and the Wisconsin-based Kohl's department store.

Although the unexpected news relative to the Hemlock Plant closing may result in a short-term setback for the local economy, coordinated economic development efforts by city, county, and state officials have been successful in attracting another major employer to the Clarksville market. South Korean Hankook Tire Company announced plans in October, 2013 to build an \$800 million manufacturing facility in Clarksville, creating about 1,800 direct jobs, which will position the company as Clarksville's largest private employer within the next few years. Close to 1,200 people will reportedly be hired by 2016, and the remainder of the 1,800 jobs will be filled by 2018. Construction of the 1.5 million square foot facility - designed to produce 11 million high-end performance tires annually - is scheduled to begin in 2014.

Employment Continued

The company's site selection process reveals some of the positive aspects of Clarksville from a general economic perspective. As the company's site selection process narrowed the options down to just a few sites in the Southeastern U.S., the Clarksville site was the only location under consideration in Tennessee, with competing sites located in South Carolina, Georgia, and Alabama. Hankook reportedly selected Clarksville because the community had a site ready upon which to build the 1.5 million square foot manufacturing facility, and because of Tennessee's central location relative to the overall U.S., which the company indicated positions Tennessee as an ideal state from which to distribute tires in North America. According to company CEO Seung Hwa Suh, the transportation infrastructure near the Clarksville site was also a significant factor, as the site has access to the interstate highway system, airports, railroads, and the Mississippi River. Clarksville is also a convenient location for Hankook to ship tires to two South Korean automotive plants in the U.S. (Kia in West Point, GA and Hyundai in Montgomery, AL) which are both significant customers of Hankook.

The site for the plant is situated in the southern expansion area of the Corporate Business Park near I-24 and Rossvie Road, which is the same park as the shuttered Hemlock plant, but approximately three miles to the south of the Hemlock site. Rail service to the park is provided by a short-line rail company (the RJ Corman Railroad) whose tracks tie in with the CSX mainline in nearby Guthrie, Kentucky. The railroad is expected to extend a spur to the Hankook plant, as it has to other businesses in the park.

Hankook sells tires in thousands of retail outlets across the U.S., as well as to automotive manufacturers such as Nissan (including Nissan's factory in Smyrna, Tennessee) and Volkswagen in Tennessee. The announcement of a new, large-scale manufacturing plant for Hankook Tire Company, the world's seventh-largest tire company, represents another example of the economic shift of automotive industry from the Midwest to the southeast. Other foreign tire companies have plants under construction or planned in Georgia and Mississippi. Japanese company Yokohama recently executed an agreement to build a plant in West Point, Mississippi, which is expected to create approximately 2,000 jobs.

Employment Continued

The combined incentive package was reportedly \$72 million. In addition to state incentives, Clarksville-Montgomery County provided the land (469 acres) for the facility at no cost to the company and nearly \$50 million in local property tax abatements instituted over the next 20 years on a graduated scale. In turn, Hankook is expected to generate approximately \$65 million in new tax revenues for the local community, according information released by the Industrial Development Board. Hankook will have 10 years to build both phases 1 and 2 of the plant, and the state will monitor progress to ensure that the company reaches 80 percent of its \$800 million investment and required 1,800 jobs through that period.

Founded in 1941 in Korea, Hankook Tire is one of the fastest-growing tire companies in the world. With about 20,000 employees and five state-of-the-art research and development centers, Hankook Tire produces high performance radial tires at its seven manufacturing facilities in four different countries, and its products are available in more than 180 countries. The US plant in Clarksville will be the company's eighth production facility. According to industry figures, Hankook's share of the U.S. tire market is approximately 5%, with sales of \$1.3 billion in the U.S. and Canada in 2012. Nashville-based Bridgestone Americas Tire Operations is the industry leader, with \$9.2 billion in sales in 2012.

One of the closest focal points for more recent commercial development in Clarksville is to the north of the subject market area and includes a Lowe's Home Improvement store and a Kroger-anchored retail shopping center located on the northwest quadrant of Wilma Rudolph Boulevard and 101st Airborne Division Parkway. Another focal point for recent commercial and residential development has been in the northern market area along Trenton Road and Tiny Town Road near the intersection of these two roadways. Commercial uses are located in the highest density in the northeastern portion of Clarksville along Wilma Rudolph Boulevard, and the Governor's Square Mall is located to the north of the subject market area. In general, no land uses were noted that would have a negative influence on the subject market area.

Over the past ten years, commercial/industrial businesses have invested over \$1.6 billion in their properties. The economic base continues to expand in terms of both new and existing industry. These expansions have added more than 2,000 jobs to the employment market. Three notable examples of this continued investment in the area are Florim USA, Bridgestone Metalpha, and Hemlock Semiconductor LLC, which have invested a combined total of over \$1.4 billion in their facilities. The Clarksville/Montgomery County Corporate Business Park continually attracts new investment, development, and industry.

The area is home to a number of restaurants including International and American Cuisine. Fort Campbell Military Base has aided Clarksville in becoming a much diversified community. This diversity gives the residences of Clarksville cuisine from across the globe, including German, Italian, Korean, Japanese, Chinese and Mexican Restaurants. These along with the other chain restaurants in Clarksville including, O'Charley's, Outback Steakhouse, Red Lobster, Olive Garden, Buffalo Wild Wings, Hooters, Cheddars, and Longhorn Steakhouse. Several fast food restaurants have been constructed over the past few years.

Community Facilities/Recreation: Clarksville has a wide base of recreational venues that satisfy many sports enthusiasts' needs. Heritage Park, one of the state's top soccer sites, has eight fields and is host to several statewide and regional soccer tournaments. The complex is the site for recreational league play, as well as a number of area tournaments. Clarksville offers 25 parks and five community centers for recreational opportunities. The city also provides five community pools and several recreational sports leagues. Special Programs and events are coordinated during the year for all ages. The summer program is just one of the programs offered by the department. A six-week program that provides safe and entertaining recreational activities for ages 6-16, is free and hosted at 13 different sites around the area.

Clarksville/Montgomery County has over 30 parks, five golf courses and one private course, seven swimming pools, nine tennis courts, 29 movie theater screens and five community centers, six boat ramps/landings for recreational opportunities.

Water sports are abundant in Clarksville and Montgomery County. The area's Cumberland River was named one of the top cat fishing spots in the U.S. by Field & Stream. The Clarksville Marina which is expected to be completed this year will attract a number of river goers who would typically travel to Lake Barkley or Kentucky Lake. This will also help Clarksville begin to utilize its abundant river front. Also the Clarksville Blueway will in all probability begin construction this year. The Clarksville Blueway will provide the citizens of Clarksville the opportunity to canoe and kayak along the Big West Fork Creek, Red River and Cumberland Rivers in Clarksville. In the long run, the city hopes to create 45 miles of Blueway on the Cumberland River, Red River and Big West Fork Creek. Parks and Recreation hope to install at least two more canoe and kayak access points under the Warfield Boulevard and I-24 Bridges. This plan is based on the success of the Clarksville Greenway, which is accessed by Pollard Road off Peachers Mill Road. The greenway provides 3.6+/- miles of walkways which follows an abandoned rail bed. Walking this trail has become very popular with the residents of Clarksville.

There is also a Tudor-style winery and vineyard at Beachaven Winery with tours available. Other area attractions are the 110 acre Dunbar Cave, Port Royal Covered Bridge Park and Fort Donelson National Military Park and Cemetery. Land between the Lakes is located only 30 minutes from Clarksville on Kentucky Lake and Lake Barkley. This 170,000 acre park offers hiking, camping, hunting, fishing, and nature center and a living history farm.

Construction Activity: The area has seen a healthy pace of new single family construction over the past 10 years. The total number of permits reached its peak in 2005 with 1,883 issued that year. The pace of new construction since that time has dropped hitting its lowest point in the year 2008 and then rising some in 2009. The average price of new homes constructed within Montgomery County currently averages \$197,936, with the sales of this survey occurring from January 1st 2014 to May 2014. The area continues to be affordable compared to many of the suburban counties around the Nashville/Davidson County area. The three tables on the following pages outline the construction activity for Clarksville, Montgomery County, from 2007 through July 2014. The permits in the following tables are for Clarksville only and do not include permits pulled outside Clarksville city limits due to a lack of available data for the county.

Single Family Permits

The data illustrated in the table below details the number of new permits pulled, cost of construction for the permitted projects as well as the number of new homes sold throughout the stated year. There were 1,015 permits pulled in the year 2007 prior to the effects of the great recession. The great recession, which is also known as the global recession of 2009, was a global economic decline in the late 2000's where a majority of major financial institutions, along with smaller financial institutions, incurred a liquidity crisis because of the bursting of the United States' housing bubble. The following liquidity crises crippled the national economy and the economy throughout the State of Tennessee. Although residential development significantly decreased in 2008 this market leveled off in 2009 and remained relatively stable from 2009 to 2011. The driving force behind the recovery here in Clarksville was the significant amount of population growth in our area, as shown by the demographic data provided in the addenda of this report. The US Census predicted continued growth over the next decade along with increasing household income for the Clarksville area wide market. There was also the announcement that Hemlock Semiconductor LLC, one of the world's leading suppliers of polycrystalline silicon products used in the manufacturing of energy producing solar cells and semiconductors used widely in the electronics industry, began construction of a new plant that would initially create roughly 500 high paying jobs upon opening in fall 2012. At the time of announcement and the years that followed, there was a significant increase in single-family development within the areas in close proximity to the industrial park. At this time there were over ten new subdivisions created around this time, increasing new home construction and aiding in market stabilization. From 2011 to 2013 new home sales ranged from a low of 968 homes to a maximum of 1,116 homes with 1,027 new homes being sold on average over the aforementioned timeframe. The appraiser believes that 2014 will remain stable with the number of new home sales, in all probability, being over 900 homes due to the previously mentioned announcement of Hankook Tire constructing an \$800 million plant in the Clarksville-Montgomery County Industrial Park that will have 1,200 employees by 2016 and 1,800 by 2018. Based on the historical data about the Hemlock Announcement the appraiser feels that the Hankook announcement will not only spur residential development but every other sector as well. Illustrated in the table below is the number of new homes sold through July 2014 this year. The total number of new home sales in the City of Clarksville, sold within the MLS, is 439 or 87.8 new homes per month. Permit history as well as current permits are illustrated below:

Single-Family			
Year	No. Permits	Construction Cost	New homes Sold
2007	1015	\$101,680,574	1176
2008	625	\$61,532,146	735
2009	796	\$86,152,392	938
2010	767	\$96,654,841	843
2011	996	\$107,633,719	968
2012	942	\$90,927,072	1116
2013	773	\$90,665,362	997
2014	523	\$61,099,345	577
Permits and new homes for 2014 through end of July			

Multifamily Permits

As shown in the grid below the number of multifamily permits pulled reached a peak in 2007. In 2008 the number then dropped to 61 permits pulled. The drop from 2007 to 2008 is largely contributed to the economic recession caused by the housing bubble. This recession affected not only our area but all areas of the United States. It also didn't help that the service men and women that were stationed at Ft. Campbell Military Base had been deployed to either Iraq or Afghanistan, which caused there to be an above average vacancy rate for multifamily homes. From 2009 to 2011 there was an increase in the number of permits pulled, which was followed by a decrease in 2012. As illustrated in the table below there was a significant increase in the number of permits pulled between 2012 and 2013. The winter of 2013 and the colder than normal temperatures in January and February 2014, likely led to the lower than average number of permits pulled so far this year. The actual number of permits pulled in July 2014 is eight, which indicates that numbers this year may be lower than the last few years. If the number of permits pulled through July is annualized a total number of 20 permits would be projected to be pulled.

Multifamily Permits		
Year	No. Permits	Construction Cost
2007	145	\$31,707,177
2008	61	\$33,722,603
2009	73	\$13,838,843
2010	82	\$31,621,532
2011	97	\$29,752,205
2012	67	\$20,968,060
2013	92	\$32,300,600
2014	13	\$2,944,830
Permits through July 2014		

Commercial Permits

There is a significant increase in commercial construction from 2012 to 2013. As previously mentioned in this report, the driving factor behind the significant shift in growth was the announcement of Hemlock Semiconductor in late 2009. Ever since the announcement, Clarksville has continued to see new commercial development. This has occurred in the forms of new retail and strip shopping centers, restaurants, Publix Supermarket's and a number of new commercial uses. This trend in all probability will continue through this year due to the announcement of South Korean Tire Company, Hankook, constructing its first North American manufacturing plant. This is a significant boost to the Clarksville economy with Hankook estimating a total of 1,800 jobs by 2018. They will be producing roughly \$65,000,000 in new tax revenue for the City of Clarksville and the State of Tennessee. Over the past ten years both commercial and industrial companies have invested over \$1.8 Billion dollars into expanding their existing operations, which has led to over 2,000 new jobs created directly by the expansions. With the continued hard work of the Industrial Development Board and the construction of the future Hankook Tire Company, the appraiser believes that the immediate future should continue to see growth in all types of commercial and industrial development.

Commercial Permits		
Year	No. Permits	Construction Cost
2007	159	\$97,368,618
2008	189	\$97,414,226
2009	204	\$46,918,776
2010	301	\$92,813,881
2011	284	\$61,426,402
2012	270	\$112,756,677
2013	307	\$144,071,738
2014	181	\$45,228,214
Permits Through July 2014		

Summary of Clarksville Demographic Data: The city of Clarksville is a steadily growing community in the northwest section of Middle Tennessee. Over the past few years Clarksville/Montgomery County area has received national attention, being named by CNN Money as the 4th least expensive city in the nation to live, the 57th Best Place to Live in America by Money Magazine, and it was also ranked 38th in terms of being a family-friendly city. The community for the most part has sustained an annual population growth for over 30 years. Results from the 2010 census showed that Clarksville's population has grown approximately 28.5%. This is an average growth rate of 2.85% per year. The total population for the city of Clarksville as of the 2010 census is 132,929. The total population for Montgomery County is 172,331. The appraiser believes that all sectors of development will continue to experience growth; however, commercial and industrial have by far exceeded expectations and have been continually growing over the past few years. With over \$1.6 billion in commercial and industrial expansion and the announcement of the future \$800 million dollar Hankook Tire plant, the appraiser believes that more companies will look to our Industrial Park, creating more jobs and stimulating the overall economy in the area.

Neighborhood Data

General Description: The subject property is located in the downtown central business district of Clarksville, Tennessee with an address of 215 Legion Street. The neighborhood consists mainly of service/retail businesses, government offices, restaurants and some apartments. Austin Peay State University occupies the majority of property north of College Street from Second Street to Ninth Street. The properties surrounding the subject property are the Montgomery County Courthouse, Museum, Montgomery County Jail, a number of law offices and financial service offices.

Percentage Built-Up and Trend: The Central Business District of Clarksville was struck by a category three tornado in late January of 1999. A number of the older buildings along South Third and South Second were damaged beyond repair and were razed after the tornado. The Criminal Justice building has been constructed and the local courts and county offices moved in which has aided in the legal community. The subject property itself was reconstructed after the tornado. Local attorneys and local authorities have continued to commit to rebuilding the downtown area. Austin Peay State University is located along the outer edges of the central business district and has seen enrollment rise drastically over the past few years with the creation of the Hope Scholarship program created with the new state lottery. Enrollment at Austin Peay State University passed the 10,000 student benchmark in fall of 2009 with the highest enrollment over the past five years being 10,873 students in fall 2011. The five year average enrollment is 10,556 students. Recently an older building was purchased in the downtown area to expand the schools the Arts Museum with offices in mind as well. This new building that was purchased is located at 103 Strawberry Alley and it will more than likely feature an art gallery and museum for the university, but will have the potential for a number of uses. This property was purchased for \$500,000 for the 15,000 sf of space, which equates to a \$33.33 psf sales price. The lot size was 0.45 acres. Based on the value of the site the property was purchased for \$25.51 for the underlying value of the land. This is one of the first steps of University in expanding outside of area North of College Street. A few years early a site was purchased from Cumberland Bank and Trust at the northwest corner of University and Main Street for parking expansion. A number of new apartments have been constructed with the largest being University Landing, which was completed at the corner of University Avenue and Franklin Street. With the continuing support and rebuilding effort the downtown area should continue with stable growth within the foreseeable future. The downtown central business district is 99% built up with very few vacant lots available. The majority that is vacant are parking lots which support the local trade and employment population of the downtown area.

Typical Improvements and Level of Maintenance: The typical improvements found within the Central Business District are a 100+/- year old masonry, two and three story buildings. The maintenance level of buildings is average to good. In the past 10 years a number of buildings were purchased and remodeled with the majority of the work done by attorneys for law offices. Due to the 1999 tornado and the following demolition of a number of the older buildings, a wave of new construction took place; however, over the last couple of years this renovation has slowed. Some buildings continue to be purchased and remodeled. The majority of attorneys that lost their buildings in the storm are the main force driven by this new construction at that time. There are a number of retail shops have opened that cater to the workers within the downtown area as well as a number of restaurants, bars and retail stores that cater to Students attending APSU. The most recent is Binks Department Store, located along Franklin Street, which sells high end clothing and outdoor apparel and accessories. The city has also undergone a number of improvements such as new sidewalks and lighting that has increased appeal for people visiting the area.

One of the largest is the redevelopment of Legion Street which is to be site of the new Arts Museum for Austin Peay State University (APSU). It appears that due to lack of available property adjoining the APSU campus is expanding outside of the current area considered to be north of College Street, east of North Second and South of Pettus Street. A number of new multi-family and apartment units have been started which has not been seen over the past ten years. This can be attributable to the new wave of increased population of APSU students. APSU, due to its rapid growth, is one of the main purchasers of properties surrounding the campus.

Transportation/Access: The subject property has an address of 215 Legion Street; however, the subject sits along four different roadways. These are Legion Street, N Second Street, Main Street and N 3rd Street in downtown Clarksville. Access in and around the downtown area would be considered average to good. The subject is located only a hundred yards from College Street (US Highway 79 Alternate), which provides access to Nashville to the southeast and Hopkinsville, Kentucky to the north. The interstate can also be accessed via Highway 41A and is roughly 5 miles east of the subject property. Access in and around this area would be considered above average.

This site is provided with access to a public transit system and all public utilities. The public transit building is located directly across Legion Street. In addition the new Criminal Court Building is located within one block.

Utilities: The downtown Clarksville Central Business District has access to all public utilities, including water, sewer, natural gas, electricity, and phone services. These utilities are available to the area in adequate quantities.

Conclusion: The subject is located in the downtown Central Business District of Clarksville, Tennessee. This area continues to see extensive revitalization at present time with a number of the older buildings being remodeled and a number of new office and apartments being completed near and around the University. Austin Peay State University is one of the main developers expanding at a rapid rate due to the increased number of student population over the past 10-years. There is limited new construction within the downtown central business district due to the lack of vacant building sites. With the rebuilding of new offices, growth of Austin Peay and the addition of the new apartments, and the commitment of the local authorities in revitalizing the downtown area, growth should be steady for the next 5 to 10 years.

Site Analysis

The general site description is outline as follows:

Size:	The subject is composed of one parcel which by new survey contains 40,776 square feet. (0.94 acres)
Site Dimensions	Please refer to the survey within the addenda of this report.
Road Frontage:	205.78 N Third Street 222.84 Legion Street 159.45 Second Street 100.27 Main Street
Shape:	Irregular
Access/Visibility:	Access would be considered good when compared to other tracts downtown. Visibility would be considered good due to being located along the corner of three major traffic corridors in downtown Clarksville.
Topography/Drainage:	Topography would be considered level. Drainage would be considered adequate.
Flood Plain:	The subject property is not located within a 100-year flood plain. See the attached flood map for additional supporting documentation.
Soil/Subsoil Conditions:	Assumed adequate
Easements/Encroachments:	No adverse easements or encroachments were noted.
Utilities:	The site is accessible to all customary municipal services and utility hookups to service the current use.

Conclusion: The subject property is one of the largest tracts within the downtown Central Business Hub that is not publically owned. The site has excellent access and visibility due to frontage along four streets with access to all.



Executive Summary

215 Legion St, Clarksville, Tennessee, 37040
Rings: 1, 3, 5 mile radii

Prepared by J Mark YoungMark Young

Latitude: 36.528257146

Longitude: -87.35846688

	1 mile	3 miles	5 miles
Population			
2000 Population	5,722	31,317	70,659
2010 Population	6,371	32,797	78,028
2013 Population	6,595	33,632	81,228
2018 Population	7,316	38,036	92,087
2000-2010 Annual Rate	1.08%	0.46%	1.00%
2010-2013 Annual Rate	1.07%	0.78%	1.24%
2013-2018 Annual Rate	2.10%	2.49%	2.54%
2013 Male Population	49.7%	48.8%	48.6%
2013 Female Population	50.3%	51.2%	51.4%
2013 Median Age	25.7	31.4	31.0

In the identified area, the current year population is 81,228. In 2010, the Census count in the area was 78,028. The rate of change since 2010 was 1.24% annually. The five-year projection for the population in the area is 92,087 representing a change of 2.54% annually from 2013 to 2018. Currently, the population is 48.6% male and 51.4% female.

Median Age

The median age in this area is 31.0, compared to U.S. median age of 37.3.

Race and Ethnicity

2013 White Alone	54.8%	64.3%	67.4%
2013 Black Alone	38.6%	27.1%	22.8%
2013 American Indian/Alaska Native Alone	0.5%	0.6%	0.6%
2013 Asian Alone	0.9%	1.3%	1.8%
2013 Pacific Islander Alone	0.1%	0.2%	0.3%
2013 Other Race	1.5%	2.6%	2.7%
2013 Two or More Races	3.5%	4.0%	4.4%
2013 Hispanic Origin (Any Race)	5.4%	7.5%	8.6%

Persons of Hispanic origin represent 8.6% of the population in the identified area compared to 17.4% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 57.3 in the identified area, compared to 62.1 for the U.S. as a whole.

Households

2000 Households	2,241	12,211	26,658
2010 Households	2,349	12,881	29,987
2013 Total Households	2,462	13,268	31,331
2018 Total Households	2,806	15,120	35,698
2000-2010 Annual Rate	0.47%	0.54%	1.18%
2010-2013 Annual Rate	1.46%	0.92%	1.36%
2013-2018 Annual Rate	2.65%	2.65%	2.64%
2013 Average Household Size	2.09	2.41	2.54

The household count in this area has changed from 29,987 in 2010 to 31,331 in the current year, a change of 1.36% annually. The five-year projection of households is 35,698, a change of 2.64% annually from the current year total. Average household size is currently 2.54, compared to 2.54 in the year 2010. The number of families in the current year is 20,661 in the specified area.

Data Note: Income is expressed in current dollars

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018. Esri converted Census 2000 data into 2010 geography.

September 11, 2014



Executive Summary

215 Legion St, Clarksville, Tennessee, 37040
Rings: 1, 3, 5 mile radii

Prepared by J Mark YoungMark Young
Latitude: 36.528257146
Longitude: -87.35846688

	1 mile	3 miles	5 miles
Median Household Income			
2013 Median Household Income	\$24,028	\$35,181	\$41,609
2018 Median Household Income	\$27,677	\$40,976	\$50,218
2013-2018 Annual Rate	2.87%	3.10%	3.83%
Average Household Income			
2013 Average Household Income	\$40,367	\$49,096	\$53,017
2018 Average Household Income	\$48,539	\$56,741	\$60,305
2013-2018 Annual Rate	3.76%	2.94%	2.61%
Per Capita Income			
2013 Per Capita Income	\$19,046	\$20,374	\$20,831
2018 Per Capita Income	\$22,195	\$23,478	\$23,709
2013-2018 Annual Rate	3.11%	2.88%	2.62%

Households by Income

Current median household income is \$41,609 in the area, compared to \$51,314 for all U.S. households. Median household income is projected to be \$50,218 in five years, compared to \$59,580 for all U.S. households

Current average household income is \$53,017 in this area, compared to \$71,842 for all U.S. households. Average household income is projected to be \$60,305 in five years, compared to \$83,667 for all U.S. households

Current per capita income is \$20,831 in the area, compared to the U.S. per capita income of \$27,567. The per capita income is projected to be \$23,709 in five years, compared to \$32,073 for all U.S. households

Housing			
2000 Total Housing Units	2,702	13,706	28,902
2000 Owner Occupied Housing Units	790	6,255	15,426
2000 Owner Occupied Housing Units	1,451	5,956	11,231
2000 Vacant Housing Units	461	1,495	2,245
2010 Total Housing Units	2,849	14,762	33,212
2010 Owner Occupied Housing Units	656	6,208	17,081
2010 Renter Occupied Housing Units	1,693	6,673	12,906
2010 Vacant Housing Units	500	1,881	3,225
2013 Total Housing Units	2,987	15,577	35,125
2013 Owner Occupied Housing Units	621	5,994	16,902
2013 Renter Occupied Housing Units	1,842	7,274	14,429
2013 Vacant Housing Units	525	2,309	3,794
2018 Total Housing Units	3,334	17,405	39,329
2018 Owner Occupied Housing Units	732	6,970	19,500
2018 Renter Occupied Housing Units	2,074	8,150	16,199
2018 Vacant Housing Units	528	2,285	3,631

Currently, 48.1% of the 35,125 housing units in the area are owner occupied; 41.1%, renter occupied; and 10.8% are vacant. Currently, in the U.S., 56.4% of the housing units in the area are owner occupied; 32.3% are renter occupied; and 11.3% are vacant. In 2010, there were 33,212 housing units in the area - 51.4% owner occupied, 38.9% renter occupied, and 9.7% vacant. The annual rate of change in housing units since 2010 is 2.52%. Median home value in the area is \$138,179, compared to a median home value of \$177,257 for the U.S. In five years, median value is projected to change by 4.00% annually to \$168,090.

Data Note: Income is expressed in current dollars

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018. Esri converted Census 2000 data into 2010 geography.

September 11, 2014

Description of Improvements



General Information

Building Name:	Bank of America Building
Building Type:	Class B Office Area and Storage/Basement Area
Number of Stories:	2 story commercial building with basement
Occupancy:	Vacant
Type of Construction:	Steel and Masonry “Class C” Construction due to the Steel Beams as well as poured concrete frame. See Marshall and Swift Description of Class C Quality Construction in Addenda of this report.
Year of Construction:	Tax data states that the frame was constructed in the 1972 however, there is a portion of the building was constructed in the 1950’s. There has been limited updating within the past 20 years.
Effective Age:	20 years average maintenance
Gross Building Area:	The gross building area is 23,425 sf with that being a combination of 15,113 sf of office space and 8,312 sf basement area.

Exterior Description

Foundation:	The foundation consists of continuous reinforced concrete footing and the warehouse/manufacturing area consists of spread reinforced concrete footing
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Structure/Exterior Walls:	Brick Masonry Exterior with reinforced concrete and steel frame "Class C" Construction Quality as per Marshall and Swift.
Roof Structure:	Bar joist/Rigid Frame
Drainage:	Aluminum gutters and down spouts provides adequate roof drainage. Drainage on roadway is provided by curbs and drop inlets.
Windows:	The windows consist of glass in aluminum glazed storefront framing.

Interior Description:

Interior Walls:	Interior walls in office area are drywall partitioned with some paneling on the interior walls.
Lighting:	There is fluorescent lighting within the office and conference room areas of the building.
Floor Covering:	The office areas have carpet and vct tile within the interior of office areas. Restrooms in office areas have tile floors.
Plumbing:	Adequate
HVAC:	Central heating and air within the office area
Elevators:	Yes for main building with old bank vault.

Comments: The subject property is in average condition with a number of partitions added over the years. The interior of the subject is open to the upstairs with office space lining the outsider perimeter. The building has vaults on all three levels but limited in contributing value if not used for a financial usage. They could be used for storage of documents. The upper and lower areas are accessed from Legion Street through foyer with elevator while the older office units are accessed by steps from Third Street and through hall way of Bank of America. The overall condition of the subject is average with limited updating.

Highest and Best Use

Highest and Best Use⁵ is defined as:

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legally permissible, physically possible, financially feasible, and maximum profitability.

Highest and Best Use Analysis of Property “As Vacant”

Highest and Best Use of Land or Site as though Vacant⁶ is defined as:

“Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of property based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements.”

Legally Permissible: The legality criterion examines those uses of the subject property that are permitted by such elements as zoning, land use plans, environmental restrictions, deed restrictions, etc.

The CBD central business district, with complementary office and related uses, forms the center for commercial, financial, professional, governmental, and cultural activities. These regulations are intended to protect and upgrade the central business district for the performance of its primary functions. Uses are discouraged which do not require a central location that would create friction in the performance of functions which should be centralized. Pedestrian-oriented uses are encouraged, while uses related to automobiles and vehicular traffic are discouraged.

A number of uses would be legally permissible within this district that would serve the community such as professional, governmental offices, banks, hotels, personal and business services, retail usages and shops. Due to the site's location in the downtown central business district any of the aforementioned uses would be permissible. For allowable uses in this zoning please refer to the usage tables attached in the addenda of this report.

Physically Possible: A number of the aforementioned uses that conform to the downtown area would be feasible. The subject tract has frontage along a number of streets and incorporates almost the entire block with the exception of a small parcel at the northeast corner and northwest corner. Based upon the size, topography, access and road frontage there a number of uses which the property could be physically capable to achieve.

Financially Feasible: The financially feasible criterion examines those uses of the subject property which under condition similar to the present market would result in the highest levels of demand. This could be defined as the test of marketability.

⁵ **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 93, Appraisal Institute, Chicago, IL

⁶ **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 93, Appraisal Institute, Chicago, IL

Based upon the conclusions stated within the legally permissible and physically possible uses, the subject site would be conducive to a variety of commercial development, which includes retail, professional office space or business service usage. In addition with the continued efforts of the of the City to revitalize the downtown area the use for a public park, events area is reasonable or financially feasible to revitalize the downtown Central Business District. This has been discussed over the past few months. Therefore, the appraiser concludes that various forms of commercial/governmental developmental uses could be accommodated on the subject property and would represent a financially feasible use due to surrounding land uses.

Maximum Profitability: The maximum profitability criterion examines those uses of the subject property, which having met the criterion of legal permissibility, physical possibility, and financial feasibility, can also meet the criterion of achieving maximum profitability. Generally, there are relatively few uses that filter through this final consideration. In the case of the subject property, those uses which meet the test of each criterion consist of commercial/Public/Civic development allowed by the central business district that would conform to the types of development in the general area.

Highest and Best Use Analysis of Property “As Improved”

Highest and Best Use of Property as Improved⁷ is defined as follows:

“The use that should be made of a property as it exists or is proposed to exist. An existing property should be renovated or retained as is so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one.”

Legally Permissible: A number of commercial uses are legally permissible under the CBD Central Business District Zoning. The subject property is currently the old Bank of America Building but vacant at this time. This type of use is allowable under the current zoning regulations as prepared by the Clarksville-Montgomery County Regional Planning Commission.

Physically Possible: The current usage is physically possible under the current zoning regulations. If the subject is purchased any use that is allowable under the current zoning regulations would be physically possible in the subject property.

Financially Feasible and Maximum Profitability: Property located in this area has been developed with a variety of uses. The appraiser believes that the subject property in its current use being small office lease space is not the highest and best use as it is not the most maximally productive use. The appraiser would like to note that the subject property is currently under option to be purchased, with no concrete plans yet. The prospective buyer is the Clarksville CBID Management Corporation of 1999 D/B/A Two Rivers Company of Clarksville-Montgomery County TN. Currently it has been concluded that in the properties current condition the lease rate would be somewhere in the \$6.00 to \$10.00 per square foot on gross terms. Obviously based on the value per square foot “as vacant” at \$29.00 psf, this is not a maximally productive use. The expected market rental rates show that the current use would not be the maximally productive use due to the high prices in the CBD for vacant land, which is largely due to the high development density and demand for office space in the downtown central business district near the Courthouse/Criminal Justice Building. The price of the building at contract reflects this and the market rent that could be achieved would not support a higher market value as concluded for the underlying fee simple value “as is” in comparison to the site based on the value “as vacant”. Any usage in the current state of repair/condition would be considered an interim use at this time. The highest and best use “as improved” for the subject property, would be to raze the property for other usage as determined within the highest and best use “as vacant”. It is beyond the scope of this appraisal assignment to determine the cost to complete such a task but preliminary estimates to remove the building are approximately \$195,000 which includes asbestos abatement. The appraiser believes that currently the use of the building “as is” would not be financially feasible and would also would not be one of the most maximally profitable uses of the subject property. I have completed a pro-forma which is retained within my work file to support these conclusions. With the upper GBA level generating say \$8.00 per square foot with limited lease value if any to the basement, if the income were capped at a 12.00% cap rate the NOI would not support a value as high as concluded as the overall value of the property “as vacant” taking into consideration the cost to remove the existing structures. Therefore I feel the subjects Highest and Best Use is to purchase the property, raze the current improvements for

⁷ The Dictionary of Real Estate Appraisal, Fifth Edition, page 94, Appraisal Institute, Chicago, IL

some type of other usage which is either public service/government use which may be for local downtown enhancement, governmental buildings and/or a combination of the two. I feel in addition this would be an enhancement to the overall community as the building as now is vacant with the parking roped off. The demolishing of the building would not only enhance the current property but would add to the surrounding development effort put forth by the City in the past. This would be one more step in revitalizing the downtown Central Business District which is within what I consider one of the maximally productive uses of the property.

Appraisal Process

Recognized appraisal practice generally values improved properties by the application of three traditional approaches to value described as follows:

1. **Sales Comparison Approach** - a comparison of the property appraised with reasonably similar, recently conveyed properties for which the price, terms, and conditions of sale are known.
2. **Income Capitalization Approach** - the processing of a projected net income into a valuation estimate via one or more capitalization techniques.
3. **Cost Approach** - an estimate of the replacement cost of all structural improvements as if new, less loss in value attributable to depreciation from all causes, plus the value of the land as if vacant.

The Sales Comparison Approach⁸ is founded upon the principle of substitution which holds that the cost to acquire an equally desirable substitute property without undue delay ordinarily sets the upper limit of value. At any given time, prices paid for comparable properties are construed to reflect the value of the property appraised. The validity of a value indication derived by this approach is heavily dependent upon the availability of data on recent sales of properties similar in location, size, and utility when compared to the subject of the report. In the case of this appraisal the subject property is not a property typically seen in central business districts; therefore, a lack of quantifiable market data was available for similar properties. As previously mentioned, the appraiser discussed the unavailability of sales with the client who asked us to proceed with this appraisal. In my conclusions I have determined the Highest and Best use of the subject is to raze the current improvements. I have completed a Sales Comparison Approach of the subject “as vacant” and then deducted the cost of removal to arrive at the subject’s current estimated market value “as is”. A large amount of that data to arrive at that conclusion is retained within my work file. These conclusions contain a short pro-forma which supports the underlying value of the site “as vacant” exceeds the value of the subject currently “as improved”. Therefore the only approach used in this analysis is the Sales Comparison Approach.

⁸ **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 175, Appraisal Institute, Chicago, IL

Cost Approach

The Cost Approach is a set of procedures through which a value indication is derived for the Fee Simple interest on a property by estimating the current cost to construct a reproduction of or replacement for the existing structure; deducting accrued depreciation from the reproduction or replacement cost; and adding the estimated land value plus an entrepreneurial profit. Adjustments may then be made to the indicated fee simple value of the subject property to reflect the value of the property interest being appraised.⁹

The Cost Approach is deemed not applicable due to the concluded Highest and Best Use.

⁹ **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 47, Appraisals Institute, Chicago, IL©2010

Sales Comparison Approach “Vacant Land”

As stated on the aforementioned page the first step of the Cost Approach is the estimate the market value of the subject site “as vacant” by finding sales of comparable properties and completing the Sales Comparison Approach. This sales comparison approach produces a value estimate by comparing similar properties which have recently sold or are currently under contract with all contingencies removed to the subject property. An estimate of the degree of comparability is made by comparing such value factors as location, construction, age and condition, utility, equipment, and marketability. Sold properties judged to be comparable tend to set a range in which the value of the subject will fall. The Sales Comparison Approach itself is founded in the economic principle of substitution, which is the appraisal principle that states that when several similar or commensurate commodities, goods, or services are available, the one with the lowest price will attract the greatest demand and widest distribution.¹⁰ The sales on the following page are all located either in the subject’s immediate market area or an area judged to be similar. These sales are analyzed and adjusted appropriately in the grid analysis which follows. Please refer to the analysis of each sale on the following page.

¹⁰ The Dictionary of Real Estate Appraisal, 5th Edition,(Chicago 2010: The Appraisal Institute©, Page 190

Vacant Land Sales

LAND SALE NO. 1



1763 madison st

Property Identification

Property ID	13035
Property Type	Commercial Land
Address	1736 Madison Street
City, State Zip	Clarksville, Tennessee 37043
County	Montgomery
Tax ID	080B-B-023.00

Sale Data

Seller	Madison Street Commons, LLC
Buyer	DBI Properties, LLC
Sale Date	07-25-2013
Reference No.	1524/922
Property Rights	Fee Simple

Contract Price	\$725,000
Adjustments \$	\$0
Adjusted Price	\$725,000

Land Data

Land Size	0.97229 acres or 42,353 SF
Topography	Level
Zoning Code	C-2 General Commercial District
Site Description	

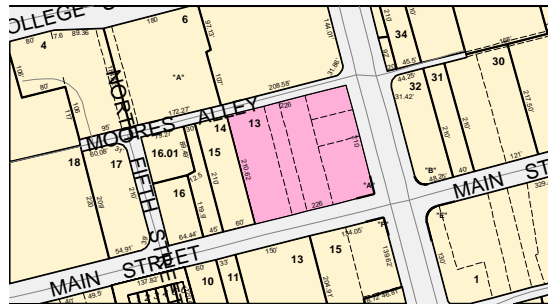
Indicators

Sale Price/Gross Acre	\$745,662 per Acre
Sale Price/Gross SF	\$17.12 per SF

Remarks

This represents the sale of an outlot of a Publix-anchored retail development located along the north side of Madison Street, just east of Haynes Street in Clarksville, Tennessee. The property was purchased for construction of an American Family Care facility.

LAND SALE NO. 2



428 Madison St

Property Identification

Property ID	12491
Property Type	Commercial Land
Address	N/W Corner University and Main
City, State Zip	Clarksville, Tennessee 37040
County	Montgomery
Tax ID	066F/A/013.00

Sale Data

Seller	Cumberland Bank & Trust
Buyer	State of Tennessee
Sale Date	08-23-2010
Reference No.	1352/300
Property Rights	Fee Simple

Contract Price	\$640,000
Adjustments \$	\$0
Adjusted Price	\$640,000

Land Data

Land Size	1.09715 acres or 47,792 SF
Topography	Level
Front Footage	87.00
Depth (Feet)	226.00
Utilities	All - Public
Shape	Rectangular
Access	Good
In Flood Plain?	No
Zoning Code	CBD Central Business District
Site Description	

Indicators

Sale Price/Gross Acre	\$583,328 per Acre
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Sale Price/Gross SF \$13.39 per SF

Remarks

This property is located at the southwest corner of University Ave and Main Street. The site was vacant at the time of sale. The property has frontage on the two streets but no left out on University due to landscaping within median. The site was purchased to expand parking for the University. On the northern end of the property the subject is bordered by a one lane alley.

LAND SALE NO. 3



1321 5th Ave N Tax Map

Property Identification

Property ID	13741
Property Type	Commercial Land
Address	1321 5th Ave North
City, State Zip	Nashville, Tennessee 37028
County	Davidson
Tax ID	082-09-0-072, 074,073, 075

Sale Data

Seller	Germantown Partners LLC
Buyer	Germantown Commons of TN LLC
Sale Date	08-29-2013
Property Rights	Fee Simple

Contract Price	\$925,000
Adjustments \$	\$0
Adjusted Price	\$925,000

Land Data

Land Size	0.91000 acres or 39,640 SF
Topography	Level
Access	2 lane
Zoning Code	MULT
Site Description	

Indicators

Sale Price/Gross Acre	\$1,016,484 per Acre
Sale Price/Gross SF	\$23.34 per SF

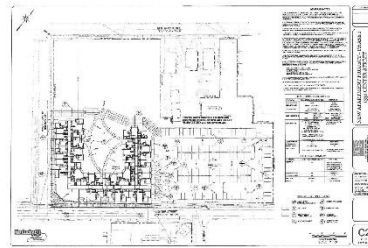
Remarks

The subject property located at 1321 5th Ave N in Nashville, TN sold for \$925,000. This was a cash off market transaction. The seller was motivated to sell the property because they believed in the buyer's intention of creating the first Cohousing development in the State of Tennessee. This property is located in the Germantown District outside of the immediate downtown central business district of Nashville. The Germantown District is seen to be in growth/revitalization stage.

LAND SALE NO. 4



2014-02-Brookside Concept Plan
PUD



Approved DDP

Property Identification

Property ID	12480
Property Type	Commercial Land
Address	NWC Center Street and E. 13th Avenue
City, State Zip	Bowling Green, Kentucky 42101
County	Warren
Tax ID	Multiple Parcels

Sale Data

Seller	Multiple Sellers
Buyer	Campus Retail, LLC
Sale Date	11-13-2013
Reference No.	Multiple Deed Book & Pages
Property Rights	Leased Fee

Contract Price	\$4,120,544
Adjustments \$	\$ 20,000
Adjusted Price	\$4,140,544

Land Data

Land Size	5.07759 acres or 221,180 SF
Topography	Level to Sloping
Front Footage	564.26 The site has primary road frontage along the west side of Center Street and the east side of Kentucky Street.

Utilities	All Available
Shape	Rectangular
Access	Adequate
In Flood Plain?	No
Zoning Code	PUD/BE Planned Unit Development with Binding Elements

Site Description

Some of the lots contained vertical improvements but none were considered to have any contributory value. All of the vertical improvements will be demolished to accommodate the proposed use of this site. The estimated cost to demolish the existing improvements has been estimated at \$20,000. This will be added to the acquisition price of this site.

Indicators

Sale Price/Gross \$815,454 per Acre
Acre

Sale Price/Gross SF \$18.72 per SF

LAND SALE NO. 5



523 Madison St Tax Map

Property Identification

Property ID	13742
Property Type	Commercial Land
Address	523 Madison Street
City, State Zip	Clarksville, Tennessee 37040
County	Montgomery
Tax ID	066K-B-005.00

Sale Data

Seller	Madison Street Church of Christ
Buyer	Work Force Essentials Inc
Sale Date	06-29-2012
Reference No.	1453/231
Property Rights	Fee Simple

Contract Price	\$1,500,000
Adjustments \$	\$0
Adjusted Price	\$1,500,000

Land Data

Land Size	2.53446 acres or 110,401 SF
Topography	Rolling
Front Footage	240.00
Depth (Feet)	385.00
Utilities	All - Public
Shape	Irregular
Access	Good
In Flood Plain?	No
Zoning Code	CBD Central Business District
Site Description	

Indicators

Sale Price/Gross Acre	\$591,843 per Acre
Sale Price/Gross SF	\$13.59 per SF

Remarks

This property is located at the southwest corner of University Ave and Main Street. The site was purchased to construct the new Workforce Essentials building. The cost to remove the old church was over \$105,000 but all site demolition which did not include any asbestos removal nor to level the site for future construction. (Morgan Construction) Workforce Essentials essentially used the site to construct a two story building and utilized the existing topography to construct a basement office area underneath the two story building. In addition there was \$30,000 in asbestos abatement that was needed after the purchase as well. This was verified with Brad Martin of Lyly-Cook-Martin Architects.

LAND SALE NO. 6



210 College St Tax Map

Property Identification

Property ID	13746
Property Type	Commercial Land
Address	210 College Street
City, State Zip	Clarksville, Tennessee 37040
County	Montgomery
Tax ID	066-G/E/006.00

Sale Data

Seller	Harvey etal
Buyer	Don Mar Properties
Sale Date	06-27-2008
Reference No.	1236/2040
Property Rights	Fee Simple

Contract Price	\$600,000
Adjustments \$	\$0
Adjusted Price	\$600,000

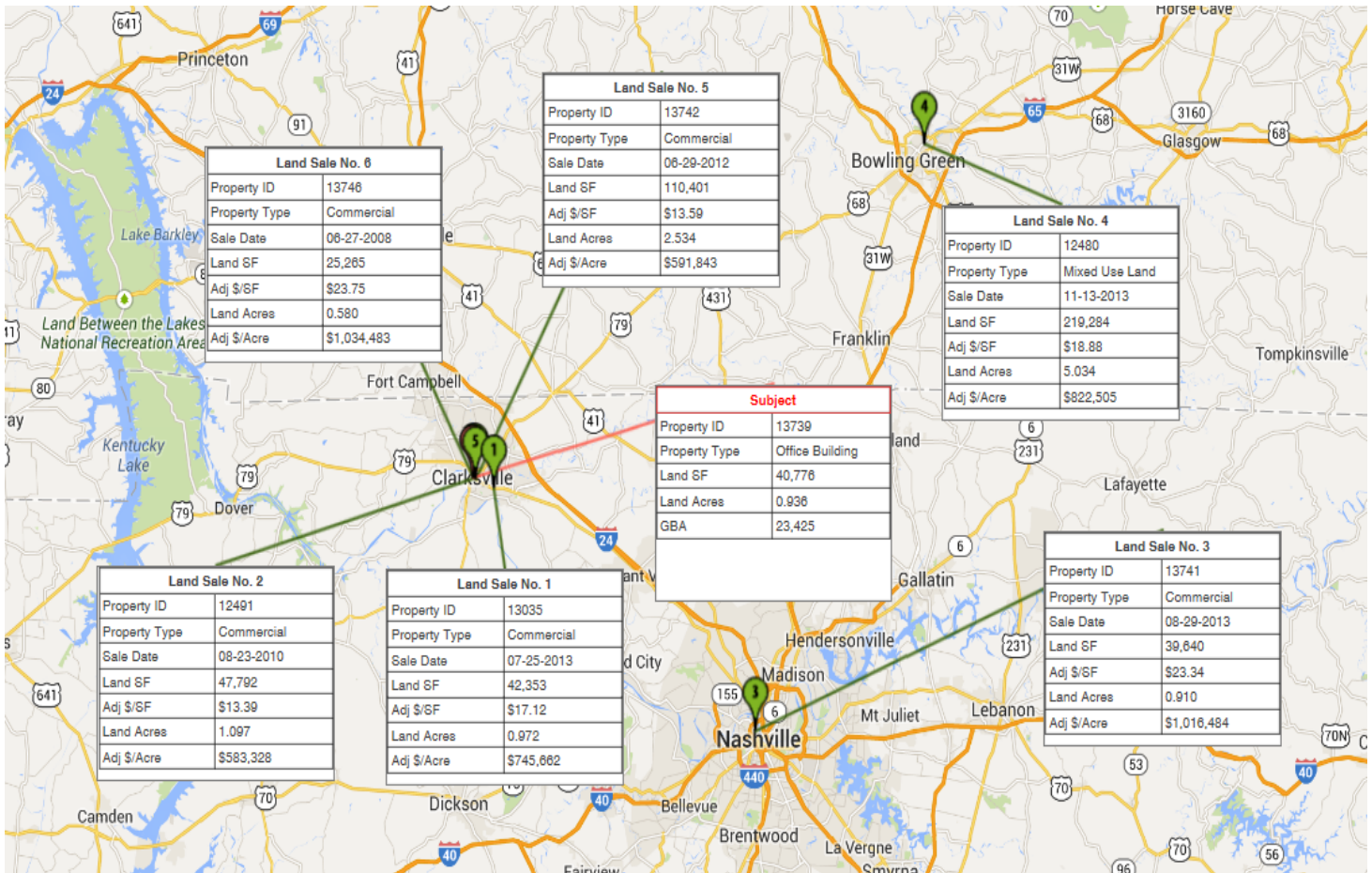
Land Data

Land Size	0.58000 acres or 25,265 SF
Topography	Level
Zoning Code	CBD General Commercial District
Site Description	

Indicators

Sale Price/Gross Acre	\$1,034,483 per Acre
Sale Price/Gross SF	\$23.75 per SF

Land Sale Map



Land Sale Adjustments

	Subject	Sale # 1	Sale # 2	Sale # 3	Sale # 4	Sale # 5	Sale # 6
Property Name	Bank of America						
Address	215 Legion Street	1736 Madison Street	N/W Corner University and Main	1321 5th Ave North	NWC Center Street and E. 13th Avenue Bowling Green	523 Madison Street	210 College Street
City	Clarksville	Clarksville	Clarksville	Nashville	Clarksville	Clarksville	Clarksville
Land Area SF	40,776	42,353	47,792	39,640	219,284	110,401	25,265
Land Area in Acres	0.936	0.972	1.097	0.910	5.034	2.534	0.580
Ratio - Comp to Subject		1.04	1.17	0.97	5.38	2.71	0.62
Density (Units/Acre)					32.38		
Zoning		C-2	CBD	MULT	PUD/BE	CBD	CBD
Drainage				Good			
Flood Zone							
Utilities Description			All - Public		All Available	All - Public	
Usable Land Area (SF)	40,776	42,353	47,792	39,640	219,284	110,401	25,265
Shape	Irregular		Rectangular		Rectangular	Irregular	
Sale Price	N/A	\$725,000	\$640,000	\$925,000	\$4,140,544	\$1,500,000	\$600,000
Usable Land Area (SF)	40,776	42,353	47,792	39,640	219,284	110,401	25,265
Unadjusted Price/SF	N/A	\$17.12	\$13.39	\$23.34	\$18.79	\$13.59	\$23.75
Time Adjusted Price/SF	N/A	\$17.46	\$14.46	\$23.81	\$19.17	\$14.13	\$26.60
Adjusted Price/SF	N/A	\$23.57	\$20.97	\$23.81	\$23.00	\$25.30	\$29.26

Property Rights	Similar	Similar	Similar	Similar	Similar	Similar	Similar
% Adjustment	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Terms/Financing	Cash Equiv.	Cash Equiv.	Cash Equiv.	Cash Equiv.	Cash Equiv.	Cash Equiv.	Cash Equiv.
% Adjustment	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Conditions of Sale	Similar	Similar	Similar	Similar	Similar	Similar	Similar
% Adjustment	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Time/Market Conditions	Jul-13	Aug-10	Aug-13	Nov-13	Jun-12	Jun-08	
% Adjustment	2.0%	8.0%	2.0%	2.0%	4.0%	12.0%	
Time Adjusted Price/SF	\$17.46	\$14.46	\$23.81	\$19.17	\$14.13	\$26.60	
Location/Access	Inferior	Inferior	Similar	Inferior	Inferior	Similar	
% Adjustment	25.0%	25.0%	0.0%	20.0%	25.0%	0.0%	
Zoning/Density	Similar	Similar	Similar	Similar	Inferior	Similar	
% Adjustment	0.0%	0.0%	0.0%	0.0%	25.0%	0.0%	
Topography	Inferior	Similar	Similar	Similar	Inferior	Similar	
% Adjustment	10.0%	0.0%	0.0%	0.0%	20.0%	0.0%	
Shape/Functional Utility	Similar	Inferior	Similar	Similar	Similar	Similar	
% Adjustment	0.0%	20.0%	0.0%	0.0%	0.0%	0.0%	
On site Improvements	Similar	Similar	Similar	Similar	Inferior	Inferior	
% Adjustment	0.0%	0.0%	0.0%	0.0%	9.0%	10.0%	
Total Adjustments							
Net % Adjustments	37.7%	56.6%	2.0%	22.4%	86.2%	23.2%	
Net \$ Adjustments	\$6.45	\$7.58	\$0.47	\$4.21	\$11.71	\$5.51	
Total % Adjustments	37.7%	56.6%	2.0%	22.4%	86.2%	23.2%	
Total \$ Adjustments	\$6.45	\$7.58	\$0.47	\$4.21	\$11.71	\$5.51	
Adjusted Price/SF	\$23.57	\$20.97	\$23.81	\$23.00	\$25.30	\$29.26	

Adjusted Price Indications		Concluded Value
Minimum Adjusted Price / SF	\$20.97	\$29.00/SF
Maximum Adjusted Price / SF	\$29.26	\$1,182,504
Average Adjusted Price / SF	\$24.32	\$1,185,000
Median Adjusted Price / SF	\$23.69	
Standard Deviation / SF	\$2.55	

Land Value Conclusion		
Subject Site	40,776	Usable Land SF
Indicated Unit Value	\$29.00	per SF
Indicated Value	\$1,182,504	
Rounded	\$1,185,000	

The Adjustment Process

The information verified in the sales data was identified and compared in an effort to discern the different characteristics between the comparable properties and the subject which affects value. Adjustments for those differences are made to the price of each comparable property to make the comparable equal to the subject as of the date of the appraisal.

There are six common elements of comparison that should typically be considered in the Sales Comparison Analysis for vacant land which is outlined and discussed below.

1. **Real Property Rights Conveyed:** The fee simple interest of the subject land is being appraised. All of the comparable sales are representative of fee simple conveyances; thus, no adjustment for real property rights is necessary.
2. **Financing Terms:** The consideration of one property may differ significantly from that of an identical property due to financing conditions. Below market financing must be identified and adjusted for in the sales data. Cash equivalency analysis is a procedure whereby comparable sales are adjusted for a typical financing based on market rates available for comparable properties at the time of sale. All of the sales analyzed herein were purchased on a cash basis, or its equivalency; therefore, no adjustments were required.
3. **Conditions of Sale:** Adjustments for conditions of sale typically reflect the motivation of buyers and sellers. To the best of my knowledge, all of the comparable sales involved arm's length transactions that sold without atypical motivations or sale conditions.
4. **Market Conditions/Date of Sale:** As market conditions change over time, an adjustment must be made for any fluctuations that have occurred. The best indications of changes in market conditions are reflected in sales and re-sales of the same property. In this analysis, no sales and re-sales of the same property were identified within this market area. In this instance, the appraiser was able to locate six sales of commercial sites in the downtown district or office/service professional locations. The appraiser has concluded that the downtown market around Austin Peay is growing but office/professional development is limited at best which may be due to the lack of available sites. The sales have a range of age

around 6+ years and I feel there has been some upward movement in the market conditions over that six years. That can be directly related to the growth of the Austin Peay enrollment. I have arrived at a 2% annual rate of growth in values which is based on rising rent/lease rates near the campus. I have also interviewed a number of investors within that market to arrive at that conclusion.

5. **Location:** Location adjustments reflect the increase or decrease in value attributable to a property's location. Factors which impact the desirability of an area include surrounding land uses, transportation arteries, accessibility/exposure, proximity to employment centers, and overall reputation. All six sales are located in commercial districts or locations I feel similar to the subject. Three of the sales have locations in what I considered are inferior due to location further away from the downtown central business district. These are sales #1 which is located further out Madison Street, sale #2 and #5 which are located two blocks to the east. As shown by sale #6 this is reasonable to conclude. Sale # 3 is located just outside of downtown Nashville in the Germantown District. This area is seeing a significant growth spurt and based on my appraising property in this sub-market I feel this location is similar. Sale # 4 is located in Bowling Green within close proximity to downtown and the Western Kentucky campus. I interviewed an appraiser in that market who is very familiar with the downtown Clarksville market and feels the locations are similar in terms of growth rates and demographic similarities. This site is much larger than the subject and has a multi-family zoning which I feel is inferior as compared to the commercial zoning. This property was purchased to construct new apartment complexes.
6. **Physical Characteristics:** This adjustment category includes areas of comparison such as potential use, size, shape, access, and visibility, frontage, corner location, topography, zoning and availability of utilities. After a review of the physical characteristics considered having the most impact on price/value, adjustments are considered necessary for size, access, visibility, topography, and corner influence. Sales #1 and #5 have topography which are less desirable. Sale #1 sits above the road grade and sale #5 has varying topography rising up from Madison Street north to Commerce Street. In addition sale #5 has an irregular shape where there is a portion of the site which is only 100 feet and depth and sits above Commerce Street. An adjustment for shape was deemed reasonable as well as this area has limited usage.

Based on the data all sales are considered in making a market value judgment. The property is a rectangular shaped parcel which has frontage on four public traffic corridors with access from all. Arguably it may be considered one the of the best privately owned held tracts in the downtown central business district based on topography, location and access points. Based on those thoughts and conclusions the subjects market value I feel is in the upper end of the range say \$29.00 per square foot.

$$40,776/\text{sf} \quad \times \quad \$29.00 \quad = \quad \$1,182,504$$

Rounded Value: \$1,185,000

One Million and Eighty Five Dollars and 00/100
\$1,185,000

“As Vacant”

We note that the there is an older bank building located on the site. Two of the sales had older buildings located on the sites as well. The cost to move these buildings are not included in the price per square foot. For this appraisal it is assumed the buyer of the building assumes all responsibility in the cost of removal. This was the case in sale # 5 and sale #6. Sale #5 had a cost of removal at \$135,000 or 9% of the sales price. Sale # 6 also had an older building where the adjustment to remove which was 10% of the sales price. (Morgan Construction) These movements were completed where the site could be utilized for the buyer’s purposes. Expense to remove the old bank building must be taken into consideration but to how extensive of the cost is determined on what state of development the site is to be taken. Obviously if the site is to be grade level and compacted for a level site the cost to do so would exceed the cost of the sales #5 and #6.

The above value does not take into consideration the Cost of the demolition of the old bank building. Morgan Construction was contacted and different costs/expenses were provided. These expanded to getting the site grade level and just demolishing the older building. The above sales did not require any of this type of on site development after purchase. Mr. Morgan has stated that the cost to remove the building would be approximately \$135,000 which does not include the cost of removal of the old BBB business bureau. It does not include the cost to abate the asbestos which is \$60,000 (Morgan Construction). This does not include filling and compacting the subject site. Based on what I feel the market value of the subject is to reduce the current market concluded market value by the cost to demolish the building which as stated is estimated at \$195,000. Therefore the subject’s market value “as is value” is estimated at \$1,000,000. (Rounded)

One Million Dollars.....\$1,000,000 (rounded)

Income Capitalization Approach

The Income Capitalization Approach is a “set of procedures through which an appraiser derives a value indication for an income-producing property by converting its anticipated benefits (cash flows and reversion) into a market value estimate. This conversion can be accomplished in two ways. One year’s income expectancy can be capitalized at a market-derived capitalization rate or at a capitalization rate that reflects a specified income pattern, return on investment and change in the value of the investment (direct method). Alternatively, the annual cash flows for the holding period and the reversion can be discounted at a specified yield rate.”¹¹ The method used to process the Income Capitalization Approach in this report is the Direct Capitalization Method, which will utilize market derived capitalization rates.

As noted within the Highest and Best Use analysis we completed an Income Approach within out development of the appraisal and our conclusions show that the projected NOI on the building in its current state of repairs would not support a concluded value higher than what was concluded within the market value of the subject “as vacant”. The market rent rates were conclude to be between \$6.00 to \$10.00 per square foot with an overall vacancy and credit loss between 20% to 30% per year. Based on an expense ratio at 30% to 25% with limited lease value given to the basement our conclusions are well supported. This is based on a cap rate estimated at 12%.

¹¹ **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 99, Appraisal Institute, Chicago, IL

Sales Comparison Approach

The Sales Comparison Approach is “a set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have sold recently, applying the appropriate units of comparison and making adjustments to the sales price of the comparable based on the elements of comparison.”¹² The Sales Comparison Approach relies on the principle of substitution, which implies that a prudent person will not pay more to buy a property than it will cost to buy a comparable substitute property.

Due to the lack of market data the appraiser has not completed the Sales Comparison Approach “as improved.” There has been one sale of a larger building within the last few months. This building was appraised by my firm. This building sold for \$1,350,000 on March 12th 2014. This building was in much superior condition as the subject with lease income potential. The site was located downtown but not as large as the subjects. Offsite parking was needed. It would be unreasonable to try and use this building as a comparable for the subject property. If the Sales Comparison Approach were to be completed the appraiser believes that any results produced in that approach may be deemed unreliable.

¹² **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 175, Appraisal Institute, Chicago, IL

Reconciliation

Reconciliation¹³ is *“the last phase of any valuation assignment in which two or more value indications derived from market data are resolved into a final value estimate.”* The approaches to value processed in this report developed the following values:

Cost Approach

“As Is”

N/A

Sales Comparison Approach

“As Is”

\$1,000,000

Income Capitalization Approach

“As Is”

N/A

The only approach concluded to be reasonable is the Sales Comparison Approach conclusion of the subject based on it “as is” condition at its Highest and Best Use which is considered to be an alternative use. It has been concluded the subject’s current improvements add no contributing value to the subjects currently and the highest and best use is to raze the building for alternative uses. Not saying that the subject could not be remodeled but it appears based on my inspection that this cost would exceed the overall value of the subject “as vacant” and therefore this is not probable as well. (see photos of GBA on North Third). Based on that thought the appraiser has provided a market value “as vacant” and reduced a reasonable estimate to get the site ready for future development.

After careful consideration of the value indications as reconciled by the Sales Comparison Approach a market value was concluded. It is my opinion that the “as is” market value as of August 14th 2014 is:

“As Is:”

One Million Dollars (\$1,000,000)

¹³ The Dictionary of Real Estate Appraisal, Fifth Edition, page 162, Appraisal Institute, Chicago, IL

Estimate of Marketing and Exposure Time

Based on interviews with local real estate brokers, the current level of activity in the Downtown Clarksville/Austin Peay sub-market, and the amount of available financing, the estimated marketing time and exposure time for the subject property is six to eighteen months. This is supported by estimates of marketing times for commercial properties throughout the Middle Tennessee area and the United States, as published by Price Waterhouse Cooper Real Estate Investment Survey, Second Quarter 2014.

The appraiser would like to also note that the subject's exposure time (time on market prior to acceptance of offer for the subject) was roughly 6 months as per Wayne Wilkinson who is the broker for this real estate transaction. This supports the times estimated for the subject property.

Definition of Exposure Time

Exposure Time¹⁴ is defined as:

1. *"The time a property remains on the market."*
2. *The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at a market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market."*

The appraiser would like to note that the subject property has been listed for around six months prior to the effective date of this report as per Mr. John Hadley, the broker for the current purchase agreement.

Definition of Marketing Time

Marketing Time¹⁵ is defined as:

"An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of the appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal. (Advisory Opinion 7 of the Appraisal Standards Board of The Appraisal Foundation and Statement on Appraisal Standards No. 6, "Reasonable Exposure Time in Real Property and Personal Property Market Value Opinions" address the determination of reasonable exposure and marketing time.)"

¹⁴ **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 73, Appraisal Institute, Chicago, IL

¹⁵ **The Dictionary of Real Estate Appraisal**, Fifth Edition, page 121, Appraisal Institute, Chicago, IL

Assumptions and Limiting Conditions

The certification of the Appraiser appearing in the appraisal report is subject to the following conditions and to such other specific and Limiting Conditions as are set forth in the report.

1. The Appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereto; no does the appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.
3. The Appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made therefore;
4. Any existing liens and encumbrances have been disregarded.
5. The Appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
6. Information, estimates, and opinions furnished to the Appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, the Appraiser for accuracy of such items furnished the Appraiser can assume no responsibility.
7. Disclosure of the contents of the appraisal report is governed by the By-Laws and Regulations of the professional appraisal organizations with which Joseph Mark Young is affiliated; specifically, the Tennessee Real Estate Appraiser's Board.
8. Possession of this report, or copies hereof, does not carry the right of publication nor may it be used for any purposes by any but the owner without the previous written consent of the Appraiser and, in any event, only with proper qualifications.

9. In this appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of asbestos, urea-formaldehyde foam insulation, and/or the existence of toxic waste, which may or may not be present on the property, was not observed by the Appraiser; nor do I have any knowledge of the existence of such materials on or in the property. To the best of our knowledge, the presence of Radon or other gases has not been detected on this property or, if Radon or other gases have been detected, it has been determined that the level of Radon or other gases is considered safe according to the standards established by the Environmental Protection Agency. The Appraiser, however, is not qualified to detect such substances and does not make any guarantees or warranties that the property has been tested for the presence of asbestos, urea-formaldehyde foam insulation, Radon or any potentially hazardous waste or building material or gases or, if tested, that the tests were conducted pursuant to EPA approved procedures. The existence of any potentially hazardous waste or building material or gases may have an effect on the value of the property. The client is urged to retain an expert in this field if desired.
10. Competent ownership and management are assumed.
11. This appraisal is being completed on an “as is” value taking into consideration the cost to remove the building by Morgan Construction is correct. This contract was not provided to the appraiser. This is a hypothetical condition of this report.

Addenda

Subject Photograph Addendum

Borrower/Client	Alan Werner				
Property Address	215 Legion St				
City	Clarksville	County	Montgomery	State	TN Zip Code 37040
Lender	Two Rivers Company				



View of subject and parking from Main St



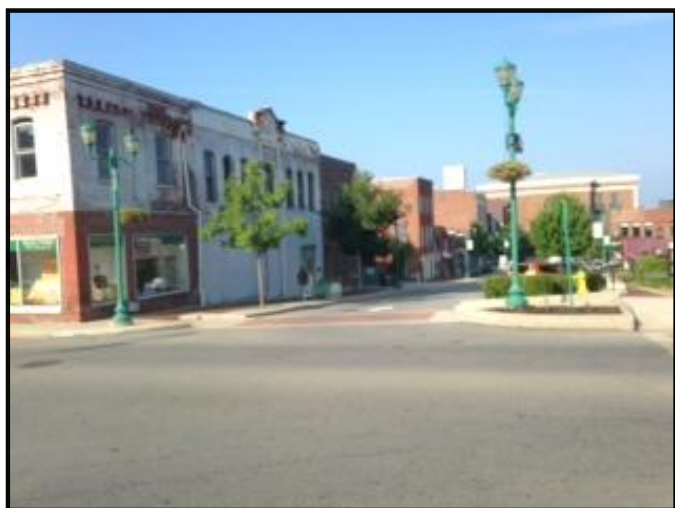
View of parking along Main St and North 2nd St



View of North 2nd St at lighted intersection



View South along North 2nd St



View west along Legion St



View of subject and east along Legion St

Subject Photograph Addendum

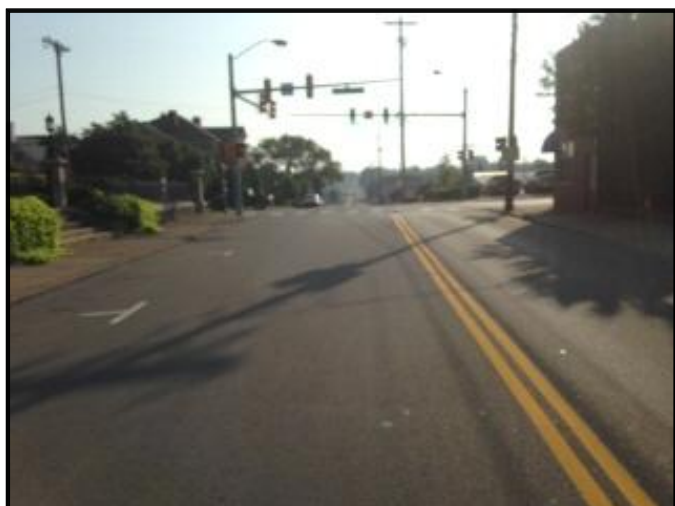
Borrower/Client	Alan Werner				
Property Address	215 Legion St				
City	Clarksville	County	Montgomery	State	TN Zip Code 37040
Lender	Two Rivers Company				



View west along Main St



View of subject from Legion St



View east along Main St



View south along North 3rd St



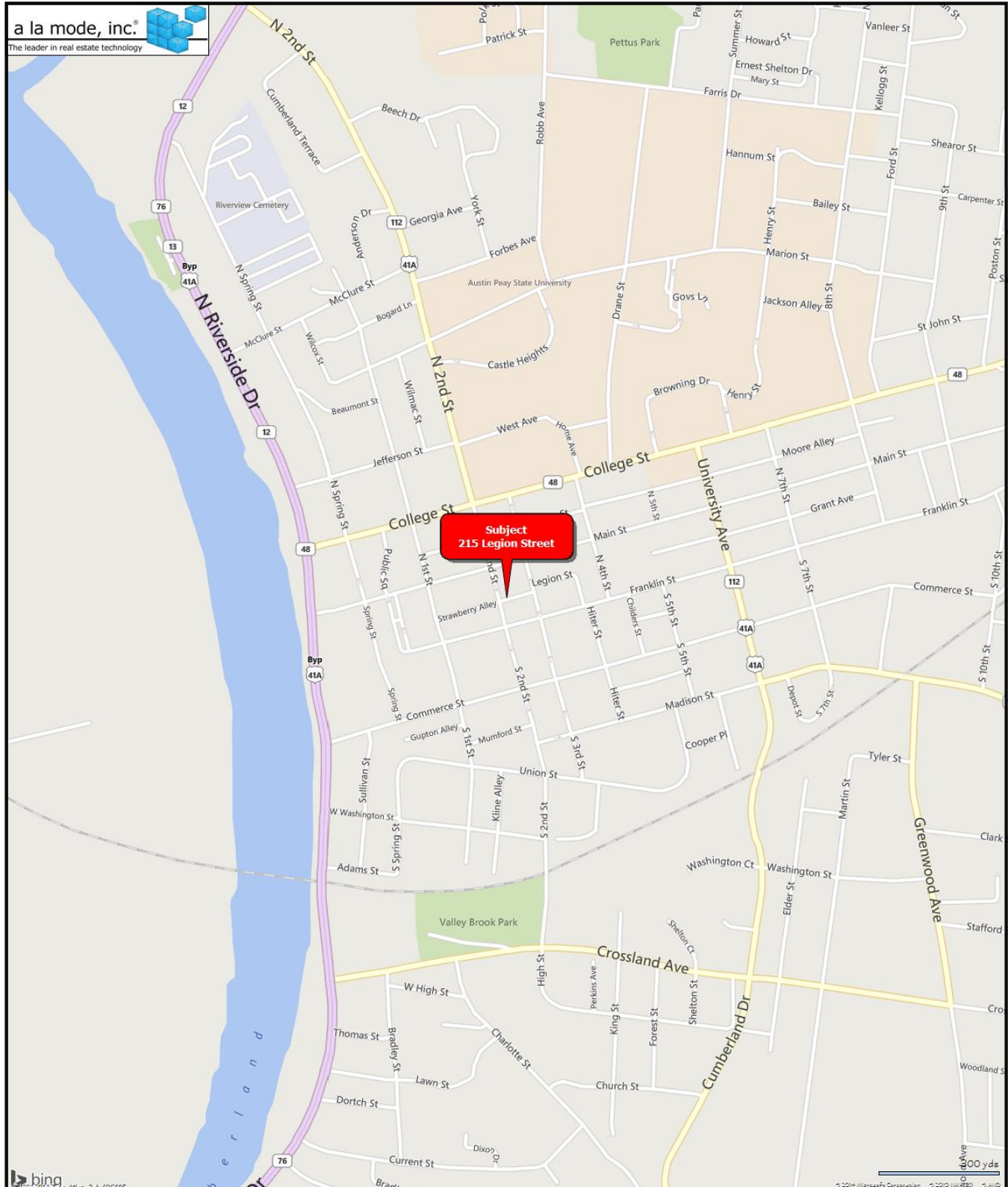
View of subject from North 3rd St



View of older portion of building along North 3rd St

Location Map

Borrower/Client	Alan Werner			
Property Address	215 Legion St			
City	Clarksville	County	Montgomery	State TN Zip Code 37040
Lender	Two Rivers Company			



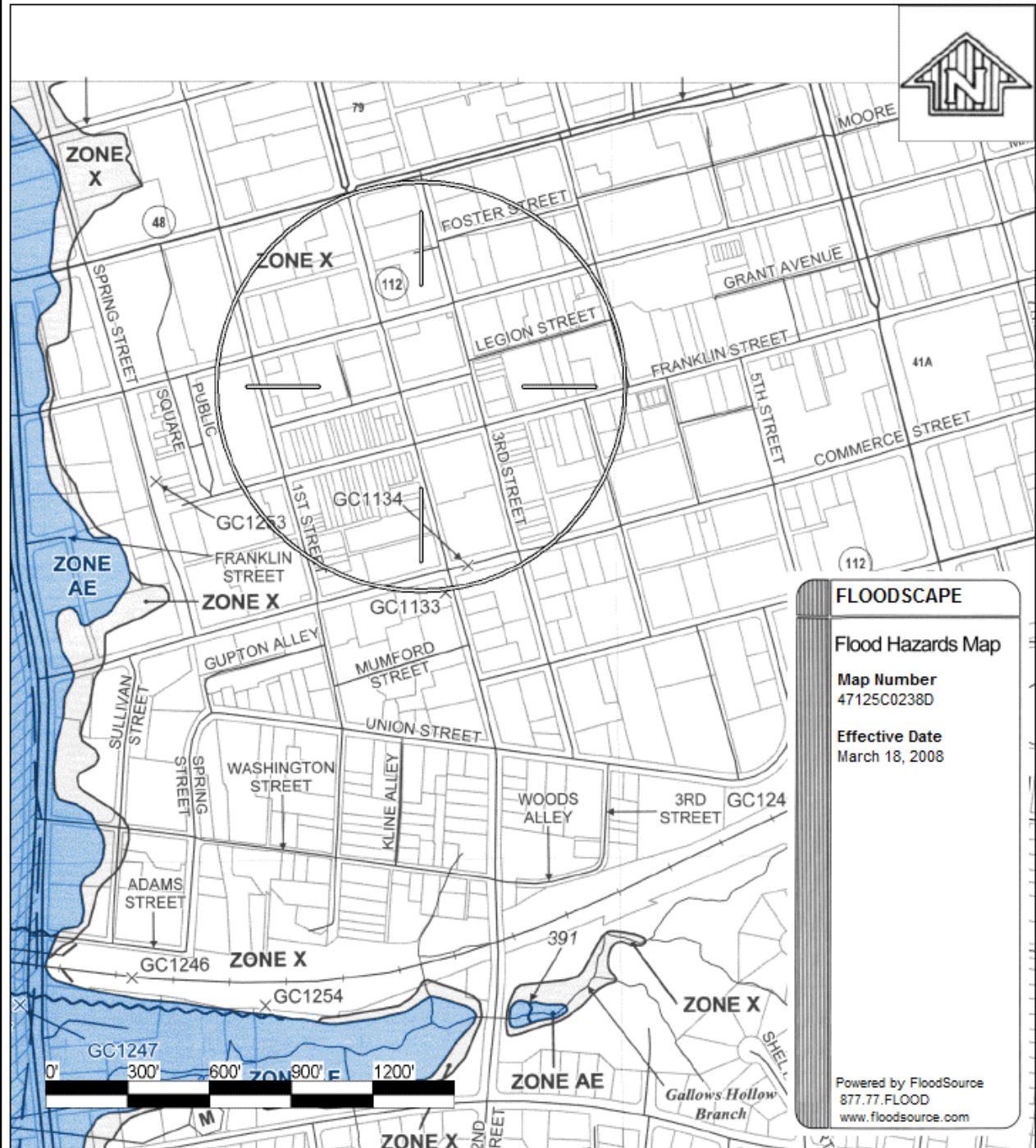
Flood Map

Borrower/Client	Alan Werner			
Property Address	215 Legion St			
City	Clarksville	County	Montgomery	State TN Zip Code 37040
Lender	Two Rivers Company			

InterFlood 
 www.interflood.com • 1-800-252-6633

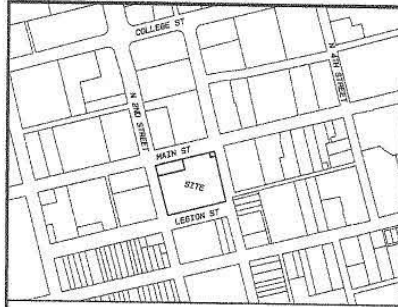
Prepared for:
 Mark Young, Real Estate Appraisals

215 Legion Street
 Clarksville, TN 37042



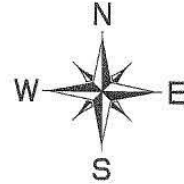
© 1999-2014 SourceProse and/or FloodSource Corporations. All rights reserved. Patents 6,631,326 and 6,678,615. Other patents pending. For Info: info@floodsource.com.

Survey

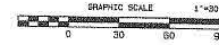
VICINITY MAP
(NOT TO SCALE)

BOUNDARY SURVEY

OF THE
THE BETTER BUSINESS BUREAU
OF MIDDLE TENNESSEE, INC.
PROPERTY 'TRACT 1'
THE
AMSOUTH BANK
PROPERTY 'TRACT 2'
AND THE
ALAN WERNER
PROPERTY 'TRACT 3'
DATE: JULY 22, 2014



NORTH BASED ON
TENNESSEE STATE PLANE COORDINATES
N.A.D. 83
GRID NORTH



- LEGEND**
- BOUNDARY LINE
 - ROADWAY CENTERLINE
 - ▨ OVERLAYS ▨ BUILDINGS
 - MONUMENT FOUND (1/2" REBAR)
 - MONUMENT SET
 - RIGHT OF WAY
 - POINT OF BEGINNING

SURVEYOR'S NOTE

A TITLE COMMITMENT SEARCH WAS NOT CONDUCTED AT THE TIME OF SURVEY. THEREFORE THIS SURVEY IS SUBJECT TO AN APPROPRIATE TITLE COMMITMENT SEARCH.

DETACHMENTS ARE AS PER ZONING, PROPERTY IS ZONED AS "C2".

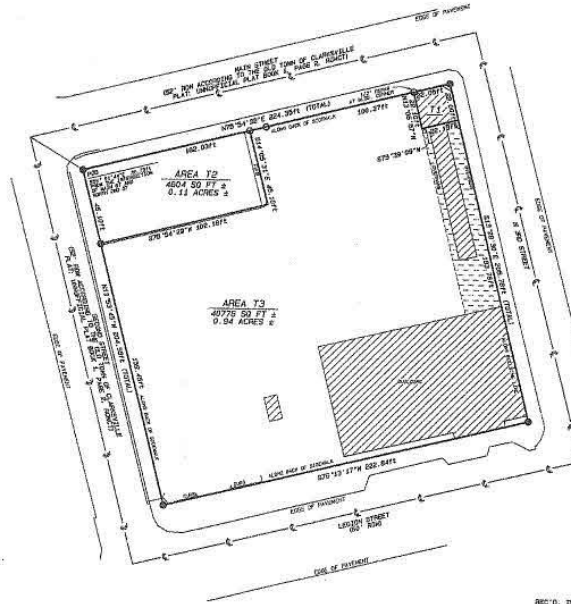
RIGHTS OF WAY ARE SUBJECT TO EASEMENTS, EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD AND NOT OF RECORD.

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE EXISTING RECORDS AND DATA NOT SUBJECT TO ANY RECORDING OR EASEMENTS WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR WHOSE NAME APPEARS HEREON.

THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NON-EXISTENCE OF NEIGHBORING AREAS.

DISCLAIMER

THIS SURVEYOR HAS NOT PERSONALLY LOCATED THE UNDISCOVERED UTILITIES, ABOVE GROUND AND UNDERGROUND UTILITIES SHOWN HEREIN FROM VISUAL APPROPRIATIONS AT THE SITE. THESE RECORDS AND DATA PROVIDED BY OTHERS, THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES FROM RECORDS IS ONE OF MANY CONSIDERATIONS. COMPREHENSIVE DETAILED IDENTIFICATION OF EXISTENCE, LOCATION, AND DEPTH WOULD ALSO BE NEARLY IMPOSSIBLE TO ANY DESIGNER. THEREFORE, IT IS THE SURVEYOR'S POLICY AND DUTY OF SERVICE SHOULD BE CONFINED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT NO DESIGNER OR ENGINEER SHALL ATTEMPT TO LOCATE ALL UNDERGROUND UTILITIES, INCLUDING NO USE TURNS UP, PRIOR TO THE WORK. THIS DOES NOT INCLUDE DATA PRIOR TO THE DATE OF THESE INSTRUMENTS TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE DAMAGE TO CONDUCT. THEREFORE SHE CALL 1-800-951-7111.



The perimeter shown here is per a Survey made on the ground. There are no encroachments shown. These lines shown, and the survey is correct to the best of my knowledge, belief and professional opinion.

This tract does not lie within a Special Flood Hazard Area of the Federal Emergency Management Agency according to the Flood Insurance Rate Map (FIRM) shown, Zone A of the City of Clarksville, Montgomery County, Tennessee, dated March 18, 2008, unless otherwise noted on a later survey.

I hereby certify that this is a Category-1 survey, and that the closure of the (unadjusted) traverse is better than 1:10,000.

Bearing and distance show take precedence over scale.



Logan McMan
7/25/14
N. LOGAN MC MAN TS RLS # 2067
DDB & ASSOCIATES ENGINEERING

REC'D. IN	BOOK	DATE	FILED	DATE
REC'D. IN	BOOK	DATE	FILED	DATE
REC'D. IN	BOOK	DATE	FILED	DATE

330 North Second Street
P.O. Box 949
Clarksville, TN 37041-0949
Phone (931) 547-5555 Fax (931) 547-7115
DDB & Associates
Engineering
Engineers • Surveyors • Planners

BOUNDARY AND TOPOGRAPHIC SURVEY
OF THE
THE BETTER BUSINESS BUREAU OF MIDDLE TENNESSEE, INC.,
AMSOUTH BANK
AND ALAN WERNER PROPERTY

APPROVED FOR ASSOCIATION
QUALITY ASSURANCE BOARD
DATE: 7/25/14
PAGE 1 OF 1

066G CMap	H Group	002.00 Parcel	000 PI_SI	1 of 2 FutureYear	COMMERCIAL CARD	Montgomery County	Total Card / Total Parcel APPRAISED: 1,061,400/ 1,099,400 USE VALUE: 1,061,400/ 1,099,400 ASSESSED: 424,560/ 439,760																																																																																																		
PROPERTY LOCATION						IN PROCESS APPRAISAL SUMMARY																																																																																																			
No: 215	Alt No:	Direction/Street: LEGION ST	Use Code: CO	Land Size: 1.000	Building Value: 773,000	Yard Items: 9,500	Land Value: 278,900																																																																																																		
OWNERSHIP Owner 1: WERNER ALAN Owner 2: Owner 3: Street 1: 3981 TROUGH SPRINGS RD Street 2: Twn/City: ADAMS St/Prov: TN Cntry: Own Occ: Postal: 37010 Type: COMMER			Total Card: 1.000 773,000 9,500 278,900 1,061,400 Total Parcel: 1.000 811,000 9,500 278,900 1,099,400 Source/Market Adj Cost Total Value per SQ unit /Card: 51.57 /Parcel: 45.19																																																																																																						
PREVIOUS OWNER Owner 1: Owner 2: Street 1: Twn/City: St/Prov: Cntry: Own Occ: Postal:			PREVIOUS ASSESSMENT <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Tax Yr</th> <th>Use</th> <th>Cat</th> <th>Bldg Value</th> <th>Yrd Items</th> <th>Land Size</th> <th>Land Value</th> <th>Total Value</th> <th>Asses'd Value</th> <th>Notes</th> <th>Date</th> </tr> </thead> <tbody> <tr><td>2013</td><td>CO</td><td>FV</td><td>601,595</td><td>24905</td><td></td><td>399,300</td><td>1,025,800</td><td>410,320</td><td>Year End Roll</td><td>10/24/2013</td></tr> <tr><td>2012</td><td>CO</td><td>FV</td><td>601,595</td><td>24905</td><td></td><td>399,300</td><td>1,025,800</td><td>410,320</td><td></td><td>12/5/2008</td></tr> <tr><td>2011</td><td>CO</td><td>FV</td><td>601,595</td><td>24905</td><td></td><td>399,300</td><td>1,025,800</td><td>410,320</td><td></td><td>1/1/2011</td></tr> <tr><td>2010</td><td>CO</td><td>FV</td><td>601,595</td><td>24905</td><td></td><td>399,300</td><td>1,025,800</td><td>410,320</td><td></td><td>1/1/2010</td></tr> <tr><td>2009</td><td>CO</td><td>FV</td><td>601,595</td><td>24905</td><td></td><td>399,300</td><td>1,025,800</td><td>410,320</td><td></td><td>1/1/2009</td></tr> <tr><td>2008</td><td>CO</td><td>FV</td><td>595,870</td><td>19530</td><td></td><td>399,300</td><td>1,014,700</td><td>405,880</td><td></td><td>1/1/2008</td></tr> <tr><td>2007</td><td>CO</td><td>FV</td><td>1,842,070</td><td>19530</td><td></td><td>399,300</td><td>2,260,900</td><td>904,360</td><td></td><td>1/1/2007</td></tr> <tr><td>2006</td><td>CO</td><td>FV</td><td>1,842,070</td><td>19530</td><td></td><td>399,300</td><td>2,260,900</td><td>904,360</td><td></td><td>1/1/2006</td></tr> </tbody> </table>				Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date	2013	CO	FV	601,595	24905		399,300	1,025,800	410,320	Year End Roll	10/24/2013	2012	CO	FV	601,595	24905		399,300	1,025,800	410,320		12/5/2008	2011	CO	FV	601,595	24905		399,300	1,025,800	410,320		1/1/2011	2010	CO	FV	601,595	24905		399,300	1,025,800	410,320		1/1/2010	2009	CO	FV	601,595	24905		399,300	1,025,800	410,320		1/1/2009	2008	CO	FV	595,870	19530		399,300	1,014,700	405,880		1/1/2008	2007	CO	FV	1,842,070	19530		399,300	2,260,900	904,360		1/1/2007	2006	CO	FV	1,842,070	19530		399,300	2,260,900	904,360		1/1/2006
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Form SCNLTR — "WinTOTAL" appraisal software by a la mode, inc. — 1-800-ALAMODE

066G	H	002.00	000	2 of 2	COMMERCIAL	Total Card / Total Parcel
CMap	Group	Parcel	PL_Sl	Future Year	CARD	
Montgomery County						
PROPERTY LOCATION						APPRaised: 38,000/ 1,099,400
IN PROCESS APPRAISAL SUMMARY						USE VALUE: 38,000/ 1,099,400
CLARKSVILLE, 37040						ASSESSed: 15,200/ 439,760
No	Alt No	Direction/Street	Use Code	Land Size	Building Value	Legal Description
215		LEGION ST	CO	0.000	38,000	
OWNERSHIP			Total Card 0.000 38,000 38,000			User Acct
Owner 1: WERNER ALAN			Total Parcel 1.000 811,000 9,500 278,900 1,099,400			GIS Ref
Owner 2:			Source/Market Adj Cost Total Value per SQ unit /Card: 10.14 /Parcel: 45.19			GIS Ref
Owner 3:			Entered Lot Size			Insp Date
Street 1: 3981 TROUGH SPRINGS RD			Total Land: 1			
Street 2:			Land Unit Type: LOT			
Twn/City: ADAMS			Parcel ID 066G H 002.00 000			
St/Prov: TN Cntry: Own Occ:			144807!			
Postal: 37010 Type: COMMER			PREVIOUS ASSESSMENT			
			Tax Yr Use Cat Bldg Value Yrd Items Land Size Land Value Total Value Asses'd Value Notes Date			
PREVIOUS OWNER			TRANSFER INFORMATION			
Owner 1:			TAX DISTRICT 135 - CLARKSVILLE			
Owner 2:			PAT ACCT. 44807			
Street 1:			GRANTOR Legal Ref Type Date Sale Code Sale Price V Tst Verif Notes			
Twn/City:						
St/Prov: Cntry:						
Postal:						
NARRATIVE DESCRIPTION			BUILDING PERMITS			
This parcel contains 1. AC of land mainly classified as COMMERCIAL with a GEN OFFICE Building built about 1956, having primarily COMMON BRICK Exterior and 3748 Square Feet, with 1 Unit.			Date Number Descrip Amount C/O Last Visit Fed Code F. Descrip Comment			
MOBILE HOME			ACTIVITY INFORMATION			
Make Model Year Bilt Serial # Color			Date Result By Name			
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Item	Code	Description	%	Item	Code	Description
Z	CBD	CENTRAL B	100	water	1	Public
o				Sewer	1	Public
n				Electri	1	Public
Census:				Exmpt		
Flood Haz:						
D	135	CLARKSVILLE	100	Topo	1	Rolling
s				Street	3	PAVED
t				Gas:	1	Public
LAND SECTION (First 7 lines only)						
Use Code	Description	LUC Fact	No of Units	Depth / Price Units	Unit Type	Land Type
CO	COMMERCIAL		0		LOT	NO LAND
LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh	Influ 1
	0	0.	0.00	D51		
Influ 2	Influ 3	Appraised Value	Alt Class	%	Spec Land	J Code
Fact	Use Value	Notes				
		No Land				



USER DEFINED

IDB/Mobile: CB DEV DI

Area/Proxim: Tax Freeze:

Income: Special Dep:

NonProrate: Prior Id # 1:

Prior Id # 2: Prior Id # 3:

ASR Map: 066G

Fact Dist: Reval Dist:

Year: LandReason:

BldReason: CivilDistrict: 12

Ratio: 40%

Sign: VERIFICATION OF VISIT NOT DATA

Total AC/HA: 0.00000 Total SF/SM: 0 Parcel LUC: CO COMMERCIAL Prime NB Desc: NBC D51

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - MontgomeryLive kelsey

PDF created with pdfFactory trial version www.pdffactory.com

2014

PDF created with pdfFactory trial version www.pdffactory.com

Tax Map



Deed - Page 1

Connie W. Bell, Register	
Montgomery County Tennessee	
Rec #: 172188	Instrument #: 788845
Rec'd: 20.00	Recorded
State: 1850.00	5/23/2008 at 1:27 PM
Clerk: 1.00	in Volume
EDP: 2.00	1235
Total: 1873.00	Pgs 1899-1902

SPECIAL WARRANTY DEED

THE STATE OF TENNESSEE §
 §
 COUNTY OF MONTGOMERY §

First States Investors TRS, L.P., a Delaware limited partnership ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD, and CONVEYED and does hereby GRANT, SELL, and CONVEY unto Alan Werner, an individual ("Grantee"), in fee simple, Grantee's successors and assigns, that certain land located in Montgomery County, Tennessee, and being more particularly described in Exhibit A, attached hereto and incorporated herein by reference, together with all improvements, if any, located on such land (such land and improvements being collectively referred to as the "Property").

This conveyance is made and accepted subject to the Permitted Exceptions set forth in Exhibit B hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances pertaining thereto, including all of Grantor's right, title and interest in and to adjacent streets, alleys and rights-of-way, subject to the Permitted Exceptions, unto Grantee and Grantee's successors and assigns [heirs, executors, administrators, personal representatives and assigns] forever; and Grantor does hereby bind itself and its successors to warrant and forever defend the Property unto Grantee and Grantee's successors and assigns [heirs, executors, administrators, personal representatives and assigns], against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Ad valorem taxes for the present year having been prorated, Grantee hereby assumes payment thereof, and subsequent assessments for that and prior years due to change in land usage, ownership, or both.

By acceptance of this Special Warranty Deed, Grantee agrees to and accepts all of the foregoing matters.

IN WITNESS WHEREOF, GRANTOR, has caused this Special Warranty Deed to be executed on the 20 day of June, 2008.

Deed - Page 2

ATTEST:

First States Investors TRS, L.P.,
a Delaware limited partnershipBy: First States Investors TRS GP,
a Delaware limited liability company
its general partnerBy: 
Name: ~~Robert Foley~~ John Roche
Title: Vice President

STATE OF NEW YORK

COUNTY OF NEW YORK

Personally appeared before me, Allan B. Rothschild, a Notary Public in and for the State and County duly commissioned and qualified, Robert Foley, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Vice President of the Grantor, First States Investors TRS, L.P., a Delaware limited partnership and is authorized by the Grantor to execute this instrument on behalf of the Grantor.

Witness my hand, at office, this 10th day of June, 2008

Notary Public

My Commission Expires:



ALLAN B. ROTHSCHILD
Notary Public - State of New York
No. 02RO6127666
Qualified in New York County
My Comm. Expires May 31, 2009

Deed - Page 3EXHIBIT A TO SPECIAL WARRANTY DEEDLegal DescriptionSurveyor's Legal

A tract or parcel of land located in the 12th Civil District, Montgomery County, Tennessee and being more particularly described as follows:

Being at a ½ inch rebar found on the Southeasterly right-of-way margin of Main Street and being the Northwest corner of The Better Business Bureau of Middle Tennessee, Inc., (Book 941, Page 1312, Montgomery County Register's Office); thence South 21°18'20" East along the West boundary of The Better Business Bureau of Middle Tennessee, Inc. a distance of 22.10 feet; thence North 67°35'50" East along the South boundary of The Better Business Bureau of Middle Tennessee, Inc. a distance of 22.20 feet to the West right-of-way margin of North Third Street; thence South 21°42'34" East along the West right-of-way margin of North Third Street a distance of 184.18 feet to the North right-of-way of Legion Street; thence South 68°36'08" West along the North right-of-way of Legion Street a distance of 222.63 feet to the East right-of-way of North Second Street; thence North 22°10'56" West along the East right-of-way of North Second Street a distance of 158.16 feet to a ½ inch rebar found; thence leaving North Second Street North 67°51'10" East a distance of 102.02 feet; thence North 22°08'50" West a distance 45.10 feet to a ½ inch rebar found on the South right-of-way margin of Main Street; thence North 67°51'10" East along the South right-of-way margin of Main Street a distance of 100.22 feet to the Point of Beginning, having an area of 40,658.5 square feet, (0.933 acres).

Being the same property conveyed to First Sates Investors TRS, L.P. by deed of record in Book ~~1225~~, Page, Register's Office of Montgomery County, Tennessee.

1384

Deed - Page 4EXHIBIT B TO SPECIAL WARRANTY DEED

PERMITTED EXCEPTIONS

1. The lien of current taxes and assessments not yet due and payable.
2. Special taxes and assessments becoming a lien on or after the date hereof.
3. The state of facts shown on an accurate survey of the property, but only to the extent valid and enforceable.
4. All matters of record, but only to the extent valid and enforceable

STATE OF TENNESSEE)
)
 COUNTY OF MONTGOMERY)

I or we hereby swear or affirm that the actual consideration for the transfer or value of the property transferred, whichever is greater is \$500,000.00, which amount is equal to or greater than the amount with the property would command at a fair voluntary sale.

7 
 AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME this 10 day of NOV, 2008.


 Notary Public

My Commission Expires: 10-13-08



Option Agreement - Page 1

OPTION AGREEMENT

This Option Agreement, made and entered into as of the 1st day of June, 2014, by and between Dr. Alan Werner (hereinafter referred to as "Seller"), and Clarksville CBID Management Corporation of 1999 D/B/A Two Rivers Company of Clarksville-Montgomery County TN, (hereinafter referred to as "Purchaser").

WHEREAS, the Seller is the owner of certain property located in Clarksville, Montgomery County, Tennessee, and more particularly described on Exhibit "A", attached hereto and made a part hereof (hereinafter referred to as the "Property"); and

WHEREAS, Purchaser wishes to secure an option to purchase such Property pursuant to the terms and conditions hereinafter set forth:

IT IS AGREED AS FOLLOWS:

ARTICLE I:

Grant of Option and Escrow

Option Payment. The Seller, in consideration of the payment of the sum of Sixty Thousand Dollars (\$60,000.00) to be paid in twelve (12) consecutive monthly payments of Five Thousand Dollars (\$5,000.00) each beginning June 1, 2014 and on the same day of each succeeding month, (hereinafter referred to as the "Option Payment"), hereby grants to the Purchaser an option to purchase in the name of the Purchaser or its nominee, heirs successors or assigns the aforesaid Property under the terms and conditions hereinafter set forth. The Option Payment shall be applied to the purchase price hereunder in the event of exercise of the option by Purchaser.

ARTICLE II:

Option and Method of Exercise

2.1. Term. The option granted herein shall continue from June 1, 2014, to May 31, 2015, subject to Seller's right to extend such date as set forth in Paragraph 2.2 below. The option shall be exercised only by delivery to Seller on or before the expiration date a copy of this Option Agreement with the Notice of Exercise of Option attached hereto as Exhibit "B", executed by Purchaser.

2.2. Extension. Purchaser may obtain an extension of this Option after May 31, 2015, by payment of Five Thousand Dollars (\$5,000.00) per month, (the "Extension Payments") for each month the Option is extended, but for no more than Twelve (12) months after May 31, 2015. Purchaser shall notify Seller at least 30 days prior to the expiration of the Option of the extension and the Extension Payment shall be due on the first day of each month for which an extension is obtained. The Option Payment and the Extension Payment shall be referred to hereafter collectively as the "Option Money".

ARTICLE III:

Rights and Obligations During Option Period

3.1. Purchaser Access. During the term of this Option Agreement, Purchaser and their duly appointed agents shall have access to the subject Property at reasonable times and shall be permitted to make such examinations of the Property as deemed desirable by the Purchasers. In addition, Seller shall make available to Purchaser such plans, surveys or studies concerning the subject Property which Seller may have, including, but not limited to, recent reports on title covering the subject Property.

Option Agreement - Page 2

3.2. Seller's Right to Personal Property. During the term of this Option Agreement, Seller shall have the right to remove any and all materials, fixtures, and personal property located on the Property, including safety deposit boxes in the building

ARTICLE IV:

Determination of Purchase Price and Closing

4.1. Purchase Price. It is expressly understood and agreed that the purchase price shall be Nine Hundred Ninety Five Thousand Dollars (\$995,000.00).

4.2. Date of Closing. Closing of this transaction shall occur within thirty (30) days after delivery by Purchaser to Seller of written notice of their intention to purchase the Property. At the time of closing, Purchaser shall pay the Purchase Price in the manner described in Section 4.3 to the Seller.

4.3. Payment of Purchase Price. The Purchase Price shall be paid by Purchaser to Seller in the following manner:

- (a) The sum of Nine Hundred Ninety Five Thousand Dollars (\$995,000.00) less the Option Money, plus or minus pro-rations (hereinafter referred to as the "Cash Payment") shall be payable to the Seller.

ARTICLE V:

Taxes

5.1. General taxes for the year in which the sale and purchase is closed are to be prorated from January 1 to the date of delivery of deed. If the actual amount of such taxes is not then ascertainable, the proration shall be based on the most recently ascertainable taxes. At the option of either party, the real estate taxes shall be prorated promptly after issuance of the actual tax bills.

ARTICLE VI:

Title Insurance

6.1 Title Report. Within one hundred eighty (180) from the date of this Option Agreement, Purchaser may obtain a title insurance commitment issued by a title company to be chosen by Purchaser in the amount of the Purchase Price, covering the date thereof, or its customary preliminary report on title covering the date thereof, showing title to the Property in the Seller, subject only to the following matters (hereinafter referred to as the "Permitted Exceptions"):

- (a) General taxes for the year in which the notice (and the previous year if not yet due and payable) is delivered and subsequent years;
- (b) Building, building line and use or occupancy restrictions, conditions, and covenants of record that do not substantially interfere with the Purchaser's use;
- (c) Acts of Purchaser or anyone acting under or on behalf of Purchaser; and

6.2. Defects in Title. If the report on title or title insurance policy so required discloses any defects in title,

Option Agreement - Page 3

Seller shall, upon receipt of notice of a defect in title from the Purchaser within one hundred eighty (180) days from the date of the Option Agreement, have ninety (90) days from the date of the receipt of notice from Purchaser to cure such defects. Every title insurance policy or report on title furnished hereunder shall be conclusive evidence of good title as thereon shown, subject only to the exceptions therein stated. If such defects in title are not cured within said ninety (90) days, Purchaser may terminate this Agreement or may, at his election, take the title as it then is (with the right to deduct from the Purchase Price liens or encumbrances of a definite or ascertainable amount), upon giving to Seller or his agent notice of such election and tendering performance on his part, and in default of such notice of election or tender of performance within thirty (30) days after written notice to Purchaser or his agent of the inability of Seller to cure such defects, this Agreement thereupon shall without further action by either party, become null and void. If this Agreement shall be terminated, for any reason, except for Purchaser's default, Seller shall return to Purchaser the Option Money. Unless otherwise herein provided, Purchaser shall pay the premium for the title insurance policy in an amount equal to the total Purchase Price stated herein.

6.3 Environmental Survey. Purchaser shall have the right to obtain an environmental survey of the property or recertification to Purchaser of any existing environmental survey provided by Seller within 180 days from the date of this Option Agreement. The cost of the environmental survey shall be shared equally between the Seller and Purchaser. In the event the environmental report reveals unacceptable environmental conditions based upon contamination by hazardous substances, Purchaser shall give notice to Seller, who shall have the option to remediate the property by removing or cleaning up the hazardous substances at Seller's cost, or to terminate this Option Agreement by written notice. In the event Seller terminates this Option Agreement, Purchaser shall be under no obligation to make further Option Payments.

ARTICLE VII:

Survey

7.1. Purchaser, at Purchaser's option and expense, may obtain a survey of the property at anytime during the Option term or any extension thereof.

ARTICLE VIII:

Deed

8.1. At the time of closing hereunder, Seller shall deliver to Purchaser a Cash Warranty Deed, Owners Affidavit satisfactory to title company to remove standard exceptions, FIRPTA Affidavit, closing statement, and such other documents as shall be required to close this transaction and for Purchaser to receive an insured title as agreed.

8.2 In the event of exercise of this Option by the Purchaser, the purchase shall be conducted in accordance with the purchasing guidelines as established by the City of Clarksville, Tennessee.

ARTICLE IX:

Notices and Demands

9.1. All notices and demands herein shall be in writing, and shall be deemed sufficiently given when deposited in the U.S. mail, postage prepaid, certified mail, return receipt requested, addressed to:

Seller: Dr. Alan Werner
273 Dover Rd.
Clarksville, TN 37042

with a copy to: Steve Atkins

Option Agreement - Page 4

320 Franklin Street
Clarksville, TN 37040

Purchaser: Two Rivers Company of Clarksville-Montgomery County TN
One Public Square
Clarksville, TN 37040
Attention: Brenda Kelley

with a copy to: Mayor Kim McMillan
City of Clarksville
1 Public Square
Clarksville, TN 37040

Mr. Lance Baker
City Attorney
1 Public Square
Clarksville, TN 37040

ARTICLE X:

Agreements Concerning the Property

10.1. Notices. Purchaser shall have the right to obtain copies of all agreements, notices, summons, and any other document to which the Property is subject. Seller hereby covenants, represents, and warrants to Purchaser that he shall deliver to Purchaser prior to closing the sale and purchase contemplated herein, promptly after receiving the same, a copy of any and all notices, petitions, or other documents that affect the Property.

ARTICLE XI:

Seller's Warranties and Covenants

11.1. Seller hereby represents and covenants with Purchaser and its successors or assigns, as follows:

(a) That Seller presently is owner in fee of the Property and no other persons or entities are in possession of the Property; Purchaser shall not be subject to the rights of any parties in possession; and upon exercise of the closing Seller shall immediately tender rent and possession of the entirety of the Property to Purchaser;

(b) That Seller has not received any notice of, nor does he have any knowledge of, any suits, judgments, or violations relating to or at the Property of any zoning, building code, health, pollution, or waste disposal code or regulation; that Seller has not received any notice and does not have any knowledge of or information as to any existing or threatened condemnation or other legal action of any kind involving the Property; and that, at closing, the Property shall be conveyed to Purchaser (or its nominee or successors or assigns) free and clear of any violations of any building, safety, or health ordinance, statute, or regulation of which Seller has received notice or has knowledge of, or provision satisfactory to Purchaser shall have been made to correct and pay for any such violation;

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- (c) That Seller shall not hereafter contract for any services, or make any commitments or obligations which shall bind Purchaser as a successor in interest with respect to the Property;
- (d) That Seller has not received any notice of any contemplated or actual special assessments or reassessments for general real estate tax purposes affecting the Property;
- (e) That Seller has no knowledge of any actions, suits, or proceedings pending or threatened against or relating to Seller or the Property in any court or before any administrative agency which, if successful, would restrict or prevent the sale of the Property to Purchaser and Purchaser thereafter utilizing the property for its intended use;
- (f) That Seller is not subject to any commitment, obligation, or agreement, including, but not limited to, any right of first refusal or option to purchase granted to a third party, that would or could prevent it from completing the sale of the Property under this Agreement;
- (g) That except for the items that are to be assumed by Purchaser or to be prorated as hereinafter set forth, Seller shall be solely liable for the payments of all costs and expenses, liabilities, obligations, and claims arising out of Seller's ownership and operation of the Property prior to closing, and Seller hereby agrees to defend, indemnify, and hold Purchaser and its successors, and assigns harmless therefrom;
- (h) That on the date of closing, Seller shall deliver to Purchaser a sworn statement recertifying the matters set forth in this Article 11. The representations, warranties, and covenants contained in this Article 11 shall survive the date of closing and run in favor of and benefit the Purchaser and its successors or assigns;
- (i) That Seller shall deliver the Property to Purchaser free of tenants.

ARTICLE XII:

Defaults

12.1. Seller's Remedy. In the event of a default by Purchaser hereunder, Seller, as its sole remedy, shall have the right to terminate this Agreement by notice thereof to Purchaser and retain the Option Money, paid to the date of receipt of said notice of termination by Purchaser, as full and final liquidated damages, and thereafter this Agreement shall be deemed null and void.

12.2. Purchaser's Remedies. In the event of default by Seller or Beneficiary hereunder, Purchaser, at its sole option, may either terminate its obligations under this Agreement by notice thereof to Seller and obtain a return of its Option Money, or Purchaser may seek to specifically enforce the terms and conditions of this Agreement or seek any other right it may have in law or equity as a result of a breach hereof by Seller.

12.3. Events of Default. Any breach by Seller of any of his respective representations, warranties, or covenants contained in Article 11 hereof that is not cured in a manner satisfactory to Purchaser within thirty days after written notice thereof, shall be deemed a default for purposes of this Article 12.

ARTICLE XIII:

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Condemnation

13.1. In the event that prior to the date of closing written notice shall be received by Seller or Beneficiary of any action, suit, or proceeding to condemn or take all or any part of the Property under the powers of eminent domain, Purchaser shall have the right to terminate its obligations under this Agreement within ten (10) days after receiving notice of such condemnation or taking, and receive a return of its Earnest Money deposit or deposits. In the event that, in the case of condemnation, Purchaser shall not elect to terminate its obligations under this Agreement pursuant to this Article 16, Seller shall be entitled to receive the proceeds of any such condemnation award if the amount thereof is definitely ascertainable prior to the date of closing, and the Purchase Price required to be paid pursuant to Article 4 shall be reduced by the amount of such condemnation award; but if the amount of such condemnation award is not definitely ascertainable prior to the date of closing, Purchaser shall receive an absolute assignment from Seller on the date of closing of any interest Seller may have in the proceeds of such condemnation award, and the Purchase Price shall be the full amount provided by Article 4.

ARTICLE XIV:

Broker

14.1. Each party represents that no person, corporation, or partnership acting as a real estate broker other than NAI Clarksville, brought about this Agreement. Seller agrees to pay to said party a commission for its services in this transaction based upon a separate agreement with said Broker(s). Seller agrees to and does hereby indemnify Purchaser from all loss, damage, cost or expense (including attorney's fees) that Purchaser may suffer as a result of any claim or action brought by any broker acting or allegedly acting on behalf of Seller in connection with this transaction, and Purchaser agrees to and does hereby indemnify and hold Seller harmless from all loss, damage, cost, or expense (including attorney's fees) that Seller may suffer as a result of any claim or action brought by any broker allegedly acting on behalf of Purchaser in connection with this transaction, including, but not limited to, the aforementioned broker.

ARTICLE XV:

Miscellaneous

15.1. Entire Agreement. This Option Agreement, and the Exhibits attached hereto, embody the entire agreement between the parties in connection with this transaction, and there are no oral or parol agreements, representations, or inducements existing between the parties relating to this transaction which are not expressly set forth herein and covered hereby; this option may not be modified except by a written agreement signed by all of the parties.

15.2. Assignment. Purchaser may assign this Option Agreement along with all rights, duties, obligations contained herein.

15.3. Survival of Representations. Each covenant, condition, warranty, and representation set forth herein shall survive the closing and delivery of the deed and other documents contemplated herein, including all covenants and agreements which are to be performed or applied to circumstances subsequent to the date of closing.

15.4. Binding Effect. This option shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, legal representatives, administrators, successors, successors in interest, and assigns.

15.5. Waiver. No written waiver by any party at any time of any breach of any provision of this option shall be deemed a waiver of a breach of any other provision herein or a consent to any subsequent breach of the same or any other provisions. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

15.6. Headings. The article headings and section numbers appearing in this option are inserted only as a matter of

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convenience and do not define, limit, construe, or describe the scope or intent of such paragraphs or articles of this option nor in any way affect this option.

15.7. Recordation. This option shall not be recorded without the written consent of the parties hereto; upon the request of any one party, however, the other parties shall join in the execution of a memorandum of this option for purposes of recordation, which shall describe the parties and shall incorporate this option only by reference.

15.8. Time of Essence. All parties hereto agree that time is of the essence in this transaction and that this option shall be governed by and interpreted in accordance with the laws of the state wherein the Property is located.

15.9. Construction. The parties agree and acknowledge that this Agreement has been drafted and reviewed by the parties with ample opportunity for review by counsel and no presumption against the drafter shall arise in the construction of the Agreement.

15.10. Counterparts. This document may be executed in counterparts.

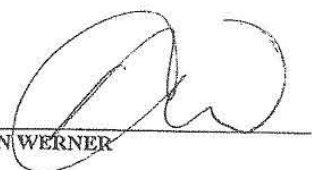
15.11. Governing Law. This Agreement shall be governed by and construed under the laws of the State of Tennessee.

15.12. Forum Selection. The parties agree that the appropriate venue for any litigation arising out of this Agreement shall be the court of competent jurisdiction in Montgomery County, Tennessee.

15.13. WAIVER OF JURY. PURCHASER AND SELLER, TO THE FULLEST EXTENT PERMITTED BY LAW, HEREBY KNOWINGLY, INTENTIONALLY AND VOLUNTARILY, WITH AND UPON THE ADVICE OF COMPETENT COUNSEL, WAIVE, RELINQUISH AND FOREVER FORGO THE RIGHT TO A TRIAL BY JURY IN ANY ACTION OR PROCEEDING BASED UPON, ARISING OUT OF, OR IN ANY WAY RELATING TO THIS OPTION AGREEMENT OR ANY CONDUCT, ACT OR OMISSION OF SELLER OR PURCHASER, OR ANY OF THEIR DIRECTORS, OFFICERS, PARTNERS, MEMBERS, EMPLOYEES, AGENTS OR ATTORNEYS, OR ANY OTHER PERSONS AFFILIATED WITH SELLER OR PURCHASER, IN EACH OF THE FOREGOING CASES, WHETHER SOUNDING IN CONTRACT, TORT OR OTHERWISE.


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

SELLER


DR. ALAN WERNER

PURCHASER

CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999
D/B/A TWO RIVERS COMPANY OF CLARKSVILLE-MONTGOMERY
COUNTY TN

By: 
Name: Mary Nell Wooten
Title: President

F:\m\chlcpar\work\versoption

Option Agreement - Page 8

This instrument prepared by R. Mitchell Ross of the Law Firm of Harvill, Ross, Ragland & Dale, 107 N. Third St., Clarksville, Tennessee 37040, (931) 572-0700.

MEMORANDUM OF OPTION

By this Memorandum of Option ("Memorandum"), DR. ALAN WERNER ("Optionor") grants to CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999 D/B/A TWO RIVERS COMPANY OF CLARKSVILLE MONTGOMERY COUNTY TN, ("Optionee") an option to purchase certain real property more particularly described in attached Exhibit "A", incorporated in this Memorandum, ("Real Property"); and the improvements constructed on Real Property, together with all rights of Optionor to adjoining streets, rights of way, easements, and all other appurtenant rights (collectively, "Property"). The option is more particularly described in the Option Agreement ("Option Agreement") dated as of the 1st day of June, 2014, executed between Optionor and Optionee.

Section 1: TERM

The term of the Option Agreement begins on June 1, 2014, and ends on May 31, 2015, ("Term"), unless terminated sooner in accordance with the Option Agreement. Said Option provides for up to a Twelve (12) month extension.

Section 2: TERMINATION

The Option Agreement shall automatically terminate and shall have no further force upon the first of the following events to occur:

- (a) The purchase of the Property by Optionee; or
- (b) The end of the Term, as it may be extended.

Section 3: PRICE AND TERMS

The parties have executed and recorded this instrument to give notice of the Option Agreement and the respective rights and obligations of Optionee and Optionor. The price and other terms are in the unrecorded Option Agreement, which is incorporated by reference in its entirety in this Memorandum. In the event of any inconsistency between this Memorandum and the Option Agreement, the Option Agreement shall control.

Section 4: SUCCESSORS AND ASSIGNS

This Memorandum and the Option Agreement shall bind and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject, however, to the provisions of the Option Agreement on assignment.

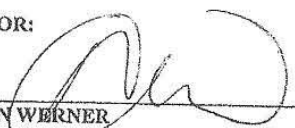
Section 5: GOVERNING LAW

This Memorandum and the Option Agreement are governed by the laws of the State of Tennessee.

Optionor and Optionee have signed this memorandum as of June ____, 2014.

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OPTIONOR:


 DR. ALAN WERNER

OPTIONEE:

 CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999
 D/B/A TWO RIVERS COMPANY OF CLARKSVILLE-MONTGOMERY
 COUNTY TN

 By: Mary Nell Wooten
 Name: Mary Nell Wooten
 Title: President

 STATE OF TENNESSEE
 COUNTY OF MONTGOMERY

 Personally appeared before me, the undersigned Notary Public in and for the State and County aforesaid, Dr. Alan Werner, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument for the purpose therein contained on this 29th day of June, 2014.


 NOTARY PUBLIC
Commission Expires: 10-15-2016
 STATE OF TENNESSEE
 COUNTY OF MONTGOMERY

 Personally appeared before me, the undersigned Notary Public in and for the State and County aforesaid, Mary Nell Wooten, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument for the purposes therein contained, and who upon oath further acknowledged such person to be President of CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999 D/B/A TWO RIVERS COMPANY OF CLARKSVILLE-MONTGOMERY COUNTY TN, the within named bargainor, a corporation, and that such officer, as such _____ executed the foregoing instrument for the purposes therein contained, by personally signing the name of the corporation as _____.

 Witness my hand and seal, at office, this 29th day of June, 2014.


 NOTARY PUBLIC SEAL
Commission Expires: 11/28/17

D:\nw\civicpark\TwoRivers\memorandum of option

Option Agreement - Page 10**EXHIBIT "A"**

A tract or parcel of land located in the 12th Civil District of Montgomery County, Tennessee and being more particularly described as follows:

Being at a ½ inch rebar found on the Southeasterly right of way margin of Main Street and being the Northwest corner of The Better Business Bureau of Middle Tennessee, Inc., (Book 941, Page 1312 Montgomery County Register's Office); thence South 21 degrees 18 minutes 20 seconds East along the West boundary of The Better Business Bureau of Middle Tennessee, Inc., a distance of 22.10 feet; thence North 67 degrees 35 minutes 50 seconds East along the South boundary of The Better Business Bureau of Middle Tennessee, Inc., a distance of 22.20 feet to the West right of way margin of North Third Street; thence South 21 degrees 42 minutes 34 seconds East along the West right of way margin of North Third Street a distance of 184.18 feet to the North right of way of Legion Street; thence South 68 degrees 36 minutes 08 seconds West along the North right of way of Legion Street a distance of 222.63 feet to the East right of way of North Second Street; thence North 22 degrees 10 minutes 56 seconds West along the East right of way of North Second Street a distance of 158.16 feet to a ½ inch iron rebar found; thence leaving North Second Street North 67 degrees 51 minutes 10 seconds East a distance of 102.02 feet; thence North 22 degrees 08 minutes 50 seconds West a distance of 45.10 feet to a ½ inch rebar found on the South right of way margin of Main Street; thence North 67 degrees 51 minutes 10 seconds East along the South right of way margin of Main Street 100.22 feet to the point of beginning, having an area of 40,658.5 square feet, (0.933 acres). This description taken from the previous deed of record.

Being the same real estate conveyed to Alan Werner by deed of record in ORBV 1235, Page 1899, Register's Office for Montgomery County, Tennessee.

Option Agreement - Page 11NOTICE OF EXERCISE OF OPTION

To: Dr. Alan Werner

With a copy to:

The undersigned, hereby give notice to Dr. Alan Werner, Seller, of their intent to exercise the Purchase Option contained in that certain Option Agreement between Seller and Clarksville CBID Management Corporation of 1999 D/B/A Two Rivers Company of Clarksville-Montgomery County TN, dated as of the 1st day of June, 2014 pursuant to the terms contained therein.

Dated: This the ___ day of _____, _____.

Purchaser:

CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999
D/B/A TWO RIVERS COMPANY OF CLARKSVILLE-MONTGOMERY
COUNTY TN

By: _____

Name: _____

Title: _____

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page 1



LISTING AGREEMENT

1. In consideration of the agreement of NAI Clarksville (hereinafter the "Broker") to use its best efforts, skill, judgments and abilities to find a suitable purchaser for certain property located at 215 Legion Street, Clarksville, TN 37040, and described as follows:

19,300 +/- square feet building

(hereinafter the "Property"), Alan Werner (hereinafter the "Owner"), grants the Broker for a period of 180 days from this date the exclusive right and authority to find a purchaser/tenant for the Property at the following price or any other price acceptable to the Owner: One Million One Hundred Thousand and 00/100 (\$1,100,000.00) (paid in cash or other certified funds at closing) or to find a lessee for the Property at an annual rental rate of N/A. This listing agreement shall terminate at midnight on October 30, 2014.

2. This property may be entered in the MTRMLS, Inc. multiple listing service and NAI Clarksville is subject to the rules and regulations of MTRMLS, Inc.

3. The purchase or lease (any sublease or assignment being included in the term 'lease') of the Property shall be upon terms and conditions acceptable to owner, in its reasonable discretion, and such terms and conditions shall be negotiated only by Owner through Broker.

4. Subject to Owner's prior approval, Agent is hereby authorized at Agent's sole expense to promote and market the Property in such manner as Agent deems expedient and most likely to produce a sale or lease. Owner hereby further gives Agent the exclusive right to affix and maintain on said Property Agent's sign advertising the same for sale or lease during the full term of this agency agreement. Agent shall during the term of this Agreement, devote its attention, knowledge, experience and skills in order to affect the sale herein contemplated. The Agent shall diligently promote and market the property, which may include:

- a) advertising the Property by use of marketing flyers/brochures
- b) advertising the Property by use of forms of written media including newspaper and/or magazine advertisements, direct mail or website banners with such paid marketing efforts at Broker's expense (collectively, the "Marketing Material");
- c) identifying and soliciting prospective purchasers and communicating directly with them by telephone and in writing;
- d) receiving and satisfying inquiries from prospective purchasers and their agents;
- e) providing prospective purchasers with the opportunity, subject to the Owner's approval and in cooperation with the Owner, to examine the Property;
- f) issuing press releases and securing news coverages to promote the sale of the Property;
- g) referring all offers immediately to Owner including all pertinent details of such offers, which offers Owner may chose to pursue or not in its sole and absolute discretion.
- h) negotiation on behalf of Owner, subject to Owner's absolute discretion, direction, and approval, as well as the proper execution of necessary documentation. Agent shall not have and shall not represent itself to have authority to legally bind the Owner in any way or fashion.

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page 2

5. For finding a purchaser ready, willing and able to purchase the property on terms and conditions satisfactory to Owner, Owner agrees to pay the Broker a brokerage fee of 5% of the sale price of the Property, the fee to be paid at closing.

6. In finding a tenant ready, willing and able to lease the Property on terms and conditions satisfactory to Owner, Owner agrees to pay the Broker a brokerage fee of 30% of the base rent for the primary term of the lease. The commission shall be due and payable to Broker one half (1/2) upon lease execution and the second half (1/2) upon lease commencement.

7. During the term of this Listing Agreement or any extension thereof Owner agrees to refer all prospective Buyers or Tenants to the Broker.

8. If the Property is sold or leased by Owner within ___ days after the expiration of this agreement to any person with whom the Broker has had negotiations during the period of this listing, Owner agrees to pay Broker commission provided herein, provided that the Broker has registered the prospective buyer or tenant with Owner before expiration of the Agreement.

9. Broker is authorized to accept from any prospective purchaser or lessee a deposit as earnest money to be applied to the purchase price or as a deposit on the lease. Broker shall hold such funds as escrow agent with the funds being deposited in an interest-bearing escrow account at the option of the Broker. Interest will be used to offset the cost of maintaining the escrow account.

10. Authorization For Cooperation & Compensation:

In the event a Buyer's Agent participates in the lease, sale or exchange of Property, Broker is hereby authorized to negotiate the division of commission with said Buyer's Agent.

In the event a facilitator participates in the lease, sale or exchange of Property, Broker is hereby authorized to negotiate the division of commission with said Facilitator.

11. Client Authorization For Changes In Agency Status:

In the event a change in Broker's agency status is needed or necessary to protect Client's interest in a transaction:

Client hereby authorizes the managing broker, if necessary, to appoint a Licensee, other than the Licensee named below, as Designated Agent for the Seller, to the exclusion of any other Licensees associated with Broker.

Client hereby authorizes Broker to default to Facilitator status (representing the interests of neither the Seller nor the Buyer) in any property showing, negotiations, or transaction, in which the Broker may also have a representation agreement with the Buyer. As a Facilitator, Broker and Broker's associated salespersons can assist the parties and provide information (but not advice) in subsequent negotiations in that transaction.

If a change in agency status occurs, Client will be immediately notified of such a change.

INDEMNIFICATION. The Owner agrees to save and hold harmless Broker, its agents, employees, independent contractors, successors and assigns, from all claims, disputes, litigation or judgments

Option Agreement - Page 14

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page 3

arising from any materially incorrect information supplied by Owner or from any material fact or defect known by Owner regarding Property which the Owner fails to disclose to Agent. The Agent hereby indemnifies and holds the Owner and its affiliates and their respective officers, directors, employees, agents and representatives free and harmless from and against any and all claims, liabilities, cost, fees, suit or suits, causes of action, including reasonable attorney's fees and disbursements, which Owner may incur as a result of any negligent or intentional act or omission by the Agent, its agents, employees, affiliates and representatives.

For NAI Clarksville

Date/Time

Owner

Date/Time

Engagement Letter**REQUEST FOR PROFESSIONAL SERVICE****PROJECT NAME AND DESCRIPTION**

Appraisal services – BOA site

NAME OF FIRM

Mark Young Real Estate Appraisals

QUALIFICATIONS OF FIRM

Professional real estate appraisals firm

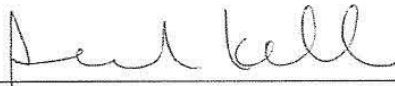

REASON YOU WISH TO SELECT THIS FIRM

Professional, local, experienced

LIST NAMES OF PERSONS INVOLVED IN MAKING THIS DECISION

Brenda Kelley, Lance Baker, Hatem Shah

NEGOTIATED COST/FEEs: \$ 3,000.00

DEPARTMENT HEAD SIGNATURE
Signature5.12.14
Date**PURCHASING AGENT SIGNATURE**
Signature5-12-14
Date

TRC Acct #: 46494003 4330

OPTION AGREEMENT

This Option Agreement, made and entered into as of the 1st day of June, 2014, by and between Dr. Alan Werner (hereinafter referred to as "Seller"), and Clarksville CBID Management Corporation of 1999 D/B/A Two Rivers Company of Clarksville-Montgomery County TN, (hereinafter referred to as "Purchaser").

WHEREAS, the Seller is the owner of certain property located in Clarksville, Montgomery County, Tennessee, and more particularly described on Exhibit "A", attached hereto and made a part hereof (hereinafter referred to as the "Property"); and

WHEREAS, Purchaser wishes to secure an option to purchase such Property pursuant to the terms and conditions hereinafter set forth:

IT IS AGREED AS FOLLOWS:

ARTICLE I:

Grant of Option and Escrow

Option Payment. The Seller, in consideration of the payment of the sum of Sixty Thousand Dollars (\$60,000.00) to be paid in twelve (12) consecutive monthly payments of Five Thousand Dollars (\$5,000.00) each beginning June 1, 2014 and on the same day of each succeeding month, (hereinafter referred to as the "Option Payment"), hereby grants to the Purchaser an option to purchase in the name of the Purchaser or its nominee, heirs successors or assigns the aforesaid Property under the terms and conditions hereinafter set forth. The Option Payment shall be applied to the purchase price hereunder in the event of exercise of the option by Purchaser.

ARTICLE II:

Option and Method of Exercise

2.1. **Term.** The option granted herein shall continue from June 1, 2014, to May 31, 2015, subject to Seller's right to extend such date as set forth in Paragraph 2.2 below. The option shall be exercised only by delivery to Seller on or before the expiration date a copy of this Option Agreement with the Notice of Exercise of Option attached hereto as Exhibit "B", executed by Purchaser.

2.2. **Extension.** Purchaser may obtain an extension of this Option after May 31, 2015, by payment of Five Thousand Dollars (\$5,000.00) per month, (the "Extension Payments") for each month the Option is extended, but for no more than Twelve (12) months after May 31, 2015. Purchaser shall notify Seller at least 30 days prior to the expiration of the Option of the extension and the Extension Payment shall be due on the first day of each month for which an extension is obtained. The Option Payment and the Extension Payment shall be referred to hereafter collectively as the "Option Money".

ARTICLE III:

Rights and Obligations During Option Period

3.1. **Purchaser Access.** During the term of this Option Agreement, Purchaser and their duly appointed agents shall have access to the subject Property at reasonable times and shall be permitted to make such examinations of the Property as deemed desirable by the Purchasers. In addition, Seller shall make available to Purchaser such plans, surveys or studies concerning the subject Property which Seller may have, including, but not limited to, recent reports on title covering the subject Property.

3.2. **Seller's Right to Personal Property.** During the term of this Option Agreement, Seller shall have the right to remove any and all materials, fixtures, and personal property located on the Property, including safety deposit boxes in the building

ARTICLE IV:

Determination of Purchase Price and Closing

4.1. **Purchase Price.** It is expressly understood and agreed that the purchase price shall be Nine Hundred Ninety Five Thousand Dollars (\$995,000.00).

4.2. **Date of Closing.** Closing of this transaction shall occur within thirty (30) days after delivery by Purchaser to Seller of written notice of their intention to purchase the Property. At the time of closing, Purchaser shall pay the Purchase Price in the manner described in Section 4.3 to the Seller.

4.3. **Payment of Purchase Price.** The Purchase Price shall be paid by Purchaser to Seller in the following manner:

(a) The sum of Nine Hundred Ninety Five Thousand Dollars (\$995,000.00) less the Option Money, plus or minus pro-rations (hereinafter referred to as the "Cash Payment") shall be payable to the Seller.

ARTICLE V:

Taxes

5.1. General taxes for the year in which the sale and purchase is closed are to be prorated from January 1 to the date of delivery of deed. If the actual amount of such taxes is not then ascertainable, the proration shall be based on the most recently ascertainable taxes. At the option of either party, the real estate taxes shall be prorated promptly after issuance of the actual tax bills.

ARTICLE VI:

Title Insurance

6.1 **Title Report.** Within one hundred eighty (180) from the date of this Option Agreement, Purchaser may obtain a title insurance commitment issued by a title company to be chosen by Purchaser in the amount of the Purchase Price, covering the date thereof, or its customary preliminary report on title covering the date thereof, showing title to the Property in the Seller, subject only to the following matters (hereinafter referred to as the "Permitted Exceptions"):

(a) General taxes for the year in which the notice (and the previous year if not yet due and payable) is delivered and subsequent years;

(b) Building, building line and use or occupancy restrictions, conditions, and covenants of record that do not substantially interfere with the Purchaser's use;

(c) Acts of Purchaser or anyone acting under or on behalf of Purchaser; and

6.2. **Defects in Title.** If the report on title or title insurance policy so required discloses any defects in title,

Seller shall, upon receipt of notice of a defect in title from the Purchaser within one hundred eighty (180) days from the date of the Option Agreement, have ninety (90) days from the date of the receipt of notice from Purchaser to cure such defects. Every title insurance policy or report on title furnished hereunder shall be conclusive evidence of good title as thereon shown, subject only to the exceptions therein stated. If such defects in title are not cured within said ninety (90) days, Purchaser may terminate this Agreement or may, at his election, take the title as it then is (with the right to deduct from the Purchase Price liens or encumbrances of a definite or ascertainable amount), upon giving to Seller or his agent notice of such election and tendering performance on his part, and in default of such notice of election or tender of performance within thirty (30) days after written notice to Purchaser or his agent of the inability of Seller to cure such defects, this Agreement thereupon shall without further action by either party, become null and void. If this Agreement shall be terminated, for any reason, except for Purchaser's default, Seller shall return to Purchaser the Option Money. Unless otherwise herein provided, Purchaser shall pay the premium for the title insurance policy in an amount equal to the total Purchase Price stated herein.

6.3 **Environmental Survey.** Purchaser shall have the right to obtain an environmental survey of the property or recertification to Purchaser of any existing environmental survey provided by Seller within 180 days from the date of this Option Agreement. The cost of the environmental survey shall be shared equally between the Seller and Purchaser. In the event the environmental report reveals unacceptable environmental conditions based upon contamination by hazardous substances, Purchaser shall give notice to Seller, who shall have the option to remediate the property by removing or cleaning up the hazardous substances at Seller's cost, or to terminate this Option Agreement by written notice. In the event Seller terminates this Option Agreement, Purchaser shall be under no obligation to make further Option Payments.

ARTICLE VII:

Survey

7.1. Purchaser, at Purchaser's option and expense, may obtain a survey of the property at anytime during the Option term or any extension thereof.

ARTICLE VIII:

Deed

8.1. At the time of closing hereunder, Seller shall deliver to Purchaser a Cash Warranty Deed, Owners Affidavit satisfactory to title company to remove standard exceptions, FIRPTA Affidavit, closing statement, and such other documents as shall be required to close this transaction and for Purchaser to receive an insured title as agreed.

8.2 In the event of exercise of this Option by the Purchaser, the purchase shall be conducted in accordance with the purchasing guidelines as established by the City of Clarksville, Tennessee.

ARTICLE IX:

Notices and Demands

9.1. All notices and demands herein shall be in writing, and shall be deemed sufficiently given when deposited in the U.S. mail, postage prepaid, certified mail, return receipt requested, addressed to:

Seller: Dr. Alan Werner
273 Dover Rd.
Clarksville, TN 37042

with a copy to: Steve Atkins

320 Franklin Street
Clarksville, TN 37040

Purchaser: Two Rivers Company of Clarksville-Montgomery County TN
One Public Square
Clarksville, TN 37040
Attention: Brenda Kelley

with a copy to: Mayor Kim McMillan
City of Clarksville
1 Public Square
Clarksville, TN 37040

Mr. Lance Baker
City Attorney
1 Public Square
Clarksville, TN 37040

ARTICLE X:

Agreements Concerning the Property

10.1. Notices. Purchaser shall have the right to obtain copies of all agreements, notices, summons, and any other document to which the Property is subject. Seller hereby covenants, represents, and warrants to Purchaser that he shall deliver to Purchaser prior to closing the sale and purchase contemplated herein, promptly after receiving the same, a copy of any and all notices, petitions, or other documents that affect the Property.

ARTICLE XI:

Seller's Warranties and Covenants

11.1. Seller hereby represents and covenants with Purchaser and its successors or assigns, as follows:

(a) That Seller presently is owner in fee of the Property and no other persons or entities are in possession of the Property; Purchaser shall not be subject to the rights of any parties in possession; and upon exercise of the closing Seller shall immediately tender rent and possession of the entirety of the Property to Purchaser;

(b) That Seller has not received any notice of, nor does he have any knowledge of, any suits, judgments, or violations relating to or at the Property of any zoning, building code, health, pollution, or waste disposal code or regulation; that Seller has not received any notice and does not have any knowledge of or information as to any existing or threatened condemnation or other legal action of any kind involving the Property; and that, at closing, the Property shall be conveyed to Purchaser (or its nominee or successors or assigns) free and clear of any violations of any building, safety, or health ordinance, statute, or regulation of which Seller has received notice or has knowledge of, or provision satisfactory to Purchaser shall have been made to correct and pay for any such violation;

(c) That Seller shall not hereafter contract for any services, or make any commitments or obligations which shall bind Purchaser as a successor in interest with respect to the Property;

(d) That Seller has not received any notice of any contemplated or actual special assessments or reassessments for general real estate tax purposes affecting the Property;

(e) That Seller has no knowledge of any actions, suits, or proceedings pending or threatened against or relating to Seller or the Property in any court or before any administrative agency which, if successful, would restrict or prevent the sale of the Property to Purchaser and Purchaser thereafter utilizing the property for its intended use;

(f) That Seller is not subject to any commitment, obligation, or agreement, including, but not limited to, any right of first refusal or option to purchase granted to a third party, that would or could prevent it from completing the sale of the Property under this Agreement;

(g) That except for the items that are to be assumed by Purchaser or to be prorated as hereinafter set forth, Seller shall be solely liable for the payments of all costs and expenses, liabilities, obligations, and claims arising out of Seller's ownership and operation of the Property prior to closing, and Seller hereby agrees to defend, indemnify, and hold Purchaser and its successors, and assigns harmless therefrom;

(h) That on the date of closing, Seller shall deliver to Purchaser a sworn statement recertifying the matters set forth in this Article 11. The representations, warranties, and covenants contained in this Article 11 shall survive the date of closing and run in favor of and benefit the Purchaser and its successors or assigns;

(i) That Seller shall deliver the Property to Purchaser free of tenants.

ARTICLE XII:

Defaults

12.1. Seller's Remedy. In the event of a default by Purchaser hereunder, Seller, as its sole remedy, shall have the right to terminate this Agreement by notice thereof to Purchaser and retain the Option Money, paid to the date of receipt of said notice of termination by Purchaser, as full and final liquidated damages, and thereafter this Agreement shall be deemed null and void.

12.2. Purchaser's Remedies. In the event of default by Seller or Beneficiary hereunder, Purchaser, at its sole option, may either terminate its obligations under this Agreement by notice thereof to Seller and obtain a return of its Option Money, or Purchaser may seek to specifically enforce the terms and conditions of this Agreement or seek any other right it may have in law or equity as a result of a breach hereof by Seller.

12.3. Events of Default. Any breach by Seller of any of his respective representations, warranties, or covenants contained in Article 11 hereof that is not cured in a manner satisfactory to Purchaser within thirty days after written notice thereof, shall be deemed a default for purposes of this Article 12.

ARTICLE XIII:

Condemnation

13.1. In the event that prior to the date of closing written notice shall be received by Seller or Beneficiary of any action, suit, or proceeding to condemn or take all or any part of the Property under the powers of eminent domain, Purchaser shall have the right to terminate its obligations under this Agreement within ten (10) days after receiving notice of such condemnation or taking, and receive a return of its Earnest Money deposit or deposits. In the event that, in the case of condemnation, Purchaser shall not elect to terminate its obligations under this Agreement pursuant to this Article 16, Seller shall be entitled to receive the proceeds of any such condemnation award if the amount thereof is definitely ascertainable prior to the date of closing, and the Purchase Price required to be paid pursuant to Article 4 shall be reduced by the amount of such condemnation award; but if the amount of such condemnation award is not definitely ascertainable prior to the date of closing, Purchaser shall receive an absolute assignment from Seller on the date of closing of any interest Seller may have in the proceeds of such condemnation award, and the Purchase Price shall be the full amount provided by Article 4.

ARTICLE XIV:

Broker

14.1. Each party represents that no person, corporation, or partnership acting as a real estate broker other than NAI Clarksville, brought about this Agreement, Seller agrees to pay to said party a commission for its services in this transaction based upon a separate agreement with said Broker(s). Seller agrees to and does hereby indemnify Purchaser from all loss, damage, cost or expense (including attorney's fees) that Purchaser may suffer as a result of any claim or action brought by any broker acting or allegedly acting on behalf of Seller in connection with this transaction, and Purchaser agrees to and does hereby indemnify and hold Seller harmless from all loss, damage, cost, or expense (including attorney's fees) that Seller may suffer as a result of any claim or action brought by any broker allegedly acting on behalf of Purchaser in connection with this transaction, including, but not limited to, the aforementioned broker.

ARTICLE XV:

Miscellaneous

15.1. **Entire Agreement.** This Option Agreement, and the Exhibits attached hereto, embody the entire agreement between the parties in connection with this transaction, and there are no oral or parol agreements, representations, or inducements existing between the parties relating to this transaction which are not expressly set forth herein and covered hereby; this option may not be modified except by a written agreement signed by all of the parties.

15.2. **Assignment.** Purchaser may assign this Option Agreement along with all rights, duties, obligations contained herein.

15.3. **Survival of Representations.** Each covenant, condition, warranty, and representation set forth herein shall survive the closing and delivery of the deed and other documents contemplated herein, including all covenants and agreements which are to be performed or applied to circumstances subsequent to the date of closing.

15.4. **Binding Effect.** This option shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, legal representatives, administrators, successors, successors in interest, and assigns.

15.5. **Waiver.** No written waiver by any party at any time of any breach of any provision of this option shall be deemed a waiver of a breach of any other provision herein or a consent to any subsequent breach of the same or any other provisions. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

15.6. **Headings.** The article headings and section numbers appearing in this option are inserted only as a matter of

convenience and do not define, limit, construe, or describe the scope or intent of such paragraphs or articles of this option nor in any way affect this option.

15.7. **Recordation.** This option shall not be recorded without the written consent of the parties hereto; upon the request of any one party, however, the other parties shall join in the execution of a memorandum of this option for purposes of recordation, which shall describe the parties and shall incorporate this option only by reference.

15.8. **Time of Essence.** All parties hereto agree that time is of the essence in this transaction and that this option shall be governed by and interpreted in accordance with the laws of the state wherein the Property is located.

15.9 **Construction.** The parties agree and acknowledge that this Agreement has been drafted and reviewed by the parties with ample opportunity for review by counsel and no presumption against the drafter shall arise in the construction of the Agreement.

15.10 **Counterparts.** This document may be executed in counterparts.

15.11 **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Tennessee.

15.12 **Forum Selection.** The parties agree that the appropriate venue for any litigation arising out of this Agreement shall be the court of competent jurisdiction in Montgomery County, Tennessee.

15.13 **WAIVER OF JURY.** PURCHASER AND SELLER, TO THE FULLEST EXTENT PERMITTED BY LAW, HEREBY KNOWINGLY, INTENTIONALLY AND VOLUNTARILY, WITH AND UPON THE ADVICE OF COMPETENT COUNSEL, WAIVE, RELINQUISH AND FOREVER FORGO THE RIGHT TO A TRIAL BY JURY IN ANY ACTION OR PROCEEDING BASED UPON, ARISING OUT OF, OR IN ANY WAY RELATING TO THIS OPTION AGREEMENT OR ANY CONDUCT, ACT OR OMISSION OF SELLER OR PURCHASER, OR ANY OF THEIR DIRECTORS, OFFICERS, PARTNERS, MEMBERS, EMPLOYEES, AGENTS OR ATTORNEYS, OR ANY OTHER PERSONS AFFILIATED WITH SELLER OR PURCHASER, IN EACH OF THE FOREGOING CASES, WHETHER SOUNDING IN CONTRACT, TORT OR OTHERWISE.

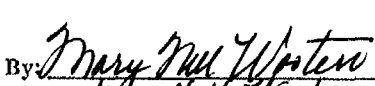
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and the year first above written.

SELLER


DR. ALAN WERNER

PURCHASER

CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999
D/B/A TWO RIVERS COMPANY OF CLARKSVILLE-MONTGOMERY
COUNTY TN

By: 
Name: Mary Nell Wootten
Title: President

This instrument prepared by R. Mitchell Ross of the Law Firm of Harvill, Ross, Ragland & Dale, 107 N. Third St., Clarksville, Tennessee 37040, (931) 572-0700.

MEMORANDUM OF OPTION

By this Memorandum of Option ("Memorandum"), DR. ALAN WERNER ("Optionor") grants to CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999 D/B/A TWO RIVERS COMPANY OF CLARKSVILLE MONTGOMERY COUNTY TN, ("Optionee") an option to purchase certain real property more particularly described in attached Exhibit "A", incorporated in this Memorandum, ("Real Property"); and the improvements constructed on Real Property, together with all rights of Optionor to adjoining streets, rights of way, easements, and all other appurtenant rights (collectively, "Property"). The option is more particularly described in the Option Agreement ("Option Agreement") dated as of the 1st day of June, 2014, executed between Optionor and Optionee.

Section 1: TERM

The term of the Option Agreement begins on June 1, 2014, and ends on May 31, 2015, ("Term"), unless terminated sooner in accordance with the Option Agreement. Said Option provides for up to a Twelve (12) month extension.

Section 2: TERMINATION

The Option Agreement shall automatically terminate and shall have no further force upon the first of the following events to occur:

- (a) The purchase of the Property by Optionee; or
- (b) The end of the Term, as it may be extended.

Section 3: PRICE AND TERMS

The parties have executed and recorded this instrument to give notice of the Option Agreement and the respective rights and obligations of Optionee and Optionor. The price and other terms are in the unrecorded Option Agreement, which is incorporated by reference in its entirety in this Memorandum. In the event of any inconsistency between this Memorandum and the Option Agreement, the Option Agreement shall control.

Section 4: SUCCESSORS AND ASSIGNS

This Memorandum and the Option Agreement shall bind and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject, however, to the provisions of the Option Agreement on assignment.

Section 5: GOVERNING LAW

This Memorandum and the Option Agreement are governed by the laws of the State of Tennessee.

Optionor and Optionee have signed this memorandum as of June ____, 2014.

OPTIONOR:

DR. ALAN WERNER

OPTIONEE:

CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999
D/B/A TWO RIVERS COMPANY OF CLARKSVILLE-MONTGOMERY
COUNTY TN

By: Mary Nell Wooten
Name: Mary Nell Wooten
Title: President

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Personally appeared before me, the undersigned Notary Public in and for the State and County aforesaid, Dr. Alan Werner, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument for the purpose therein contained on this 28th of June, 2014.

NOTARY PUBLIC

SEAL

Commission Expires: 10-5-2016

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Personally appeared before me, the undersigned Notary Public in and for the State and County aforesaid, Mary Nell Wooten, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument for the purposes therein contained, and who upon oath further acknowledged such person to be President of CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999 D/B/A TWO RIVERS COMPANY OF CLARKSVILLE-MONTGOMERY COUNTY TN, the within named bargainor, a corporation, and that such officer, as such _____ executed the foregoing instrument for the purposes therein contained, by personally signing the name of the corporation as _____.

Witness my hand and seal, at office, this 29th day of May, 2014

NOTARY PUBLIC

SEAL

Commission Expires: 11/02/17

EXHIBIT "A"

A tract or parcel of land located in the 12th Civil District of Montgomery County, Tennessee and being more particularly described as follows:

Being at a ½ inch rebar found on the Southeasterly right of way margin of Main Street and being the Northwest corner of The Better Business Bureau of Middle Tennessee, Inc., (Book 941, Page 1312 Montgomery County Register's Office); thence South 21 degrees 18 minutes 20 seconds East along the West boundary of The Better Business Bureau of Middle Tennessee, Inc., a distance of 22.10 feet; thence North 67 degrees 35 minutes 50 seconds East along the South boundary of The Better Business Bureau of Middle Tennessee, Inc., a distance of 22.20 feet to the West right of way margin of North Third Street; thence South 21 degrees 42 minutes 34 seconds East along the West right of way margin of North Third Street a distance of 184.18 feet to the North right of way of Legion Street; thence South 68 degrees 36 minutes 08 seconds West along the North right of way of Legion Street a distance of 222.63 feet to the East right of way of North Second Street; thence North 22 degrees 10 minutes 56 seconds West along the East right of way of North Second Street a distance of 158.16 feet to a ½ inch iron rebar found; thence leaving North Second Street North 67 degrees 51 minutes 10 seconds East a distance of 102.02 feet; thence North 22 degrees 08 minutes 50 seconds West a distance of 45.10 feet to a ½ inch rebar found on the South right of way margin of Main Street; thence North 67 degrees 51 minutes 10 seconds East along the South right of way margin of Main Street 100.22 feet to the point of beginning, having an area of 40,658.5 square feet, (0.933 acres). This description taken from the previous deed of record.

Being the same real estate conveyed to Alan Werner by deed of record in ORBV 1235, Page 1899, Register's Office for Montgomery County, Tennessee.

NOTICE OF EXERCISE OF OPTION

To: Dr. Alan Werner

With a copy to: _____

The undersigned, hereby give notice to Dr. Alan Werner, Seller, of their intent to exercise the Purchase Option contained in that certain Option Agreement between Seller and Clarksville CBID Management Corporation of 1999 D/B/A Two Rivers Company of Clarksville-Montgomery County TN, dated as of the 1st day of June, 2014 pursuant to the terms contained therein.

Dated: This the ___ day of _____, _____.

Purchaser:

**CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999
D/B/A TWO RIVERS COMPANY OF CLARKSVILLE-MONTGOMERY
COUNTY TN**

By: _____
Name: _____
Title: _____

RESOLUTION 7-2015-16

A RESOLUTION TERMINATING LAURIE MATTA AS THE COMMISSIONER OF FINANCE/DIRECTOR OF FINANCE/CHIEF FINANCIAL OFFICER

WHEREAS, Laurie Matta was appointed by the Clarksville City Council as the City's Commissioner of Finance/Director of Finance, Chief Financial Officer by adoption RESOLUTION 56-2012-13 on June 6, 2013; and

WHEREAS, at the time of Ms. Matta's hiring, it was represented to the City Council by Human Resources Director Will Wyatt and Ms. Matta that she would obtain her Tennessee Certified Public Accountant license within twenty four months of her hire date; and

WHEREAS, it appears to the City Council that Ms. Matta has not obtained her Tennessee Certified Public Accountant license within the twenty four months of her hire date as represented; and

WHEREAS, the City Council finds it to be in the best interest of the City to terminate the employment of Ms. Matta.

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

That Laurie Matta is hereby terminated as the Commissioner of Finance/Director of Finance, Chief Financial Officer.

ADOPTED: