



**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
MARCH 3, 2016, 7:00 P.M.**

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

**AGENDA**

**PUBLIC COMMENTS**

- 6:45 p.m. Chris Camp
- 6:50 p.m. Joseph Naszady
- 6:55 P.M. Kelsey Thornton

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

1. **ORDINANCE 76-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reda Homebuilders for zone change on property at the intersection Twin Rivers Road and Nolen Road from R-1 Single Family Residential District to R-4 Multiple Family Residential District (*RPC: Approval/Approval*)
2. **ORDINANCE 77-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Chandrika Patel, Hayes & Sons Construction-Agent, for zone change on property at the intersection of Greenwood Avenue and Crossland Avenue from R-3 Three Family Residential District to C-2 General Commercial District (*RPC: Approval/Approval*)
3. **ORDINANCE 78-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mary Durrett, et al, Cal McKay-Agent, for zone change on property at the intersection of Peachers Mill Road and West Boy Scout Road from AG Agricultural District to C-2 General Commercial District and R-4 Multiple Family Residential District (*RPC: Approval/Approval*)

4. **ORDINANCE 79-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of D. W. Durrett, et al, Cal McKay-Agent, for zone change on property at the intersection of Peachers Mill Road and West Boy Scout Road from AG Agricultural District to R-2 Single Family Residential District (*RPC: Approval/Approval*)

## 5) 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 70-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ricky C. Reda for zone change on property at the intersection of North Second Street and Marion Street from C-2 General Commercial District to C-5 Highway & Arterial Commercial District
2. **ORDINANCE 71-2015-16** (Second Reading) Amending the FY16 General Government Budget for matching funds for airport capital improvement grants for apron rehabilitation and runway overlay design
3. **ORDINANCE 72-2015-16** (Second Reading) Authorizing extension of utilities to 154 Towes Lane; request of McKay-Burchett & Company

4. Adoption of Minutes: February 4

5. Approval of Appointments:

Beer Board: Mark Hodges, Mary Rives – April 2016 through March 2018

Gas & Plumbing Board: Danny Alford, Ted Roberts – April 2016 through March 2019

Rail Service Authority: Morrell Boyd – March 2016 through June 2019

## 6) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

*David Allen, Chair*

1. Department reports.

## 7) FINANCE COMMITTEE

*Joel Wallace, Chair*

1. **ORDINANCE 73-2015-16** (First Reading) Amending the FY16 Fire & Rescue Budget for purchase of a rescue truck (*Finance Committee: Approval*)
2. **RESOLUTION 25-2015-16** Authorizing an amendment to the lease for Liberty Park Grill (*Finance Committee: Approval*)

8) GAS & WATER COMMITTEE

*Wallace Redd, Chair*

1. Department reports.

9) PARKS, RECREATION, GENERAL SERVICES

*Bill Powers, Chair*

1. **RESOLUTION 32-2015-16** Amending RESOLUTION 17-2015-16 directing the Parks and Recreation Department to allow soccer practice on the Clarksville Heritage Park soccer complex game fields in calendar year 2016 as a test period (*Parks & Recreation Committee: Approval*)

10)PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

*Geno Grubbs, Chair*

1. Department reports.

11)STREETS-TRANSPORTATION-GARAGE COMMITTEE

*James Lewis, Chair*

1. Department reports.

12)NEW BUSINESS

- 1a. Approval to consider **ORDINANCE 45-2015-16** on first reading (*Mayor McMillan*) [3/4 majority approval required]
- 1b. **ORDINANCE 45-2015-16** (First Reading; Postponed Indefinitely December 3, 2015) Authorizing purchase of Gordon Seay property for an electric substation (*Mayor McMillan*) [proposed revisions]
2. **ORDINANCE 66-2015-16** (First Reading; Referred to Finance Committee January 7<sup>th</sup>) Amending the Official Code relative to city council compensation (*Councilwoman Smith*)
3. **ORDINANCE 74-2015-16** (First Reading) Amending the Official Code relative to the City of Clarksville Code of Ethics (*Councilman Garrett*) [2/3 majority of full Council required]
4. **ORDINANCE 75-2015-16** (First Reading) Amending the Official Code relative to the number of retail liquor store inside the city limits (*Councilwoman McLaughlin*)

5.     **RESOLUTION 33-2015-16**   Appointing Ernie Griffith as City Court Clerk  
          (*Mayor McMillan*)
6.     **RESOLUTION 34-2015-16**   Supporting enhanced, sustainable funding for  
          transportation needs for the State of Tennessee and for local communities (*Mayor*  
          *McMillan*)

13) MAYOR AND STAFF REPORTS

14) ADJOURNMENT

### CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: March 3, 2016. The public hearing will be held on: March 3, 2016.

CITY ORD. #: 76-2015-16      RPC CASE NUMBER: Z-2-2016  
Applicant:      REDA HOMEBUILDERS  
Location:      southeast of the of the Twin Rivers Rd. and Nolen Rd.  
Ward #:      11  
Request:      R-1 Single-Family Residential District  
                 to  
                 R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 77-2015-16      RPC CASE NUMBER: Z-3-2016  
Applicant:      CHANDRIKA PATEL  
Agent:      Hayes And Sons Construction  
Location:      fronting on the east frontage of Greenwood Ave. 175 +/- feet north of the centerline of the Greenwood Ave. and Crossland Ave. intersection.  
Ward #:      6  
Request:      R-3 Three Family Residential District  
                 to  
                 C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

\*\*\*\*\*

CITY ORD. #: 78-2015-16      RPC CASE NUMBER: Z-4-2016  
Applicant:      MARY DURRETT  
Agent:      Cal Mckay  
Location:      fronting on the east & west frontage of Peachers Mill Rd. north of the W. Boy Scout Rd. & Peachers Mill Rd. intersection.  
Ward #:      5  
Request:      AG Agricultural District  
                 to  
                 C-2 General Commercial District / R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

\*\*\*\*\*

CITY ORD. #: 79-2015-16      RPC CASE NUMBER: Z-5-2016

Applicant:      D W DURRETT / MARTHA DURRETT / MARY DURRETT / SUSAN NICHOLSON

Agent:          Cal Mckay

Location:      fronting on the east & west frontage of Peachers Mill Rd. 2,100+/- feet north of the W. Boy Scout Rd. & Peachers Mill Rd. intersection.

Ward #:        5

Request:      AG Agricultural District  
                 to  
                 R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 2/24/2016

**CASE NUMBER:** Z - 2 - 2016

**NAME OF APPLICANT:** Reda

Homebuilders

**AGENT:**

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**GENERAL INFORMATION**

**PRESENT ZONING:** R-1

**PROPOSED ZONING:** R-4

**EXTENSION OF ZONE**

**CLASSIFICATION:** YES TO THE EAST

**APPLICANT'S STATEMENT** The zone change is an extension of the existing zoning classification. The subject  
**FOR PROPOSED USE:** property will be used for an apartment complex.

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

**ACREAGE TO BE REZONED:** 3.92 +/-

**DESCRIPTION OF PROPERTY** Residential tract with a single family home.  
**AND SURROUNDING USES:**

**GROWTH PLAN AREA:**

CITY **TAX PLAT:** 55

**PARCEL(S):** 33.00

**CIVIL DISTRICT:** 12th

**CITY COUNCIL WARD:** 11

**COUNTY COMMISSION DISTRICT:** 14

**PREVIOUS ZONING HISTORY:** Z-35-1987 M-2 to R-1 Staff & RPC- Rec. Approval City Council- Approved  
**(to include zoning, acreage and** Z-39-2012 R-1 to R-4 Staff & RPC- Rec. Approval City Council- Withdrawn  
**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:

No Gravity Sewer Available.

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.

No Comment(s) Received

#### 4. CDE/CEMC:

#### 4a. COST TO CDE/CEMC:

6.

#### 5. CHARTER COMM./BELL SOUTH:

#### 5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

#### 6. FIRE DEPT/EMERGENCY MGT.:

#### 6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

#### 7. POLICE DEPT/SHERIFF'S OFFICE:

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

9.

Comments Received From Department And They Had No Concerns.

#### 8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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

No Comment(s) Received

#### 9. SCHOOL SYSTEM:

ELEMENTARY: ST. B.

MIDDLE SCHOOL: ROSSVIEW

HIGH SCHOOL: ROSSVIEW

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 & noise

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**PIPE SIZE:**

**SEWER SOURCE:** CITY

**ACCESSIBILITY:** NOLEN RD.

**DRAINAGE:**  
VARIES

**DEVELOPMENT ESTIMATES:**

**APPLICANT'S ESTIMATES**

**HISTORICAL ESTIMATES**

**LOTS/UNITS:**

46

**ROAD MILES:**

**POPULATION:**

124

**ELEMENTARY SCHOOL STUDENTS:**

**MIDDLE SCHOOL STUDENTS:**

**HIGH SCHOOL STUDENTS:**

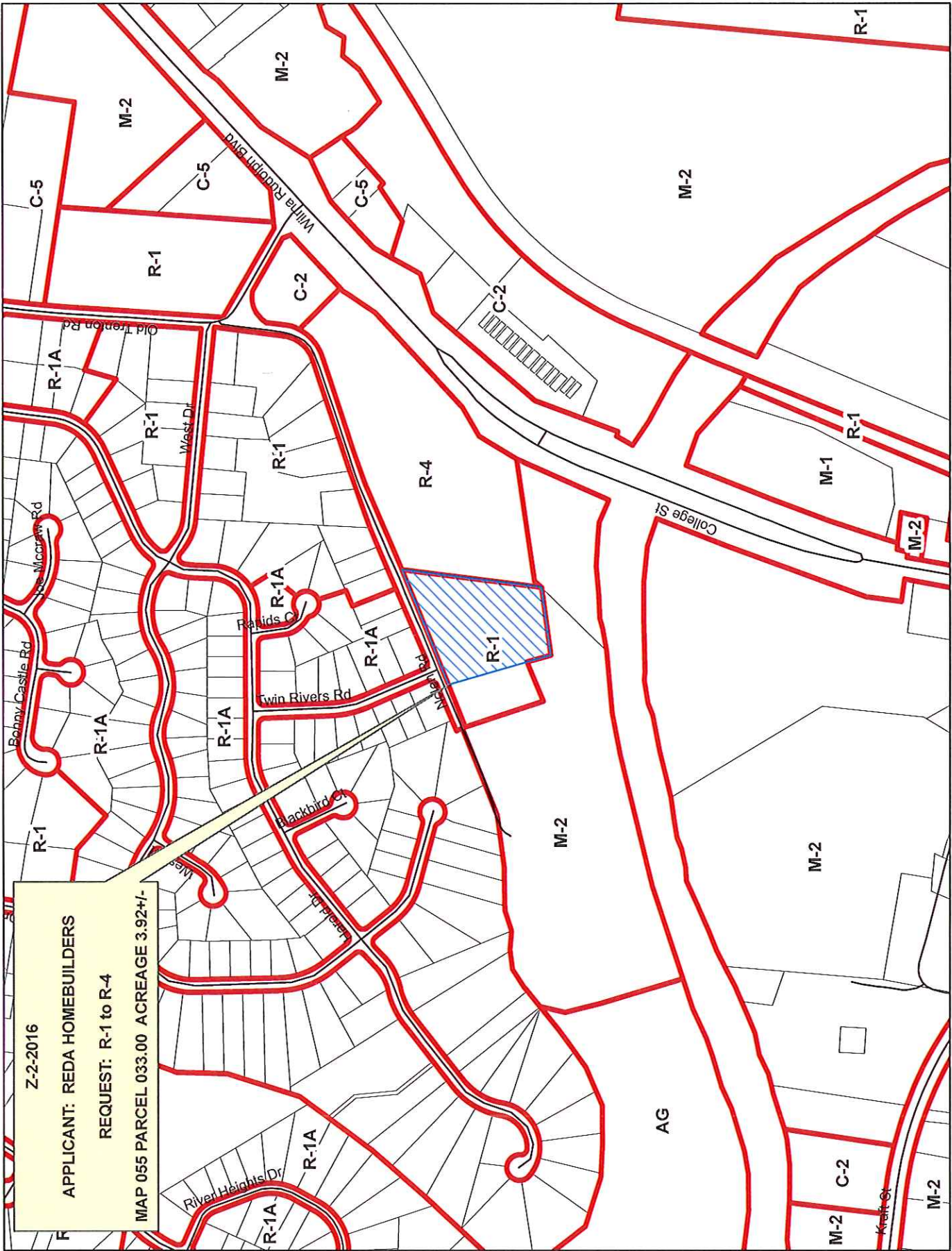
**APPLICABLE COMPREHENSIVE PLAN ELEMENTS:**

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

**STAFF RECOMMENDATION: APPROVAL**

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

5.



CASE NUMBER: Z 2 2016 MEETING DATE 2/24/2016

APPLICANT: Reda Homebuilders

PRESENT ZONING R-1 PROPOSED ZONING R-4

TAX PLAT # 55 PARCEL 33.00

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

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PUBLIC COMMENTS

Copies of oppositions emails are in the file. 2/24/2016 JTS



**Ripple, David**

Z-2-2016

**From:** Ripple, David  
**Sent:** Monday, February 22, 2016 2:45 PM  
**To:** Mark Kelly; rh.swift@gmail.com  
**Cc:** Spainhoward, John T  
**Subject:** RE: Important Twin Rivers news\_Z-2-2016

Dear Planning Commissioner Mark Kelly:

- 1) Pamela and Harold Gyamfi live at 261 Harold Drive in the Twin Rivers Subdivision, but were NOT notified of the proposed rezoning as abutting property owners.
- 2) The subject property was proposed for rezoning to R-4 in 2012 (case Z-39-2012). The RPC Staff and Board gave a favorable recommendation to the City Council. At the City Council public hearing on January 3, 2013, abutting residents on Nolen Road and Councilwoman Kaye Jones spoke against the rezoning and filed a petition against the rezoning. The City Council deferred action on the First Reading on the rezoning application on January 3, 2013, and the applicant withdrew his petition on January 23, 2013, prior to the City Council vote.
- 3) The subject rezoning now falls in Councilman Joel Wallace's Ward and County Commissioner Tommy Vallejos's District.
- 4) I did not receive a direct copy of the e-mail from Pamela Gyamfi. Her e-mail will be placed in the public record of case Z-2-2016.

Sincerely, Dave Ripple

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

**From:** Mark Kelly [<mailto:makelly52@aol.com>]  
**Sent:** Monday, February 22, 2016 2:02 PM  
**To:** [rh.swift@gmail.com](mailto:rh.swift@gmail.com); Ripple, David  
**Cc:** Spainhoward, John T  
**Subject:** Fwd: Important Twin Rivers news

Good Afternoon!! Am forwarding below for your info and file. Below expresses similar concerns from the last time this property was up for re-zoning. If memory serves, it was turned down by City Council.

Did either of you also receive this or am I, again, the only lucky recipient:)?

Have A GREAT Day!!

Warm Regards,

Mark Kelly

-----Original Message-----

From: Pamela Gyamfi <[pammag1@yahoo.de](mailto:pammag1@yahoo.de)>  
To: Makelly52 <[Makelly52@aol.com](mailto:Makelly52@aol.com)>

Sent: Mon, Feb 22, 2016 12:40 pm  
Subject: Importnat Twin Rivers news

Hello,

My name is Pamela Gyamfi, and I along with my family live on Harold Dr. My family consists of my husband, SFC Eric Gyamfi, my daughter Akimi (16), who attends The criminal Justice Academy of WCHS and is also a devoted member of the Mayor's Youth Council of Clarksville, Tn, and my son Jayden (8), who is an absolute soccer freak.

When the news broke on February 11th about the rezoning of 1517 Nolen Rd., I broke into tears. How could someone not care about our neighborhood? The Twin Rivers neighborhood is absolutely amazing. Our neighbors always wave and everyone looks out for each other. We just got finished going from door to door selling candy bars, and boy, when they heard about the money going to our local school, they were all in. There's a little cloud though that hangs over our neighborhood and sadly, it's "The Grove". My husband and I have called the police several times because of fighting/gang related issues that we've heard go on over there. There's been a few rapes, shootings, a murder, and not to forget drug violence.

It doesn't just stay over there though, it's been wandering to our neighborhood. We've got speeders, litterers, and roamers... There are times that we've been scared for the safety of our family. Our once gorgeous neighborhood has gotten a bad reputation that's hard to fight off.

I've lived most of my life in Germany and when moving to the United States, I was a bit nervous but instantly fell in love with Clarksville. I love downtown! That's why I wanted to live pretty central, yet not too central. Our neighborhood has a great "all american" vibe to it and that's one of the reasons we love it so much.

Please take a moment to think about your own neighborhood, your children, neighbors, even pets, and the absolute bond they all kind of establish with each other.  
We'd like to keep that bond.

Thank you for taking time out of your busy work schedule to listen to my concern.  
We love our home and our neighborhood and ask you to please consider voting **NO** to the rezoning!

Have a blessed day,  
Pamela Gyamfi  
931-802-0922

**Ripple, David**

Z-2-2016

**From:** Ripple, David  
**Sent:** Wednesday, February 24, 2016 8:04 AM  
**To:** 'Mark Kelly'; rh.swifty@gmail.com  
**Cc:** Spainhoward, John T  
**Subject:** RE: Rezoning of Nolan Road

Dear Planning Commissioner Mark Kelly: The e-mail from Rebekah Fenton (who resides at 113 West Drive) will be placed in the public record of case Z-2-2016 and shared with the other Planning Commissioners. The previous two e-mails have already been placed in the public record of this case. Thank you. Sincerely, Dave Ripple

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

**From:** Mark Kelly [<mailto:makelly52@aol.com>]  
**Sent:** Tuesday, February 23, 2016 5:56 PM  
**To:** Ripple, David; [rh.swifty@gmail.com](mailto:rh.swifty@gmail.com)  
**Cc:** Spainhoward, John T  
**Subject:** Fwd: Rezoning of Nolan Road

Below for public record.

MAK

-----Original Message-----

**From:** Rebekah Fenton <[rebekah.fenton@gmail.com](mailto:rebekah.fenton@gmail.com)>  
**To:** Makelly52 <[Makelly52@aol.com](mailto:Makelly52@aol.com)>  
**Sent:** Tue, Feb 23, 2016 5:30 pm  
**Subject:** Rezoning of Nolan Road

Mark,

We just recently found out about the rezoning of 1517 Nolen Road. As I have children I plan on homeschooling, we will be around our home more than the average homeowner. I am concerned that rezoning for residential multifamily property will increase the crime on Nolan Road and in the Twin Rivers neighborhood.

In addition, Clarksville is already inundated with extra housing and the subsequent building of apartments will decrease property values.

I'm not sure whom to contact about suggesting 1517 Nolen Road be rezoned for a public park – but in case that is an option it would be well used. There is a lack of parks in our area and it would add a great deal.

Thank you for considering these suggestions and comments as you help in decision making for this request.

Thanks,  
Rebekah Fenton



Z-2-2016

**Ripple, David**

**From:** Ripple, David  
**Sent:** Tuesday, February 23, 2016 3:17 PM  
**To:** Robert Nichols  
**Subject:** RE: Proposed rezoning of 1517 Nolen Road

Dear Planning Commissioner Robert Nichols: This e-mail from Lucas Smith (who resides at 1847 Twin Rivers Road) will be placed in the public record of Z-2-2016 for all to see. Sincerely, Dave Ripple

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

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**From:** Robert Nichols [<mailto:robert@fortcampbell.com>]  
**Sent:** Tuesday, February 23, 2016 2:42 PM  
**To:** Nelson, Mary; 'Bill Kimbrough'; 'Bryce Powers'; Grubbs, Geno; 'Linda Rudolph'; 'Mark Kelly'; 'Richard Swift'; 'Russell Adkins'; 'Wade Hadley'; Ripple, David  
**Subject:** FW: Proposed rezoning of 1517 Nolen Road

This one of the e-mails I received  
Robert N.

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**From:** Lucas Smith [[mailto:lsmith\\_33@yahoo.com](mailto:lsmith_33@yahoo.com)]  
**Sent:** Tuesday, February 23, 2016 9:36 AM  
**To:** [robert@fortcampbell.com](mailto:robert@fortcampbell.com)  
**Subject:** Proposed rezoning of 1517 Nolen Road

Mr. Nichols,  
My name is Lucas Smith. I have lived in Clarksville since 2009, both as a Soldier in the 101<sup>st</sup> Airborne Division (AASLT) and as a civilian. I am writing to you to address my concern and voice my opposition to the proposed rezoning of 1517 Nolen Road from R1 (single family residence) to R4 (multiple family residence).  
My wife and I purchased a house on Twin Rivers Road in 2014; however, my brother- and sister-in-law had lived in the house previously, so I am familiar with the neighborhood. This is a pleasant neighborhood, home to families with children and pets, people who care and take pride in their residences. I often walk my dog around the neighborhood, and am usually met by friendly people running, walking with their children or pets, or children waiting for the school bus. This is a neighborhood where families feel safe. However, this has begun to change for the worse since the building of an apartment complex, The Grove, on 1523 Nolen Road. Since The Grove has opened, my neighbors have reported vandalism, burglaries, and other crime. On any given night, there is a heavy police presence on Nolen Road. Trash is strewn about The Grove and on nearby yards. There have been numerous shootings at The Grove, and residents have gone so far as to shoot fireworks at my neighbors. If 1517 Nolen Road is rezoned as well, the crime and disregard for homeowners' property would only get worse.  
Along with these unpleasant consequences, there are other considerations, namely that the infrastructure is inadequate to support multiple family residences. Nolen Road is a two-lane blacktop road with very little shoulder, and would not handle increased traffic well. The power grid in the area is prone to blackouts already; this would surely get worse if another multiple family dwelling were built. There is no pressing need for additional rental property in this part of Clarksville. Nolen Road is fairly far away from Austin Peay State University and Fort Campbell. The Grove itself is not at capacity, and has many vacant apartments. More apartments, if they were built at 1517 Nolen, would most likely be partially occupied.

Finally, due to The Grove, many residents of Nolen Road are suffering reduced property values. The school zone has also changed. As a result, families are moving away. This would only worsen and spread to Twin Rivers Road if 1517 Nolen were to be rezoned and redeveloped as apartments. As families who own homes move away, property tax revenue is lost. I hope that this letter has raised your awareness to the consequences of approval of this proposed rezoning. Please vote against this rezoning. Thank you for your time.

Very Respectfully,  
Lucas Smith



Z-2-2016

**Ripple, David**

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**From:** Ripple, David  
**Sent:** Tuesday, February 23, 2016 3:09 PM  
**To:** Robert Nichols  
**Cc:** 'Spainhoward, John T'  
**Subject:** RE: Rezoning on Nolen Road

Dear Planning Commissioner Robert Nichols: This e-mail will be placed in the public record of Z-2-2016 for all to see. Sincerely, Dave Ripple

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

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**From:** Robert Nichols [<mailto:robert@fortcampbell.com>]  
**Sent:** Tuesday, February 23, 2016 2:41 PM  
**To:** Nelson, Mary; 'Bill Kimbrough'; 'Bryce Powers'; Grubbs, Geno; 'Linda Rudolph'; 'Mark Kelly'; 'Richard Swift'; 'Russell Adkins'; 'Wade Hadley'; Ripple, David  
**Subject:** FW: Rezoning on Nolen Road

Another e-mail  
Robert N.

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**From:** Karen Sutton [<mailto:outnumberedn06@yahoo.com>]  
**Sent:** Tuesday, February 23, 2016 8:01 AM  
**To:** Karen Sutton  
**Subject:** Rezoning on Nolen Road

Please take careful thought about the rezoning of 1517 Nolen Road from an R-1 property to an R-4. Our property is located adjacent to the property in question. While a rezone would cause 1517 Nolen Road to be the same zoning as the property on one side (The Grove Apartment complex) it would not be the same as our property 1501 Nolen Road which is an R-1.

In fact, the apartments already on Nolen Road is why I am so concerned about additional apartments on our street. We are a non-military family that has lived in Clarksville for six years and on Nolen Road for four years. It wasn't until a few months after we had purchased our property that construction began on The Grove. Once they opened we saw an immediate changes to our street. Traffic increase 10 times what it was, burglaries, assaults, and other crimes became much more common. But despite recommendations of family and friends to move outside the city limits we have stayed on Nolen Road. We love the convenience that Nolen Road offers us. The people that have remained in our neighborhood despite the apartments and school rezoning are wonderful people who stick together and watch out for each other.

Three years ago the property came up for rezoning and we as a community strongly opposed it and we still oppose it. I harbor no ill will against the owner of the property, he is a business man, who wants to make a profit which is understandable. However, my husband is also a business man, who

wants to be able to go do his job, earn money for his family then come home to a safe environment. He wants to know that, while he is gone working hard and earning money for our family to remain in Clarksville, we are safe at home.

So as you consider this rezoning, please also consider the people of the neighborhood who make Clarksville the city is should be even with the dramatic growth it has experienced over the past few years.

Karen Sutton  
1501 Nolen Road

**Ripple, David**

Z-2-2016

**From:** Ripple, David  
**Sent:** Monday, February 22, 2016 3:38 PM  
**To:** Mark Kelly; rh.swifty@gmail.com  
**Cc:** Spainhoward, John T  
**Subject:** RE: Rezoning of Nolan Rd

Dear Planning Commissioner Mark Kelly: I will place this e-mail in the public record of Case Z-2-2016. Sincerely, Dave Ripple

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

**From:** Mark Kelly [<mailto:makelly52@aol.com>]  
**Sent:** Monday, February 22, 2016 3:34 PM  
**To:** Ripple, David; [rh.swifty@gmail.com](mailto:rh.swifty@gmail.com)  
**Cc:** Spainhoward, John T  
**Subject:** Fwd: Rezoning of Nolan Rd

All...See below.

Thanks.

Mark Kelly

-----Original Message-----

**From:** Chris Godwin <[cegodwin72@gmail.com](mailto:cegodwin72@gmail.com)>  
**To:** modhcr <[modhcr@aol.com](mailto:modhcr@aol.com)>; lrudo172 <[lrudo172@gmail.com](mailto:lrudo172@gmail.com)>; Makelly52 <[Makelly52@aol.com](mailto:Makelly52@aol.com)>; rh.swifty <[rh.swifty@aol.com](mailto:rh.swifty@aol.com)>; robert <[robert@fortcampbell.com](mailto:robert@fortcampbell.com)>; russell.adkins <[russell.adkins@bellsouth.net](mailto:russell.adkins@bellsouth.net)>; wade.hadley <[wade.hadley@crye-leike.com](mailto:wade.hadley@crye-leike.com)>  
**Sent:** Mon, Feb 22, 2016 2:47 pm  
**Subject:** Rezoning of Nolan Rd

Planning Commission,

I am a resident at 1845 Blackbird Ct, Clarksville, TN. I have received disturbing news today that you folks intend to rezone the area on Nolan Rd for the purpose of multi-family dwellings. This proposition should be reconsidered. Unless you live in the surrounding area then you do not know what the Grove construction has done to the community.

I do not know the wisdom in jamming another apartment complex in the small section on that road. I can only assume that it is another development for the college student population. This would go hand in hand with the local college's, Austin Peay, growth in recent years. In this neighborhood folks have purchased their homes in an area that was safe to walk, drive or play. Since the development of the Grove, we have young adults with nothing at stake in the community that have increased traffic violations at the intersections, multiple disturbances caused by loud music, and a weak presence of police patrols.

To place another complex for the students or for which ever reason that you feel this could be a good thing, would only exasperate the problem. Stuffing more people in an already cramped community will do nothing but bring trouble. The folks living in the apartments around quiet neighborhoods usually are young and without families. They do not understand the need for quiet communities nor do they care about the people around them.

I would suggest that should there actually be a need for another apartment complex, that you research the location that has not been used in two years. This location is across Wilma Rudolph Rd, occupied by what used to be a lawyer's office and a failed steakhouse. This location has not had any traffic in quite some time and is further from our neighborhood.

Thank you for your consideration.

A Concerned Citizen

--

Chris Godwin



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 2/24/2016

**CASE NUMBER:** Z - 3 - 2016

**NAME OF APPLICANT:** Chandrika

Patel

**AGENT:** Hayes And Sons

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**GENERAL INFORMATION**

**PRESENT ZONING:** R-3

**PROPOSED ZONING:** C-2

**EXTENSION OF ZONE**

**CLASSIFICATION:** YES TO THE SOUTH

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

**PROPERTY LOCATION:** fronting on the east frontage of Greenwood Ave. 175 +/- feet north of the  
centerline of the Greenwood Ave. and Crossland Ave. intersection.

**ACREAGE TO BE REZONED:** 0.21 +/-

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

**GROWTH PLAN AREA:**

CITY **TAX PLAT:** 66 N-F

**PARCEL(S):** 17.00

**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:

If Combined With The Parcel To The South, Driveway Access Will Not Be Permitted To Crossland Ave. ( Access Appeal Denied )

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:

Comments Received From Department And They Had No Concerns.

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

9.

#### 8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments Received From Department And They Had No Concerns.

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

#### 9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

#### 10. FT. CAMPBELL:

#### 9a. COST TO SCHOOL SYSTEM:

#### 11. OTHER COMMENTS:

#### 10a. COST TO FT. CAMPBELL:

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:** GREENWOOD AVE.

**DRAINAGE:**

**DEVELOPMENT ESTIMATES:**

**APPLICANT'S ESTIMATES**

**HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**ROAD MILES:**

**POPULATION:**

**ELEMENTARY SCHOOL STUDENTS:**

**MIDDLE SCHOOL STUDENTS:**

**HIGH SCHOOL STUDENTS:**

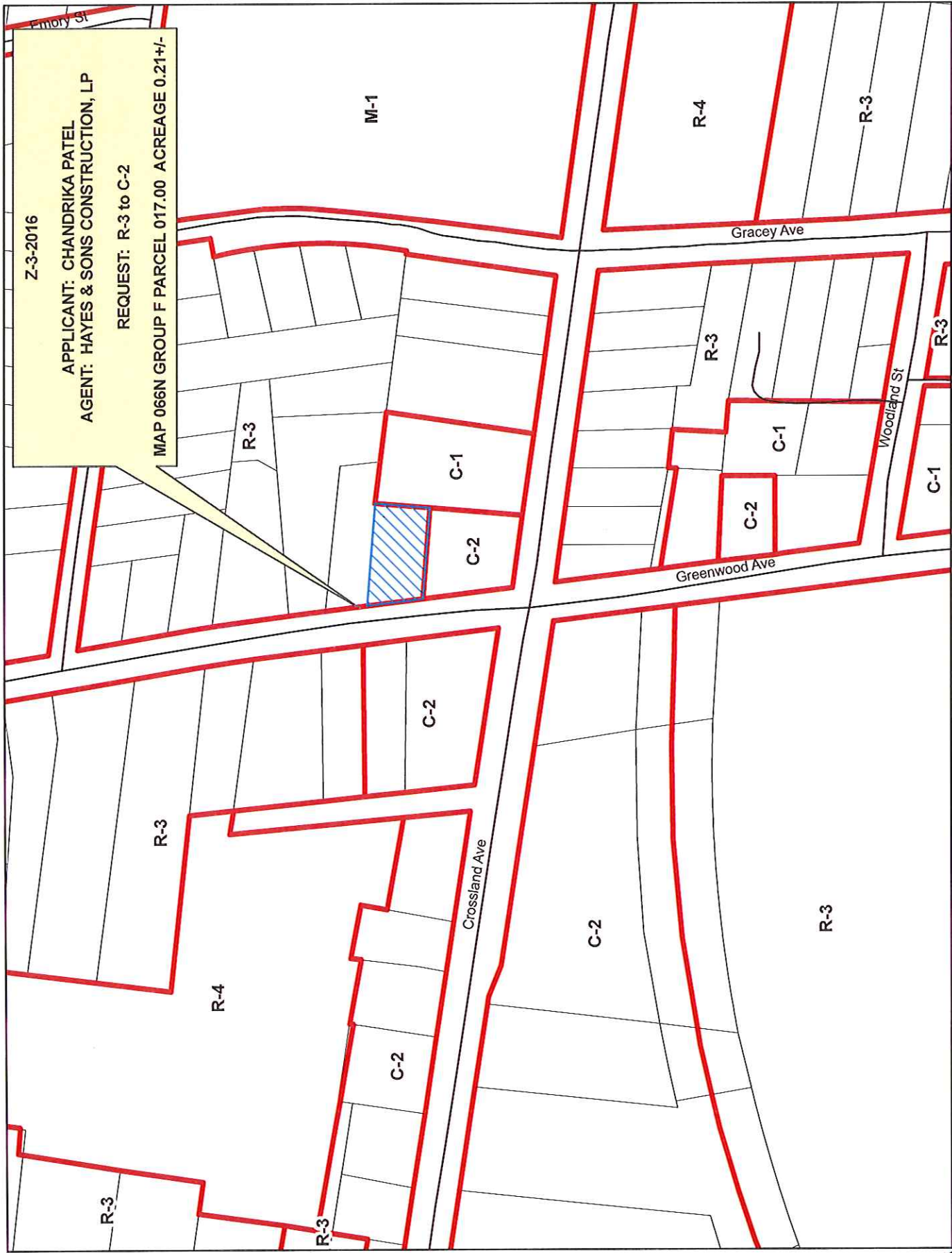
**APPLICABLE COMPREHENSIVE PLAN ELEMENTS:**

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

**STAFF RECOMMENDATION: APPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. The C-2 request will is a continuation of the established C-2 zoning to the south and west.
3. Adequate infrastructure serves the site. If combined with the parcel to the south, driveway access will not be permitted to Crossland Ave.
4. No adverse environmental issues were identified relative to this request.
- 5.







CASE NUMBER: Z 3 2016 MEETING DATE 2/24/2016

APPLICANT: Chandrika Patel

PRESENT ZONING R-3

PROPOSED ZONING C-2

TAX PLAT # 66 N-F

PARCEL 17.00

GEN. LOCATION fronting on the east frontage of Greenwood Ave. 175 +/- feet north of the centerline  
of the Greenwood Ave. and Crossland Ave. intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 10:30 a.m. on 2/24/2016 (jhb).

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 2/24/2016

**CASE NUMBER:** Z - 4 - 2016

**NAME OF APPLICANT:** Mary Durrett

**AGENT:** Cal

Mckay

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**GENERAL INFORMATION**

**PRESENT ZONING:** AG

**PROPOSED ZONING:** C-2      R-4

**EXTENSION OF ZONE**

**CLASSIFICATION:** YES TO SOUTH

**APPLICANT'S STATEMENT** Wish to rezone property to conform to adjoining property and to also be consistent

**FOR PROPOSED USE:** with current growth plan.

**PROPERTY LOCATION:** property fronting on the east & west frontage of Peachers Mill Rd. north of the W. Boy Scout Rd. & Peachers Mill Rd. intersection.

**ACREAGE TO BE REZONED:** 78 +/-

**DESCRIPTION OF PROPERTY** Farmland with varying topography & semi wooded areas.  
**AND SURROUNDING USES:**

**GROWTH PLAN AREA:**

**CITY TAX PLAT:** 18

**PARCEL(S):** 33.01, 33.04,  
33.05

**CIVIL DISTRICT:** 3rd

**CITY COUNCIL WARD:** 5

**COUNTY COMMISSION DISTRICT:** 9

**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:

No Gravity Sewer Available

2.

#### 1a. COST TO ENGINEER/UTILITY DISTRICT:

Traffic Assessment Required. ( Assessment Submitted And Reviewed By Clks. Street Dept.)

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:

Comments Received From Department And They Had No Concerns.

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

9.

#### 8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments Received From Department And They Had No Concerns.

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

#### 9. SCHOOL SYSTEM:

No Comment(s) Received

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

#### 9a. COST TO SCHOOL SYSTEM:

#### 10. FT. CAMPBELL:

#### 10a. COST TO FT. CAMPBELL:

#### 11. OTHER COMMENTS:

11.

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Increased traffic light and noise.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**PIPE SIZE:**

**SEWER SOURCE:** CITY

**ACCESSIBILITY:** PEACHERS MILL RD., S. SENSENEY CIR., STREET STUBS AVAILABLE TO THE  
**DRAINAGE:** VARIES

**DEVELOPMENT ESTIMATES:**

**APPLICANT'S ESTIMATES**

**HISTORICAL ESTIMATES**

**LOTS/UNITS:**

550

**ROAD MILES:**

**POPULATION:**

1,485

**ELEMENTARY SCHOOL STUDENTS:**

**MIDDLE SCHOOL STUDENTS:**

**HIGH SCHOOL STUDENTS:**

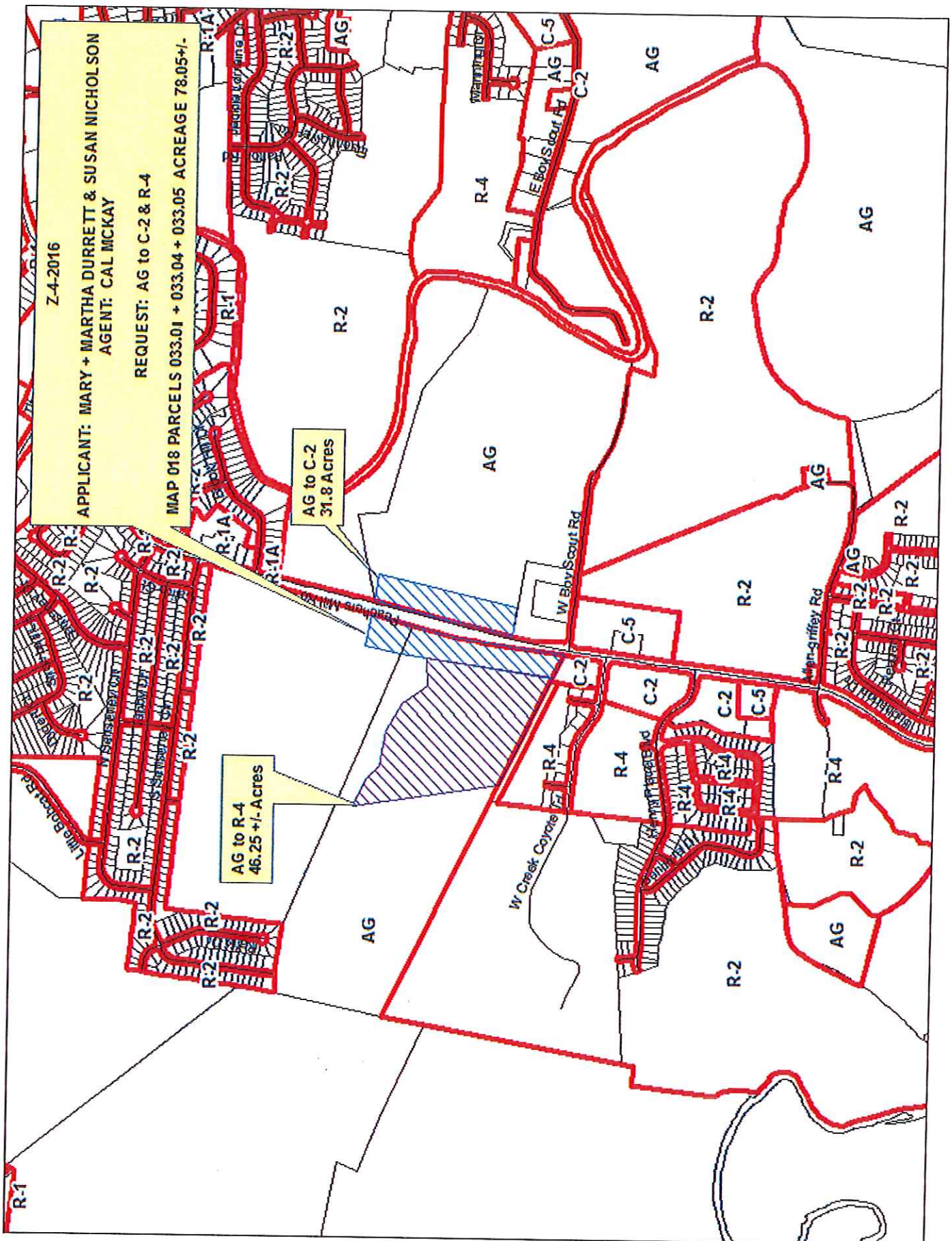
**APPLICABLE COMPREHENSIVE PLAN ELEMENTS:**

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

**STAFF RECOMMENDATION:** **APPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. The R-4 & C-2 request is a continuation of the established R-4 & C-2 zoning to the south. Both C-2 & R-2 zoning classification will require landscaping buffers adjacent to the single family uses.
3. Adequate infrastructure serves the site.
4. No adverse environmental issues were identified relative to this request.
- 5.





CASE NUMBER: Z 4 2016 MEETING DATE 2/24/2016

APPLICANT: Mary Durrett

PRESENT ZONING AG

PROPOSED ZONING C-2

TAX PLAT # 18

PARCEL 33.01, 33.04, 33.05

GEN. LOCATION property fronting on the east & west frontage of Peachers Mill Rd. north of the W.  
Boy Scout Rd. & Peachers Mill Rd. intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 10:30 a.m. on 2/24/2016 (jhb).

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 2/24/2016

**CASE NUMBER:** Z - 5 - 2016

**NAME OF APPLICANT:** D W Durrett

Susan Nicholson

**AGENT:** Cal

Mckay

---

**GENERAL INFORMATION**

**PRESENT ZONING:** AG

**PROPOSED ZONING:** R-2

**EXTENSION OF ZONE**

**CLASSIFICATION:** YES TO THE NORTH & SOUTH

**APPLICANT'S STATEMENT** Wish to rezone property to conform to adjoining property and to also be consistent

**FOR PROPOSED USE:** with current growth plan.

**PROPERTY LOCATION:** property fronting on the east & west frontage of Peachers Mill Rd. 2,100+/- feet north of the W. Boy Scout Rd. & Peachers Mill Rd. intersection.

**ACREAGE TO BE REZONED:** 386 +/-

**DESCRIPTION OF PROPERTY** Farmland with varying topography & semi wooded areas.

**AND SURROUNDING USES:**

**GROWTH PLAN AREA:**

**CITY TAX PLAT:** 18

**PARCEL(S):** 33.01, 33.04,  
33.05

**CIVIL DISTRICT:** 3rd

**CITY COUNCIL WARD:** 5

**COUNTY COMMISSION DISTRICT:** 9

**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:

No Gravity Sewer Available

2.

#### 1a. COST TO ENGINEER/UTILITY DISTRICT:

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Traffic Assessment Required. ( Assessment Submitted And Reviewed By  
Clks. Street Dept.)

3.

#### 2a. COST TO STREET/HIGHWAY DEPT.:

#### 3. DRAINAGE COMMENTS:

Comments Received From Department And They Had No Concerns.

4.

#### 3a. DRAINAGE COST:

#### 4. CDE/CEMC:

5.

No Comment(s) Received

#### 4a. COST TO CDE/CEMC:

6.

#### 5. CHARTER COMM./BELL SOUTH:

#### 5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

#### 6. FIRE DEPT/EMERGENCY MGT.:

#### 6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

#### 7. POLICE DEPT/SHERIFF'S OFFICE:

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

9.

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:

No Comment(s) Received

ELEMENTARY: WEST CREEK

MIDDLE SCHOOL: WEST CREEK

HIGH SCHOOL: WEST CREEK

10.

#### 9a. COST TO SCHOOL SYSTEM:

#### 10. FT. CAMPBELL:

#### 10a. COST TO FT. CAMPBELL:

#### 11. OTHER COMMENTS:

11.



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON  
SURROUNDING DEVELOPMENT:**

Increased traffic light and noise.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**PIPE SIZE:**

**SEWER SOURCE:** CITY

**ACCESSIBILITY:** PEACHERS MILL RD., S. SENSENEY CIR., STREET STUBS AVAILABLE TO THE

**DRAINAGE:**  
VARIES

**DEVELOPMENT ESTIMATES:**

**APPLICANT'S ESTIMATES**

**HISTORICAL ESTIMATES**

**LOTS/UNITS:**

1,105

**ROAD MILES:**

**POPULATION:**

2,983

**ELEMENTARY SCHOOL STUDENTS:**

**MIDDLE SCHOOL STUDENTS:**

**HIGH SCHOOL STUDENTS:**

**APPLICABLE COMPREHENSIVE PLAN ELEMENTS:**

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

**STAFF RECOMMENDATION:** **APPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. The R-2 request will is a continuation of the established R-2 zoning to the north & south. R-2 single family is the predominant single family zoning classification in the area.
3. Adequate infrastructure serves the site.
4. No adverse environmental issues were identified relative to this request.
- 5.



**APPLICANT: MARY + MARTHA DURRETT & SUSAN NICHOLSON & DW DURRETT  
AGENT: CAL MCKAY**

**MAP 018 PARCELS 033.00 + 033.01 + 033.04 + 033.05 ACREAGE 385.61+/-**



CASE NUMBER: Z 5 2016 MEETING DATE 2/24/2016

APPLICANT: D W Durrett

PRESENT ZONING AG

PROPOSED ZONING R-2

TAX PLAT # 18

PARCEL 33.01, 33.04, 33.05

GEN. LOCATION property fronting on the east & west frontage of Peachers Mill Rd. 2,100+/- feet  
north of the W. Boy Scout Rd. & Peachers Mill Rd. intersection.

\*\*\*\*\*

PUBLIC COMMENTS

None received as of 10:30 a.m. on 2/24/2016 (jhb).

ORDINANCE 76-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF REDA HOMEBUILDERS FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF TWIN RIVERS ROAD AND NOLEN ROAD

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

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

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an existing capped iron pin located in the south right of way of Nolen Road, said iron pin being 27,4 ft from the centerline of the said Nolen Road, and being approximately 1,288 feet southwest of the intersection of Old Trenton Road, and corner to Campus Crest of Clarksville, LLS (V1358/482), being the point of beginning. Thence leaving Nolen Road with Campus Crest, South 6 degrees 38 minutes 5 seconds West 553.16 feet to an existing iron pin on the bluff in the line of Greenfield (V948/1432) and a corner to Steve Meadows (1/6511760); thence with Meadows, South 81 degrees 48 minutes 40 Seconds West 267.77 feet to an existing iron pin; thence North 16 degrees 28 minutes 46 seconds West 118.41 feet to an existing capped iron pin, corner to Sutton (V1364/2353); thence with Sutton, North 16 degrees 25 minutes 09 seconds West 294.02 feet to an existing iron pin set in concrete, lying 21.4 feet in a southerly direction from the centerline of Nolen Road; thence along the south right of way line of Nolen Road, North 66 degrees 41 minutes 25 seconds East 485,26 feet to the point of beginning, and containing 3.92 +/- acres (Tax Map 055 Parcel 033.00)

ORDINANCE 77-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CHANDRIKA PATEL, HAYES & SONS CONSTRUCTION-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF GREENWOOD AVENUE AND CROSSLAND AVENUE

*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 C-2 General Commercial District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an iron pin located in the eastern right of way margin of Greenwood Ave., said iron pin being located 51.19 feet south of an iron pin located at the northwestern corner of the Coy D. Baggett, Jr. property; thence with Baggett's south line north 89 degrees 11 minutes 29 seconds east 134.46 feet to an iron pin; thence south 03 degrees 35 minutes 42 seconds west 87.3 feet to an iron pin; thence with the northern line of the Richardson property north 88 degrees 36 minutes west 115.78 feet to an iron pin in the eastern right of way margin of Greenwood Ave.; thence with the eastern right of way margin of Greenwood Ave., north 09 degrees 06 minutes 53 seconds west 83.46 feet to an iron pin; the point of beginning containing 0.21 +/- acres. further identified as (Tax map 66-N-F Parcel 17.00)

ORDINANCE 78-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARY DURRETT, ET AL, CAL MCKAY-AGENT, FOR ZONE CHANGE ON PROEPRTY AT THE INTERSECTION OF PEACHERS MILL ROAD AND WEST BOY SCOUT 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 AG Agricultural District, as R-4 Multiple Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

(AG to R-4) Beginning at a point on an existing line and being the southeast corner of herein described parcel, said point being North 60degrees 07minutes 16seconds West for a distance of 347.06 feet from the centerline intersection of West Boy Scout Road and Peachers Mill Road. Thence along an existing line being the northern line of the Durrett Investment Property as recorded in ORV 1046, page 663 ROMCT and being the southern line of herein described tract, North 63degrees 43minutes 46seconds West for a distance of 1155.93 feet to a point on a line, said point being the southwest corner of herein described tract and the intersection of a 100' TVA easement as recorded in deed book 92, page 61-64 ROMCT; Thence along said TVA easement and a new severance line, North 23degrees 35minutes 36seconds West for distance of 1714.44 feet to a point, said point being the northwest corner of the described property. Thence, leaving the said TVA easement and along a new severance line of the Nicholson property, South 70degrees 10minutes 41seconds East for a distance of 148.30 feet to a point; Thence, continuing along the new severance line, South 60degrees 04minutes 53seconds East for a distance of 224.57 feet to a point Thence, continuing along the new severance line, South 83degrees 52minutes 06seconds East for a distance of 107.76 feet to a point; Thence, continuing along the new severance line, South 83degrees 51minutes 36seconds East for a distance of 312.68 feet to a point; Thence, continuing along the new severance line, South 71degrees 12minutes 00seconds East for a distance of 130.00 feet to a point;

Thence, continuing along the new severance line, South 64degrees 38minutes 08seconds East for a distance of 260.80 feet to a point. Thence, continuing along the new severance line, South 63degrees 23minutes 17seconds East for a distance of 477.39 feet to a point; Thence, continuing along the new severance line, South 78degrees 51minutes 33seconds East for a distance of 347.10 feet to a point, said point being the northwest corner of herein described property; Thence, continuing along the new severance line, South 08degrees 33minutes 04seconds West for a distance of 647.01 feet to a point; Thence, continuing along the new severance line, South 08degrees 33minutes 09seconds West for a distance of 50.00 feet to a point; Thence South 03degrees 57minutes 02seconds West a distance of 753.51 feet to the point of beginning, said parcel containing 46.25 acres, more or less.



ORDINANCE 79-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF D. W. DURRETT, ET AL, CAL MCKAY-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF PEACHERS MILL ROAD AND WEST BOY SCOUT 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 AG Agricultural District, as R-2 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being on the northern right of way of West Boy Scout Road, and the southeast corner of the United Methodist Church property as recorded in ORV 1210, page 2053, ROMCT, said point being North 84degrees 58minutes 04seconds West for a distance of 759.82 feet from the centerline intersection of West Boy scout Road and Peachers Mill Road. Thence, along a new zoning line the following calls, North 09degrees 56minutes 18seconds East for a distance of 546.01 feet to a point; Thence, North 80degrees 03minutes 42seconds West for a distance of 421.39 feet to a point; Thence, North 13degrees 13minutes 08seconds East for a distance of 1495.12 feet to a point; Thence, North 77degrees 24minutes 49seconds West for a distance of 378.05 feet to a point; Thence, North 13degrees 10minutes 46seconds East for a distance of 1063.52 feet to a point; Thence, South 81degrees 36minutes 56seconds East for a distance of 871.96 feet to a point, said point being at the center of Big West Fork Creek; Thence, continuing along Big West Fork Creek, South 37degrees 56minutes 53seconds West for a distance of 69.46 feet to a point;

Thence, South 08degrees 21minutes 37seconds West for a distance of 176.01 feet to a point;

Thence, South 09degrees 39minutes 40seconds East for a distance of 206.05 feet to a point;

Thence, South 25degrees 17minutes 13seconds East for a distance of 203.29 feet to a point;



Thence, South 38degrees 35minutes 45seconds East for a distance of 326.13 feet to a point;

Thence, South 54degrees 58minutes 10seconds East for a distance of 273.34 feet to a point.

Thence, South 64degrees 32minutes 17seconds East for a distance of 277.38 feet to a point;

Thence, South 78degrees 56minutes 30seconds East for a distance of 223.26 feet to a point;

Thence, South 83degrees 09minutes 27seconds East for a distance of 613.37 feet to a point;

Thence, South 72degrees 36minutes 34seconds East for a distance of 88.51 feet to a point;

Thence, North 88degrees 18minutes 43seconds East for a distance of 389.01 feet to a point;

Thence, South 69degrees 04minutes 15seconds East for a distance of 165.38 feet to a point;

Thence, South 32degrees 19minutes 48seconds East for a distance of 169.28 feet to a point;

Thence, South 00degrees 37minutes 24seconds East for a distance of 184.76 feet to a point;

Thence, South 11degrees 21minutes 30seconds West for a distance of 407.62 feet to a point;

Thence, South 18degrees 16minutes 24seconds West for a distance of 271.74 feet to a point;

Thence, South 26degrees 03minutes 56seconds West for a distance of 258.16 feet to a point;

Thence, South 35degrees 10minutes 51seconds West for a distance of 405.70 feet to a point;

Thence, South 26degrees 57minutes 18seconds West for a distance of 637.32 feet to a point;

Thence, South 11degrees 13minutes 58seconds West for a distance of 150.36 feet to a point;

Thence, North 85degrees 33minutes 51seconds West for a distance of 84.48 feet to a point;

Thence, North 74degrees 09minutes 51seconds West for a distance of 92.98 feet to a point;

Thence, North 81degrees 24minutes 20seconds West for a distance of 89.04 feet to a point;

Thence, North 87degrees 07minutes 23.3seconds West for a distance of 127.12 feet to a point;

Thence, North 79degrees 56minutes 21seconds West for a distance of 158.50 feet to a point;

Thence, North 72degrees 45minutes 04seconds West for a distance of 326.82 feet to a point;

Thence, North 63degrees 42minutes 30seconds West for a distance of 235.83 feet to a point;

Thence, North 57degrees 32minutes 49seconds West for a distance of 148.51 feet to a point;  
Thence, North 29degrees 10minutes 29seconds East for a distance of 25.46 feet to a point;  
Thence, North 57degrees 48minutes 23seconds West for a distance of 47.41 feet to a point;  
Thence, North 70degrees 16minutes 10seconds West for a distance of 114.40 feet to a point;  
Thence North 83degrees 36minutes 41seconds West a distance of 882.09 feet to the point of beginning, said parcel being 170.57 acres, more or less.

(AG to R-2) Beginning at a point on the western right-of-way of Peachers Mill Road and being the northeast corner of herein described parcel and the southeast corner of Ashton Place Section 2C as recorded in plat book 13, page 853, ROMCT, said point being North 30degrees 33minutes 54seconds West for a distance of 132.47 feet from the centerline intersection of Senseney Drive and Peachers Mill Road. From the point of beginning on a new zoning line the following calls, Thence, South 15degrees 28minutes 55seconds West for a distance of 1784.01 feet to a point on a line.

Thence, North 77degrees 25minutes 15seconds West for a distance of 422.33 feet to a point;  
Thence, South 08degrees 33minutes 09.0seconds West for a distance of 593.56 feet to a point.  
Thence, North 78degrees 51minutes 33.0seconds West for a distance of 347.10 feet to a point;  
Thence, North 63degrees 23minutes 17.0seconds West for a distance of 477.39 feet to a point;  
Thence, North 64degrees 38minutes 08.0seconds West for a distance of 260.80 feet to a point;  
Thence, North 71degrees 12minutes 00.0seconds West for a distance of 130.00 feet to a point;  
Thence, North 83degrees 51minutes 36.0seconds West for a distance of 312.68 feet to a point;  
Thence, North 83degrees 52minutes 06.0seconds West for a distance of 107.76 feet to a point;  
Thence, North 60degrees 04minutes 53.0seconds West for a distance of 224.57 feet to a point;  
Thence, North 70degrees 10minutes 41.0seconds West for a distance of 148.30 feet to a point;  
Thence, South 23degrees 35minutes 35.8seconds East for a distance of 1714.44 feet to a point;  
Thence, North 63degrees 38minutes 30.7seconds West for a distance of 2797.52 feet to a point;  
Thence, North 11degrees 45minutes 35.9seconds East for a distance of 1171.66 feet to a point;

Thence, South 86degrees 18minutes 51.4seconds East for a distance of 300.69 feet to a point;  
Thence, South 88degrees 26minutes 47.6seconds East for a distance of 88.29 feet to a point;  
Thence, South 78degrees 46minutes 28.4seconds East for a distance of 326.58 feet to a point;  
Thence, North 07degrees 04minutes 08.3seconds East for a distance of 1262.28 feet to a point;  
Thence, South 83degrees 25minutes 09.9seconds East for a distance of 58.70 feet to a point;  
Thence, South 83degrees 25minutes 10.7seconds East for a distance of 75.00 feet to a point;  
Thence, South 83degrees 25minutes 05.9seconds East for a distance of 961.45 feet to a point;  
Thence, South 83degrees 25minutes 06.4seconds East for a distance of 50.00 feet to a point;  
Thence, South 83degrees 25minutes 06.9seconds East for a distance of 1102.00 feet to a point;  
Thence, South 83degrees 25minutes 04.6seconds East for a distance of 50.00 feet to a point;  
Thence, South 83degrees 23minutes 18.2seconds East a distance of 1299.29 feet to the point of beginning, said tract being 215.04 acres, more or less.

ORDINANCE 70 -2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RICKY C. REDA FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF MADISON STREET AND MARION 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 C-2 General Commercial District, as C-5 Highway & Arterial Commercial District.

*PUBLIC HEARING:* February 4, 2016  
*FIRST READING:* February 4, 2016  
*SECOND READING:*  
*EFFECTIVE DATE:*

EXHIBIT A

A lot fronting 267.90 feet on the west side of North Second Street and running back 52 feet with Marion Street to the south and Bogard Lane to the north to a rear lot line of 284 feet. Containing 0.28 +/- acres further identified as Tax Map 066-B-B Parcel 22.00



ORDINANCE 71-2015-16

AN ORDINANCE AMENDING THE 2015-16 GENERAL FUND BUDGET (ORDINANCE 10-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE THE FUNDING FOR THE CLARKSVILLE REGIONAL AIRPORT TO PROVIDE MATCHING FUNDING FOR CAPITAL IMPROVEMENT GRANTS

*WHEREAS,* the Clarksville Regional Airport has received amendments to existing grants for the apron rehabilitation project and the runway overlay design project; and

*WHEREAS,* the local share of funding for these amendments totals \$11,906; and

*WHEREAS,* the Clarksville Regional Airport is requesting funding from the City of Clarksville for one half of the total local share, \$5,953.

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

That the following General Fund budget amendment be made:

10462003 4860 Regional Airport	Increase:	\$ 5,953
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*BE IT FURTHER ORDAINED;*

That the \$5,953 will be taken from the fund balance of the general fund.

*FIRST READING:* February 4, 2016

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 72-2015-16

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF EDWARD HILDRETH FOR PROPERTY LOCATED AT 154 TOWES LANE, CMAP 87 PARCEL 23.00

*WHEREAS*, proper application has been made by Cal McKay, McKay-Burchett & Company, on behalf of Edward Hildreth, for extensions of City utility service to property located at Cmap 87, Parcel 23.00 with the property address of 154 Towes Lane 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:*

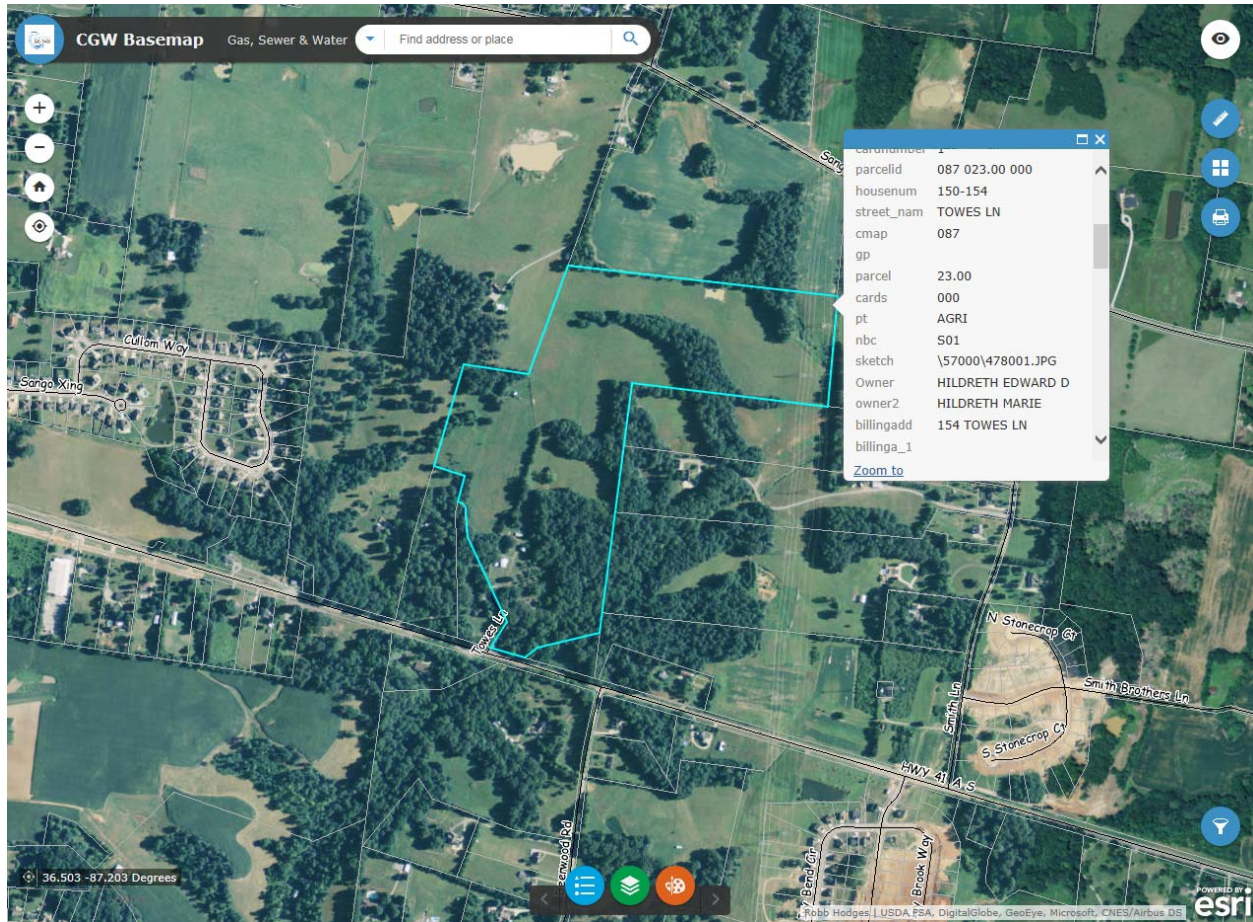
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 87, Parcel 23.00 with the property address of 154 Towes Lane outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

*FIRST READING:* February 4, 2016

*SECOND READING:*

*EFFECTIVE DATE*

## EXHIBIT A





## **CLARKSVILLE CITY COUNCIL REGULAR SESSION FEBRUARY 4, 2016**

### **MINUTES**

#### **CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, February 4, 2016, at 7:00 p.m.

A prayer was offered by Councilman Jeff Burkhart; the Pledge of Allegiance was led by Councilwoman Wanda Smith.

#### **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 Burkhart (Ward 12)

#### **PLANNING COMMISSION PUBLIC HEARING**

Councilman Grubbs made a motion to conduct a public hearing to allow citizens to offer comments regarding a request for zone change. The motion was seconded by Councilman Lewis. There was no objection.

**ORDINANCE 70-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ricky C. Reda for zone change on property at the intersection of North Second Street and Marion Street from C-2 General Commercial District to C-5 Highway & Arterial Commercial District

Rick Reda said the existing car sales business had been located on this property for approximately 55 years and he intended to continue to operate the same. Mr. Reda said he wanted the option to operate a car sales business in the future. There was no expressed opposition.



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

## ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 70-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. Councilman Burkhart supported this change because other uses were limited. The following vote was recorded:

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

NAY: Grubbs, McLaughlin

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 63-2015-16** (Second Reading) Authorizing donation of property located at 1014 Daniel Street to Buffalo Valley
2. **ORDINANCE 64-2015-16** (Second Reading) Authorizing sale of property located on Public Square to Wayne Wilkinson
3. **ORDINANCE 65-2015-16** (Second Reading) Amending the FY16 Capital Projects Budget for Red River Trail (acquisition of the Hollis and Arthur properties) [removed for separate consideration; see end of minutes]
4. **ORDINANCE 67-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Bill Mace for zone change on property at the intersection of Tiny Town Road and Heritage Point Drive from C-5 Highway & Arterial Commercial District to R-2D Two Family Residential District
5. **ORDINANCE 68-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of River Investments GP for zone change on property at the intersection of Warfield Boulevard and Rivermont Drive from R-1 Single Family Residential District to MLUD Mixed Land Use District
6. **RESOLUTION 26-2015-16** Approving a Certificate of Compliance for operation of a retail liquor store for Jesse A. Davie, Sr. (The Wine Cellar, 4 Leland Drive)
7. Adoption of Minutes: January 7

Councilman Wallace requested separate consideration of **ORDINANCE 65-2015-16**. Councilman Lewis made a motion to adopt the Consent Agenda as amended. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

The motion to adopt the Consent Agenda as amended passed.

#### RED RIVER TRAIL

**ORDINANCE 65-2015-16** was removed from the Consent Agenda. City Attorney Lance Baker requested a closed meeting regarding this budget amendment. There was no objection to holding a closed meeting and considering this ordinance at the end of the agenda. [see transcription at end of minutes]

#### DETECTIVE TYLER BARRETT ROAD

**RESOLUTION 31-2015-16** Designating a portion of Excell Road as “Detective Tyler Barrett Road”

This resolution was not presented during the January 28<sup>th</sup> Executive Session. As a courtesy to the audience, Mayor McMillan made a motion to consider this resolution following adoption of the Consent Agenda instead of during the New Business section of the agenda. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion passed without objection.

The recommendation of the Designations Committee was for approval. Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilman Allen. Councilwoman McLaughlin said she sponsored this request on behalf of James Byrd, a long-time friend of Detective Barrett. Councilman Alexander and Councilman Grubbs expressed support for this designation. Councilwoman Smith said the committee should consider designation a street in honor of George Brooks. Councilwoman Guzman called for a point of order. Mayor McMillan upheld the point of order stating that Councilwoman Smith’s request was not relevant to this resolution. The following vote on the motion was recorded:

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

The motion to adopt this resolution unanimously passed.

#### HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

*David Allen, Chair*

Councilman Allen said New Providence United Methodist Church opened a warming shelter on January 16<sup>th</sup> and assisted an average of 18 persons each night through January 25<sup>th</sup>.

## FINANCE COMMITTEE

*Joel Wallace, Chair*

**ORDINANCE 71-2015-16** (First Reading) Amending the FY16 General Government Budget for matching funds for airport capital improvement grants for apron rehabilitation and runway overlay design

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 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 reading passed.

**RESOLUTION 23-2015-16** Authorizing issuance of not to exceed \$1,241,344 General Obligation Qualified Energy Conservation Bonds

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

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

The motion to adopt this ordinance on first reading passed.

**RESOLUTION 24-2015-16** Authorizing issuance of tax exempt General Obligation Bonds not to exceed \$22,211,344 for 2015 and 2016 budgeted capital projects, issuance of General Obligation Qualified Energy Conservation Bonds (QECCB), and refunding of 2006 Taxable General Obligation Bonds

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

Councilman Wallace made a motion to substitute revised language as recommended by the Director of Finance and Bond Counsel. There was no objection to hearing comments from Laurie Matta, Director of Finance. Ms. Matta said the revised language clarifies the description of some capital projects. Some members said they wanted additional time to review the substitutions. The following vote on the motion was recorded:

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

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

The motion to substitute the revised language passed. Councilman Redd made a motion to table this resolution to allow time for further review. The motion was seconded by Councilman Alexander. The following vote was recorded:

NAY: Alexander, Allen, Burkhardt, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to table failed. Councilwoman McLaughlin made a motion to postpone action on this resolution to the next regular session. The motion was seconded by Councilman Alexander. The following vote was recorded:

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

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

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

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

NAY: Alexander, Burkhardt, Garrett, McLaughlin, Redd, Smith

The motion to adopt this resolution passed.

#### **GAS & WATER COMMITTEE**

*Wallace Redd, Chair*

**ORDINANCE 72-2015-16** (First Reading) Authorizing extension of utilities to 154 Towes Lane; request of McKay-Burchett & Company

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 Councilwoman McLaughlin. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

#### **PARKS, RECREATION, GENERAL SERVICES**

*Valerie Guzman, Chair*

Councilwoman Guzman recognized newly appointed committee chair Bill Powers. Councilman Powers said the department was beginning preparations for warm weather activities. He noted the upcoming “Chocolate Affair” event scheduled for February 6<sup>th</sup>. He reported 108 service work orders completed by the maintenance division during the month of January.

## PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)*Geno Grubbs, Chair*

Councilman Grubbs reported the following monthly department statistics: Building & Codes Enforcement Division – 171 cases; Building & Codes Construction Division – 1,084 inspections; Building & Codes Abatement Division – 14 work orders; Building & Codes Administration – 57 single-family permits; Fire & Rescue – 1,000 emergency responses; Police – 12,499 calls.

## STREET COMMITTEE

*James Lewis, Chair*

Councilman Lewis said the Street Department completed 159 work orders during the month of January.

## TRANSPORTATION COMMITTEE

*Deanna McLaughlin, Chair*

Councilwoman McLaughlin reported the following January monthly department statistics: Clarksville Transit System - 49,471 passengers; Clarksville-Nashville Express – 4,899 passengers in December; Garage – 339 completed work orders.

## EMPLOYEE HIRING FREEZE

**ORDINANCE 69-2015-16** (First Reading; Postponed January 7<sup>th</sup>) Relative to hiring of city employees

Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilman Redd made a motion to amend this ordinance by allowing a new hire with a 2/3 vote approval by the City Council. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Allen, Burkhart, Garrett, Redd

NAY: Alexander, Grubbs, Guzman, Lewis, McLaughlin, Powers, Smith, Wallace

Councilman Redd's amendment failed. The following vote on the original motion was recorded:

AYE: Burkhart, Guzman, Redd

NAY: Alexander, Allen, Garrett, Grubbs, Lewis, McLaughlin, McMillan, Powers, Smith, Wallace

The motion to adopt this ordinance on first reading failed.



## E911 LEGAL ACTION

**RESOLUTION 27-2015-16** Authorizing legal action for the E911 Board of Directors matter

Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. City Attorney Lance Baker requested an amendment to add language to clarify the terms of the interlocal agreement. He said this resolution would allow declaratory judgement action regarding the validity of the interlocal agreement.

Councilwoman McLaughlin made a motion to postpone action on this resolution to the next regular session. The motion was seconded by Councilman Garrett. The following vote was recorded:

AYE: Alexander, Guzman, McLaughlin

NAY: Allen, Burkhart, Garrett, Grubbs, Lewis, Powers, Redd, Smith, Wallace

The motion to postpone failed.

Councilman Redd expressed support for this resolution and referred to the outster law with a member of the E911Board having been replaced without notice by the Montgomery County Commission. Councilman Allen objected to city and county taxpayers paying for all legal expenses involved.

Following an inquiry by Councilwoman McLaughlin regarding who would pay legal expenses for the replaced member, Councilman Allen called for a point of order stating that Mr. Baker's response was not the answer to the question. Mayor McMillan overruled the point of order.

In response to Councilman Burkhart's question regarding the remaining debt on the E911 building, Mayor McMillan said the current bond covenants did not allow early payment of the balance. Following an objection to Councilman Burkhart's request to go out of session to hear comments from Ms. Matta, the following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Powers

NAY: Alexander, Garrett, Lewis, McLaughlin, Redd, Smith, Wallace

The motion to go out of session failed. Councilman Redd called for the question. The question was seconded by Councilman Alexander. A voice vote was taken; the motion to cease discussion passed. The following vote on the original motion was recorded:

AYE: Grubbs, Lewis, Powers, Redd, Smith, Wallace

NAY: Allen, Burkhart, Garrett, Guzman, McLaughlin

ABSTAIN: Alexander

The motion to adopt this resolution passed.

Following adoption of **RESOLUTION 30-2015-16**, Mayor McMillan announced that the amendments to **RESOLUTION 27-2015-16**, which were proposed by the City Attorney, had not been adopted. Councilman Redd made a motion to reconsider **RESOLUTION 27-2015-16**. The motion was seconded by Councilwoman Smith. The following vote was recorded:

AYE: Grubbs, Lewis, McMillan, Powers, Redd, Smith, Wallace

NAY: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin

The motion to reconsider passed. Councilman Redd made a motion amend the resolution by substituting the language recommended by the City Attorney. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Grubbs, Lewis, McMillan, Powers, Redd, Smith, Wallace

NAY: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin

The amendment passed. Councilman Alexander stated he abstained from the first vote because he was a Montgomery County public safety employee, but after hearing concerns from other members, he felt the need to cast a vote on the second opportunity. Councilman Garrett called for the question. The question was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion to cease discussion passed. The following vote on the amended resolution was recorded:

AYE: Grubbs, Lewis, Powers, Redd, Wallace

NAY: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin, Smith

The motion to adopt this resolution as amended failed.

#### RIVERBEND WINE & SPIRITS

**RESOLUTION 28-2015-16** Approving a new retail liquor store Certificate of Compliance for Beach Liquors, LLC (William Beach and Bill Beach) and repealing **RESOLUTION 22-2015-16**, approving a Certificate of Compliance for Beach Liquors, LLC (William Beach, Katherine Beach, Bill Beach) (Riverbend Wine & Spirits, 1206 Highway 48)

Because this resolution was not presented during the January 28<sup>th</sup> Executive Session, Councilman Grubbs made a motion to consider **RESOLUTION 28-2015-16**. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection.

Councilman Grubbs 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.

#### CADDY'S DISCOUNT LIQUORS

**RESOLUTION 29-2015-16** Renewing the Certificate of Compliance for Seven Seas, Inc. (Ramesh Kasetty) and repealing **RESOLUTION 16-2015-16**, approving a Certificate of Compliance for Clarksville Liquor Hospitality (Jayesh R. and Shveta B. Patel) (Caddy's Discount Liquors, 2206-B Madison Street)

Because this resolution was not presented during the January 28<sup>th</sup> Executive Session, Councilman Grubbs made a motion to consider this resolution. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion passed without objection.

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

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

The motion to adopt this resolution passed.

#### BYPASS IMPROVEMENTS

**RESOLUTION 30-2015-16** Accepting a proposal from Tennessee Department of Transportation for improvements to SR-112/US-41A from SR-76 to Denny Road

Because this resolution was not presented during the January 28<sup>th</sup> Executive Session, Mayor McMillan made a motion to consider this resolution. The motion was seconded by Councilwoman Guzman. A voice vote was taken; the motion passed without objection.

Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Alexander. Mayor McMillan said the improvements included additional lanes at the intersection and a traffic signal at Denny Road, all at the expense of the Tennessee Department of Transportation. 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.

## RED RIVER TRAIL

### **ORDINANCE 65-2015-16** (Second Reading) Amending the FY16 Capital Projects Budget for Red River Trail (acquisition of the Hollis and Arthur properties)

This ordinance was removed from the original Consent Agenda. At the request of City Attorney Lance Baker, the City Council held a closed session beginning at 9:02 p.m., then reconvened at 9:14 p.m.

Councilman Wallace made a motion to adopt this ordinance on second 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 second reading as presented passed.

## MAYOR AND STAFF REPORTS

There were no Mayor or Staff reports.

## ADJOURNMENT

The meeting was adjourned at 9:16 p.m.

ORDINANCE 73-2015-16

AN ORDINANCE AMENDING THE 2015-16 GENERAL FUND BUDGET (ORDINANCE 10-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE THE REVENUE PROJECTIONS AND THE APPROPRIATIONS FOR THE CLARKSVILLE FIRE RESCUE DEPARTMENT TO ALLOW FOR INSURANCE PROCEEDS IN THE AMOUNT OF \$20,597 TO ASSIST IN THE REPLACEMENT OF A RESCUE TRUCK

*WHEREAS,* the Clarksville Fire Rescue Department had a rescue truck damaged in an accident; and

*WHEREAS,* the insurance recovery for the cab and chassis for this vehicle is \$20,597; and

*WHEREAS,* the Clarksville Fire Rescue Department would like to use those insurance proceeds to assist in placing a rescue truck in service.

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

That the following General Fund budget amendments be made:

100390 39220 Compensation for Loss on an Asset	Increase:	\$20,597
10422004 4742 Capital Outlay - Vehicles	Increase:	\$20,597

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*



RESOLUTION 25-2015-16

A RESOLUTION AUTHORIZING AND APPROVING ADDENDUM #4 TO THE LEASE WITH LIBERTY PARK DEVELOPMENT, LLC FOR CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, AND PROFESSIONAL MANAGEMENT OF A RESTAURANT AT LIBERTY PARK

*WHEREAS,* the Clarksville City Council has previously found that the public good will be served by the construction, installation, and professional operation of a public restaurant at Liberty Park, which will increase the tax base of surrounding properties, generate additional sales tax, and provide additional employment opportunities, and generally increase the utility and attractiveness of Liberty Park; and

*WHEREAS,* the Clarksville City Council has previously determined that the public good will be served by entering into a long term ground lease with a private developer for the purpose of developing a restaurant at Liberty Park; and

*WHEREAS,* the City and Liberty Park Development, LLC, (formerly Liberty Park Grill, LLC, which was formerly Cumberland Tavern, LLC), have previously entered into a long term ground lease which was authorized and approved by the Clarksville City Council by adoption of RESOLUTION 32-2011-12 on December 20, 2011, approval of Addendum #1 by adoption of RESOLUTION 8-2012-13 adopted on August 2, 2012, and approval of Addendum #2 by adoption of RESOLUTION 3-2013-14 adopted on August 1, 2013, and Addendum #3 by adoption of RESOLUTION 37-2013-14 on May 1, 2014; and

*WHEREAS,* the parties to the original lease now desire to amend same regarding upgrade of parking lot and roadway lighting.

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

That Addendum #4 to the Lease between the City of Clarksville and Liberty Park Development, LLC (formerly Liberty Park Grill, LLC, which was formerly Cumberland Tavern, LLC), for the construction, installation, and professional operation of a public restaurant at Liberty Park is hereby authorized and approved, said contract addendum being attached hereto as Exhibit A.

*ADOPTED:*

**ADDENDUM FOUR (4) TO LEASE AGREEMENT  
FOR THE CONSTRUCTION, INSTALLATION, OPERATION,  
MAINTENANCE AND PROFESSIONAL MANAGEMENT  
OF A RESTAURANT AT LIBERTY PARK**

This Addendum Four (4) (the "Addendum") to a Lease Agreement is made and entered into as of the \_\_\_\_ day of February, 2016, by and between THE CITY OF CLARKSVILLE, TENNESSEE (hereafter referred to as the "City" or "Lessor") and LIBERTY PARK DEVELOPMENT, LLC (formerly, Liberty Park Grill, LLC) (hereafter referred to as "Lessee"), (together sometimes referred to as the "parties"). This Addendum is an Addendum to the original LEASE AGREEMENT FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, AND PROFESSIONAL MANAGEMENT OF A RESTAURANT AT LIBERTY PARK entered into as of December 20, 2011, as amended from time to time, including the third Addendum on May 7, 2014, (as amended, the "Lease Agreement").

**RECITALS:**

WHEREAS, the parties entered into the Lease Agreement; and

WHEREAS, as a result of certain events and through continued discussions, the parties have concluded it is of mutual benefit to amend or supplement the terms of the Lease Agreement as specifically described in this Addendum.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. This Addendum is to address: (a) a settlement agreed to by the parties on a soil remediation issue that existed at the time of the Lease Agreement, but was unknown to both parties at the time; and (b) to clarify certain language in the Lease Agreement relating to Rent.

2. Under the Lease Agreement, the public access road leading to the Leased Premises is not included in the Leased Premises. Under Section 3.1.4 of the Lease Agreement, Lessee agreed to accept the Leased Premises "as is." However, when Lessee agreed to construct the public access road on behalf of the Lessor, it did not agree to accept the soil conditions related to the public access road. As the Lessee began soil remediation of the Premises, it became clear that the soil conditions under the City Property were inadequate and remediation was required. The appropriate remediation work of undercutting and backfilling portions of the Premises and the City Property were agreed upon by the City and the Lessee. The Lessee and the City agreed to share the cost and responsibility of the soil remediation work to be subsequently agreed. The total amount incurred by the Lessee on the City's behalf for the soil remediation for the City's entry drive/access area to the Leased Premises is \$169,914.54 in July, 2014. Copies of the applicable change orders have been provided to the City. Accrued interest on this amount at the Lessee's financing interest rate is approximately \$11,170, for a total of \$181,084.54.

3. The parties agree the City will pay \$89,000 within ten (10) days of the date hereof and will undertake the following work with respect to the entrance to Liberty Park: (a) adding additional lighting, stone columns (which will include LED lighting) and landscaping as generally agreed by the parties, the final details of which will be mutually approved by the parties. The parties further agree that performance of this work and the payment described herein is equitable to both parties and is a reasonable full and final settlement of the issue regarding the condition of the soil and soil remediation surrounding the Leased Premises and the City's public access road.

4. Under Subsection 2.3.1 (a) of the Lease Agreement, the language shall be amended as follows: the price actually charged for any and all goods, merchandise, food, beverages and services sold upon or from the Premises.”

5. Subsection 2.3.4 (b) of the Lease Agreement shall be deleted.

6. For clarity and avoidance of doubt, the following sentence shall be added as the first sentence in Subsection 2.3.6. Gross Receipts under this Lease Agreement shall be calculated and reported in the same manner as Lessee reports gross receipts to the State of Tennessee for business tax purposes.

7. Under Section 8.1.3 the Escalator Rent shall begin after the third Operating Year rather than after the second Operating Year.

8. Except as specifically stated herein, all other terms and provisions of the Lease Agreement remain in full force and effect as if restated in their entirety herein.

IN WITNESS WHEREOF, the parties have executed this Addendum to be effective as of the date first written above.

THE CITY OF CLARKSVILLE, TENNESSEE

LIBERTYPARK DEVELOPMENT, LLC

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Kim McMillan  
Mayor, City of Clarksville, TN

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Darby A. Campbell  
President

Attest:

Attest:

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By:  
Title:

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By:  
Title:

RESOLUTION 32-2015-16

A RESOLUTION AMENDING RESOLUTION 17-2015-16 DIRECTING THE PARKS AND RECREATION DEPARTMENT TO ALLOW SOCCER PRACTICE ON THE CLARKSVILLE HERITAGE PARK SOCCER COMPLEX GAME FIELDS IN CALENDAR YEAR 2016 AS A TEST PERIOD

*WHEREAS*, the Heritage Park Soccer Complex game fields have never been used for the purposes of soccer practice due to expected turf management issues, pursuant to previous enactment of a Parks & Recreation Department policy; and

*WHEREAS*, through the hard work and intensive management of field and turf management staff from the Parks & Recreation Department the Heritage Park Soccer complex turf is currently in great condition; and

*WHEREAS*, there is a strong demand for additional soccer fields for practice within the City; and

*WHEREAS*, the Clarksville City Council finds it to be in the best interest of the City to allow the use of the game fields at Heritage Park Soccer Complex to be used on a part time basis for soccer practice and games by organized leagues, teams, and clubs on a test basis in calendar year 2016.

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

That RESOLUTION 17-2015-16, adopted by the Clarksville City Council on December 3, 2015, is hereby amended by deleting the language in its entirety and by substituting instead the following:

1. That any Parks & Recreation Department policy or regulations are hereby rescinded and repealed, to the extent any such policy or regulations prohibit any soccer practice on the Heritage Park Soccer Complex game fields, to the extent specified below.

*BE IT FURTHER RESOLVED:*

2. That the Parks and Recreation Department shall permit organized soccer leagues, teams, and clubs who meet all required City criteria for use of the fields related to insurance, rent payments etc., to use the game fields at the Heritage Park Soccer Complex for practices, in calendar year 2016, but excluding practices in the months of June and July in order to allow for recovery of the game fields during the height of the growing season, and further excluding the last week of September to allow for seeding and maintenance activities. Soccer games, tryouts, camps, and tournaments shall be permitted to be played on game fields in June, July, and September.



*BE IT FURTHER RESOLVED:*

3. That the Parks and Recreation Department shall permit such organized soccer leagues, teams and clubs to use the game fields for soccer practice, and shall not discriminate or give preference to any specific league, team or club. All use of the fields for games and practice shall be by reservation and no use by unorganized or “pick-up” groups or individuals shall be permitted. Soccer game reservations shall take priority over practice reservations.

*BE IT FURTHER RESOLVED:*

4. That in the event of inclement weather which prevents the use of the game fields for soccer practice as previously scheduled and reserved, which shall be determined in the sole discretion of the City by the Director of the Parks and Recreation Department or his or her designee, then the City Parks and Recreation Department shall use reasonable efforts to establish additional inclement weather (rain out) days on which the game fields may be used for practice.

*BE IT FURTHER RESOLVED:*

5. That the City Council expresses its intent that the Parks and Recreation Department work in good faith to cooperate and coordinate with all organized soccer leagues, teams and clubs who wish to use the game fields for practice to the maximum extent possible, as a test case for calendar year 2016, and shall keep records and compile data and statistics regarding soccer league / team / club and tournament field usage, costs and fees associated with light use, and turf / field conditions at Heritage Park Soccer Complex, and to make quarterly reports to the Parks and Recreation Committee, the City Council, and the Mayor regarding same.

*ADOPTED:*

RESOLUTION 17-2015-16

A RESOLUTION DIRECTING THE PARKS AND RECREATION DEPARTMENT TO ALLOW SOCCER PRACTICE ON THE CLARKSVILLE HERITAGE PARK SOCCER COMPLEX GAME FIELDS IN CALENDAR YEAR 2016 AS A TEST PERIOD

*WHEREAS,* the Heritage Park Soccer Complex game fields have never been used for the purposes of soccer practice due to expected turf management issues, pursuant to previous enactment of a Parks & Recreation Department policy; and

*WHEREAS,* through the hard work and intensive management of field and turf management staff from the Parks & Recreation Department the Heritage Park Soccer complex turf is currently in great condition; and

*WHEREAS,* there is a strong demand for additional soccer fields for practice within the City; and

*WHEREAS,* the Clarksville City Council finds it to be in the best interest of the City to allow the use of the game fields at Heritage Park Soccer Complex to be used on a part time basis for soccer practice and games by organized leagues, teams, and clubs on a test basis in calendar year 2016;

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

1. That any Parks & Recreation Department policy or regulations are hereby rescinded and repealed, to the extent any such policy or regulations prohibit any soccer practice on the Heritage Park Soccer Complex game fields, to the extent specified below.

*BE IT FURTHER RESOLVED:*

2. That the Parks and Recreation Department shall permit organized soccer leagues, teams, and clubs who meet all required City criteria for use of the fields related to insurance, rent payments etc., to use the game fields at the Heritage Park Soccer Complex for practices, in calendar year 2016, but excluding the months of June and July in order to allow for recovery of the game fields during the height of the growing season, and further excluding the last week of September to allow for seeding and maintenance activities.

*BE IT FURTHER RESOLVED:*

3. That the Parks and Recreation Department shall permit such organized soccer leagues, teams and clubs to use the game fields for soccer practice, and shall not discriminate or give preference to any specific league, team or club. All use of the fields for games and practice shall be by reservation and no use by unorganized or "pick-up" groups or individuals shall be permitted. Soccer game reservations shall take priority over practice reservations.

*BE IT FURTHER RESOLVED:*

4. That in the event of inclement weather which prevents the use of the game fields for soccer practice as previously scheduled and reserved, which shall be determined in the sole discretion of the City by the Director of the Parks and Recreation Department or his or her designee, then the City Parks and Recreation Department shall use reasonable efforts to establish additional inclement weather (rain out) days on which the game fields may be used for practice.

*BE IT FURTHER RESOLVED:*

5. That the City Council expresses its intent that the Parks and Recreation Department work in good faith to cooperate and coordinate with all organized soccer leagues, teams and clubs who wish to use the game fields for practice to the maximum extent possible, as a test case for calendar year 2016, and shall keep records and compile data and statistics regarding soccer league / team / club and tournament field usage, costs and fees associated with light use, and turf / field conditions at Heritage Park Soccer Complex, and to make quarterly reports to the Parks and Recreation Committee, the City Council, and the Mayor regarding same.

*ADOPTED:* December 3, 2015

ORDINANCE 45-2015-16  
*As Presented December 3, 2015*

AN ORDINANCE AUTHORIZING THE MAYOR, THROUGH THE CITY ATTORNEY OR HIS DESIGNEE, TO CONDUCT NEGOTIATIONS AND TO ENTER INTO AN AGREEMENT FOR PURCHASE OF PROPERTY AND/OR RIGHTS OF WAY, OR SHOULD NEGOTIATIONS FAIL, TO PURSUE CONDEMNATION THROUGH EXERCISE OF RIGHT OF EMINENT DOMAIN FOR ACQUISITION OF PROPERTY FOR AN ELECTRIC SUBSTATION

*WHEREAS,* the Clarksville City Council finds it to be in the public interest to acquire property and/or rights of way for the purpose of constructing an electric substation to provide adequate electric service to residents in the area of Tylertown Road.

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

That the Mayor, acting through the City Attorney or his designee, may negotiate and enter into an agreement for purchase of property and/or rights of way on Tylertown Road, as described in the attached Exhibit A, from Gordon Seay, and further, that if agreements cannot be reached on the City appraised purchase price in a timely manner, then the Mayor, acting through the City Attorney or his designee, and on behalf of the City of Clarksville, is hereby authorized to exercise the right of eminent domain and institute condemnation action in the appropriate court for acquisition of any necessary property rights from the affected property owner.

*POSTPONED INDEFINITELY:* December 3, 2015

ORDINANCE 45-2015-16

AMENDMENT 1

AN ORDINANCE AUTHORIZING ~~THE MAYOR, THROUGH THE CITY ATTORNEY OR HIS DESIGNEE, TO CONDUCT NEGOTIATIONS AND TO ENTER INTO AN AGREEMENT FOR PURCHASE OF PROPERTY AND/OR RIGHTS OF WAY, OR SHOULD NEGOTIATIONS FAIL, TO PURSUE CONDEMNATION THROUGH EXERCISE OF RIGHT OF EMINENT DOMAIN~~ FOR ACQUISITION OF PROPERTY FOR AN ELECTRIC SUBSTATION

WHEREAS, the Clarksville City Council finds it to be in the public interest to acquire property and/or rights of way for the purpose of constructing an electric substation to provide adequate electric service to residents in the area of Tylertown Road.

WHEREAS, R. Gordon Seay and wife, Sandra A. Seay, have agreed in principle to convey property in the area of Tylertown Road, being a portion of Map & Parcel 8-4, according to the Assessor's Office for Montgomery County, Tennessee, for the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00), plus other consideration.

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

~~That the Mayor, acting through the City Attorney or his designee, may negotiate and enter into an agreement for purchase of property and/or rights of way on Tylertown Road, as described in the attached Exhibit A, from Gordon Seay, and further, that if agreements cannot be reached on the City appraised purchase price in a timely manner, then the Mayor, acting through the City Attorney or his designee, and on behalf of the City of Clarksville, is hereby authorized to exercise the right of eminent domain and institute condemnation action in the appropriate court for acquisition of any necessary property rights from the affected property owner.~~ That the Mayor, acting through the City Attorney or his designee, enter into an agreement for purchase of property and/or rights of way on Tylertown Road, said agreement being attached hereto as Exhibit A, from Gordon Seay and wife, Sandra A. Seay, for the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00), in addition to the construction of a two-sided brick/block privacy wall as stated in said agreement.

POSTPONED INDEFINITELY: December 3, 2015

FIRST READING: \_\_\_\_\_, 2016

SECOND READING: \_\_\_\_\_, 2016

EFFECTIVE DATE: \_\_\_\_\_, 2016



ORDINANCE 45-2015-16

*AMENDMENT 1*

AN ORDINANCE AUTHORIZING AN AGREEMENT FOR PURCHASE OF  
PROPERTY AND/OR RIGHTS OF WAY FOR ACQUISITION OF PROPERTY FOR  
AN ELECTRIC SUBSTATION

*WHEREAS,* the Clarksville City Council finds it to be in the public interest to acquire property and/or rights of way for the purpose of constructing an electric substation to provide adequate electric service to residents in the area of Tylertown Road.

*WHEREAS,* R. Gordon Seay and wife, Sandra A. Seay, have agreed in principle to convey property in the area of Tylertown Road, being a portion of Map & Parcel 8-4, according to the Assessor's Office for Montgomery County, Tennessee, for the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00), plus other consideration.

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

That the Mayor, acting through the City Attorney or his designee, enter into an agreement for purchase of property and/or rights of way on Tylertown Road, said agreement being attached hereto as Exhibit A, from Gordon Seay and wife, Sandra A. Seay, for the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00), in addition to the construction of a two-sided brick/block privacy wall as stated in said agreement.

*POSTPONED INDEFINITELY:* December 3, 2015

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 45-2015-16

AMENDMENT 1

AN ORDINANCE AUTHORIZING ~~THE MAYOR, THROUGH THE CITY ATTORNEY OR HIS DESIGNEE, TO CONDUCT NEGOTIATIONS AND TO ENTER INTO AN AGREEMENT FOR PURCHASE OF PROPERTY AND/OR RIGHTS OF WAY, OR SHOULD NEGOTIATIONS FAIL, TO PURSUE CONDEMNATION THROUGH EXERCISE OF RIGHT OF EMINENT DOMAIN~~ FOR ACQUISITION OF PROPERTY FOR AN ELECTRIC SUBSTATION

WHEREAS, the Clarksville City Council finds it to be in the public interest to acquire property and/or rights of way for the purpose of constructing an electric substation to provide adequate electric service to residents in the area of Tylertown Road.

WHEREAS, R. Gordon Seay and wife, Sandra A. Seay, have agreed in principle to convey property in the area of Tylertown Road, being a portion of Map & Parcel 8-4, according to the Assessor's Office for Montgomery County, Tennessee, for the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00), plus other consideration.

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

~~That the Mayor, acting through the City Attorney or his designee, may negotiate and enter into an agreement for purchase of property and/or rights of way on Tylertown Road, as described in the attached Exhibit A, from Gordon Seay, and further, that if agreements cannot be reached on the City appraised purchase price in a timely manner, then the Mayor, acting through the City Attorney or his designee, and on behalf of the City of Clarksville, is hereby authorized to exercise the right of eminent domain and institute condemnation action in the appropriate court for acquisition of any necessary property rights from the affected property owner. That the Mayor, acting through the City Attorney or his designee, enter into an agreement for purchase of property and/or rights of way on Tylertown Road, said agreement being attached hereto as Exhibit A, from Gordon Seay and wife, Sandra A. Seay, for the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00), in addition to the construction of a two-sided brick/block privacy wall as stated in said agreement.~~

POSTPONED INDEFINITELY: December 3, 2015

FIRST READING: \_\_\_\_\_, 2016

SECOND READING: \_\_\_\_\_, 2016

EFFECTIVE DATE: \_\_\_\_\_, 2016



ORDINANCE 45-2015-16

*AMENDMENT 1*

AN ORDINANCE AUTHORIZING AN AGREEMENT FOR PURCHASE OF  
PROPERTY AND/OR RIGHTS OF WAY FOR ACQUISITION OF PROPERTY FOR  
AN ELECTRIC SUBSTATION

*WHEREAS,* the Clarksville City Council finds it to be in the public interest to acquire property and/or rights of way for the purpose of constructing an electric substation to provide adequate electric service to residents in the area of Tylertown Road.

*WHEREAS,* R. Gordon Seay and wife, Sandra A. Seay, have agreed in principle to convey property in the area of Tylertown Road, being a portion of Map & Parcel 8-4, according to the Assessor's Office for Montgomery County, Tennessee, for the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00), plus other consideration.

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

That the Mayor, acting through the City Attorney or his designee, enter into an agreement for purchase of property and/or rights of way on Tylertown Road, said agreement being attached hereto as Exhibit A, from Gordon Seay and wife, Sandra A. Seay, for the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00), in addition to the construction of a two-sided brick/block privacy wall as stated in said agreement.

*POSTPONED INDEFINITELY:* December 3, 2015

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 66-2015-16  
*Original Version 2-25-16*

AN ORDINANCE AMENDING TITLE 1 (ADMINISTRATION, OFFICERS, AND PERSONNEL), CHAPTER 2 (CITY COUNCIL) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE RELATING TO THE PAY OF THE MEMBERS OF THE CITY COUNCIL

*WHEREAS*, the Clarksville City Council desires to amend the pay structure of the members of the Clarksville City Council.

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

1. 1. That Title 1, "Administration, Officers, and Personnel," Chapter 2, "City Council," Section 207, "Compensation of council members and mayor pro tem," is hereby deleted in its entirety and the following is substituted therefore:

**Sec. 1-207. - Compensation of council members and mayor pro tem.**

- (a) The annual salary of each council member shall be equal to one/eighteenth (1/18) of the mayor's annual salary and adjusted at the same rate of increase as city employees. This action to become effective on January 1, 2005, for members representing Wards 3, 4, 5, 8, 9, and 12 and January 1, 2007, for members representing Wards 1, 2, 6, 7, 10, and 11. Council members shall not be compensated in any special manner for any services, including serving on council standing committees. Notwithstanding any provision to the contrary, effective January 1, 2009, the mayor pro tem shall be compensated two hundred dollars (\$200.00) per month in addition to his/her annual salary.
- (b) The salary of each council member, excluding the Mayor, shall be one thousand dollars (\$1,000.00) per month starting January 1, 2019.
- (c) Effective July 1, 2020, and all fiscal years thereafter, the annual salary of the City Council members for the fiscal year ending the preceding June 30 shall be annually increased by the percentage change in the Consumer Price index as published by the U. S. Department of Labor, all urban workers, U. S. city average geographic areas all items index component, 1982-1984 = 100 index base, for the 12-month period ending the immediately preceding April 30, and rounded up to the nearest multiple of one hundred dollars (\$100.00). In the event the U. S. Department of Labor shall change any part of the preceding Consumer Price Index measurement criteria, and/or cease to publish the preceding Consumer Price Index, at the discretion of the Finance and Administration Committee, the index which replaced the preceding Consumer Price index, or the modifications to the preceding Consumer Price Index as issued by the U.S. Department of Labor shall be used.



- (d) The City Council members' annual salary shall not decrease based upon the Consumer Price Index. If the Consumer Price Index publishes a negative percentage change, the City Council members' annual salary shall remain the same as the previous fiscal year.

*REFERRED:* To Finance Committee January 7, 2016

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 66-2015-16  
*Proposed Changes 3-3-15*

AN ORDINANCE AMENDING TITLE 1 (ADMINISTRATION, OFFICERS, AND PERSONNEL), CHAPTER 2 (CITY COUNCIL) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE RELATING TO THE PAY OF THE MEMBERS OF THE CITY COUNCIL

*WHEREAS,* the Clarksville City Council finds that serving on the City Council requires a significant time commitment to attend numerous executive session, regular session, and special called session City Council meetings, as well as numerous committee meetings, and to prepare for such meetings, and to meet, communicate and correspond with constituents; and ~~desires to amend the pay structure of the members of the Clarksville City Council.~~

*WHEREAS,* the Clarksville City Council finds that serving on the City Council is an honor and members cannot and should not be compensated fully for their public service, but further finds that compensation for City Council members should be set at an adequate amount to attract quality candidates to public office, and so that elected officials do not lose money, and to uphold the dignity of public office; and

*WHEREAS,* the Clarksville City Council finds that the current compensation structure for the City Council differs significantly from that of Montgomery County, and is less than comparable cities of commensurate size; and

*WHEREAS,* the Clarksville City Council finds any such change to City Council compensation may not occur earlier than January 2019 by operation of the Charter law, by which time the current compensation structure for City Council members at that future date would be significantly less than comparable cities;

*WHEREAS,* the Clarksville City Council finds that the City Mayor's compensation should be equal to the County Mayor's compensation given that the City Mayor is the day to day Chief Executive Officer responsible for direct management of a City government with over 1,400 employees and a City population of over 145,000 residents, and to attract quality candidates to this important office, and to establish and maintain the dignity of the Office of City Mayor generally and in relation to the County; and

*WHEREAS,* the Clarksville City Council finds that establishing the City Mayor's compensation at the same level as the County Mayor's compensation, which is established by the State, will insulate this area from undue political influence and will tie the compensation of City officials to market data and analysis;

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

1. That Title 1, "Administration, Officers, and Personnel," Chapter 2, "City Council," Section 207, "Compensation of council members and mayor pro tem," is hereby deleted in its entirety and the following is substituted therefore:

**Sec. 1-207. - Compensation of council members and mayor pro tem.**

- (a) The annual salary of each council member shall be equal to one/eighteenth (1/18) of the mayor's annual salary and adjusted at the same rate of increase as city employees. This action to become effective on January 1, 2005, for members representing Wards 3, 4, 5, 8, 9, and 12 and January 1, 2007, for members representing Wards 1, 2, 6, 7, 10, and 11. Council members shall not be compensated in any special manner for any services, including serving on council standing committees. Notwithstanding any provision to the contrary, effective January 1, 2009, the mayor pro tem shall be compensated two hundred dollars (\$200.00) per month in addition to his/her annual salary.
- (b) Notwithstanding subsection (a), the salary of each council member, excluding the Mayor, shall be ~~one thousand dollars (\$1,000.00)~~ equal to one/twelfth (1/12) of the Mayor's annual salary payable on a monthly basis ~~per month~~ starting January 1, 2019. Until such time, the provisions of subsection (a) shall continue in effect. Effective January 1, 2019, the Mayor Pro Tem shall be compensated in addition to the one twelfth (1/12) amount of the Mayor's salary, an additional amount of two hundred dollars (\$200.00) per month for service as Mayor Pro Tem.
- ~~(c) Effective July 1, 2020, and all fiscal years thereafter, the annual salary of the City Council members for the fiscal year ending the preceding June 30 shall be annually increased by the percentage change in the Consumer Price index as published by the U. S. Department of Labor, all urban workers, U. S. city average geographic areas all items index component, 1982-1984 = 100 index base, for the 12-month period ending the immediately preceding April 30, and rounded up to the nearest multiple of one hundred dollars (\$100.00). In the event the U. S. Department of Labor shall change any part of the preceding Consumer Price Index measurement criteria, and/or cease to publish the preceding Consumer Price Index, at the discretion of the Finance and Administration Committee, the index which replaced the preceding Consumer Price index, or the modifications to the preceding Consumer Price Index as issued by the U.S. Department of Labor shall be used.~~
- ~~(d) The City Council members' annual salary shall not decrease based upon the Consumer Price Index. If the Consumer Price Index publishes a negative percentage change, the City Council members' annual salary shall remain the same as the previous fiscal year.~~

2. That Title 1, “Administration, Officers, and Personnel,” Chapter 3, “Mayor,” Section 1-303, “Compensation,” is hereby deleted in its entirety and the following is substituted therefore:

**Sec. 1-303. - Compensation.**

The compensation of the Mayor of the City of Clarksville shall be as follows:

- (1) The annual salary of the mayor, effective for the term of office beginning January 1, 2011, shall be the annual salary effective for the mayor's term of office ending the preceding December 31, 2010. [Notwithstanding the forgoing, starting January 1, 2019, the annual salary of the City Mayor shall be equal to the annual salary of the Mayor of Montgomery County, Tennessee.](#)
- (2) The Mayor of the City of Clarksville shall be authorized a vehicle for business and for personal use and the vehicle shall be maintained by the city with all such personal use of the vehicle to be taxable income under I.R.C. regulations.
- (3) The City of Clarksville will provide at no cost to the mayor the same health, dental, and disability insurance coverage provided to the employees of the City of Clarksville.
- (4) The City of Clarksville will make available at the mayor's personal expense, family health and dental insurance coverage at the same cost that other city employees pay.
- (5) The City of Clarksville will allow the mayor to participate in, and the city shall pay into, the Tennessee Consolidated Retirement System the percentage of salary paid for the employees of the City of Clarksville.
- (6) The mayor will be reimbursed for all business related expenses incurred while transacting business for the city under the same policies and procedures providing for reimbursement of business expenses incurred by the employees of the city.
- (7) Effective for the term of office of the mayor starting January 1, 2015 and all mayoral terms of office thereafter, the salary of the mayor for the term of office starting on January 1, shall be increased four (4) percent above the salary of the mayor's term of office ending the immediately preceding December 31 (rounded to the nearest dollar). The mayor may decline to accept the salary increase applicable to the term of office that will start January 1. The rejection of the salary increase for the term of office must be in writing on or prior to January 31 following the January 1 start of the term of office and filed with the city clerk. Once the salary increase is declined, the non-acceptance of the salary increase is permanent and the salary of the mayor may not be changed until the next term at which time the amount of salary increase applicable to the term of office starting January 1 will be calculated based on the mayor's actual

salary paid during the preceding term of office. Starting January 1, 2019, the provisions of this subsection (7) shall be deleted, null and void.

*REFERRED:* To Finance Committee January 7, 2016

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

Sec. 1-207. - Compensation of council members and mayor pro tem.

- (a) The annual salary of each council member shall be equal to one/eighteenth (1/18) of the mayor's annual salary and adjusted at the same rate of increase as city employees. This action to become effective on January 1, 2005, for members representing Wards 3, 4, 5, 8, 9, and 12 and January 1, 2007, for members representing Wards 1, 2, 6, 7, 10, and 11. Council members shall not be compensated in any special manner for any services, including serving on council standing committees. Notwithstanding any provision to the contrary, effective January 1, 2009, the mayor pro tem shall be compensated two hundred dollars (\$200.00) per month in addition to his/her annual salary.
- (b) The salary of each council member shall be \$1,000.00 per month, and starting with fiscal year 2020, and shall include an annual cost of living increase equal to the United State Department of Labor Consumer Price Index.
- (c) Effective July 1, 2020, and all fiscal years thereafter, the annual salary of the City Council members for the fiscal year ending the preceding June 30 shall be annually increased by the percentage change in the Consumer Price index as published by the U. S. Department of Labor, all urban workers, U. S. city average geographic areas all items index component, 1982-1984 = 100 index base, for the 12-month period ending the immediately preceding April 30, and rounded up to the nearest multiple of one hundred dollars (\$100.00). In the event the U. S. Department of Labor shall change any part of the preceding Consumer Price Index measurement criteria, and/or cease to publish the preceding Consumer Price Index, at the discretion of the Finance and Administration Committee, the index which replaced the preceding Consumer Price index, or the modifications to the preceding Consumer Price Index as issued by the U.S. Department of Labor shall be used.
- (d) The City Council members' annual salary shall not decrease based upon the Consumer Price Index. If the Consumer Price Index publishes a negative percentage change, the City Council members' annual salary shall remain the same as the previous fiscal year.



ORDINANCE 66-2015-16  
*Proposed Changes “clean” 3-3-16*

AN ORDINANCE AMENDING TITLE 1 (ADMINISTRATION, OFFICERS, AND PERSONNEL), CHAPTER 2 (CITY COUNCIL) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE RELATING TO THE PAY OF THE MEMBERS OF THE CITY COUNCIL

*WHEREAS,* the Clarksville City Council finds that serving on the City Council requires a significant time commitment to attend numerous executive session, regular session, and special called session City Council meetings, as well as numerous committee meetings, and to prepare for such meetings, and to meet, communicate and correspond with constituents; and

*WHEREAS,* the Clarksville City Council finds that serving on the City Council is an honor and members cannot and should not be compensated fully for their public service, but further finds that compensation for City Council members should be set at an adequate amount to attract quality candidates to public office, and so that elected officials do not lose money, and to uphold the dignity of public office; and

*WHEREAS,* the Clarksville City Council finds that the current compensation structure for the City Council differs significantly from that of Montgomery County, and is less than comparable cities of commensurate size; and

*WHEREAS,* the Clarksville City Council finds any such change to City Council compensation may not occur earlier than January 2019 by operation of the Charter law, by which time the current compensation structure for City Council members at that future date would be significantly less than comparable cities;

*WHEREAS,* the Clarksville City Council finds that the City Mayor’s compensation should be equal to the County Mayor’s compensation given that the City Mayor is the day to day Chief Executive Officer responsible for direct management of a City government with over 1,400 employees and a City population of over 145,000 residents, and to attract quality candidates to this important office, and to establish and maintain the dignity of the Office of City Mayor generally and in relation to the County; and

*WHEREAS,* the Clarksville City Council finds that establishing the City Mayor’s compensation at the same level as the County Mayor’s compensation, which is established by the State, will insulate this area from undue political influence and will tie the compensation of City officials to market data and analysis;

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

1. That Title 1, "Administration, Officers, and Personnel," Chapter 2, "City Council," Section 207, "Compensation of council members and mayor pro tem," is hereby deleted in its entirety and the following is substituted therefore:

**Sec. 1-207. - Compensation of council members and mayor pro tem.**

- (a) The annual salary of each council member shall be equal to one/eighteenth (1/18) of the mayor's annual salary and adjusted at the same rate of increase as city employees. This action to become effective on January 1, 2005, for members representing Wards 3, 4, 5, 8, 9, and 12 and January 1, 2007, for members representing Wards 1, 2, 6, 7, 10, and 11. Council members shall not be compensated in any special manner for any services, including serving on council standing committees. Notwithstanding any provision to the contrary, effective January 1, 2009, the mayor pro tem shall be compensated two hundred dollars (\$200.00) per month in addition to his/her annual salary.
- (b) Notwithstanding subsection (a), the salary of each council member, excluding the Mayor, shall be equal to one/twelfth (1/12) of the Mayor's annual salary payable on a monthly basis starting January 1, 2019. Until such time, the provisions of subsection (a) shall continue in effect. Effective January 1, 2019, the Mayor Pro Tem shall be compensated in addition to the one twelfth (1/12) amount of the Mayor's salary, an additional amount of two hundred dollars (\$200.00) per month for service as Mayor Pro Tem.

2. That Title 1, "Administration, Officers, and Personnel," Chapter 3, "Mayor," Section 1-303, "Compensation," is hereby deleted in its entirety and the following is substituted therefore:

**Sec. 1-303. - Compensation.**

The compensation of the Mayor of the City of Clarksville shall be as follows:

- (1) The annual salary of the mayor, effective for the term of office beginning January 1, 2011, shall be the annual salary effective for the mayor's term of office ending the preceding December 31, 2010. Notwithstanding the forgoing, starting January 1, 2019, the annual salary of the City Mayor shall be equal to the annual salary of the Mayor of Montgomery County, Tennessee.
- (2) The Mayor of the City of Clarksville shall be authorized a vehicle for business and for personal use and the vehicle shall be maintained by the city with all such personal use of the vehicle to be taxable income under I.R.C. regulations.

- (3) The City of Clarksville will provide at no cost to the mayor the same health, dental, and disability insurance coverage provided to the employees of the City of Clarksville.
- (4) The City of Clarksville will make available at the mayor's personal expense, family health and dental insurance coverage at the same cost that other city employees pay.
- (5) The City of Clarksville will allow the mayor to participate in, and the city shall pay into, the Tennessee Consolidated Retirement System the percentage of salary paid for the employees of the City of Clarksville.
- (6) The mayor will be reimbursed for all business related expenses incurred while transacting business for the city under the same policies and procedures providing for reimbursement of business expenses incurred by the employees of the city.
- (7) Effective for the term of office of the mayor starting January 1, 2015 and all mayoral terms of office thereafter, the salary of the mayor for the term of office starting on January 1, shall be increased four (4) percent above the salary of the mayor's term of office ending the immediately preceding December 31 (rounded to the nearest dollar). The mayor may decline to accept the salary increase applicable to the term of office that will start January 1. The rejection of the salary increase for the term of office must be in writing on or prior to January 31 following the January 1 start of the term of office and filed with the city clerk. Once the salary increase is declined, the non-acceptance of the salary increase is permanent and the salary of the mayor may not be changed until the next term at which time the amount of salary increase applicable to the term of office starting January 1 will be calculated based on the mayor's actual salary paid during the preceding term of office. Starting January 1, 2019, the provisions of this subsection (7) shall be deleted, null and void.

*REFERRED:* To Finance Committee January 7, 2016

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

## ORDINANCE 74-2015-16

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 1 (ADMINISTRATION, OFFICERS AND PERSONNEL), CHAPTER 6 (CODE OF ETHICS), TO ADOPT THE MONTGOMERY COUNTY, TENNESSEE.

*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 substituting the original Clarksville City Ethics Code for the revised Montgomery County Code of Ethics.

*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), is hereby amended by deleting the section in its entirety and substituting therefore the following:

### **Section 1. Definitions.**

(1) "City" means Clarksville, TN, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the City or an official of the City.

(2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the City.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

### **Section 2. Disclosure of Personal Interest in Voting Matters.**

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

### **Section 3. Disclosure of Personal Interest in Non-Voting Matters.**

An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the City Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

#### **Section 4. Acceptance of Gifts and Other Things of Value.**

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the City:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing City business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of City government officials or by an umbrella or affiliate organization of such statewide association of City government officials.

(2)(a) It shall not be considered a violation of this policy for an official or employee or an official's or employee's spouse, or child living in the same household, to receive any item of value in an amount of Fifty Dollars (\$50.00) or less, whether received, directly or indirectly, from anyone other than the county.

#### **Section 5. Ethics Complaints.**

A City Ethics Committee (the "Ethics Committee") consisting of five members shall be appointed to one-year terms by the City Mayor with confirmation by the City legislative body, to be appointed each year at the same time as internal committees of the City legislative body. At least four members of the committee shall be members of the City legislative body; one member shall be the City Judge. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the City clerk, where they shall be open to public inspection.

Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The City Ethics Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The Committee may:

(1) refer the matter to the City Attorney for a legal opinion and/or recommendations for action;

(2) in the case of an official, refer the matter to the City legislative body for possible public censure if the City legislative body finds such action warranted;

(3) in the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;

(4) in a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution.

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

## **Section 6. Applicable State Laws.**

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of City officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in City government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

**Campaign Finance** - T.C.A. Title 2, Chapter 10, Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

**Conflict of Interest** - T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

**Conflict of Interest** - T.C.A. § 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

**Conflict of Interest** - T.C.A. § 5-1-125 applies in all counties and prohibits City officials and employees from purchasing surplus county property except where it is sold by public bid.

**Conflict of Interest** - T.C.A. § 54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the highway department and members of the City legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

**Conflict of Interest** - T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all City officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the City.

**Conflict of Interest** - T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all City officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the City.

**Conflict of Interest** - T.C.A. §§ 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of City legislative bodies.



**Conflict of Interest Disclosure Statements** - T.C.A. § 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

**Gifts** - T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all City officials from receiving anything of value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the City.

**Gifts** - T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the City.

**Honoraria** - T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

**Private Use of Public Property** - T.C.A. § 54-7-202 applies in counties that are governed by the County Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

**Court Sales** - T.C.A. § 39-16-405 prohibits judges, clerks of court, court officers, and employees of court, from bidding on or purchasing any property sold through the court for which such person discharges official duties.

**Rules of the Supreme Court** - Rule 10, Cannon 5 (Code of Judicial Conduct) establishes ethical rules for judges and other court personnel when exercising judicial functions.

**Fee Statutes** - T.C.A. §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized, and set penalties for charging excessive or unauthorized fees.

**Consulting Fee Prohibition for Elected City Officials** - T.C.A. §§ 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing City legislative or administrative action.

**Crimes Involving Public Officials** - T.C.A. § 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

**Official Misconduct** - T.C.A. § 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

**Official Oppression** - T.C.A. § 39-16-403 prohibits abuse of power by a public servant.

**Bribery for Votes** - T.C.A. §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

**Misuse of Official Information** - T.C.A. § 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

**Ouster Law** - T.C.A. § 8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duty.

## CLARKSVILLE CITY CODE OF ETHICS

### CONFLICT OF INTEREST DISCLOSURE STATEMENT

**Instructions:** This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this City. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure: \_\_\_\_\_

2. Name of official or employee: \_\_\_\_\_

3. Office and position: \_\_\_\_\_

4. Description of personal interest (describe below in detail): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of official or employee

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Printed name of witness

## EMPLOYEE ACKNOWLEDGMENT

I, \_\_\_\_\_, by my signature, hereby verify that I accept a copy of the Code of Ethics Policy for Clarksville, Tennessee and the Conflict of Interest Disclosure Statement and understand that it is my responsibility to read and comply with its contents.

\_\_\_\_\_

Employee

\_\_\_\_\_

Department

\_\_\_\_\_

*FIRST READING:*  
*SECOND READING:*  
*EFFECTIVE DATE:*

## **CURRENT CODE OF ETHICS**

- **Chapter 6 - CODE OF ETHICS**

- **Sec. 1-601. - Applicability.**

This chapter serves as the code of ethics for employees of the City of Clarksville, Tennessee (hereinafter, "city"). Employees, in the context of this chapter, includes all full time and part time elected or appointed officials and employees, whether compensated or not, including those of any separate board, council, commission, committee, authority, corporation, or other instrumentality appointed or created by the city.

The maintenance of high standards of honesty, integrity, impartiality, and conduct by employees and agents of the city is essential to ensure the proper performance of government business and the maintenance of confidence by citizens in their government. Moreover, the avoidance of misconduct and conflicts of interest on the part of employees of the city is indispensable to the maintenance of these standards. Therefore, this chapter shall be construed at all times in accordance with these goals.

All employees will review this chapter annually and be briefed on any issues of interest related to this chapter. Employees will sign a form of understanding and agreement (to be provided) during the annual review. The signed form will be retained in employee records. New employees will review and sign the form as part of their human resources in-processing. The city attorney and human resources will coordinate and develop the review/signature/filing processes.

(Ord. No. 72-6006-07, § 1, 2-1-07; Ord. No. 22-2007-06, § 1, 9-6-07)

- **Sec. 1-602. - Employee responsibilities.**

Each employee shall avoid any action, whether or not specifically prohibited by statute, regulation, or this chapter, which might result in or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person or organization;
- (3) Impeding government efficiency or economy;
- (4) Losing complete independence or impartiality;
- (5) Making a government decisions outside official channels;
- (6)

Affecting adversely the confidence of the public in the integrity of the government;

(7)

Elected officials being in joint business ownership or in a joint consultant/management of a business with any other city employee. For the purposes of this subsection, appointed officials shall be specifically excluded from the definition of "city employee" and this subsection shall not prohibit an elected official from being in joint business ownership or in a joint consultant/management of a business with an appointed official;

(8)

Elected officials, including any immediate family member, and employees, including any immediate family member, co-owning or otherwise being principal stockholders in the same corporation. For the purposes of this subsection, appointed officials shall be specifically excluded from the definition of "city employee" and this subsection shall not prohibit an elected official, including any immediate family member, from co-owning or otherwise being principal stockholders in the same corporation, with an appointed official, including any immediate family member of an appointed official.

(Ord. No. 72-6006-07, § 2, 2-1-07; Ord. No. 22-2007-06, § 2, 9-6-07)

• **Sec. 1-603. - Gifts and gratuities.**

No employee shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan guarantee or any other item of monetary value, from any person or entity that:

(1)

Has, or is seeking to obtain, contractual or other business or financial relations with any department of city government;

(2)

Conducts operations or activities with the city; or

(3)

Has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

(Ord. No. 72-6006-07, § 3, 2-1-07; Ord. No. 22-2007-06, § 3, 9-6-07)

• **Sec. 1-604. - Exceptions.**

The prohibition on accepting gifts in section 1-603 does not apply to:

(1)

A gift given by a member of the employee's immediate family, or by an individual if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;

(2)

Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication;

(3)

Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento or other similar items; provided, that any such item shall not be in a form which can be readily converted to cash;

(4)

Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such item does not exceed fifty dollars (\$50.00) per occasion, per employee attending the event. There may be circumstances where refusal or reimbursement of a gift or dining with a value exceeding fifty (\$50.00) dollars may be awkward and contrary to the larger interests of the city. In such circumstances, the employee shall disclose the gift/dinner, including a description, estimated value, the person or entity providing the gift/dinner and additional explanations as needed within fourteen (14) calendar days of the occurrence to the internal auditor or director of finance and administration. A form for this purpose will be provided by the internal auditor;

(5)

Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where an employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;

(6)

Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in section 1-603;

(7)

Money, goods or any other commodity donated to any employee for distribution to any segment of the general public. For example, money donated to the Fraternal Order of Police by private retailers for the purpose of selecting identified under privileged children, transporting them to area stores and buying them Christmas gifts; or

(8)

Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business.

(Ord. No. 72-6006-07, § 4, 2-1-07; Ord. No. 22-2007-06, § 4, 9-6-07)

• **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.

(Ord. No. 72-6006-07, § 5, 2-1-07; Ord. No. 22-2007-06, § 5, 9-6-07)

**Editor's note**— Ord. No. 22-2007-06, § 5, adopted September 6, 2007, enacted provisions intended for use as subsections (1) and (2). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections (a) and (b).

- **Sec. 1-606. - Use of information.**

No employee shall, directly or indirectly:

(1)

Use, disclose, or allow the use of official information which was obtained through or in connection with his or her government employment and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the employee, or

(2)

Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her government employment.

(Ord. No. 72-6006-07, § 6, 2-1-07; Ord. No. 22-2007-06, § 6, 9-6-07)

- **Sec. 1-607. - Use of city property.**

No employee shall make use of the facilities, equipment, personnel, or supplies of the city or its agencies for private use or gain, except to the extent that the use is incidental or de minimus or is lawfully available to the general public.

(Ord. No. 72-6006-07, § 7, 2-1-07; Ord. No. 22-2007-06, § 7, 9-6-07)

- **Sec. 1-608, 1-609. - Reserved.**

**Editor's note**— Ord. No. 67-2012-13, § 1, adopted April 4, 2013, repealed the former sections 1-608 and 1-609 in their entirety, which pertained to ethics complaints and violations, respectively, and derived from Ord. No. 72-2006-07, §§ 8, 9, adopted February 1, 2007; Ord. No. 22-2007-06, §§ 8, 9, adopted September 6, 2007.

- **Sec. 1-610. - Ethics commission—Creation.**

There is hereby established an "ethics commission" for the city.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-611. - Same—Organization, membership requirements, terms.**

a.

*Organization, number.* The ethics commission shall be composed of five (5) voting members, who shall be appointed by the mayor, subject to city council approval by majority vote of the members present and voting.

b.

*Membership requirements.* The members of the ethics commission shall have been residents of the city for not less than two (2) years prior to any vote of the city council on their appointment. Residency within the city shall be a requirement for continued membership on the ethics commission. No elected or appointed official or employee of the city, other than a member of any federal military reserve or state national guard force while not on active duty, or of any other governmental entity, to include national, state or local government, other than a member of any federal military reserve or state national guard force while not on active duty, nor any candidate for any public office, to include national, state or local government, nor any member of any other city board, commission, authority, or other city entity, may serve as a member of the ethics commission. For purposes of this section, legally separate, private non-profit organizations or entities that receive city funding shall not be construed as a city entity.

c.

*Term.*

(1)

Terms for each member shall be for a period of three (3) years, except for initially appointed members, whose initial terms shall be as provided below to allow for staggered terms. No member may serve more than two (2) consecutive terms.

(2)

With regard to initial terms for members, two (2) such members shall serve an initial term of three (3) years each; two (2) other such members shall serve an initial term of two (2) years each; and one other such member shall serve an initial term of one (1) year.

(3)

If any member, ceases to be a resident of the city, or qualifies as a candidate for any public office, or is elected or appointed to any public office other than a member of any federal military reserve or state national guard force while not on active duty, or accepts employment with or for any governmental entity other than a member of any federal military reserve or state national guard force while not on active duty, or refuses to continue service on, resigns from, or otherwise ceases to be a member of the ethics commission for any reason before the expiration of his or her term, or fails to attend and participate in at least three (3) consecutive meetings or fails to attend at least two-thirds (2/3) of all properly called meetings of the ethics commission within any calendar year period, a new member shall be appointed by the mayor, subject to city council approval, to serve the remainder of the former member's unexpired term. Service during any unexpired term shall count as a term for the purpose of computing the limit on consecutive terms.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-612. - Same—Member compensation.**

Members of the ethics commission shall not receive any monetary compensation for their service on the commission.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-613. - Same—Officers.**

The members of the ethics commission shall elect officers for the commission. One member shall be elected to serve as chairman of the commission; one member to serve as vice-chairman of the commission; and one member to serve as secretary for the commission. Officers may not hold more than one office on the commission at the same time. Officers shall hold office for one-year periods. The city clerk shall serve as custodian of records for the commission. The city attorney shall provide legal advice to the commission as may be required, and may select outside counsel to provide advice in cases where the city attorney determines he has a conflict of interest or as he may otherwise determine is required.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-614. - Same—By-laws.**

The commission shall adopt and make public by-laws to govern the dates, times, and places for meetings, rules of procedure not otherwise inconsistent with the provisions herein, and any other matters appropriately addressed therein.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-615. - Same—Removal of members.**

Any member of the ethics commission may be removed as a member of the commission prior to the expiration of their term in cases of permanent disability, or misfeasance, malfeasance, or nonfeasance in relation to their duties as a member of the commission, or for other just cause, by resolution approved by a three-fourths ( $\frac{3}{4}$ ) majority vote of the city council. Prior to any such vote on removal of any member from the commission, said member shall have an opportunity to be heard on the issue of their removal in person, through counsel, and/or by submission of relevant written or other evidentiary materials, and may cross examine any witnesses against them who shall be required to testify under oath, and may request the city council to issue a subpoena compelling the attendance and testimony under oath of any witnesses with relevant knowledge as to any material issue, but the city council may deny said request upon a majority vote. The date, time and place for said hearing, and the requirements for submission of the resolution for removal to the city council, shall be the same as and in accordance with the requirements for consideration of other legislative matters as set forth in the City Code.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-616. - Reserved.**

- **Sec. 1-617. - Same—Open records and open meetings.**

All records of the ethics commission shall be open and subject to public inspection in accordance with the Tennessee "Open Records" Law, T.C.A. § 10-7-503, et seq., as same may be amended from time to time; and all meetings of the commission shall comply with the Tennessee "Open Meetings" Law, T.C.A. § 8-44-101, et seq., as same may be amended from time to time.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-618. - Same—No authority to contract or obligate city.**

The ethics commission shall have no authority to contract or be contracted with or to bind or obligate the city in any way and shall not have authority to appropriate city funds for any purpose.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-619. - Same—Jurisdiction.**

The ethics commission shall have jurisdiction over all ethics complaints made against any member or members of the city council, to include the mayor, the city judge, the city attorney, the city clerk, the director of finance, the director of internal audit, and all other department heads of the city, as well as all members of any city boards, commissions, authorities, or other like body established by the city, including entities having a separate corporate or other legal existence other than those that have their own ethics policy. The determination as to whether any individual is a department head shall be determined by the director of the department of human resources, in consultation with the city attorney.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-620. - Same—Duties.**

The ethics commission shall have the following duties:

- a. To receive ethics complaints within its jurisdiction, and to hold hearings and conduct investigations in connection therewith as may be required pursuant to the provisions herein;
- b. To make recommendations regarding any alleged ethics complaints within the jurisdiction of the ethics commission as provided herein; and
- c. To maintain records of its investigations, inquiries and proceedings.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-621. - Procedures for filing and evaluation of ethics complaints.**

- a. *Complaint procedures.*
  - (1) Any individual real person may submit an ethics complaint alleging that any one or more city officials, whether elected or appointed, or an employee, have violated the code of ethics.
  - (2) Any ethics complaint must be in writing, signed and sworn to by the complainant, under oath, as properly evidenced by a notary public, and shall contain the following:
    - (a) The complainant's legal name and current mailing address, and in addition may include an email address and/or phone number;
    - (b) The name of any person or persons who are alleged to have committed an ethics violation;
    - (c) A brief summary of the facts giving rise to the alleged ethics complaint; and
    - (d)

An explanation of why those facts allegedly constitute a violation of the city code of ethics (which may include citation to specific sections and/subsections).

(3)

Any ethics complaint that does not contain the above requirements shall not be considered, except that upon receipt of any deficient ethics complaint, the city attorney may, but is not required to, contact the complainant to inform them of the deficiency, whereupon the complainant may have a reasonable time, not to exceed ten (10) days, within which to submit an amended complaint meeting the requirements herein.

(4)

All ethics complaints shall first be filed with the city clerk. Upon receipt, the city clerk shall annotate the date and time of receipt on the ethics complaint, and log the receipt of the complaint into a running journal kept for the purpose of keeping track of the receipt of ethics complaints and showing the name of the person making the complaint, the date and time of receipt of the ethics complaint, and the name(s) of the person or persons against whom the complaint is made, and any other information that will enable the city clerk to keep accurate records pertaining to ethics complaints. The city clerk will thereupon provide a copy of the ethics complaint to the person or persons against whom the ethics complaint is made, and to the city attorney.

(5)

The city attorney shall determine if the ethics complaint is made against a person within the jurisdiction of the ethics commission, except for any ethics complaint alleged against the city attorney, which shall always be provided by the city clerk to the ethics commission for action. If the ethics complaint alleges an ethics violation against any person within the jurisdiction of the ethics commission, as determined by the city attorney, then the city clerk shall also provide a copy of the ethics complaint to the ethics commission for action as set forth herein. If the ethics complaint does not allege an ethics violation against any person within the jurisdiction of the ethics commission, but against one or more employees not within the jurisdiction of the ethics commission, then the city attorney shall inquire into the matter, conduct such investigation as he deems appropriate, and make a determination as to the merits of the alleged ethics complaint, and make a recommendation to the department head of any department in which the employee works regarding his findings, and a recommendation as to any action to be taken to stop the conduct, if still occurring, or to prevent the conduct from occurring in the future, and to remedy any harm or recover any loss that may have occurred through any means deemed appropriate by the city attorney, and to make any recommendation regarding any disciplinary action against the employee. The decision to impose disciplinary action, if any, shall be made by the department head, in accordance with the provisions of the City Code pertaining to personnel and disciplinary action.

(6)

If an ethics complaint alleges an ethics violation against any person within the jurisdiction of the ethics commission, as determined by the city attorney, then the ethics commission, upon receipt of the ethics complaint from the city clerk, shall thereupon take action as provided herein.

(a)

The chairman of the ethics commission shall call a meeting of the commission, which meeting shall be open to and noticed to the public. The city clerk shall also provide notice of the meeting to the complainant, and to the person(s) alleged to be in violation of the ethics code and named in the ethics complaint.

(b)

At the commission meeting, the commission shall evaluate the allegations of the ethics complaint, and make a determination as to whether the allegations would constitute an ethics violation, if the facts alleged in the ethics complaint were true. If the commission determines that the alleged facts, even if true, would not be a violation of the ethics code, the commission may dismiss the complaint, or may request additional information from the complainant, or any other person the commission deems to have material information, in its sole discretion, to

determine whether a hearing should be held to determine the merits of the ethics complaint. If the commission determines that the alleged facts, if true, could constitute a violation of the ethics code, then the commission shall hold a hearing to determine whether the ethics complaint has merit.

b.

*Hearing procedures.*

(1)

If the ethics commission determines that a hearing should be held on an ethics complaint, the hearing shall be conducted as follows:

(a)

The hearing shall be noticed to and open to the public;

(b)

Notice of the hearing shall be provided to the complainant and to the elected or appointed official(s) named in the complaint (together, the "parties"); and

(c)

The parties may, but are not required to, submit evidentiary material to the commission. If a party does wish to submit such evidentiary material to the commission, the party must file the material with the city clerk, with a copy to the city attorney, and provide a copy of the same to the other parties, at least seven (7) calendar days prior to the hearing, unless, for good cause shown, the commission amends the time requirement. The city clerk shall provide a copy of all evidentiary materials to the commission members.

(d)

The parties shall have a full and fair opportunity, but are not required, to present their positions and facts to the commission at the hearing. Each party shall be allotted a reasonable amount of time to make its presentation to the board.

(e)

Each party shall have the right to represent themselves, and to have the assistance of legal counsel at their own expense, but may not be represented by non-attorneys.

(f)

All parties may call witnesses to give testimony at the hearing, which testimony shall be given under oath, with the witnesses stating their legal names. All witnesses shall be subject to cross-examination.

(g)

Each party must file with the city clerk, and provide a copy of same to the city attorney, a list of the witnesses that the party intends to call at the hearing, and provide a copy of the same to the other parties, at least seven (7) calendar days prior to the hearing. At the hearing, no party shall be permitted to call upon any person to give testimony if that person's name was not included on such list; however, the commission may permit such an unlisted witness to be called by a party, if in the commission's discretion, there was good cause for not timely naming the witness and the other parties would not be unduly prejudiced.

(h)

Commission members may ask questions of any party, counsel, or witness at any time during the hearing, but the chairman shall conduct the hearing and determine the order in which commission members may pose questions.

(i)

The committee may, in the exercise of its discretion, permit interested persons present at the hearing to offer testimony under oath, even if those persons were not called as witnesses by any party, and upon majority vote of the members, may cause the city clerk to issue

subpoenas for documents and things or for testimony of persons within the jurisdiction of the city to the maximum extent permitted by law.

(j)

The committee may continue any hearing to a later date.

(k)

The city attorney, or an attorney appointed by the city attorney, shall be present during the hearing to advise the commission as may be necessary on all legal issues.

c.

*Decision to be in writing.* Whether or not the commission holds a hearing on the ethics complaint, or dismisses the complaint, it shall issue a decision in writing. If the commission holds a hearing on the ethics complaint, it shall state in writing whether it finds the ethics complaint to have merit, and if so, which section and subsection as applicable of the ethics code has been violated and by whom.

d.

*Vote required to find violation; burden of proof.* Any decision of the commission finding an ethics complaint to have merit shall require the affirmative vote of at least four (4) members of the commission. The complainant shall bear the burden of proof to prove a violation by a preponderance of the evidence, and the person alleged to have violated the ethics code shall not be required to prove the absence of a violation.

e.

*Prohibition on outside communications.* Once an ethics complaint has been received by the members of the commission, and until a written decision has been issued by the commission, no member of the commission shall participate in any communication regarding the allegations or merits of the complaint, outside of the commission's public meetings or hearings.

f.

*Report of decision.* The decision of the commission shall be submitted to the mayor, the city council, the complainant, and to the person(s) alleged to have violated the ethics code as named in the ethics complaint.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-622. - Commission action upon finding of violation.**

a.

Report of decision. The decision of the commission shall be submitted to the mayor, the city council, the complainant, and to the person(s) alleged to have violated the ethics code as named in the ethics complaint.

b.

If the ethics commission decides that an official, whether elected or appointed, or an employee, within its jurisdiction has violated the code of ethics, then the ethics committee shall take one or more of the following actions, as decided by affirmative vote of at least four (4) of its members:

(1)

Report to the city council that a determination has been made that the code of ethics has been violated, setting forth which section and subsection, as applicable, of the ethics code has been violated and by whom. The ethics commission may also make recommendations to the city council regarding any appropriate remedial action, including censure, that the city council should consider; and/or

(2)

Make a recommendation to the violator that he or she resign from their respective position; and/or

(3)



Make a recommendation as to any action to be taken to stop the conduct, if still occurring, or to prevent the conduct from occurring in the future, and to remedy any harm or recover any loss that may have occurred through any means deemed appropriate by the city attorney, and to make any recommendation regarding any disciplinary action against the employee.

(4)

Refer the matter to the city attorney with a request that appropriate civil action be instituted by the city for restitution, and/or for such other relief as the commission deems appropriate, and/or a request that the city attorney refer the matter to the local district attorney general, or other state or federal law enforcement authority, for appropriate action under general criminal law.

(Ord. No. 67-2012-13, § 1, 4-4-13)

- **Sec. 1-623. - Ethics commission member questionnaire.**

Each ethics commission nominee will fill out the following questions for review by members of the city council. The questionnaire results will be provided to council members one week (seven (7) calendar days) before a confirmation vote. Nominees will attend the confirmation vote meeting to introduce themselves and provide answers or further information as requested by council members.

1.

Nominee Name

2.

Home Address

3.

Occupation

4.

Employment Firm/Company and Address

5.

Have you lived (day-to-day residence) within the city limits of Clarksville and been a registered voter of the council ward you are assigned to for at least the past two years? Yes: \_\_\_\_ No: \_\_\_\_ If no, explain.

6.

Have you or any immediate family members (spouse and other family that reside at your home address) been associated with or participate in the formation, membership, financial donation/fundraising, management, financial oversight, political planning or membership activities of any Political Action Committee or lobby/labor organization that campaigned for or against any sitting member of the City Council? Yes: \_\_\_\_ No: \_\_\_\_ If yes, explain.

7.

Are you or any immediate family members (spouse and other family that resides at your home address) and the companies you may own, work for or have any financial or management interest in, currently working any professional (non-competitive bid) contracts for the City of Clarksville? Yes: \_\_\_\_ No: \_\_\_\_ If yes, explain.

8.

Have you or any immediate family members (spouse and other family that resides at home address) proved money/in-kind donations or given personal time to the campaigns of any current sitting council member or those that ran as opponents against sitting council members? Yes: \_\_\_\_ No: \_\_\_\_ If yes, explain.

9.

Are you or any immediate family members (spouse and other family that resides at home address) currently an employee of the city or appointed as a representative of the city to any board,

commission, company, authority, task force or other activity? Yes: \_\_\_\_ No: \_\_\_\_ If yes, explain.  
Have you served in such a capacity in the past? Yes: \_\_\_\_ No: \_\_\_\_ If yes, explain.

10.

Are you a board member, employee or volunteer worker for a non-profit that receives funding from the City of Clarksville? Yes: \_\_\_\_ No: \_\_\_\_ If yes, explain.

11.

Are you an elected official for any other local, state or federal function? Yes: \_\_\_\_ No: \_\_\_\_ If yes, please explain.

12.

Have you ever been arrested and convicted or been found in violation of ethically standards with any activities you worked with or participated in? Yes: \_\_\_\_ No: \_\_\_\_ If yes, explain.

13.

Is there any other information or activities that you may be involved in that will assist the council in reviewing your nomination?

The undersigned certifies that all of the information that has been provided is true, correct and complete to the best of my knowledge.

Signature:

Date:

(Ord. No. 67-2012-13, § 1, 4-4-13)

ORDINANCE 74-2015-1

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 1 (ADMINISTRATION, OFFICERS AND PERSONNEL), CHAPTER 6 (CODE OF ETHICS), ~~TO ADOPT THE MONTGOMERY COUNTY, TENNESSEE.~~

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 substituting the original Clarksville City Ethics Code for the revised Montgomery County Code of Ethics.~~

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 1-601 (Applicability), Section 1-602 (Employee responsibilities), Section 1-603 (Gifts and gratuities), Section 1-604 (Exceptions), Section 1-605 (Financial Interests), Section 1-606 (Use of information), and Section 1-607 (Use of city property),~~ is hereby amended by deleting ~~the those~~ sections in ~~its~~ their entirety and substituting therefore the following:

**Chapter 6. Code of Ethics.**

**Section 1-601. Definitions.**

(1) "City" means Clarksville, TN, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the City or an official of the City.

(2) "Officials ~~and~~ or employees" means and includes any official, whether elected or appointed, officer, ~~or employee~~ ~~or servant of the City~~, or any officer or member, ~~whether compensated by the City or not~~, of any board, agency, commission, authority or corporation ~~(whether compensated or not) established by, or any officer, employee or servant thereof, of the City.~~

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

**Section 1-602. Disclosure of Personal Interest in Voting Matters.**

An official or employee with the ~~authority, right or~~ responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote, and to be included in the minutes, any personal interest that affects, or that would lead a reasonable person to infer that it affects, the official's or employee's vote on the measure. In

addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

### **Section 1-603. Disclosure of Personal Interest in Non-Voting Matters.**

An official or employee who must exercise discretion relative to any matter other than casting a vote, and who has a personal interest in the matter that affects, or that would lead a reasonable person to infer that it affects, the exercise of the discretion, shall disclose, before the exercise of the discretion when possible, the interest on the ~~attached~~ disclosure form ~~attached at the end of this chapter~~, and shall file the disclosure form with the City Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

### **Section 1-604. Acceptance of Gifts and Other Things of Value.**

(1) An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the City:

~~(1)~~ (a) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

~~(2)~~ (b) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing City business.

(2) It shall not be considered a violation of this ~~policy~~ section for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of City government officials, or by an umbrella or affiliate organization of such statewide association of City government officials.

~~(3)-(2)(a)~~ It shall not be considered a violation of this ~~policy~~ section for an official or employee, or an official's or employee's spouse, or child living in the same household, to receive any item of value in an amount of Fifty Dollars (\$50.00) or less, whether received, directly or indirectly, from anyone other than the ~~county~~ City.

**Sections 1-605, 1-606, 1-607, 1-608, 1-609. Reserved.**

### **Section 5. Ethics Complaints.**

~~A City Ethics Committee (the "Ethics Committee") consisting of five members shall be appointed to one year terms by the City Mayor with confirmation by the City legislative body, to be appointed each year at the same time as internal committees of the City legislative body. At least four members of the committee shall be members of the City legislative body; one member shall be the City Judge. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of~~

~~the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the City clerk, where they shall be open to public inspection.~~

~~Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee.~~

~~Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.~~

~~The City Ethics Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.~~

~~The Committee may:~~

~~(1) refer the matter to the City Attorney for a legal opinion and/or recommendations for action;~~

~~(2) in the case of an official, refer the matter to the City legislative body for possible public censure if the City legislative body finds such action warranted;~~

~~(3) in the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;~~

~~(4) in a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution.~~

~~The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.~~

## **Section 6. Applicable State Laws:**

~~In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of City officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in City government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.~~

~~**Campaign Finance**—T.C.A. Title 2, Chapter 10, Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.~~

**Conflict of Interest**—T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

**Conflict of Interest**—T.C.A. § 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

**Conflict of Interest**—T.C.A. § 5-1-125 applies in all counties and prohibits City officials and employees from purchasing surplus county property except where it is sold by public bid.

**Conflict of Interest**—T.C.A. § 54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the highway department and members of the City legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

**Conflict of Interest**—T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all City officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the City.

**Conflict of Interest**—T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all City officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the City.

**Conflict of Interest**—T.C.A. §§ 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of City legislative bodies.

**Conflict of Interest Disclosure Statements**—T.C.A. § 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

**Gifts**—T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all City officials from receiving anything of value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the City.

**Gifts**—T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the City.

**Honoraria**—T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

**Private Use of Public Property**—T.C.A. § 54-7-202 applies in counties that are governed by the

~~County Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.~~

~~**Court Sales**—T.C.A. § 39-16-405 prohibits judges, clerks of court, court officers, and employees of court, from bidding on or purchasing any property sold through the court for which such person discharges official duties.~~

~~**Rules of the Supreme Court**—Rule 10, Cannon 5 (Code of Judicial Conduct) establishes ethical rules for judges and other court personnel when exercising judicial functions.~~

~~**Fee Statutes**—T.C.A. §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized, and set penalties for charging excessive or unauthorized fees.~~

~~**Consulting Fee Prohibition for Elected City Officials**—T.C.A. §§ 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing City legislative or administrative action.~~

~~**Crimes Involving Public Officials**—T.C.A. § 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.~~

~~**Official Misconduct**—T.C.A. § 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.~~

~~**Official Oppression**—T.C.A. § 39-16-403 prohibits abuse of power by a public servant.~~

~~**Bribery for Votes**—T.C.A. §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.~~

~~**Misuse of Official Information**—T.C.A. § 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.~~

~~**Ouster Law**—T.C.A. § 8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duty.~~

## CLARKSVILLE CITY CODE OF ETHICS

### CONFLICT OF INTEREST DISCLOSURE STATEMENT

**Instructions:** This form is for reporting personal interests required to be disclosed under Section 1-603 of the City Code of ( City Ethics Code) of this City. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.



1. Date of disclosure: \_\_\_\_\_
2. Name of official or employee: \_\_\_\_\_
3. Office and position: \_\_\_\_\_
4. Description of personal interest (describe below in detail): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of official or employee

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Printed name of witness

### **EMPLOYEE ACKNOWLEDGMENT**

I, \_\_\_\_\_, by my signature, hereby verify that I accept a copy of the Code of Ethics Policy for Clarksville, Tennessee and the Conflict of Interest Disclosure Statement and understand that it is my responsibility to read and comply with its contents.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Department

ORDINANCE 74-2015-16

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 1 (ADMINISTRATION, OFFICERS AND PERSONNEL), CHAPTER 6 (CODE OF ETHICS).

*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.

*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 1-601** (Applicability), **Section 1-602** (Employee responsibilities), **Section 1-603** (Gifts and gratuities), **Section 1-604** (Exceptions), **Section 1-605** (Financial Interests), **Section 1-606** (Use of information), and **Section 1-607** (Use of city property), are hereby amended by deleting those sections in their entirety and substituting therefore the following:

**Chapter 6. Code of Ethics.**

**Section 1-601. Definitions.**

(1) "City" means Clarksville, TN, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the City or an official of the City.

(2) "Officials ~~and~~ or employees" means and includes any official, whether elected or appointed, officer, or employee of the City, or any officer or member, whether compensated by the City or not, of any board, agency, commission, authority or corporation established by the City.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

**Section 1-602. Disclosure of Personal Interest in Voting Matters.**

An official or employee with the authority, right or responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote, and to be included in the minutes, any personal interest that affects, or that would lead a reasonable person to infer that it affects, the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

**Section 1-603. Disclosure of Personal Interest in Non-Voting Matters.**

An official or employee who must exercise discretion relative to any matter other than casting a vote, and who has a personal interest in the matter that affects, or that would lead a reasonable person to infer that it affects, the exercise of the discretion, shall disclose, before the exercise of the discretion when possible, the interest on the disclosure form attached at the end of this chapter, and shall file the disclosure form with the City Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

**Section 1-604. Acceptance of Gifts and Other Things of Value.**

(1) An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the City:

(a) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(b) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing City business.

(2) It shall not be considered a violation of this section for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of City government officials, or by an umbrella or affiliate organization of such statewide association of City government officials.

(3) It shall not be considered a violation of this section for an official or employee, or an official's or employee's spouse or child living in the same household, to receive any item of value in an amount of Fifty Dollars (\$50.00) or less, whether received directly or indirectly, from anyone other than the City.

**Sections 1-605, 1-606, 1-607, 1-608, 1-609. Reserved.**

**CLARKSVILLE CITY CODE OF ETHICS**

**CONFLICT OF INTEREST DISCLOSURE STATEMENT**

**Instructions:** This form is for reporting personal interests required to be disclosed under Section 1-603 of the City Code (City Ethics Code). Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure: \_\_\_\_\_

2. Name of official or employee: \_\_\_\_\_

3. Office and position: \_\_\_\_\_

4. Description of personal interest (describe below in detail): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of official or employee

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Printed name of witness

### **EMPLOYEE ACKNOWLEDGMENT**

I, \_\_\_\_\_, by my signature, hereby verify that I accept a copy of the Code of Ethics Policy for Clarksville, Tennessee and the Conflict of Interest Disclosure Statement and understand that it is my responsibility to read and comply with its contents.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Department

ORDINANCE 75-2015-16

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE RELATIVE TO LIMITS ON THE NUMBER OF LIQUOR STORES

*WHEREAS*, the Official Code of Ordinances of the City of Clarksville, pursuant to Chapter 2, Section 2-205 has imposed a limit of twelve (12) retail liquor stores within the City since 1963; and

*WHEREAS*, there has been an exponential growth in the population and geographic area of the City since 1963; and

*WHEREAS*, the City Council has determined that a limit of twelve (12) retail liquor stores is anti-competitive and a restraint on trade; and

*WHEREAS*, the City Council has determined that it is appropriate to amend the Official Code of Ordinances of the City of Clarksville to increase the limit on the number of retail liquor stores within the City limits by setting the number retail liquor stores allowed using a ratio in proportion to the most recent United States census population count for the City.

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

That the Official Code of the City of Clarksville, Tennessee, Title 2, "Alcoholic Beverages," Chapter 2, "Intoxicating Liquor," Section 2-205, "Restriction on number of stores," is hereby deleted in its entirety, and a new Section 2-205, "Restriction on number of retail liquor stores," is substituted therefor as follows:

**Section 2-205. Restriction on number of retail liquor stores.**

There shall be no more than one (1) retail liquor store within the City per every six thousand (6,000) residents of the City as per the most recent United States census population count for the City.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

*CURRENT LANGUAGE:*

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

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

(1963 Code, § 4-45)

## **Tennessee Liquor Store Limit By City**

**Clarksville** – 12 liquor store limit - population 142,357 as of 2013 (1 per 11,863 residents)

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

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

(1963 Code, § 4-45)

[https://www.municode.com/library/tn/clarksville/codes/code\\_of\\_ordinances?nodeId=TIT2ALBE](https://www.municode.com/library/tn/clarksville/codes/code_of_ordinances?nodeId=TIT2ALBE)

**Chattanooga** - 54 liquor store limit - population 173,366 as of 2013 (1 per 3,210 residents)

Sec. 5-126. - Number limited.

The number of retail licenses issued under this division and outstanding in the city at any time shall be limited to fifty-four (54), and the number of wholesale licenses so issued and outstanding shall be limited to five (5); provided, however, any person to whom a license had been issued as of July 1, 1980 shall continue to be entitled to a license so far as the total number of licenses is concerned.

(Code 1986, § 5-126)

[https://www.municode.com/library/tn/chattanooga/codes/code\\_of\\_ordinances?nodeId=CH5ALBE](https://www.municode.com/library/tn/chattanooga/codes/code_of_ordinances?nodeId=CH5ALBE)

**Knoxville** – 1 liquor store per 5,500 residents – population 178, 874 as of the 2010 US Census

Sec. 4-126. - Limit on number of licenses to be issued.

One (1) retail liquor store per every five thousand five hundred (5,500) residents of the county as per the most recent United States census.

(Code 1962, § 9-204; Ord. No. O-138-2010, § 1, 10-5-10)

[https://www.municode.com/library/tn/knoxville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH4ALBE\\_ARTIIINLI\\_DIV2LICE](https://www.municode.com/library/tn/knoxville/codes/code_of_ordinances?nodeId=PTIICOOR_CH4ALBE_ARTIIINLI_DIV2LICE)



**Memphis** – 177 liquor store limit - population 653,450 as of 2013 (1 per 3,691 residents)

Sec. 7-4-7. - Limitation on number of retail outlets.

In no event shall the number of retail liquor stores, premises or outlets for the sale of alcoholic beverages exceed 177.

(Code 1967, § 5-10; Code 1985, § 4-6.1; Ord. No. 127, § 1, 5-8-1951; Ord. No. 96, § 1, 12-19-1980)

**State Law reference**— Numerical limitation on licenses authorized, T.C.A. § 57-3-208.

[https://www.municode.com/library/tn/memphis/codes/code\\_of\\_ordinances?nodeId=TIT7ALBE](https://www.municode.com/library/tn/memphis/codes/code_of_ordinances?nodeId=TIT7ALBE)

**Nashville Metro** – 1 liquor store per 5,000 residents - population 659,042 as of 2013

7.24.010 - Retail liquor stores—Maximum number allowed.

The number of retail liquor stores in the area of the metropolitan government shall be limited to one per five thousand five hundred inhabitants of the entire metropolitan government area according to the 1970 federal census of population and each succeeding federal decennial census. Retail liquor stores located in satellite cities shall be included in the number authorized for Metropolitan Nashville and Davidson County.

(Prior code § 5-1-33)

[https://www.municode.com/library/tn/metro\\_government\\_of\\_nashville\\_and\\_davidson\\_county/codes/code\\_of\\_ordinances?searchRequest=%7B"searchText":"limit liquor","pageNum":2,"resultsPerPage":25,"booleanSearch":false,"stemming":true,"fu](https://www.municode.com/library/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinances?searchRequest=%7B%22searchText%22%3A%22limit%20liquor%22%2C%22pageNum%22%3A2%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fu)

RESOLUTION 33-2015-16

A RESOLUTION RATIFYING THE MAYOR'S APPOINTMENT OF ERNIE GRIFFITH  
AS CITY COURT CLERK

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

That, in accordance with the provisions of ORDINANCE 51-2015-16, the Clarksville City Council hereby ratifies the Mayor's appointment of Ernie Griffith as City Court Clerk.

*ADOPTED:*

RESOLUTION 34-2015-16

A RESOLUTION OF SUPPORT FOR ENHANCED, SUSTAINABLE FUNDING FOR TRANSPORTATION NEEDS FOR THE STATE OF TENNESSEE AND FOR LOCAL COMMUNITIES

*WHEREAS*, transportation in its many forms is the backbone for the economic vitality and quality of life for communities across the State of Tennessee; and

*WHEREAS*, maintaining our vital transportation infrastructure is a critical role shared by federal, state, and local governments; and

*WHEREAS*, the transportation needs of the State of Tennessee and Tennessee communities would benefit from more than a one-time allocation of resources; and

*WHEREAS*, the State of Tennessee's funding structure for transportation has not been modified in over a quarter of a century while inflationary pressures and improved vehicle fuel efficiency have lessened the capacity of existing funding sources; and

*WHEREAS*, the State of Tennessee has an interest in partnering with communities across the state to meet critical transportation needs through providing much needed planning and sustainable funding assistance.

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

That Governor Haslam and the Tennessee General Assembly are urged to continue to take action regarding transportation funding that incorporates the following key components:

1. Identify additional, ongoing State funding for transportation needs that incorporate a mechanism to keep pace with future inflation.
2. Ensure that the Tennessee Department of Transportation continues to have the discretion to select transportation projects by working collaboratively with local communities.

*ADOPTED:*