



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
OCTOBER 1, 2015, 7:00 P.M.**

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

AGENDA

- 1) CALL TO ORDER
- 2) PRAYER AND PLEDGE OF ALLEGIANCE
- 3) ATTENDANCE
- 4) CMCSS UPDATE: Dr. B. J. Worthington
- 5) PLANNING COMMISSION

ZONING: PUBLIC HEARING

1. **ORDINANCE 34-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Hunter S. Winn, Christine Wenrick-Agent, for zone change on property at Merritt Drive and Memorial Drive from R-1 Single Family Residential District to O-1 Office District (*RPC: Approval/Approval*)
2. **ORDINANCE 35-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Tamay Ozari, Robert Jarrett-Agent, for zone change on property at the intersection of Providence Boulevard and Beech Street from C-2 General Commercial District to C-5 Highway & Arterial Commercial District (*RPC: Disapproval/Approval*)
3. **RESOLUTION 10-2015-16** Approving abandonment of an unimproved right-of-way north of Cumberland Drive; application of the City of Clarksville (Jack Frazier) (*RPC: Approval/Approval*)

4. **RESOLUTION 11-2015-16** Approving abandonment of the western portion of Eldo's Trace Circle; application of James Durrett, Cal McKay-Agent (*RPC: Approval/Approval*)

6) CONSENT AGENDA

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

1. **ORDINANCE 21-2015-16** (Second Reading) Authorizing donation of property on Providence Court to Buffalo Valley for Community Development
2. **ORDINANCE 22-2015-16** (Second Reading) Amending the Official Code relative to utility connection fees
3. **ORDINANCE 23-2015-16** (Second Reading) Authorizing an interlocal agreement with Montgomery County and authorizing purchase of property for creation of a civic square plaza
4. **ORDINANCE 24-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Steve Slate and Bill Blackwell for zone change on property at the intersection of Tiny Town Road and Sand Piper Drive from R-2 Single Family Residential District to C-5 Highway & Arterial Commercial District
5. **ORDINANCE 25-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Purvis & Beck Partnership for zone change on property at the intersection of Union Hall Road and Needmore Road from M-3 Planned Industrial District to M-1 Light Industrial District
6. **RESOLUTION 13-2015-16** Repealing RESOLUTION 38-2012-14 approving a retail liquor store Certificate of Compliance for Jack Miller and approving a Certificate of Compliance for Michael Miller (Sango Wine & Spirits, 1049 Highway 76) (*CPD: No Criminal History*)
7. Adoption of Minutes: September 3rd
8. Approval of board appointments:

Housing Authority: Gary Ellis – October 2015 through September 2020

Senior Citizens Board: Doris Allen-Reynolds – October 2015 through April 2016

7) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

8) FINANCE COMMITTEE

Joel Wallace, Chair

1. **ORDINANCE 26-2015-16** (First Reading) Amending the FY16 Legislative Budget to restore funding for the National League of Cities dues and meetings (*Finance Committee: Approval*)
2. **ORDINANCE 29-2015-16** (First Reading) Amending the FY16 Capital Projects Budget to increase funding for the Bank of America property purchase (*Finance Committee: 2 aye, 2 nay*)
3. **RESOLUTION 12-2015-16** Authorizing a Memorandum of Agreement with the Fort Campbell Warrior Transition Battalion (*Finance Committee: Approval*)

9) GAS & WATER COMMITTEE

Wallace Redd, Chair

1. **ORDINANCE 33-2015-16** (First Reading) Authorizing extension of utilities to property on McAdoo Creek Road; request of Frank Parcels (*Gas & Water Committee: Approval*)
2. **RESOLUTION 2-2015-16** Authorizing an interlocal contract with Montgomery County for Oakland Road Utility relocations (*Gas & Water Committee: Approval*)

10) PARKS, RECREATION, GENERAL SERVICES

Valerie Guzman, Chair

11) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

12) STREET COMMITTEE

James Lewis, Chair

13) TRANSPORTATION COMMITTEE

Deanna McLaughlin, Chair

14) MAYOR AND STAFF REPORTS

15) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: October 1, 2015. The public hearing will be held on: October 1, 2015.

CITY ORD. #: 34-2015-16 RPC CASE NUMBER: Z-25-2015

Applicant: HUNTER S WINN

Agent: Christine Wenrick

Location: Property located at the northwest corner of Merritt Drive & Memorial Drive.

Ward #: 9

Request: R-1 Single-Family Residential District
 to
 O-1 Office District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 35-2015-16 RPC CASE NUMBER: Z-26-2015

Applicant: TAMAY OZARI

Agent: Robert Jarratt

Location: Property fronting on the north frontage of Providence Blvd. 350 +/- feet south east of the Providence Blvd. & Beech St. intersection.

Ward #: 4

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

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/23/2015

CASE NUMBER: Z - 25 - 2015

NAME OF APPLICANT: Hunter S

Winn

AGENT: Christine

Wenrick

GENERAL INFORMATION

PRESENT ZONING: R-1

PROPOSED ZONING: O-1

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT Property across Merritt on Memorial Drive is also zoned O-1; agent has

FOR PROPOSED USE: contracted to purchase property and desires to use it as a lab for her nearby dental office.

PROPERTY LOCATION: Property located at the northwest corner of Merritt Drive & Memorial Drive.

ACREAGE TO BE REZONED: 0.39

DESCRIPTION OF PROPERTY Single Family residence on corner lot.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY

TAX PLAT: 65-O-F

PARCEL(S): 17.00

CIVIL DISTRICT: 11th

CITY COUNCIL WARD: 9

COUNTY COMMISSION DISTRICT: 19

PREVIOUS ZONING HISTORY: Z-7-2011 R-1 to O-1 Staff Approval; RPC Approval; City Council Disapproval
(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 Memorial Drive.

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:

4. CDE/CEMC:

5.

4a. COST TO CDE/CEMC:

5. CHARTER COMM./BELL SOUTH:

6.

5a. COST TO CHARTER AND/OR BELLSOUTH:

6. FIRE DEPT/EMERGENCY MGT.:

7.

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

7. POLICE DEPT/SHERIFF'S OFFICE:

8.

No Comment(s) Received

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

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

Comments Received From Department And They Had No Concerns.

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

9. SCHOOL SYSTEM:

ELEMENTARY: 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: Increased traffic light and noise

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: MERRITT DR.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

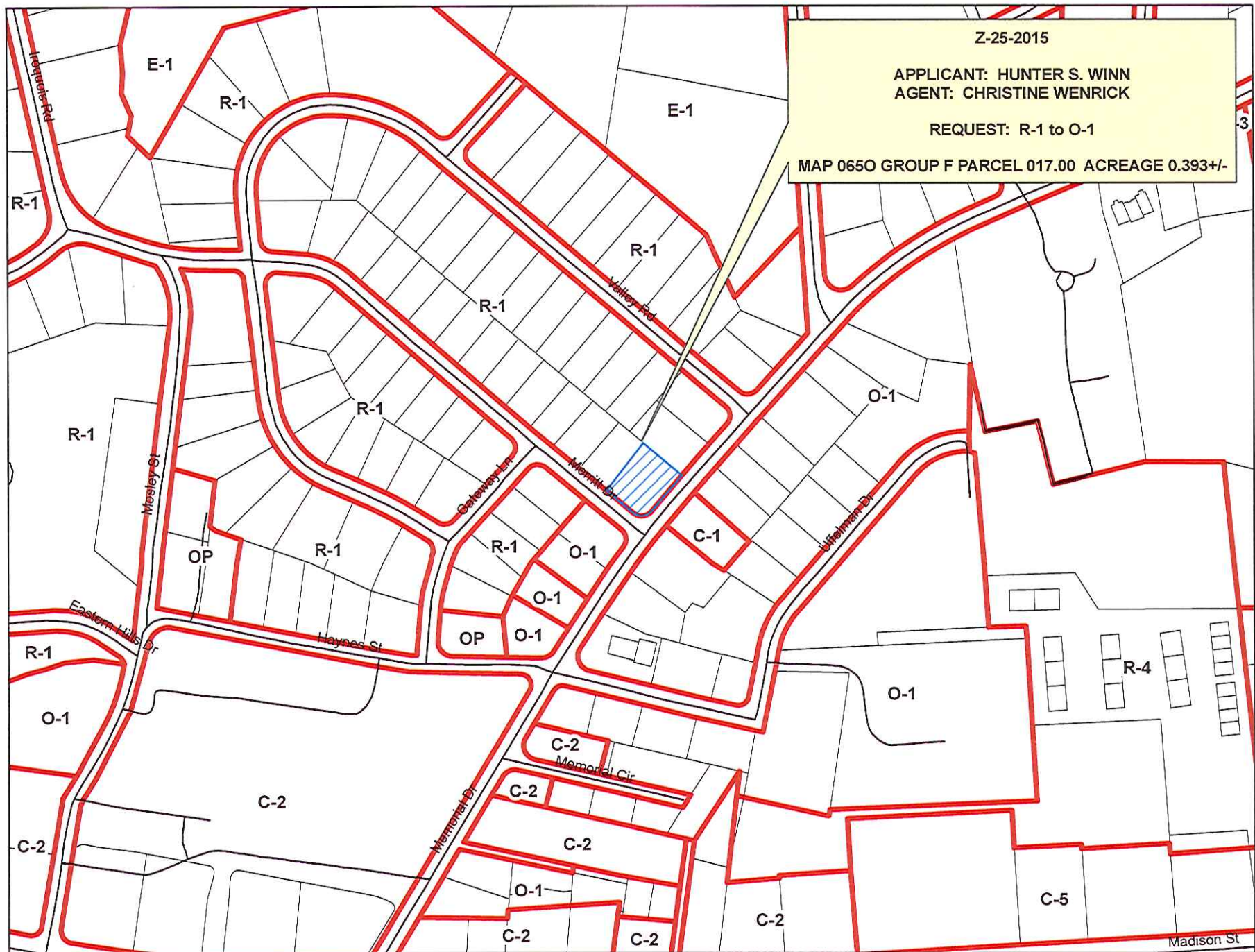
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

STAFF RECOMMENDATION: **APPROVAL**

- 1.** The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
- 2.** No adverse environmental issues were identified relative to this request.
- 3.** Request is an extension of the O-1 zoning to the south. Several former single family residences have been converted to successful business/commercial offices along Memorial Dr.
- 4.** Corner lot along high traffic corridor provides visibility to support office use.
- 5.** A "b" Landscaping Buffer Is Required Between R-1 & O-1 Zoning. Access Only Permitted To Merritt Drive.



CASE NUMBER: Z 25 2015 MEETING DATE 9/23/2015

APPLICANT: Hunter S Winn

PRESENT ZONING R-1 PROPOSED ZONING O-1

TAX PLAT # 65-O-F PARCEL 17.00

GEN. LOCATION Property located at the northwest corner of Merritt Drive & Memorial Drive.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 9/23/2015 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/23/2015

CASE NUMBER: Z - 26 - 2015

NAME OF APPLICANT: Tamay

Ozari

AGENT: Robert

Jarratt

GENERAL INFORMATION

PRESENT ZONING: C-2

PROPOSED ZONING: C-5

EXTENSION OF ZONE

CLASSIFICATION: NO

APPLICANT'S STATEMENT We are requesting that the zoning be changed to allow a used car dealership at our
FOR PROPOSED USE: property (307-305) Providence Boulevard, Clarksville TN 37042

PROPERTY LOCATION: Property fronting on the north frontage of Providence Blvd. 350 +/- feet south east
of the Providence Blvd. & Beech St. intersection.

ACREAGE TO BE REZONED: 1.66 +/-

DESCRIPTION OF PROPERTY Former automobile sales lot.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY TAX PLAT: 55-I-C

PARCEL(S): 22.00

CIVIL DISTRICT: 7th

CITY COUNCIL WARD: 4

COUNTY COMMISSION DISTRICT: 13

PREVIOUS ZONING HISTORY: Z-7-1978 R-4 to C-2

(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 & Sewer System Upgrades.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2. STREET DEPARTMENT/

COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

3. DRAINAGE COMMENTS:

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

No Comment(s) Received

7. POLICE DEPT/SHERIFF'S OFFICE:

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

9.

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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

9. SCHOOL SYSTEM:

ELEMENTARY: BYRNS DARDEN

MIDDLE SCHOOL: KENWOOD

HIGH SCHOOL: KENWOOD

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: PROVIDENCE BLVD.

DRAINAGE:
NORTH TO SOUTH

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

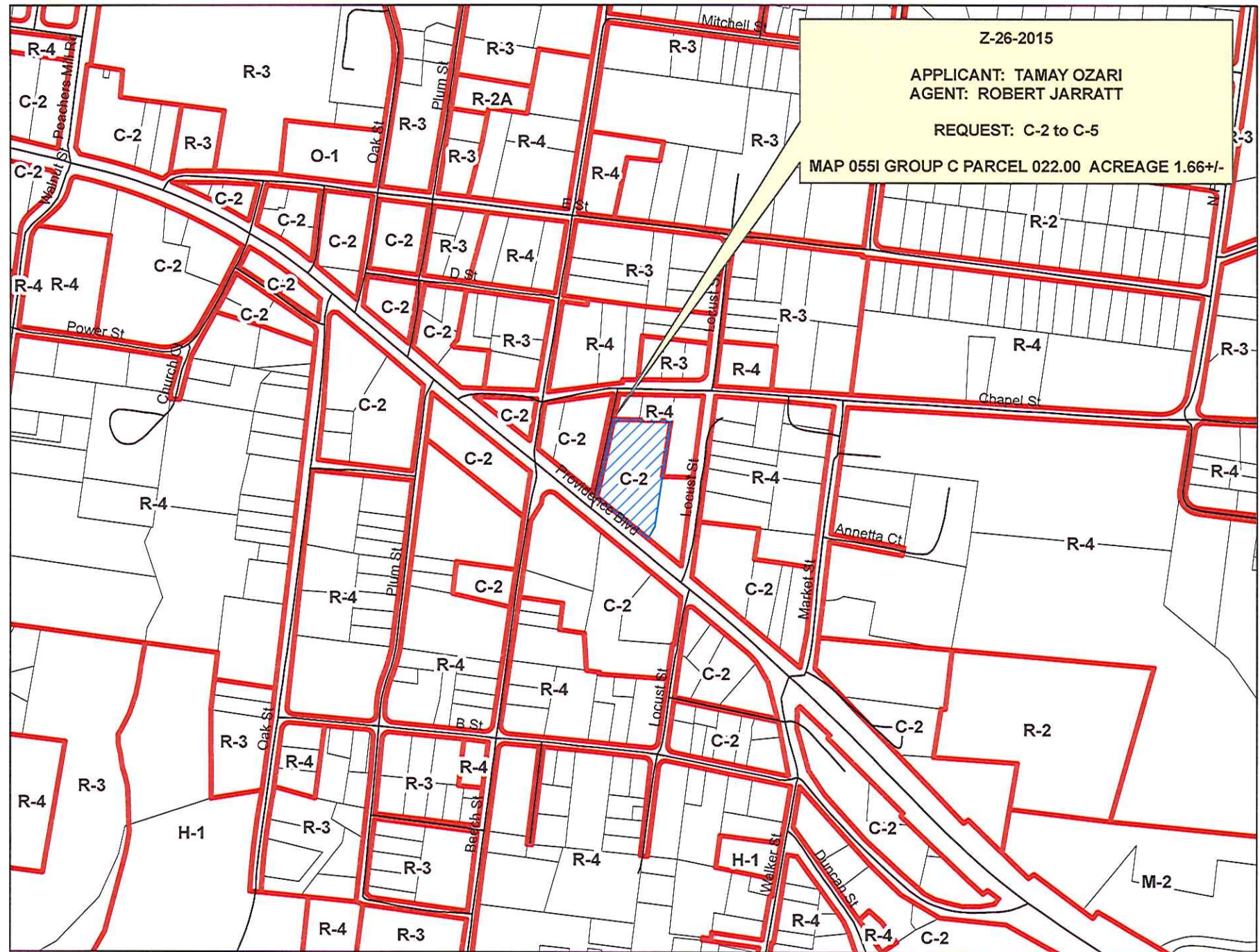
HIGH SCHOOL STUDENTS:

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 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. Adjacent properties to the south, east & west are zoned C-2 General Commercial District
4. No adverse environmental issues were identified relative to this request.
- 5.



CASE NUMBER: Z 26 2015 MEETING DATE 9/23/2015

APPLICANT: Tamay Ozari

PRESENT ZONING C-2

PROPOSED ZONING C-5

TAX PLAT # 55-I-C

PARCEL 22.00

GEN. LOCATION Property fronting on the north frontage of Providence Blvd. 350 +/- feet south east of the Providence Blvd. & Beech St. intersection.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 9/23/2015 (jhb).

ORDINANCE 34-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HUNTER S. WINN, CHRISTINE WENRICK-AGENT, FOR ZONE CHANGE ON PROPERTY AT MERRITT DRIVE AND MEMORIAL 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 O-1 Office District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the northerly margin of Merritt Drive in the dividing line between Lot Nos. 12 and 13, said point being 98 feet northwest from an iron pin also set in the northerly margin of Merritt Drive at the beginning of a curve to Memorial Drive; thence in a northeastwardly direction, along the dividing line between Lot Nos. 12 and 13, 145 feet to an iron pin, said point being north 53 degrees 30 minutes west 120.10 feet from an iron pin set in the westerly margin of Memorial Drive; thence south 53 degrees 30 minutes east 120.10 feet to an iron pin in the westerly margin of Memorial Drive as widened; thence south 36 degrees 30 minutes west, along the westerly margin of Memorial Drive 80.30 feet; thence continuing along the westerly margin of Memorial Drive, south 33 degrees 36 minutes west 38.50 feet to an iron pin at the beginning of a curve to Merritt Drive; thence around said curve in a southwesterly direction a distance of 40.50 feet to an iron pin in the northerly margin of Merritt Drive; thence along the northerly margin of Merritt Drive 98 feet to the point of beginning. Said Parcel contains 0.39 +/- acres (Tax Map 65-O Group F Parcel 17.00)

ORDINANCE 35-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF TAMAY OZARI, ROBERT JARRETT-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF PROVIDENCE BOULEVARD AND BEECH 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 C02 General Commercial District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 190 +/- feet northwest of the centerline of the Providence Blvd. & Locust St. intersection, said point being in the northern ROW of Providence Blvd. and the southeast corner of the herein described parcel, and the southwest corner of the Pantry Inc. property, thence in a northwesterly direction 229+/- feet with the northern ROW margin of Providence Blvd. to a point, said point being along a public alley, thence in a northerly direction 178+/- feet with the eastern margin of the public alley to a point, said point being the southwest corner of the Leo Millan property, thence in a easterly direction 197+/- feet with the southern boundary(s) of the Millan property and Dennis property to a point, said point being in the western boundary of the Christopher Cook property, thence in a southerly direction 423 +/- feet with the western boundary(s) of the Christopher Cook property & the western boundary of the Pantry Inc. property to the point of beginning, said parcel containing 1.66 +/- acres, further identified as (Tax Map 55-I Group C Parcel 22.00)

RESOLUTION 10-2015-16

A RESOLUTION APPROVING THE ABANDONMENT OF AN UNIMPROVED RIGHT-OF-WAY, LOCATED NORTH OF CUMBERLAND DRIVE, SOUTH OF BUCK DRIVE, EAST OF IRVING LANE, AND WEST OF RIDGEWAY DRIVE;

WHEREAS, application was made by the City of Clarksville (Jack Frazier, agent) for abandonment of an unimproved right-of-way; located north of Cumberland Drive, south of Buck Drive, east of Irving Lane, and west of Ridgeway Drive; being approximately 16 +/- feet wide and 645 +/- feet long, containing approximately 10,320 +/- sq. ft., shown on Montgomery County tax map 79-G, group B, north of parcels 13.00, 14.00 and 15.00, and south of parcels 12.00, 16.00, 17.00, 18.00, 19.00, 20.00, and 21.00; also shown on the attachment; and

WHEREAS, the application was reviewed according to established procedures by the Regional Planning Commission on September 23th, 2015, and was recommended for approval to the Clarksville City Council, with retention of an easement for storm water and surface drainage, and for public utilities;

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

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

PUBLIC HEARING:

ADOPTED:



RESOLUTION 11-2015-16

A RESOLUTION APPROVING THE ABANDONMENT OF THE WESTERN PORTION OF ELDO'S TRACE CIRCLE, LOCATED IN ELDO'S TRACE SUBDIVISION

WHEREAS, application was made by James Durrett (Cal McKay, agent) for abandonment of the western portion of Eldo's Trace Circle; located north of W. Creek Coyote Trail, west of Peachers Mill Road; being approximately 50 +/- feet wide and 230 +/- feet long, containing approximately 11,768 +/- sq. ft., shown on Montgomery County tax map 18-I, group B, between parcels 8.00, 9.00, 9.01, and 9.02; also shown on the attachments; and

WHEREAS, the application was reviewed according to established procedures by the Regional Planning Commission on September 23rd, 2015, and was recommended for approval to the Clarksville City Council,

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

That the above-described portion of Eldo's Trace Circle is hereby abandoned.

PUBLIC HEARING:

ADOPTED:

AB-4-2015

AG

R-2

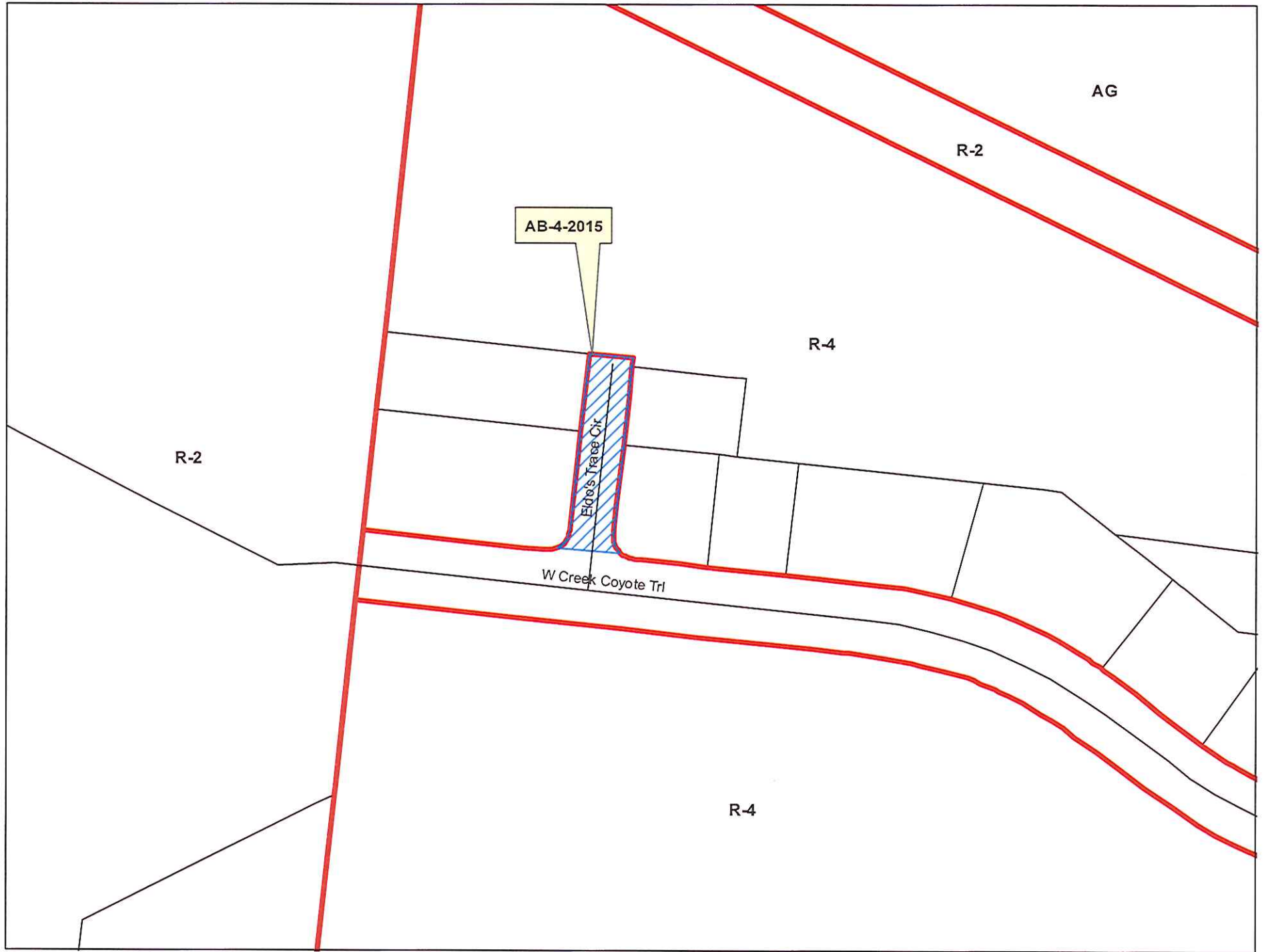
R-4

R-2

Elde's Trace Cir

W Creek Coyote Trl

R-4



**ROW Description of a portion of the
Eldos Trace Circle
0.27+/-ac**

Being a parcel of land located in the 3rd Civil District in the City of Clarksville, in the County of Montgomery, TN, said parcel being a right of way in the Eldos Trace Circle Section 1A as recorded in PB F, Page 1106 ROMCT, being more fully described as being located south of Tiny Town Road, north of Allen Griffey Road, West of Peachers Mill road, north of and adjacent to West Creek Coyote Trail, said parcel being more particularly described as follows;

Beginning at an iron pin in the north margin of West Creek Coyote Trail, being the southwest corner of lot 4 of Eldo's Trace Section 1A, lying North 73 degrees 10 minutes 18 seconds West for 1,372.54 feet from the centerline intersection of Peacher's Mill Road and West Creek Coyote Trail;

Thence leaving lot 4 along the north margin, North 83 degrees 50 minutes 58 seconds West for 100.00 feet to an iron pin, being the southeast corner of lot 1 of Section 1A;

Thence leaving north margin along on a curve to the left having a radius of 25.00 feet, an arc length of 39.27, a delta of 90 degrees, a tangent of 25.00 feet and a chord bearing of North 51 degrees 09 minutes 02 seconds East for 35.36 feet to an iron pin, lying in the west margin of Eldo's Trace Circle;

Thence continuing along west margin, North 06 degrees 09 minutes 02 seconds East for 205.00 feet to an iron pin, being the northeast corner of lot 2;

Thence leaving lot 2 along the north terminus of right of way, South 83 degrees 50 minutes 58 seconds East for 50.00 feet to an iron pin;

Thence along the east margin of Eldos Trace Circle, South 06 degrees 09 minutes 02 seconds West for 205.00 feet to an iron pin, lying in the west property line lot lot 4;

Thence on a curve to the left having a radius of 25.00 feet, an arc length of 39.27 feet, a delta of 90 degrees, a tangent of 25.00 feet and a chord bearing of South 38 degrees 50 minutes 58 seconds East for 35.36 feet to the point of beginning.

This parcel contains 0.27 acres (11,768 sqft) more or less, being subject to all easements, right of way, conveyances and restrictions of record and not of record.

ORDINANCE 21-2015-16

AN ORDINANCE AUTHORIZING DONATION OF PROPERTY ON PROVIDENCE COURT FOR COMMUNITY DEVELOPMENT

WHEREAS, the Community Development Committee was established by the Mayor and City Council to identify community needs and to recommend affordable housing programs for community development and;

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

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

WHEREAS, the Office of Housing and Community Development proposes to have the city donate property located at Providence Court (Map, Group and Parcel 54E C 002.01) for the purpose of donating it to a Buffalo Valley a non-profit Community Housing Development Organization, to build affordable stick built single-family houses on the site: and

WHEREAS, providing assistance for low-income individuals and families are consistent with the goals and objectives of the Community Development Block Grant program.

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

That the Clarksville City Council hereby authorizes donation of property on Providence Court, described in Exhibit A, to Buffalo Valley for Community Development.

FIRST READING: September 3, 2015

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 22-2015-16

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES), TITLE 13 (UTILITIES AND SERVICE), CHAPTER 3 (GAS, WATER, AND SEWER SERVICE) SECTION 13-309 OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE

WHEREAS, the City Council has determined that it is appropriate to amend the Official Code of Ordinances of the City of Clarksville relative to utility connection fees.

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

(1) That Section 13-309, pertaining to “Fee for new construction; service line,” is amended by deleting the entire section, and substituting therefore the following:

Sec. 13-309. - Fee for new connections; service line.

A) (1) The city shall charge connection fees for each metered customer added to the water and/or sewer system. Connection fees for all new construction shall be due and payable at the time the plumbing permit for connecting the structure to the outside water and/or sewer service is issued. No such permit shall be issued unless the connection fee is paid first. The following schedules shall be used for the various classifications of customers:

(2) Water and sewer connection fees for all new residential construction shall be based on the number of square feet of heated living area contained by the new construction. The area is to be computed as defined by the Veterans Administration. Mobile homes and other prefabricated structures that are moved onto a building site shall also be classified as new residential construction for this purpose. The fee per unit shall be as follows:

New residential construction water connection fee: Twenty cents (\$0.20) per square foot.

New residential construction sewer connection fee: Eighty cents (\$0.80) per square foot.

B) If inspection reveals a misrepresentation or understatement of the actual area of the permitted structure by an amount greater than five (5) percent, an adjustment of the fee shall be made and the additional area shall be charged to the holder of the building permit at twice the normal rate.

C) Water and sewer connection fees for existing residential construction and for new and existing commercial and industrial construction shall be based on the size of the primary water meter(s) serving the customer according to the following schedule:

Meter Size	Water Connection Fee	Sewer Connection Fee	
		New Construction	Existing Construction
3/4"	\$ 400	\$ 800	\$ 600
1"	800	1,500	1,000
1 1/2"	1,200	2,500	2,000
2"	1,800	4,000	2,500
3"	2,500	5,000	3,000
4"	3,500	8,000	5,000
6"	6,000	12,000	8,000
8"	10,000	20,000	15,000

D) (1) Secondary meters, yard, and irrigation meters: In addition to the primary meter supplying the customer, meters may be installed to record water flows such as for yard irrigation which do not enter the sewer system and consequently these flows do not result in a sewer charge. Secondary meters may also be installed to separate flows that formerly went through one meter such as when a master meter for an existing apartment complex is replaced by individual meters. Each additional meter is charged only the following fee:

(2) Water connection fee for yard/irrigation meters for new and existing construction and for other secondary meters that are added to existing customers to separate flows for billing purposes:

Meter Size	Meter Fee
3/4"	\$ 200.00
1"	250.00
1 1/2"	500.00
2"	800.00
3"	2,000.00
4"	3,500.00
6"	5,000.00

E) (1) Connection fees are not charged where existing services are being replaced unless such replacement results in an increase of meter size in which case a fee is charged equal to the difference between the connection fees for the original meter size and the fee for the new meter size.

(2) Connection fees are not charged where the applicable service is connected directly to a water or sewer main installed with Federal Community Development Grant funds.

(3) The above connection fee prices include the cost of the meter and the charge for tapping the main where applicable. The city shall make all water and sewer taps on mains that have been accepted by the city for operation and maintenance. The customer shall be responsible for all excavation, provision, and installation of tap materials, and backfilling. Taps on new main installations not yet accepted by the city shall be made by the installing contractor.

F) In cases where a tap on a city main is made without the requirement for a meter, such as for main extensions or a fire service line, a connection fee is charged as follows:

Water Tap Size	Fee
3/4"	\$150.00
1"	200.00
2"	250.00
3"	300.00
4"	350.00
6"	450.00
8"	650.00
10"	750.00

G) (1) Buildings requiring a fire service line six (6) inches in size or less, shall be required to pay a connection fee as set forth in subsection F above. A backflow prevention device meeting the requirements of Title 8, Section 8-407 (2)-(3) of the Clarksville Municipal Code shall be installed at the property boundary and become part of the fire system. The Chief Utility Engineer, at his sole discretion, may require the fire line be metered when it is determined to be in the City's best interest to do so.

(2) Buildings requiring a fire service line greater than six (6) inches shall be required to meter such service as well as meet the requirements of subsection G (1) above and pay a connection fee based on cost plus ten (10) percent. The cost includes the cost of the meter, all appurtenances, and a tapping fee as established in subsection F above.

(3) All fire service lines shall be separate and independent of any other water service line to the property/building.

H) Connections to city water mains by manipulating valves and adding fittings may be performed only when approved by the city engineer. Such approval shall not relieve the contractor of notifying any affected customer, nor of any other associated liability. Such connections shall be without charge unless a meter is required, in which case the appropriate water connection fee will be charged to the individual installing the meter set-up.

I) Meter box fees will be charged for all new meter installation including secondary meters based on actual cost plus ten percent.

J) Connections to city sewer mains or manholes for the purpose of extending a main or replacing a service shall not be subject to a connection fee. Any new service extending from such a main or manhole shall be subject to the appropriate sewer connection fee. When a sewer tap is required on an existing main, it will be made by the city. The cost of such sewer tap is considered to be included in the applicable connection fee. If a tap is required to replace an existing service, an additional connection fee is not charged, but a tapping fee of fifty dollars (\$50.00) shall be charged.

K) Natural gas service and main extensions

(1) Customers that have an existing service line up to their premises will only have to apply for proper permit and pay connection fee. Add-ons to present meters will be limited to permit and connection fee requirements.

(2) Customers' requests for relocation of mains, service lines, meters, or other services will be honored by the gas department. Property owners or contractors will be charged total costs for this type work.

(3) For each gas service connection, the customer shall apply for service at the Clarksville Gas and Water Department and pay twenty-five (\$25.00) for each service line application. This application fee will be refunded if the customer wishes to withdraw their application. The application fee may be transferrable to the connection fee, if the tenant is the person whose name appears on the application.

(4) For new service line requests, the customer or contractor shall be required to pay a gas service connection fee plus a tapping fee of one hundred fifty dollars (\$150.00), which includes the first one hundred fifty feet (150) of the gas service line from the main to the meter as follows:

Service line size:

$\frac{3}{4}$ -inch and 1-inch—for base-load gas installations: The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged \$2.00 per foot of additional service line.

$\frac{3}{4}$ -inch and 1-inch—For less than base-load gas installations: The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged \$2.00 per foot of additional service lines. No refunds of tapping fee will be made to the customer.

Larger than 1-inch—The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged the actual cost to install the additional service line.

(5) Base-load gas installations:

For the purpose of determining who qualifies for base-load gas incentives, the base-load gas installation is defined as follows:

Residential: Water heating, gas air conditioning, or a combination of other appliances as deemed acceptable (to adequately increase base-load requirements) by the manager gas division.

Commercial: Water heating, gas air conditioning, cooking, or a combination of other appliances as deemed acceptable (to adequately increase base-load requirements) by the manager gas division.

Industrial: Water heating, gas air conditioning, or in the processing of manufacturer's materials or goods (to adequately increase base-load requirements) as deemed acceptable by the manager gas division.

Incentives: New residential/commercial customers who install new base-load gas appliances will be offered incentives per gas appliance. Existing customers who change over from electric/propane to base-load gas appliances will be offered the same incentives per gas appliance. The manager of the gas division and the general manager of the gas and water department shall offer these incentives throughout the year and for scheduled time periods as deemed appropriate by the manager of the gas division and the general manager of the gas and water department and approved by the mayor and the public utilities committee.

(6) Main extensions for City of Clarksville:

The first three hundred (300) feet will be installed at no cost to the customer. Any footage installed in excess of three hundred (300) feet will be required to make a contribution in aid of construction equal to three dollars (\$3.00) per foot. No refunds will be made for future customer connections to the gas main.

(7) Main extensions for outside City of Clarksville:

The first two hundred (200) feet will be installed at no cost to the customer. Any footage installed in excess of two hundred (200) feet will be required to make a contribution in aid of construction equal to five dollars (\$5.00) per foot. No refunds will be made for future customer connections to the gas main.

(8) Main extensions for large commercial or industrial customers:

Gas service lines or gas main extensions to large commercial or industrial customers that require service line or gas main extensions, additions, or improvements to the Clarksville Gas Department's distribution system will be furnished by the gas department if the main extension is deemed economically feasible by the manager gas division and/or general manager of Clarksville Gas and Water.

(9) Main extensions—General:

(a) Customers who sign up for a main extension must be prepared to receive flowing gas through their meters within one hundred eighty (180) calendar days. If the customer does not meet this requirement due to environmental or geographic constraints, then he may request a thirty-day extension from Clarksville Gas and Water. If the customer does not have gas flowing through his meter within the required time frame, then the customer shall bear the entire cost of the main extension.

(b) The Clarksville Gas Department reserves the right to determine the size of all gas main extensions. Gas main costs to the customer shall be based upon a two-inch polyethylene gas main. All gas mains installed larger than two (2) inches in diameter, or gas mains installed made with steel, are installed for the future benefit of the gas system or to improve pressure. When an extension requires a gas main in excess of two (2) inches in diameter or one made of steel, the Clarksville Gas Department will pay the difference between the cost of a two-inch polyethylene gas main and the actual cost of the new gas main to be installed.

(c) All gas main extensions, additions, or improvements shall become the property of the Clarksville Gas Department, as they are installed, even though all or some part of the cost thereof is paid by parties other than the Clarksville Gas Department.

(10) New subdivisions City of Clarksville:

The gas department will install distribution mains within new subdivisions if an agreement between developer, home builder, and the gas department can be finalized, guaranteeing that a sufficient number of housing units will be installed to meet the following requirements:

- (a) Housing units will meet the definition of base-load gas installation.
- (b) Housing units will be constructed within piped areas designated for natural gas use.
- (c) A minimum of one housing unit will use natural gas for each three hundred (300) feet of main installed to serve the subdivision.
- (d) Certain areas within the subdivision may be designated for natural gas use.

The manager gas division and/or the general manager of Clarksville Gas and Water can approve exceptions or variances to these requirements.

(11) The manager gas division and the general manager of [Clarksville] Gas and Water shall only authorize service to subdivisions outside the City of Clarksville where it is an economical advantage to the City of Clarksville to do so. Service to subdivisions that is not economically advantageous to the City of Clarksville, but may have other advantageous value, may be approved by the gas, water and wastewater committee of the city council. Service lines into subdivisions shall be installed under the guidelines set previously in this policy.

(12) The gas department, at its discretion, may install segments of distribution piping that would be an asset for future development. The gas department reserves the right to refuse service to any customer under this policy who is remotely located from existing facilities that service would not be economically feasible.

(13) Refund policy:

(a) Customers who make contributions in aid of construction shall not be entitled to refunds from main extensions (for additional customer additions to main) under the new main extension policy.

(b) Refunds for customers who made contributions in aid of construction prior to the new main extension policy and Ord. No. 7-1997-98, but after Ord. No. 4-1990-91, will be due refunds as follows:

(i) Customers who make contributions in aid of construction shall be entitled to refunds, if within three (3) years after construction additional customers services are connected to their specific gas main extension. In no case shall the customer making the payment be refunded more than he paid. The amount of the refund shall be two hundred dollars (\$200.00) for each additional total gas customer and one hundred dollars (\$100.00) for each less than total gas customer. If more than one customer makes contributions in aid of construction, the total refund shall be proportionately divided according to the original contributions.

(ii) There shall be no duplication of reimbursements, i.e., customers added to additional extensions of a gas main shall be a part of a separate contract and not included in calculating reimbursements for the initial extension.

(iii) The previous policy and its reimbursement features are effective only for mains that are extended subsequent to the effective date of Ord. No. 4-1990-91 and prior to this new main extension policy and Ord. No. 7-1997-98.

L) Hazelwood Drainage Basin (HDB):

(1) A special sewer assessment district is hereby established to be known as the Hazelwood Drainage Basin (HDB) and more fully defined as the general area outlined on exhibit "A." In addition to the current connection fee authorized under this [Section 13-309](#), a wastewater capacity fee based on the number of residential equivalent units (REU) demanded to equal the peak day anticipated volume, or part thereof, is hereby assessed in the HDB. A residential equivalent unit shall be defined as two hundred (200) gallons per day peak demand. The fee shall be one thousand five hundred dollars (\$1,500.00) per REU. The fee is due and payable prior to the issuance of a sewer connection permit. For commercial/industrial purposes the peak demand shall be based on fixture values as established in the latest publications of the American Water Works Association.

(2) The following schedule shall prevail to establish a guide as to the number of residential equivalent units associated with certain types of activities:

Single family dwelling (home)	One unit
Apartment (each)	One unit
Motel Room (each)	One-half (½) unit
Restaurant (order from menu)	Ten (10) units
Lounge	Five (5) units
Fast food restaurant	Eight (8) units
Laundromat	One-half (½) unit per washer
Convenience store w/cooking	Five (5) units
Office building	One unit per three thousand (3,000) s.f. or portion thereof of total space
Warehouse	One unit per ten thousand (10,000) s.f. or portion thereof of total warehouse space plus one unit per two thousand (2,000) s.f. or portion thereof of office space
Carwash (full service)	Ten (10) units per bay
Carwash (self service)	Two (2) units per bay
Service station	Five (5) units
Manufacturing facility	Negotiated (based on one unit per each two hundred (200) G.P.D. peak demand)

(3) This fee will apply to all branch or extension sewer mains connected to and flowing through the improvements. Together the improvements shall be referenced to as the Hazelwood Drainage Basin Improvements Project. The fee shall be collected until such time as Clarksville Gas and Water has recovered the total cost of said improvements. At such time as the total cost of said improvements has been fully and wholly recovered the aforementioned unit sewer capacity fee shall become zero dollars (\$0.00).

M) Oakland Road Drainage Basin:

(1) A wastewater drainage basin is hereby established to be known as the Oakland Road Drainage Basin and more fully defined as the general area outlined on exhibit "B." In addition to the current connection fee authorized under this [section 13-309](#), a wastewater capacity fee based on the number of residential equivalent units (REU) demanded to equal the peak day anticipated volume, or part thereof, is hereby assessed in the HDB. A residential equivalent unit shall be defined as two hundred (200) gallons per day peak demand. The fee shall be two hundred seventy-five dollars (\$275.00) per REU. The fee is due and payable prior to the issuance of a sewer connection permit. For commercial/industrial purposes the peak demand shall be based on fixture values as established in the latest publications of the American Water Works Association.

(2) The following schedule shall prevail to establish a guide as to the number of residential equivalent units associated with certain types of activities:

Single family dwelling (home)	One unit
Apartment (each)	One unit
Motel room (each)	One-half (½) unit
Restaurant (order from menu)	Ten (10) units
Lounge	Five (5) units
Fast food restaurant	Eight (8) units
Laundromat	One-half (½) unit per washer
Convenience store w/cooking	Five (5) units
Office building	One unit per three thousand (3,000) s.f. or portion thereof of total space
Warehouse	One unit per ten thousand (10,000) s.f. or portion thereof of total warehouse space plus one unit per two thousand (2,000) s.f. or portion thereof of office space
Carwash (full service)	Ten (10) units per bay
Carwash (self service)	Two (2) units per bay
Service station	Five (5) units
Manufacturing facility	Negotiated (based on one unit per each two hundred (200) G.P.D. peak demand)

(3) This fee will apply to all branch or extension sewer mains connected to and flowing through the improvements. Together the improvements shall be referenced to as the Oakland Road Drainage Basin Improvements Project. The fee shall be collected until such time as Clarksville Gas and Water has recovered the total cost of said improvements. At such time as the total cost of said improvements has been fully and wholly recovered the aforementioned unit sewer capacity fee shall become zero dollars (\$0.00).

FIRST READING: September 3, 2015
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 23-2015-16

AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH MONTGOMERY COUNTY AND AUTHORIZING PURCHASE OF PROPERTY FOR A CIVIC SQUARE PLAZA

WHEREAS, the Clarksville City Council and the Montgomery County Commission wish to establish mutual covenants for the creation of a civic square plaza; and

WHEREAS, the City and the County desire to enter into mutual covenants and agreements to share responsibilities and duties to the public and to each other for the creation of a civic square plaza.

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

That the Clarksville City Council hereby authorizes an interlocal agreement, attached hereto as Exhibit A, with Montgomery County for creation of a civic square plaza; and

BE IT FURTHER ORDAINED that the Clarksville City Council hereby authorizes purchase of property, generally referred to as the Bank of America property, and two additional parcels, generally referred to as Regions Bank parking and Better Business Bureau properties, for creation of a civic square plaza, not to exceed \$1,000,000.00.

FIRST READING: September 3, 2015

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 24-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF STEVE SLATE AND BILL BLACKWELL FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF TINY TOWN ROAD AND SAND PIPER 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-2 Single Family Residential District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING: September 3, 2015

FIRST READING: September 3, 2015

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 176 +/- feet northwest of the centerline of the Tiny Town Rd. & Sand Piper Dr. intersection, further identified as the southeast corner of the Jeffery Stanfill property and the southwest corner of the herein described parcel, thence in a northerly direction 130 +/- feet with the western boundary of the Stanfill property to a point, said point being in the southern boundary of the Daniel E. Wackerhagen, Jr. property, further identified as the northwest corner of the herein described parcel, thence in a easterly direction 109 +/- feet with the southern boundary of the Wackerhagen property to a point, said point being in the western margin of the Sand Piper Drive ROW, thence in a southerly direction 132 +/- feet with the western margin of Sand Piper Dr. ROW to a point said point being in the northern margin of the Tiny Town Road ROW, thence in a westerly direction 124 +/- with the northern margin of the Tiny Town Road ROW to the point of beginning, said parcel containing 0.39 +/- acres, further identified as (Tax Map 08-P-A, Parcel 2.00)

ORDINANCE 25-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF PURVIS & BECK PARTNERSHIP FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF UNION HALL ROAD AND NEEDMORE 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 to M-1 Light Industrial District.

PUBLIC HEARING: September 3, 2015
FIRST READING: September 3, 2015
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the eastern ROW of Thompson Lane, said point being 834+/- feet, as measured along the eastern ROW of Thompson Lane from the northern ROW of said Needmore Road, said point also being the southwestern corner of the herein described parcel; thence leaving said point and with the said eastern ROW, North 00 degrees 18 minutes 30 seconds East for a distance of 252.89 feet to an iron pin old, said rod being the corner of the Bell Creek, L.P. property as recorded in the ORV 501, page 1135 ROMCT; thence leaving said ROW and with the eastern boundary of the said Bell Creek, L.P. property, North 01 degrees 11 minutes 43 seconds East for a distance of 166.04 feet to an iron rod old, said rod being a corner of the Riggs L. Hayes, Sr. property as recorded in ORV 291, page 70 ROMCT, said rod also being the northwestern corner of the herein in described parcel; thence leaving the said eastern boundary and with the southern boundary line of the Riggs L. Hayes, Sr. property, South 89 degrees 42 minutes 27 seconds East for a distance of 619.98 feet to an iron rod old, said rod being a corner of the Tennessee Investment Properties as recorded in ORV 376, page 511 ROMCT, said rod also being the northeastern corner of the the herein described parcel; thence leaving said southern boundary line and with the western boundary line of said Tennessee Investment Properties, South 00 degrees 14 minutes 00 seconds West for a distance of 418.60 feet to a point, said point being the southeastern corner of the herein described parcel, thence leaving said western boundary line on a new severance line, North 89 degrees 44 minutes 09 seconds West for a distance of 623.10 to the point of beginning, said parcel containing 5.98 +/- acres. further identified as (Tax Map 32, Parcel 106.01)

RESOLUTION 13-2015-16

A RESOLUTION REPEALING RESOLUTION 38-2012-13 (APPROVING A RETAIL LIQUOR STORE CERTIFICATE OF COMPLIANCE FOR JACK MILLER) AND APPROVING A CERTIFICATE OF COMPLIANCE FOR MICHAEL MILLER FOR OPERATION OF A RETAIL LIQUOR STORE AT THE SAME LOCATION

WHEREAS, Jack Miller was previously been granted a Certificate of Compliance by the City of Clarksville for operation of a retail liquor store, by the adoption of RESOLUTION 38-2012-13 of the City Council, in accordance with state statutory law and regulations of the Tennessee Alcoholic Beverage Commission, the City Charter and the City Code, said liquor store being located at 1049 Highway 76, Clarksville, Tennessee; and

WHEREAS, Jack Miller will ceased operation of this retail liquor store, and will surrender his liquor license to the Tennessee ABC, and he desires to surrender, terminate and have repealed and revoked his Certificate of Compliance to operate a retail liquor store as previously granted by the City; and

WHEREAS, Michael Miller has made proper application for a Certificate of Compliance from the City of Clarksville for the operation of a retail liquor store at 1049 Highway 79 and appears to be in compliance with all requirements for same pursuant to state statutory law and regulations of the Tennessee Alcoholic Beverage Commission, the City Charter and the City Code; and

WHEREAS, the issuance of the Certificate will not exceed the numerical limit on such retail liquor stores established by City Code, Section 2-205.

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

That RESOLUTION 38-2012-13 is hereby repealed and the Certificate of Compliance for Jack Miller for operation of Sango Wine & Spirits, 1049 Highway 76, Clarksville, Tennessee, is hereby revoked; and

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

That Michael Miller is hereby approved for and granted a Certificate of Compliance for the operation of Sango Wine & Spirits, 1049 Highway 76, Clarksville, Tennessee.

ADOPTED:



CLARKSVILLE CITY COUNCIL REGULAR SESSION SEPTEMBER 3, 2015

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Brian Drotar and John Rudolph, representing the Clarksville Soccer Club, and Denise Pickett, representing the Montgomery County Soccer Association, asked for the City Council's consideration of allowing local soccer teams to use the Heritage Park soccer fields for practices, not just for official games. Brady Robinson had asked to speak, but was not present. Rev. Tommy Bailey had asked to speak regarding a local "Stop Violence" organization, but was not present.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, September 3, 2015, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

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

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), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhardt (Ward 12)

SPECIAL RECOGNITION

Mayor McMillan welcomed members of Boy Scout Troop 526 who were in attendance.

SPECIAL PRESENTATIONS

John Troyer, Tennessee's representative for the Government Finance Officers Association, presented the "Certificate of Achievement for Excellence in Financial Reporting" to the City of Clarksville for the Comprehensive Annual Financial Report, the highest form of recognition in the area of governmental accounting and financial reporting. Mr. Troyer presented the "Financial Reporting Achievement Award" to Finance Director Laurie Matta.

Doug Delaney, Parsons Brinkerhoff Consultants, and Felix Castrodad, Nashville Metro Transit Authority, presented results of the Regional Transit Authority's study on the proposed Northwest Corridor.

PUBLIC HEARING

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

ORDINANCE 24-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Steve Slate and Bill Blackwell for zone change on property at the intersection of Tiny Town Road and Sand Piper Drive from R-2 Single Family Residential District to C-5 Highway & Arterial Commercial District

There were no comments for or against this request.

ORDINANCE 25-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Purvis & Beck Partnership for zone change on property at the intersection of Union Hall Road and Needmore Road from M-3 Planned Industrial District to M-1 Light Industrial District

There were no comments for or against this request.

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

ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 24-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, guzman, Lewis, Powres, Redd, Smith, Wallace

NAY: Allen, McLaughlin

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 25-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, 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 5-2015-16** (Second Reading) 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
2. **ORDINANCE 12-2015-16** (Second Reading) Amending the FY16 Internal Audit Budget for a HIPPA Assessment
3. **ORDINANCE 13-2015-16** (Second Reading) Accepting donation of property from Clarksville Capital Corporation for an access easement for the Upland Trail
4. **ORDINANCE 14-2015-16** (Second Reading) Amending the Official Code to establish the Parking Commission *[Removed; see Parking Commission below]*
5. **ORDINANCE 15-2015-16** (Second Reading) Authorizing extension of utilities to property on International Boulevard; request of WEB Development
6. **ORDINANCE 17-2015-16** (Second Reading) Amending the Official Code relative to public property designations
7. **ORDINANCE 18-2015-16** (Second 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
8. **ORDINANCE 19-2015-16** (Second 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
9. **ORDINANCE 20-2015-16** (Second 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
10. Adoption of Minutes: Special Session August 6, Regular Session August 6, Special Session August 17

11. Approval of board appointments: *[Removed; see Parking Commission below]*

Parking Commission: Ted Crozier, Charlsie Lankford – September 2015 through August 2016; Bill Powers, Mitch Robinson, Linda Shepherd – September 2015 through August 2017

Councilwoman McLaughlin requested separate consideration of **ORDINANCE 14-2015-16**. Councilman Burkhart made a motion to adopt the Consent Agenda as amended. The motion was seconded by Councilman Lewis. Councilman Alexander voted “nay” on **ORDINANCE 20-2015-16**. Councilwoman McLaughlin voted “nay” on **ORDINANCE 5-2015-16**, **ORDINANCE 18-2015-16**, and **ORDINANCE 20-2015-16**. The following vote was recorded:

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

NAY: Alexander

The motion to adopt the Consent Agenda as amended passed.

PARKING COMMISSION

ORDINANCE 14-2015-16 (Second Reading) Amending the Official Code to establish the Parking Commission

This ordinance was removed from the original Consent Agenda. Councilman Wallace made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Guzman.

City Attorney Lance Baker reviewed proposed changes to the language that was adopted on first reading as recommended by the City Attorney’s Office. Councilman Wallace made a motion to adopt the proposed amendments. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

NAY: Alexander

The proposed amendments passed. Councilwoman McLaughlin offered an amendment to delete the entire language of the ordinance and substitute instead language which would eliminate the parking commission and require parking regulations, rates, and fines to be established by the City Council and appeals to be heard in City Court. The motion was seconded by Councilman Garrett. Following comments from Parking Director David Smith and City Judge Charles Smith, Councilman Wallace called for the question. The question was seconded by Councilman Redd. A voice vote was taken; the motion to cease discussion on the amendment passed. The following vote was recorded:

AYE: Allen, Garrett, McLaughlin, Smith

NAY: Alexander, Burkhart, Grubbs, Guzman, Lewis, Powers, Redd, Wallace

Councilwoman McLaughlin's amendment failed. Councilman Allen said the Parking Commission should develop criteria for dismissing tickets. Councilman Redd called for the question on the original motion. The question was seconded by Councilman Lewis. A voice vote was taken; Councilwoman McLaughlin voted "nay." The motion to cease discussion passed. The following vote on the original motion was recorded:

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

NAY: Allen, McLaughlin, Smith

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

Councilman Redd made a motion to approve the following appointments to the Parking Commission:

Ted Crozier, Charlsie Lankford – September 2015 through August 2016; Bill Powers, Mitch Robinson, Linda Shepherd – September 2015 through August 2017

The motion was seconded by Councilman Lewis. The following vote was recorded:

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

NAY: McLaughlin

The motion to approve appointments to the Parking Commission passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said the Office of Housing & Community Development served 4,870 individuals through the Emergency Solutions Grant of \$133,400 during FY15 offering street outreach, shelter, rapid re-housing, homeless prevention, and transitional housing. He said the City had been awarded a Shelter Plus Care grant in the amount of \$107,060 to assist homeless persons with disabilities.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 21-2015-16 (First Reading) Authorizing donation of property on Providence Court to Buffalo Valley for Community Development

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, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

RESOLUTION 8-2015-16 Accepting the Tennessee Department of Transportation's proposal for a Park & Ride facility at the intersection of SR76 and South Gateway Plaza Boulevard

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Redd. The following vote was recorded:

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

The motion to adopt this resolution passed.

RESOLUTION 9-2015-16 Accepting the Tennessee Department of Transportation's proposal for the Tylertown Road intersection

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Redd. The following vote was recorded:

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

The motion to adopt this resolution passed.

GAS & WATER COMMITTEE

Wallace Redd, Chair

ORDINANCE 22-2015-16 (First Reading) Amending the Official Code relative to utility connection fees

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 Lewis. The following vote was recorded:

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

The motion to adopt this ordinance on first passed.

PARKS, RECREATION, GENERAL SERVICES

Valerie Guzman, Chair

Councilwoman Guzman invited the public to upcoming events including Buddy Ball, Youth Basketball, and Riverfest.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

Councilman Grubbs shared the following monthly department statistics: Fire & Rescue – 1,052 emergency responses; Police – 13,785 calls; Building & Codes Construction Division – 1,604 inspections; Building & Codes Enforcement Division – 413 cases; Building & Codes Administration – 74 single family permits.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department completed 209 work orders during August.

TRANSPORTATION COMMITTEE

Deanna McLaughlin, Chair

Councilwoman McLaughlin shared the following department statistics: Clarksville Transit System – 57,544 passengers; Seniors Ride Free Day – 72% increase over the previous year; Clarksville-Nashville Express – 5,586 passengers; City Garage – 346 work orders.

Councilwoman McLaughlin congratulated Randy Reese for having been recently selected as the City's Fleet Manager.

215 LEGION STREET (BANK OF AMERICA PROPERTY)

ORDINANCE 16-2015-16 (First Reading; Postponed August 6th) Authorizing purchase of real property located at 215 Legion Street

Councilman Allen made a motion to adopt this ordinance on first reading. The motion was not seconded; no action was taken.

ORDINANCE 23-2015-16 (First Reading) Authorizing an interlocal agreement with Montgomery and authorizing purchase of property for creation of a civic square plaza

Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. Councilman Wallace said this was a good opportunity for Montgomery County to be involved in redevelopment of downtown. He said this project would improve the downtown connection to Austin Peay State University.

Councilman Redd opposed this project. He said if the existing bus transfer station were relocated, a new facility must be constructed prior to demolition of the existing station because of its federal funding. Councilman Redd felt both governments should spend the proposed funds on issues presently facing the City and the County. Councilman Allen and Councilwoman McLaughlin expressed support for the project stating it would ignite downtown development.

Following discussion, Councilman Garrett called for the question. The question was seconded by Councilman Alexander. A voice vote was taken; Councilman Redd voted “nay.” The motion to cease discussion passed. The following vote on the original motion was recorded:

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

NAY: Grubbs, Lewis, Redd

The motion to adopt this ordinance on first reading passed.

MAYOR AND STAFF REPORTS

There were no Mayor or Staff reports.

ADJOURNMENT

The meeting adjourned at 8:47 p.m.

ORDINANCE 26-2015-16

AN ORDINANCE AMENDING THE 2015-16 OPERATING BUDGET (ORDINANCE 10-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE LEGISLATIVE DEPARTMENT TO INCREASE FUNDING IN THE AMOUNT OF \$13,674.

WHEREAS, the during the budget adoption, an amendment was approved to remove the funding of dues for the National League of Cities and the funds to attend the annual conference; and

WHEREAS, NLC membership and attendance is in the best interest of the City.

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

That the following Budget Amendments be made:

Legislative Expenditures:

Memberships & Conventions

10411003-4322	Increase:	\$9,674 (dues)
10411003-4322	Increase:	\$4,000 (conference)

BE IT FURTHER ORDAINED that the source of funding for this \$13,674 shall be from the fund balance of the General Fund.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 29-2015-16

AN ORDINANCE AMENDING THE 2015-16 CAPITAL PROJECTS FUND BUDGET (ORDINANCE 10-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE THE BUDGET OF THE BANK OF AMERICA PROPERTY PURCHASE CAPITAL PROJECT

WHEREAS, a capital project has been established during fiscal year 2014-15 with a budget amount of \$995,000 for the purchase of real property commonly known as the Bank of America site in downtown Clarksville; and

WHEREAS, the City of Clarksville desires to support the creation of a civic plaza upon said site by providing certain funding for the purchase of said real property; and

WHEREAS, an additional \$5,000 is necessary to increase the total project budget to \$1,000,000.

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

That the following Capital Projects Fund budget amendment be made:

40410004 4710 15101 Bank of America (Property Purchase) Land Increase: \$5,000

BE IT FURTHER ORDAINED that the \$5,000 will be included as part of a general obligation debt issue that will be used to fund the initial budget for this project.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 12-2015-16

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE FORT CAMPBELL WARRIOR TRANSITION BATTALION

WHEREAS, the City of Clarksville wishes to provide education and employment training for Warrior Transition Battalion (WTB) soldiers through the Department of Defense Education and Employment Initiative (E21); and

WHEREAS, the Education and Employment Initiative (E21) places wounded, ill, and injured service members in training and educational opportunities and facilitates development and employment readiness of soldiers as they prepare for transition from the military; and

WHEREAS, the Memorandum of Agreement establishes roles and responsibilities for the WTB and for the City of Clarksville; 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 Agreement with the Fort Campbell Warrior Transition Battalion, attached hereto as Exhibit A, to provide education and employment training for WTB soldiers.

ADOPTED:



REPLY TO
THE ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY, WARRIOR TRANSITION BATTALION
U.S. ARMY MEDICAL DEPARTMENT ACTIVITY
FORT CAMPBELL, KENTUCKY 42223-5349

MCXD-WTB

16 September 2015

**MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND
FORT CAMPBELL WARRIOR TRANSITION BATTALION**

SUBJECT: Warrior Transition Battalion Soldier participation in Education and Employment Initiative (E2I) training with the City of Clarksville.

1. The purpose of this formal agreement is to establish roles and responsibilities for Warrior Transition Battalion (WTB) and the City of Clarksville for WTB Soldiers participating in training through the Department of Defense Education and Employment Initiative (E2I).

2. Department of Defense Instruction (DODI) 1300.25, dated 25 March, 2013, sets policy and procedures for E2I Program.

3. Education and Employment Initiative (E2I) is a federal program that places Wounded Ill and Injured Service Members in training/educational opportunities that; facilitates the development and employment readiness of Soldiers as they prepare for transition from the military

4. The Warrior Transition Battalion is responsible for the following:

a. WTB will determine when a Soldier is ready to participate in E2I. This determination will be made by the Soldier's chain of command and a physician involved in the Soldier's ongoing treatment:

(1.) The medical evaluation must conclude that the Soldier is medically, emotionally, and physically ready to participate and the training will assist in the Soldier's transition.

(2.) The chain of command evaluation must conclude that the Soldier demonstrates the initiative and self-discipline required to successfully complete the training. The training will not interfere with the Soldier's ability to attend medical appointments and to complete the Integrated Disability Evaluation System.

b. WTB will provide transportation to and from training location.

MCXD-WTB

SUBJECT: Memorandum of Agreement for Education and Employment Initiative (E2I) Training Opportunity

c. Maintain communication with training POC as to Soldier's accountability, risk management, work schedule, appointment schedule, and any other conflicts that may affect the Soldier's ability to complete the training.

5. The City of Clarksville is responsible for the following:

a. Maintain communication with WTB chain of command to report failure to report for training, disciplinary infractions, workplace injury, or any other serious event or incident that may jeopardize the Soldier's medical rehabilitation or successful completion of the training to the WTB chain of command point of contact.

6. Participation in the E2I Program does not guarantee permanent employment with any organization.

7. E2I training may be terminated for cause by either the WTB or the City of Clarksville at any time.

8. Point of Contact for this Memorandum of Agreement is Stephen L. Kammerdiener, Transition Coordinator, Warrior Transition Battalion, Fort Campbell KY at 270-461-1490. stephen.l.kammerdiener.civ@mail.mil

9. Education and Employment Initiative Regional Coordinator is Christopher Self, 931-217-8162. cself@afsc.com

Lyle D. Finley JR
LTC, MI
Commanding

Name
(Position/Title)
Organization

ORDINANCE 33-2015-16

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF FRANK PARCELLS FOR PROPERTY LOCATED AT 293 MCADOO CREEK ROAD

WHEREAS, proper application has been made by Frank Parcels for extensions of City utility service to property located at Cmap 87, Parcel 93.01 with the property address of 293 McAdoo Creek 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 87, Parcel 93.01 with the property address of McAdoo Creek 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:

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



RESOLUTION 2-2015-16

A RESOLUTION AUTHORIZING AN INTERLOCAL CONTRACT WITH MONTGOMERY
COUNTY FOR OAKLAND ROAD UTILITY RELOCATION

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

That the Clarksville City Council hereby authorizes an interlocal contract with Montgomery County, Tennessee, attached hereto as Exhibit A, for Oakland Road utility relocation.

ADOPTED:

Interlocal Agreement between
City of Clarksville, Tennessee and Montgomery County, Tennessee
Oakland Road Project (State Project # 63LPLM-F2-033, PIN 112876.00)

This Interlocal Agreement is made and entered into this ____ day of _____, 2015, by and between the City of Clarksville, Tennessee, a Tennessee Municipal Corporation, hereinafter referred to as "City", and Montgomery County, Tennessee, hereinafter referred to as "County",

WITNESSETH:

WHEREAS, the County will realign Oakland Road beginning at US Highway 79 in Clarksville, Tennessee ("Project"); and City and the County recognize the potential of coordination benefits by tasking the prime contractor, who will perform the Road Project, ("Contractor") with the relocation of the City's utilities concurrently with the Road Project.

NOW, THEREFORE the City shall:

1. provide engineering services, including engineer's construction cost estimate, design drawings, specifications and bid items in Tennessee Department of Transportation ("TDOT") required format, as well as inspection services during the construction phase for the relocation of water, wastewater and natural gas utilities ("Utility") associated with the Project; and
2. bear the cost for engineering services related to the Utility relocation;
3. submit water and sewer plans along with the required review fees to the Tennessee Department of Environment and Conservation (TDEC) for approval;
4. inspect Contractor's Utility work and will notify County if any Utility work is not compliant with the specifications;
5. receive a copy of Contractor's monthly application for payment to review and approve the Utility component of Contractor's monthly applications for payment, understanding that Montgomery County desires to review and approve the entire payment application in a timely manner each month, and that Montgomery County may choose to proceed with an application approval if a response has not been provided by the City within ten (10) days, and the County believes the payment application accurately reflects the amount of work that has taken place for that payment period;
6. make payment to Montgomery County within ten (10) business days after receipt of certified bid tabulation and intent to award for the total cumulative cost of all Utility-related line items plus a one-time five percent (5%) contingency to be set aside for any potential change orders related to the Utility relocation work that may arise throughout the extent of the Project;
7. be responsible for additional costs in construction, design, or delays caused by any errors, omissions, or deficiencies in the Utility plans;
8. be responsible for all cost associated with claims against the County caused by any errors, omissions, or deficiencies in the Utility plans;
9. be responsible for the acquisition and cost associated with any right of way or easement required for the sole purpose for utilities;

10. provide a City inspector, who shall coordinate all utility related construction with the County's consultant responsible for construction engineering and inspection;
11. be required to attend all pre-bid, pre-construction and progress meetings;
12. be responsible for responding to all utility related Requests for Information during bidding and construction, and City's utility engineer shall be responsible for the review and approval of all utility related material specifications and shop drawings; and
13. shall provide all Utility-related bid documents, plans and specifications signed and sealed by a Tennessee professional engineer in digital format (all CADD files to be in both pdf and DGN format) to the County's consultant within sixty (60) calendar days after receipt of County's final roadway design plans; and

the County shall:

1. bear the cost for engineering services related to the road realignment, including but not limited to site preparation costs and right-of-way acquisitions;
2. prepare bid specifications for a single bid of the entire Project, including Utility work, and incorporate Utility-related documents, such as design drawings and specifications, provided by the City;
3. include a separate component for Utility-related costs in the bid schedule of the Project (City to provide bid schedule in .xls format);
4. be the lead agency on the Project, handle the bid phase and ensure that all bids, contracts and other necessary documents are properly procured and executed;
5. grant the City the right to provide its own insight and input as is deemed necessary as related to the utilities;
6. provide bid results to the City for review and approval of the Utility component of the bid prior to award;
7. be responsible for additional costs in construction, design, or delays caused by any errors, omissions, or deficiencies in the roadway plans;
8. be responsible for all cost associated with claims against the City caused by any errors, omissions, or deficiencies in the roadway plans;
9. award to and contract with a single Contractor for the Project, which shall include the Utility relocation along with the road realignment;
10. require Contractor to submit applications for payment that reflect itemized costs contributable to the City for the Utility component and the County for the other components of the Project;
11. establish a separate interest bearing account for monies received from the City after the bid opening, based on the selected Contractor's sum of line item bid prices for Utility work, and shall have sole signatory power on said account to pay for the construction costs related to the Contractor's Utility relocation from the separate interest bearing account when due;
12. compensate the Contractor for the Project, including Utility work, in accordance with its contract with the Contractor;
13. perform construction administration and management throughout the duration of the Project and agrees to forward all Utility-related submittals to the City for review and approval;

14. be responsible for cost of installation, maintenance, inspection and enforcement of any and all erosion control measures required for the entire Project, including, but not limited to, Utility relocation, as long as such measures are equally beneficial and needed for the roadway grading portion of the Project; otherwise such specialized costs for the sole purpose of the Utility relocation will be included as separate line items in the Utility section of the bid schedule and shall be borne by the City if not accounted for in the Erosion Prevention and Sediment Control portions of the roadway plans;
15. only issue contract change orders relating to Utility work upon approval of the City after coordinating work change directives, change proposals, claims and any other notices potentially resulting in a change in contract fee related to the Utility work with the City;
16. immediately notify the City once a contract change order is duly executed, and provide a copy of the contract change order so the City may, in case of a contract fee increase that is greater than the contingency funds set aside at the initial payment following the bid opening, forward the monies for such change in contract fee relating to the Utility component to the County for deposit in the separate interest bearing account; however, if the contract change order resulted in a decrease of contract fee related to the Utility component, the County shall continue to hold that money in the separate account as added contingency until the completion of the Project;
17. keep a separate record of the funds expended from the City's separate interest bearing account and the balance of the contingency at any given time;
18. reconcile the contract at completion of all Project work when Contractor reaches readiness for final payment and shall determine the exact contract fee;
19. reimburse the City any remaining funds at the completion of the Project, including earned interest, from the separate interest bearing account that was established for the purpose of the Project;
20. require its Contractor to provide a general one-year warranty and guarantee to the City that all work, including equipment, materials, products and workmanship, related to Utility relocation is free from all defects and that work was performed in accordance with the contract documents; as part of the warranty and guarantee, Contractor shall agree to correct, remove or replace any defective item at no cost to the City and extend the warranty and guarantee for an additional period of one year after such correction or removal and replacement has been satisfactorily completed; and

the City and County wish to reduce their agreement to a writing in accordance with Tenn. Code Ann. §12-9-108. In consideration of the mutual promises and covenants herein contained, the parties hereby mutually agree that the City will reimburse the County for the Utility component of the Project construction cost.

MONTGOMERY COUNTY, TENNESSEE

By: _____
County Mayor Jim Durrett

**STATE OF TENNESSEE
COUNTY OF MONTGOMERY**

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, **Jim Durrett, County Mayor**, with whom I am personally acquainted, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the County Mayor of the maker, Montgomery County, Tennessee, and he is authorized by the maker to execute the instrument on behalf of the maker.

Witness my hand and seal this ____ day of _____, 2015.

NOTARY PUBLIC

My commission expires _____

(SEAL)

THE CITY OF CLARKSVILLE

By: _____
Mayor Kim McMillan

ATTEST:

Sylvia Skinner, City Clerk

**STATE OF TENNESSEE
COUNTY OF MONTGOMERY**

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, **Kim McMillan, Mayor**, with whom I am personally acquainted, and who, upon oath, acknowledged that they executed the within instrument for the purposes therein contained, and who further acknowledged that they are the Mayor and City Clerk, respectively of the maker, City of Clarksville, a Tennessee Corporation, and they are authorized by the maker to execute the instrument on behalf of the maker.

Witness my hand and seal this ____ day of _____, 2015.

NOTARY PUBLIC

My commission expires _____

(SEAL)