



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
JUNE 2, 2016, 7:00 P.M.**

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

AGENDA

PUBLIC COMMENTS:

- 6:55 pm Candy Johnson

1) CALL TO ORDER

- 2) PRAYER:** *Pastor Ron S. Washington, Restoration House of Praise (Ward 2)*
PLEDGE OF ALLEGIANCE: *Councilman Mike Alexander (Ward 10)*

3) ATTENDANCE

4) SPECIAL RECOGNITIONS

5) PUBLIC HEARING

ZONING:

- 1. ORDINANCE 88-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wanda Morrison, Mark Holleman-Agent, for zone change on property north of Dover Road, east of Paula Drive, and west of Aurelia Lynn Drive from R-1 Single Family Residential District to C-2 General Commercial District [amended legal description] (*RPC: Approval/Approval*)

2. **ORDINANCE 95-2015-16** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Roger and Karlynn Hillman, Christian Black-Agent, for zone change on property at the intersection of Union Hall Road and Russell Drive from R-1 Single Family Residential District to R-4 Multiple Family Residential District (*RPC: Approval/Approval*)

ANNEXATION:

1. **ORDINANCE 91-2015-16** (First Reading) Annexing territory south of Rossview Road and east of Interstate 24 (*RPC: Approval/Approval*)
2. **RESOLUTION 52-2015-16** Adopting a Plan of Service for annexed are south of Rossview Road and east of Interstate 24 (*RPC: Approval/Approval*)

6) CONSENT AGENDA

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

1. **ORDINANCE 87-2015-16** (Second Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Pamela S. May, Wayne Wilkinson-Agent, for zone change on property located at the intersection of Union Hall Road and Timberwood Drive from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District
2. **ORDINANCE 89-2015-16** (Second Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Ronnie Goad for zone change on property South of Bellshire Court and north of Wilson Road from R-4 Multiple Family Residential District to R-2D Two Family Residential District and R-2A Single Family Residential District
3. **ORDINANCE 90-2015-16** (Second Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Chris Morin, David Smith-Agent, for zone change on property at the intersection of Amberley Drive and Powell Road from AG Agricultural District to R-1 Single Family Residential District
4. Adoption of Minutes: May 5th, May 19th

7) FINANCE COMMITTEE

Joel Wallace, Chair

1. **ORDINANCE 94-2015-16** (First Reading) Accepting donation of property from Donald Malone for future sewer system improvements (*Finance Committee: Approval*)

8) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

1. Department reports

9) GAS & WATER COMMITTEE

Wallace Redd, Chair

1. Department reports

10) PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

1. Department reports

11) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

1. Department reports

12) STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

1. Department reports

13) INTERNAL AUDIT COMMITTEE

1. **RESOLUTION 53-2015-16** Confirming the Mayor's appointment of Rod Wright as Director of Internal Audit (*Mayor McMillan*)

14) NEW BUSINESS

1. **ORDINANCE 75-2015-16** (Second Reading; Postponed April 7th) Amending the Official Code relative to the number of retail liquor store inside the city limits (*Councilwoman McLaughlin*)

15) MAYOR AND STAFF REPORTS

16) ADJOURNMENT

ORDINANCE 88-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF WANDA MORRISON, MARK HOLLEMAN-AGENT, FOR ZONE CHANGE ON PROPERTY NORTH OF DOVER ROAD, EAST OF PAULA DRIVE, AND WEST OF AURELIA LYNN DRIVE

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

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

REFERRED: To Regional Planning Commission May 5, 2016

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point lying in the north right of way of Dover Road, also being the south boundary of Morrison Estates A, lying North 70 degrees 55 minutes 05 seconds East for a distance of 75.46 feet from the centerline intersection of Dover Road and Paula Drive; Thence leaving Dover Road and along Paula Drive east right of way, North 07 degrees 53 minutes 23 seconds West for a distance of 114.74 feet to a point; Thence continuing along the east margin of Paula Drive, North 12 degrees 49 minutes 10 seconds East for a distance of 170.28 feet to a point; Thence continuing along Paula Drive east right of way, North 09 degrees 57 minutes 14 seconds East for a distance of 112.53 feet to a point; Thence leaving Paula Drive on a new zone line, South 81 degrees 36 minutes 33 seconds East for a distance of 353.74 feet to a point, lying in the west margin of Aurelia Lynn Drive; Thence along Aurelia Lynn west margin, South 08 degrees 20 minutes 43 seconds West for a distance of 357.06 feet to a point; Thence continuing along Aurelia Lynn, South 26 degrees 23 minutes 15 seconds West for a distance of 60.20 feet to a point, lying in the north margin of Dover Road, also being the southeast corner of herein described tract; Thence along Dover Road north margin, North 77 degrees 41 minutes 01 seconds West for a distance of 320.22 feet to the point of beginning. Said tract contains +/- 3.31 acres.

NOTE: The legal description for this request was amended after the original ordinance was referred back to the Regional Planning Commission by the City Council on May 5, 2016.

ORDINANCE 95-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF ROGER AND KARLYNN HILLMAN, CHRISTIAN BLACK-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF UNION HALL ROAD AND RUSSELL DRIVE

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin in the south and west right of way of Union Hall Road and in the north line of 108 Forest Hills Subdivision, this iron pin being 138 feet from the centerline of Russell Road as measured west along the south right of way of Union Hall Road; thence North 85 degrees 12 minutes 00 seconds West a distance of 61.30 feet to an existing iron pin; thence South 03 degrees 36 minutes 00 seconds West, a distance of 100.10 feet to an existing iron pin; thence South 03 degrees 36 minutes 00 seconds West, a distance of 95.00 feet to a new iron pin; thence South 15 degrees, 40 minutes 37 seconds East, a distance of 2.80 feet to a concrete monument; thence north 86 degrees 00 minutes 07 seconds West, a distance of 419.68 feet to an existing iron pin; thence North 03 degrees 35 minutes 22 seconds East, a distance of 209.92 feet to an existing iron pin at a wood corner fence post; thence South 86 degrees 26 minutes 33 seconds East, a distance of 36.63 feet to an unmarked point in the south and west right of way of a curve of Union Hall Road; thence South 54 degrees 02 minutes 38 seconds East, a distance of 30.04 feet with the curve of the south and west right of way of union Hall Road to the new iron pin at the Point of Beginning, Containing 2.04 +/- acres.

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: June 2, 2016. The public hearing will be held on: June 2, 2016.

CITY ORD. #: 88-2015-16 RPC CASE NUMBER: Z-11-2016

Applicant: WANDA MORRISON

Agent: Mark Holleman

Location: Property located north of Dover Rd., east of Paula Dr., west of Aurelia Lynn Dr.

Ward #: 4

Request: R-1 Single-Family Residential District
 to
 C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 95-2015-16 RPC CASE NUMBER: Z-14-2016

Applicant: ROGER & KARLYNN HILLMAN

Agent: Christian Black

Location: Property fronting on the south frontage of Union Hall Rd. 150+/- feet west of the Union Hall Rd. & Russell Dr. intersection.

Ward #: 11

Request: R-1 Single-Family Residential District
 to
 R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 5/25/2016

CASE NUMBER: Z - 11 - 2016

NAME OF APPLICANT: Wanda

Morrison

AGENT: Mark

Holleman

GENERAL INFORMATION

PRESENT ZONING: R-1

PROPOSED ZONING: C-2

EXTENSION OF ZONE

CLASSIFICATION: (C-2 YES TO EAST & WEST)

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

PROPERTY LOCATION: Property located north of Dover Rd., east of Paula Dr., west of Aurelia Lynn Dr.

ACREAGE TO BE REZONED: 3.31

DESCRIPTION OF PROPERTY AND SURROUNDING USES: Level 4+ acre residential lot with single family residence and accessory buildings.

GROWTH PLAN AREA:

CITY **TAX PLAT:** 54-G-C

PARCEL(S): 10.00 p/o

CIVIL DISTRICT: 7th

CITY COUNCIL WARD: 4

COUNTY COMMISSION DISTRICT: 16

PREVIOUS ZONING HISTORY:

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Traffic Assessment Submitted & Accepted.

2. STREET DEPARTMENT/

COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

3. DRAINAGE COMMENTS:

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5.

4a. COST TO CDE/CEMC:

5. CHARTER COMM./BELL SOUTH:

6.

5a. COST TO CHARTER AND/OR BELL SOUTH:

6. FIRE DEPT/EMERGENCY MGT.:

7.

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

7. POLICE DEPT/SHERIFF'S OFFICE:

8.

Comments Received From Department And They Had No Concerns.

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

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

Comments Received From Department And They Had No Concerns.

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

9. SCHOOL SYSTEM:

ELEMENTARY: BYRNS DARDEN

MIDDLE SCHOOL: KENWOOD

HIGH SCHOOL: KENWOOD

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased traffic, light & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: PAULA DR. AURELIA LYNN DR. (DOVER RD. IF APPEAL GRANTED)

DRAINAGE:
WEST TO EAST

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

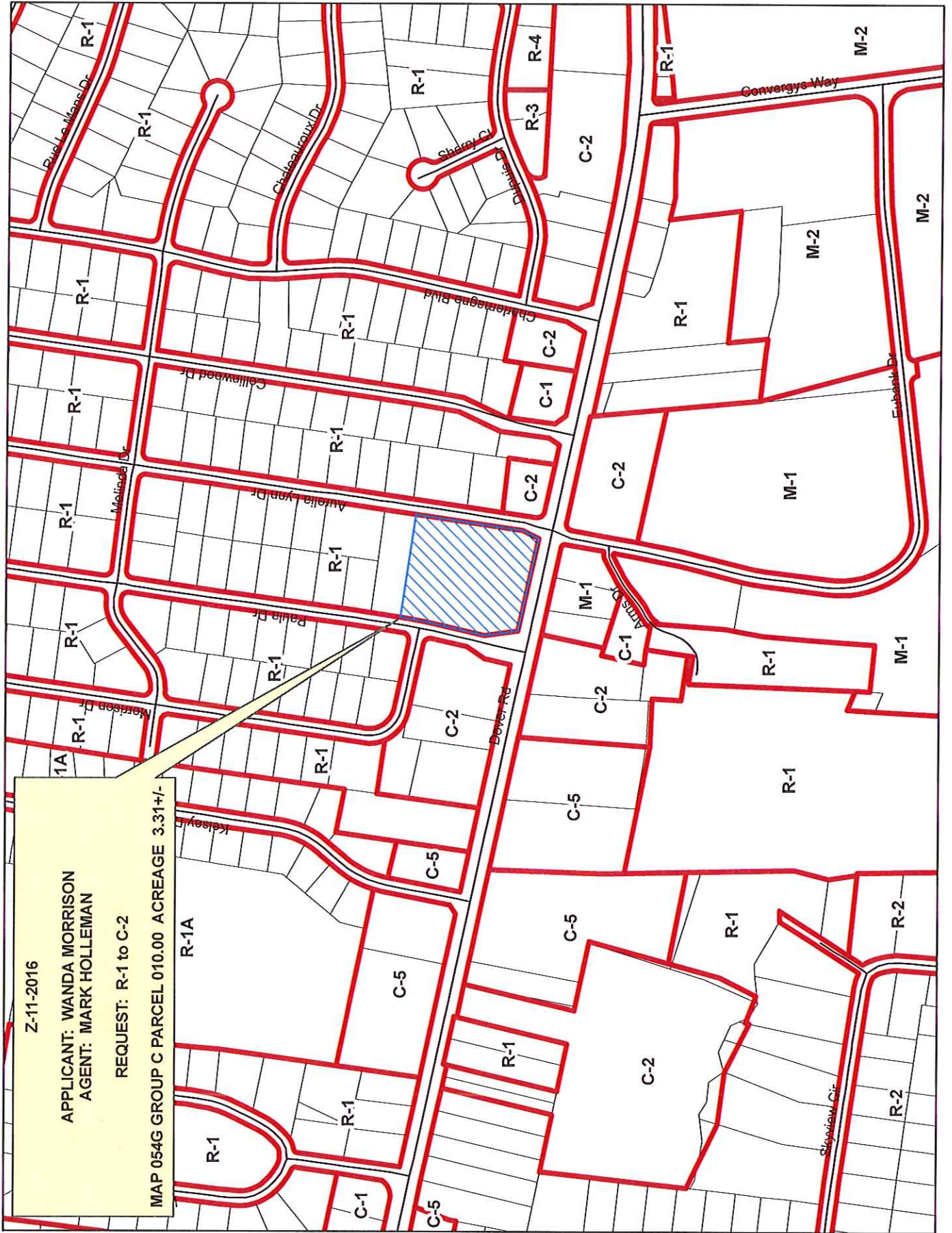
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Lafayette Planning Area- This area experienced considerable residential growth in the decade of the 90's. There is considerable room for expansion along the SR 374 corridor.

STAFF RECOMMENDATION: **APPROVAL**

- 1.** The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
- 2.** Adequate infrastructure serves the site.
- 3.** No adverse environmental issues were identified relative to this request.
- 4.** Property has frontage onto Highway 79 / Dover Rd. & has 2 other frontages along secondary City Streets. The property lends its self to commercial along the Dover Rd. frontage & possible mixed use residential to the rear.
- 5.** Type C landscape buffer required for C-2 abutting R-1. Vehicle Use areas adjacent to public streets require landscape strip.



Z-11-2016

APPLICANT: WANDA MORRISON
AGENT: MARK HOLLEMAN

REQUEST: R-1 to C-2

MAP 054G GROUP C PARCEL 010.00 ACREAGE 3.31+/-

CASE NUMBER: Z 11 2016 MEETING DATE 5/25/2016

APPLICANT: Wanda Morrison

PRESENT ZONING R-1 PROPOSED ZONING C-2

TAX PLAT # 54-G-C PARCEL 10.00 p/o

GEN. LOCATION Property located north of Dover Rd., east of Paula Dr., west of Aurelia Lynn Dr.

PUBLIC COMMENTS

None received as of 10:30 on 5/25/2016 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 5/25/2016

CASE NUMBER: Z - 14 - 2016

NAME OF APPLICANT: Roger & Karlynn Hillman

AGENT: Christian Black

GENERAL INFORMATION

PRESENT ZONING: R-1

PROPOSED ZONING: R-4

EXTENSION OF ZONE
CLASSIFICATION: NO

APPLICANT'S STATEMENT For multi-family development in conformance with similar multi-family
FOR PROPOSED USE: developments in close proximity

PROPERTY LOCATION: Property fronting on the south frontage of Union Hall Rd. 150+/- feet west of the
Union Hall Rd. & Russell Dr. intersection.

ACREAGE TO BE REZONED: 2.04

DESCRIPTION OF PROPERTY Large home site with large trees.
AND SURROUNDING USES:

GROWTH PLAN AREA: CITY **TAX PLAT:** 41-C-A **PARCEL(S):** 1.04

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 11 **COUNTY COMMISSION DISTRICT:** 1

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

No Traffic Assessment Required. Driveway Access To Be Reviewed At Site Review.

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:

6. FIRE DEPT/EMERGENCY MGT.:

7. No Comment(s) Received

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

7. POLICE DEPT/SHERIFF'S OFFICE:

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

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

No Comment(s) Received

9.

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

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: UNION HALL RD.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

23

ROAD MILES:

POPULATION:

62

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

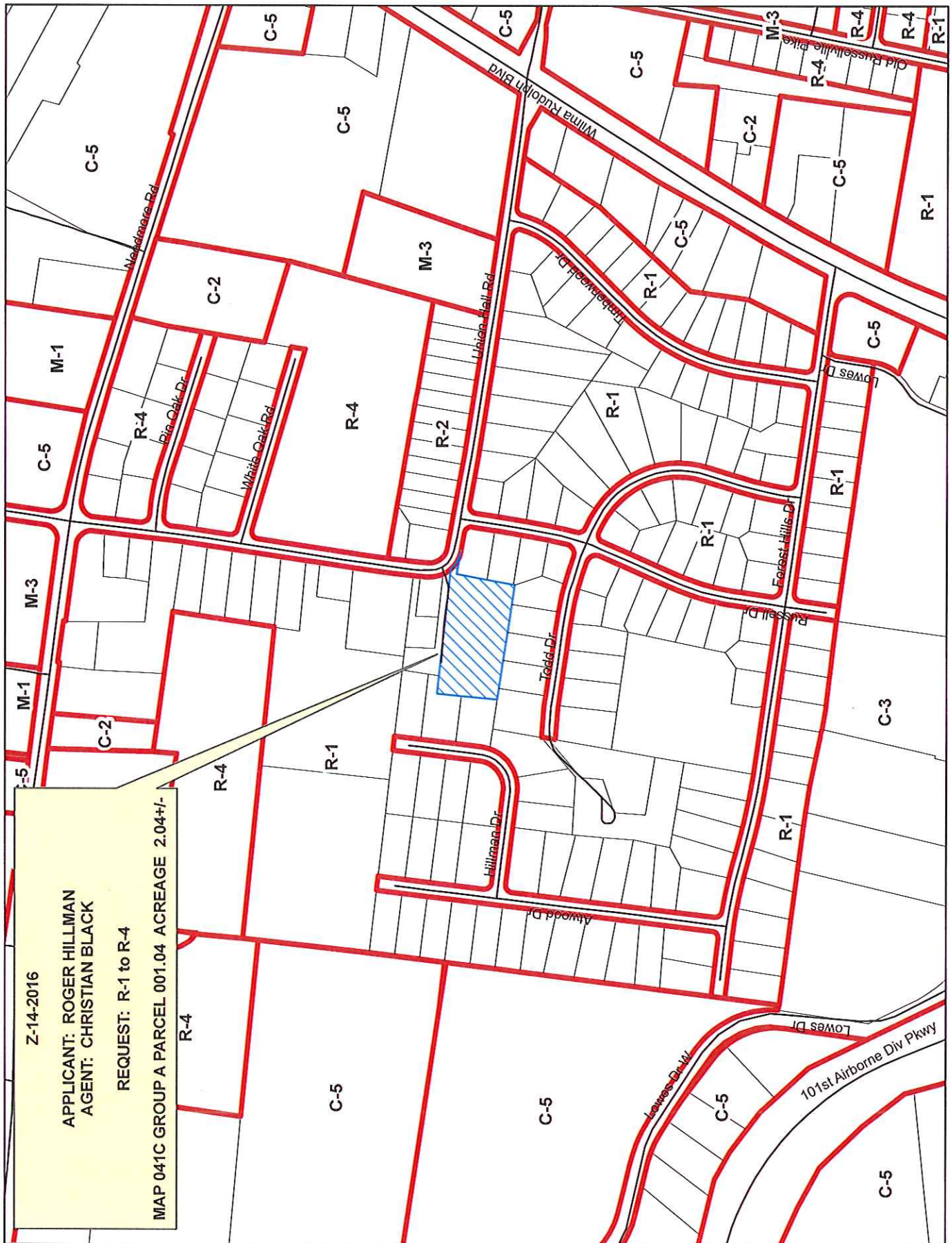
HIGH SCHOOL STUDENTS:

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. Provides an opportunity for in-fill development which is encouraged by the adopted Growth Plan to help keep development more compact and better utilize existing infrastructure.
3. Adequate infrastructure serves the site.
4. No adverse environmental issues were identified relative to this request.
5. Type B landscape buffer required for C-2 abutting R-1.



CASE NUMBER: Z 14 2016 **MEETING DATE** 5/25/2016

APPLICANT: Roger & Karlynn Hillman

PRESENT ZONING R-1 **PROPOSED ZONING** R-4

TAX PLAT # 41-C-A **PARCEL** 1.04

GEN. LOCATION Property fronting on the south frontage of Union Hall Rd. 150+/- feet west of the
Union Hall Rd. & Russell Dr. intersection.

PUBLIC COMMENTS

None received as of 10:30 on 5/25/2016 (jhb).

ORDINANCE 91-2015-16

AN ORDINANCE ANNEXING TERRITORY AREA SOUTH OF ROSSVIEW ROAD
AND EAST OF INTERSTATE 24

WHEREAS, the City of Clarksville is considering the request of Cornelia C. and John Mitchell and Anne and Charles Ross for annexation of certain territory south of Rossview Road and east of Interstate 24; and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and of the City as a whole.

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

That pursuant to authority conferred by Section 6-51-102, Tennessee Code Annotated, there is hereby annexed to the City of Clarksville, Tennessee, and incorporated within the same corporate boundaries thereof, the territory described by Exhibit "A" attached, adjoining the present corporate boundaries.

BE IT FURTHER ORDAINED that this ordinance shall be effective from and after its final passage in accordance with Article III, Section 6 of the Official Charter of the City of Clarksville, Tennessee.

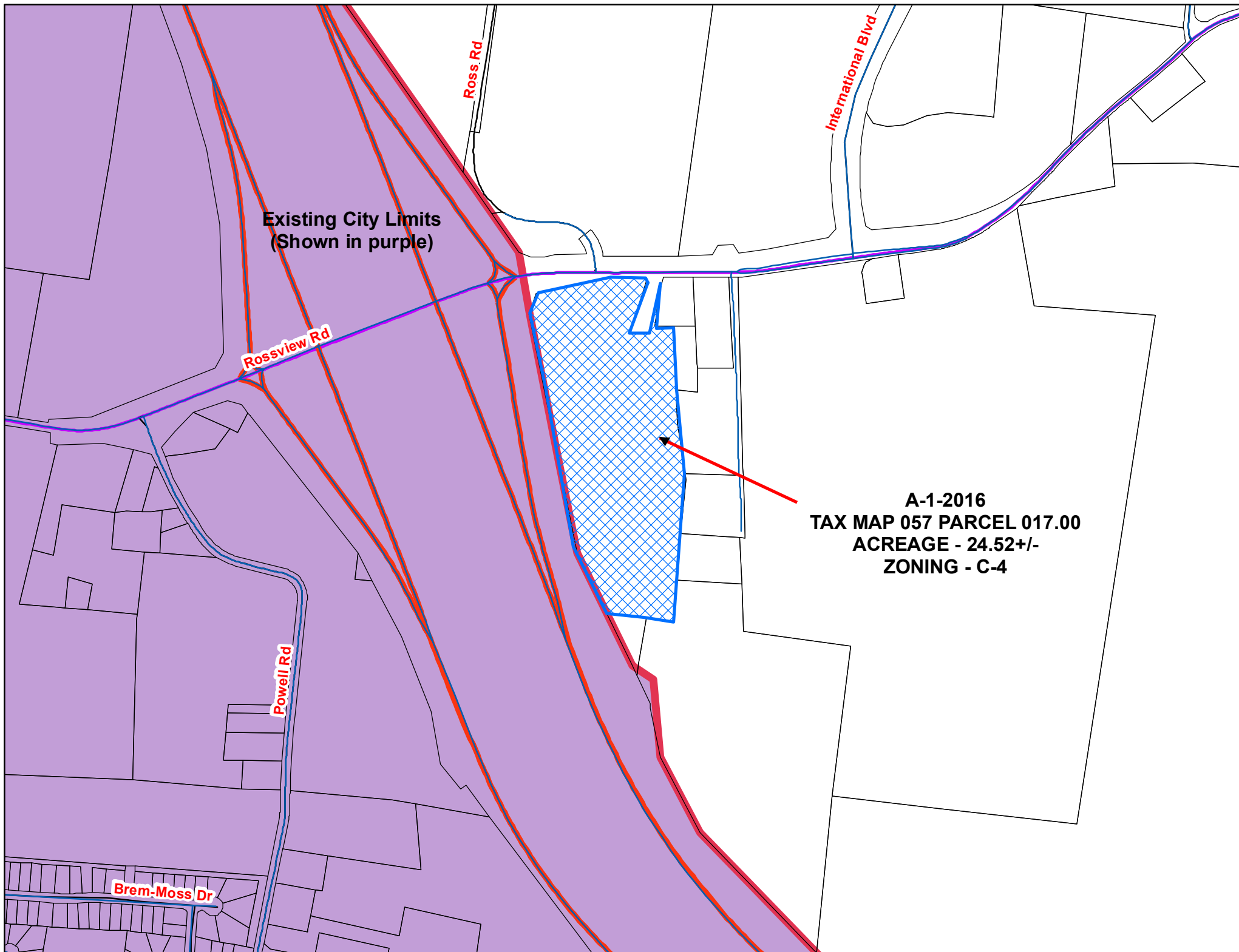
EXHIBIT A

Being the Cornelia C and John Mitchell Property, Official Record Volume (ORV) 245 Page (PG) 883 at the Register's Office of Montgomery County Tennessee (ROMCT). Being a tract of land in the 6th Civil District of Montgomery County Tennessee which is bounded on the west and adjacent to Interstate 24 and south of and adjacent to Rossview Road/State Route 237. Also being Tax Map 057, Parcel 017.00 of Montgomery County, TN. Being generally described as 1520 Rossview Road. Clarksville, TN 37043 and more particularly described as follows:

Beginning at a ½ inch rebar located South 78°44' West a distance of 998 feet west of the intersection of Rossview Road and International Boulevard. Said rebar being in the west line of the Ronnie Wallace property ORV 1181, PG 2121 and also 87.96 feet from a ½ inch rebar in the south margin of Rossview Road at the northwest corner of said Wallace property. Thence leaving said point of beginning and with the Wallace property South 07°34'02" West, a distance of 168.19 feet to a ½ inch rebar at the southwest corner of said Wallace property. Said rebar having Tennessee State Plane Coordinates of North 811525.4225, East 1603058.0650. Thence continuing with said Wallace property North 88°56'31" East, a distance of 79.18 feet to a ½ inch rebar set and capped "DBS & Associates". Thence leaving the Wallace property and with the west line of a cemetery

South 03°22'53" East, a distance of 332.86 feet to a ½ inch rebar found in the northwest corner of the James Reese Property ORV 824, PG 2815. Thence leaving the cemetery property and with the Reese property South 03°19'59" East, a distance of 197.88 feet to a ½ inch rebar found in Reese's west line. Thence South 09°19'38" East, a distance of 47.08 feet to a ½ inch rebar found. Said rebar being the southwest corner of Reese and the Northwest corner of Ida Collier. Thence leaving Reese and with said Collier property South 08°39'44" East, a distance of 191.44 feet to a ½ inch rebar found in the southwest corner of the Collier property and the northwest corner of the Timothy Childress property ORV 843, PG 452 ROMCT. Thence leaving the Collier property and with the Childress property South 08°39'44" East, a distance of 35.00 feet to a ½ inch rebar set and capped "DBS & Associates"; thence South 06°22'43" West, a distance of 271.12 feet to a ½ inch rebar found and having TN State plane coordinates of North 810457.3035 East 1603179.9850. Said rebar being the southwest corner of the Childress property and the northwest corner of the Alice Connell Property ORV 146, PG 921 ROMCT. Thence with the Connell property the following two calls: South 06°46'34" West, a distance of 460.84 feet to a ½ inch rebar set and capped "DBS & Associates", being the southeast corner of the subject property, thence North 81°45'00" West, a distance of 190.14 feet to a ½ inch rebar set and capped "DBS & Associates" at the northeast corner of the Batson Dev Co, ORV 141, PG 401 ROMCT. Thence with said Batson property North 81°45'00" West, a distance of 211.61 feet to a point in the east right of way of Interstate 24. Thence leaving said Batson property and with the eastern right of way of Interstate 24 the following seven calls, all ending at a concrete right of way marker found: North 26°36'33" West, a distance of 4.57 feet; thence North 21°20'29" West, a distance of 349.67 feet; thence North 10°01'10" West, a distance of 672.36 feet; thence North 11°14'55" West, a distance of 550.20 feet; thence North 19°17'01" East, a distance of 113.25 feet; thence North 81°33'07" East, a distance of 341.43 feet; thence North 70°34'43" East, a distance of 106.62 feet to a concrete right of way marker found in the southern right of way of Rossvie Rd. Thence with said right of way the following four calls, each ending at a ½ inch rebar set and capped "DBS & Associates": South 89°05'31" East, a distance of 146.14 feet; thence South 41°14'02" East, a distance of 26.36 feet; thence South 18°15'35" West, a distance of 278.96 feet; thence South 86°42'08" East, a distance of 102.06 feet; thence North 14°21'22" East, a distance of 210.28 feet to the point of beginning. (To include SR 237/Rossvie Road. right-of-way 754+/- feet east of existing city limits.)

Containing 24.52 ACRES (plus the SR237/Rossvie Road right-of-way), more or less, according to a survey conducted by DBS & Associates Engineering dated December 9, 2013, Job # SM 1783. Together with and subject to all right of ways, easements, restrictions, covenants and conveyances of record and not of record.



RESOLUTION 52-2015-16

A RESOLUTION ADOPTING A PLAN OF SERVICE FOR ANNEXED AREA SOUTH OF ROSSVIEW RD AND EAST OF INTERSTATE 24.

WHEREAS, T. C. A. Section 6-51-102 (amended) now requires that a plan of services be adopted by the governing body of a city; and

WHEREAS, the City of Clarksville is contemplating annexation of an area described in attached legal description (See Exhibit A); and

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

Section 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of service.

Police

Patrolling, radio responses to calls, and all other routine police services, will be provided beginning on the effective date of annexation. No additional personnel or equipment is needed, at this time.

Fire

The Clarksville Fire Department can provide adequate fire protection for the proposed annexation area without any additional cost.

Water

- (1) The extension of the water within this area will be at the developer's expense at the time of the development. Gas main extensions will be made in accordance with the City's current gas main extension policy.
- (2) Any proposed development of the annexation area necessitating water infrastructure will require engineering plans to be submitted to the Gas and Water Department for review and approval.

Sewer

- (1) The extension of sewer within this area will be at the developer's expense at the time of the development. The site may require off-site sewer improvements in order for this area of land to be developed at owner's expense.

- (2) Any proposed development of the annexation area necessitating sewer infrastructure will require engineering plans to be submitted to the Gas and Water Department for review and approval.

Solid Waste Disposal

Current policies of the Bi-County Solid Waste Management System for areas within the city limits of Clarksville will extend into the newly annexed area upon the effective date of annexation.

Streets

- (1) Any future improvements of this property will be the responsibility of the Developer and/or property owner.
- (2) Emergency maintenance of streets (repair of hazardous potholes and measures necessary for traffic flow) will begin once streets are dedicated to the public.
- (3) Routine maintenance, on a daily basis, will begin once streets are dedicated to the public.
- (4) Construction of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under city policies.

Electrical Services

The Clarksville Department of Electricity will incur a cost of approximately \$30,000 to build a new line to provide service to the house that is located on the property.

We anticipate this work to be completed within 6-12 months of the effective date of annexation.

Inspection Services

Any inspection service now provided by the city (building, electrical, plumbing, gas, and housing) will be available in the annexed area on the effective date of annexation.

Planning and Zoning

Areas and territories incorporated into the City of Clarksville will retain the zoning classifications as assigned to these areas by the Montgomery County Commission, Montgomery County, Tennessee, until and unless rezoned by Ordinance of the City of Clarksville. Necessary changes in any zones will be made within a reasonable period of time after the effective date of annexation.

Street Lighting

Residential streetlights will be installed under the standards currently prevailing in the existing city limits.

Recreation

The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

Transit

The same standards and policies now used in the present city will be followed in expanding the transit program and facilities in the enlarged city.

Section 2. This resolution shall be effective from and after its adoption.

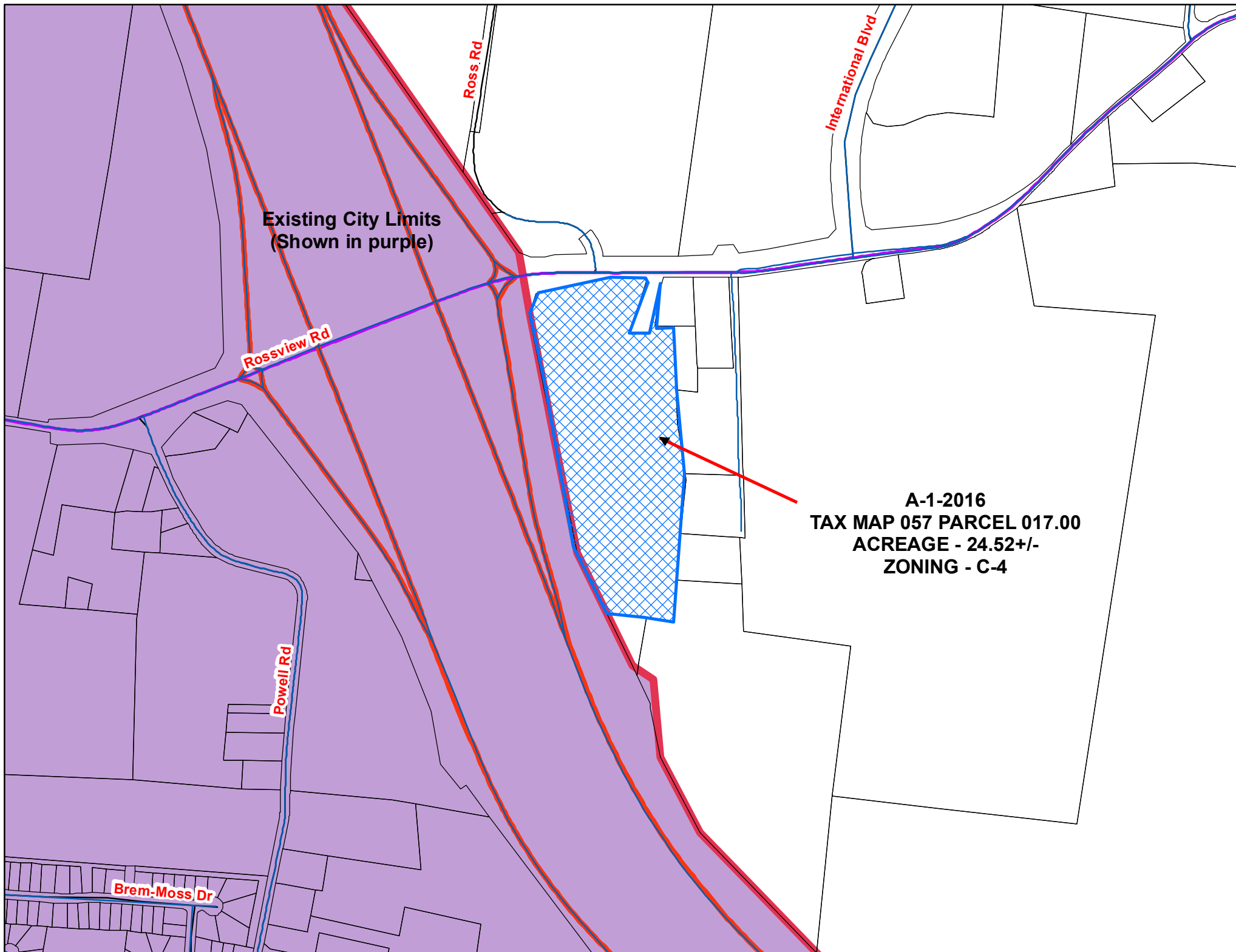
EXHIBIT A

Being the Cornelia C and John Mitchell Property, Official Record Volume (ORV) 245 Page (PG) 883 at the Register's Office of Montgomery County Tennessee (ROMCT). Being a tract of land in the 6th Civil District of Montgomery County Tennessee which is bounded on the west and adjacent to Interstate 24 and south of and adjacent to Rossview Road/State Route 237. Also being Tax Map 057, Parcel 017.00 of Montgomery County, TN. Being generally described as 1520 Rossview Road. Clarksville, TN 37043 and more particularly described as follows.

Beginning at a ½ inch rebar located South 78°44' West a distance of 998 feet west of the intersection of Rossview Road. and International Blvd. Said rebar being in the west line of the Ronnie Wallace property ORV 1181, PG 2121 and also 87.96 feet from a ½ inch rebar in the south margin of Rossview Road at the northwest corner of said Wallace property. Thence leaving said point of beginning and with the Wallace property South 07°34'02" West, a distance of 168.19 feet to a ½ inch rebar at the southwest corner of said Wallace property. Said rebar having Tennessee State Plane Coordinates of North 811525.4225, East 1603058.0650. Thence continuing with said Wallace property North 88°56'31" East, a distance of 79.18 feet to a ½ inch rebar set and capped "DBS & Associates". Thence leaving the Wallace property and with the west line of a cemetery South 03°22'53" East, a distance of 332.86 feet to a ½ inch rebar found in the northwest corner of the James Reese Property ORV 824, PG 2815. Thence leaving the cemetery property and with the Reese property South 03°19'59" East, a distance of 197.88 feet to a ½ inch rebar found in Resse's west line. Thence South 09°19'38" East, a distance of 47.08 feet to a ½ inch rebar found. Said rebar being the southwest corner of Reese and the Northwest corner of IDA Collier. Thence leaving Reese and with said Collier property South 08°39'44" East, a distance of 191.44 feet to a ½ inch rebar found in the southwest corner of the Collier property and the northwest corner of the Timothy Childress property ORV 843, PG 452

ROMCT. Thence leaving the Collier property and with the Childress property South 08°39'44" East, a distance of 35.00 feet to a ½ inch rebar set and capped "DBS & Associates"; thence South 06°22'43" West, a distance of 271.12 feet to a ½ inch rebar found and having TN State plane coordinates of North 810457.3035 East 1603179.9850. Said rebar being the southwest corner of the Childress property and the northwest corner of the Alice Connell Property ORV 146, PG 921 ROMCT. Thence with the Connell property the following two calls: South 06°46'34" West, a distance of 460.84 feet to a ½ inch rebar set and capped "DBS & Associates", being the southeast corner of the subject property, thence North 81°45'00" West, a distance of 190.15 feet to a ½ inch rebar set and capped "DBS & Associates" at the northeast corner of the Batson Dev Co, ORV 141, PG 401 ROMCT. Thence with said Batson property North 81°45'00" West, a distance of 211.61 feet to a point in the east right of way of Interstate 24. Thence leaving said Batson property and with the eastern right of way of Interstate 24 the following seven calls, all ending at a concrete right of way marker found: North 26°36'33" West, a distance of 4.57 feet; thence North 21°20'29" West, a distance of 349.67 feet; thence North 10°01'10" West, a distance of 672.36 feet; thence North 11°14'55" West, a distance of 550.20 feet; thence North 19°17'01" East, a distance of 113.25 feet; thence North 81°33'07" East, a distance of 341.43 feet; thence North 70°34'43" East, a distance of 106.62 feet to a concrete right of way marker found in the southern right of way of Rossvie Rd. Thence with said right of way the following 4 calls, each ending at a ½ inch rebar set and capped "DBS & Associates": South 89°05'31" East, a distance of 146.14 feet; thence South 41°14'02" East, a distance of 26.36 feet; thence South 18°15'35" West, a distance of 278.96 feet; thence South 86°42'08" East, a distance of 102.06 feet; thence North 14°21'22" East, a distance of 210.28 feet to the point of beginning. (To include SR 237/Rossvie Road. right-of-way 754+/- feet east of existing city limits.)

Containing 24.52 ACRES (plus the SR237/Rossvie Road right-of-way), more or less, according to a survey conducted by DBS & Associates Engineering dated December 9, 2013, Job # SM 1783. Together with and subject to all right of ways, easements, restrictions, covenants and conveyances of record and not of record.



ORDINANCE 87-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF PAMELA S. MAY, WAYNE WILKINSON-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF UNION HALL ROAD AND TIMBERWOOD DRIVE

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

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

PUBLIC HEARING: May 5, 2016

FIRST READING: May 5, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 228 +/- feet east of the centerline of the Union Hall Road & Timberwood Drive intersection, said point being the northeast corner of the herein described tract and the northwest corner of the Harvey Brown Sr. property, thence in a westerly direction 290 +/- feet with the southern ROW margin of Union Hall Rd. and the eastern ROW margin of Timberwood Dr. to a point, said point being the northwest corner of the Roger D. Allen property, thence with the northern boundary of the Allen property 160 +/- feet in a easterly direction to a point, said point being the in the western boundary of the Clarat LLC property, thence in a northeasterly direction 160 +/- feet with the western boundary of the Clarat LLC property and Harvey Brown Sr. property to the point of beginning. containing 0.50 +/- acres (Further identified as Tax Map 41-F-A, Parcel 13.00)

ORDINANCE 89-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RONNIE GOAD FOR ZONE CHANGE ON PROPERTY SOUTH OF BELLSHIRE COURT AND NORTH OF WILSON ROAD

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

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

PUBLIC HEARING: May 5, 2016

FIRST READING: May 5, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

R-2D TRACT

Being a Tract of land situated in the 11th Civil District of Montgomery County, Tennessee, said Tract being located 6 miles, more or less, east of downtown Clarksville, said Tract being north of and adjacent to Wilson Road, south of Bellshire Drive, east of Coyote Court, and west of Old Farmers Road, said Tract being more particularly described as follows: Beginning at an iron pin (new) set in the northern right of way of Wilson Road, said pin being located approximately 1100' east of the intersection of Coyote Court and Wilson Road as measured along Wilson Road, said pin also being the southeast corner of the James W. Carrell property as recorded in O.R.V. 1240, Page 2983, R.O.M.C.T.; Thence leaving said right of way and with the eastern boundary of said Carrell property, North 03 degrees 20 minutes 39 seconds East for a distance of 107.93 feet to an iron pin (new); Thence leaving said Carrell boundary and on a new division line, South 86 degrees 23 minutes 37 seconds East for a distance of 171.43 feet to an iron pin (new); Thence on another new division line, South 63 degrees 14 minutes 49 seconds East for a distance of 43.54 feet to an iron pin (new); Thence on another new division line, South 86 degrees 23 minutes 37 seconds East for a distance of 110.58 feet to an iron pin (new), said pin being in the western boundary of the Lynda Ann Holt Conner property as recorded in O.R.V. 573, Page 122, R.O.M.C.T.; Thence with the western boundary of said Conner property, South 03 degrees 35 minutes 55 seconds West for a distance of 123.27 feet to an iron pin (new), said pin being the southwest corner of said Conner property, said pin also being in the northern right of way of Wilson Road; Thence leaving said Conner boundary and with the northern right of way of Wilson Road, North 80 degrees 37 minutes 50 seconds West for a distance of 323.19 feet to the point of beginning. Said Tract contains 0.87 Acres

R-2A TRACT

Being a Tract of land situated in the 11th Civil District of Montgomery County, Tennessee, said Tract being located 6 miles, more or less, east of downtown Clarksville, said Tract being north of Wilson Road, south of Bellshire Drive, east of Coyote Court, and west of Old Farmers Road, said Tract being more particularly described as follows: Beginning at an iron pin (new) set in the eastern boundary of the James W. Carrell property, said pin being the northwest corner of Parcel 1 (this document), said pin being located North 03 degrees 20 minutes 39 seconds East for a distance of 107.93 feet from an iron pin (new) set in the northern right of way of Wilson Road (the point of beginning for Parcel 1, this document); Thence leaving the boundary of Parcel 1 (this document) and with the eastern boundary of said Carrell property, North 03 degrees 20 minutes 39 seconds East for a distance of 1,281.28 feet to a ½" iron pin with a cap stamped "BDS," said pin being the northeast corner of said Carrell property, said pin also being in the southern boundary line of the Ronnie Goad ETAL property as recorded in O.R.V. 577, Page 673, R.O.M.C.T.; Then leaving said Carrell boundary and with the southern boundary of said Goad property, South 82 degrees 04 minutes 38 seconds East for a distance of 29.77 feet to an iron pin (new); Thence continuing with the southern boundary of said Goad property, South 81 degrees 50 minutes 18 seconds East for a distance of 298.99 feet to an iron pin (new), said pin being the northwest corner of the Lynda Ann Holt Conner property as recorded in O.R.V. 573, Page 122, R.O.M.C.T.; Then leaving said Goad boundary and with the western boundary of said Conner property, South 03 degrees 35 minutes 55 seconds West for a distance of 1,272.39 feet to an iron pin (new), said pin being the northeast corner of Parcel 1 (this document); Thence leaving said Conner boundary and on a new division line with the northern boundary of Parcel 1 (this document) the following three (3) calls: North 86 degrees 23 minutes 37 seconds West for a distance of 110.58 feet to an iron pin (new); Thence North 63 degrees 14 minutes 49 seconds West for a distance of 43.54 feet to an iron pin (new); Thence North 86 degrees 23 minutes 37 seconds West for a distance of 171.43 feet to the point of beginning. Said Tract contains 9.51 Acres

ORDINANCE 90-2015-16

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CHRIS MORIN, DAVID SMITH-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF AMBERLEY DRIVE AND POWELL 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-1 Single Family Residential District.

PUBLIC HEARING: May 5, 2016

FIRST READING: May 5, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Being a tract of land located in the 6th Civil District of the city of Clarksville, County of Montgomery, TN, being a portion of the Chris Morin property as recorded in ORV 1447, Page 2597 ROMCT, said tract being more fully described as being located south of Rossview Road, west of and adjacent to Interstate 24 and east of and adjacent to Powell Road, said tract being more particularly described as follows; Beginning at a point in the east right of way of Powell Road, said point of beginning being further described as the southwest corner of the John Killebrew property as recorded in ORV 1273, Page 673 R.O.M.C.T., also lying South 03 degrees 28 minutes 44 seconds West for a distance of 184.41 feet from the intersection of Powell Road and Amberley Drive; Thence leaving said east right of way with the south property line of Killebrew property, South 82 degrees 44 minutes 09 seconds East for a distance of 1,225.84 feet to a point, lying in the southwest corner of the AT&T Tower property as recorded in ORV 1273, Page 673 ROMCT; Thence leaving Killebrew property along the AT&T south line, South 82 degrees 27 minutes 38 seconds East for a distance of 68.59 feet to a point, said point being the southeast corner of AT&T property; Thence leaving the AT&T property along the Killebrew south line, South 82 degrees 47 minutes 14 seconds East for a distance of 892.06 feet to a point lying in the west boundary of the Interstate 24; Thence along the west boundary line of Interstate 24 for the next 4 calls: South 35 degrees 23 minutes 05 seconds East for a distance of 740.85 feet to a point; South 25 degrees 31 minutes 30 seconds East for a distance of 320.26 feet to a point; South 07 degrees 52 minutes 45 seconds East for a distance of 226.13 feet to a point; South 19 degrees 53 minutes 57

seconds East for a distance of 408.38 feet to a point, lying in the north banks of the Red River; Thence leaving Interstate 24 west boundary line along the north banks of the Red River for the next 6 calls: North 84 degrees 35 minutes 46 seconds West for a distance of 74.33 feet to a point; North 86 degrees 56 minutes 50 seconds West for the distance of 75.11 feet to a point; North 84 degrees 52 minutes 19 seconds West for a distance of 78.31 feet to a point; North 87 degrees 32 minutes 45 seconds West for a distance of 70.06 feet to a point; North 90 degrees 00 minutes 00 seconds West for a distance of 54.00 feet to a point; South 84 degrees 07 minutes 03 seconds West for a distance of 165.87 feet to a point, lying in the east property line of Lucas Perry property as recorded in ORV 1509, Page 869 ROMCT; Thence leaving the banks of the Red River along the Perry east property line, North 08 degrees 40 minutes 23 seconds East for a distance of 179.05 feet to a point, being the Perry northeast corner, also being the southeast corner of the Bobby Wall property as recorded in ORV 352, Page 2205 ROMCT; Thence along Wall east property line, North 09 degrees 34 minutes 00 seconds East for a distance of 180.51 feet to a point, being the Wall's northeast corner; Thence along the Wall north property line, passing the Matthew Mason property as recorded in ORV 1254, page 832 ROMCT, North 83 degrees 09 minutes 26 seconds West for 604.30 feet to a point, being the northwest corner of Mason property, also being the north corner of the James McDaniel property as recorded in ORV 622, Page 988 ROMCT; Thence leaving McDaniel property along the Michael Koons' north property line as recorded in ORV 1617, Page 787 ROMCT, North 81 degrees 44 minutes 43 minutes West for a distance of 390.04 feet to a point, said point lying in the north right of way of Powell Road; Thence leaving Koons property along the north right of way, on a curve to the left having a radius of 425.15 feet, an arc length of 148.19 feet, a delta of 19 degrees 58 minutes 16 seconds, a tangent of 74.85 feet, a chord bearing of North 69 degrees 36 minutes 40 seconds West for a distance of 147.44 feet to a point; Thence North 80 degrees 32 minutes 16 seconds West for a distance of 399.23 feet to a point, being the southeast corner of the Chris Morin same deed info on tax map 57 par 134.00; Thence continue along Powell Road and Morin south property line, North 80 degrees 32 minutes 16 seconds West for a distance of 334.55 feet to a point, being the southwest corner of parcel 134.00; Thence continue along Powell Road, North 80 degrees 27 minutes 08 seconds West for a distance of 770.58 feet to a point; Thence continue along Powell Road, on a curve to the right having a radius of 100.00 feet, an arc length of 167.56 feet, a delta of 96 degrees 00 minutes 13 seconds, a tangent of 111.07 feet, a chord bearing of North 32 degrees 27 minutes 01 seconds West for a distance of 148.63 feet to a point; Thence along the east right of way of Powell Road, North 15 degrees 33 minutes 05 seconds East for a distance of 897.62 feet to the point of beginning. Said tract-containing 69.10 acres more or less.



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
MAY 5, 2016**

MINUTES

PUBLIC COMMENTS

During the public comment period prior to regular session, John Despain and Robert Neimann stated their concerns regarding noise, loitering, and trash generated by the Warehouse Bar & Grill on Spring Street. Linda O'Connor Barnett expressed concern regarding conditions of some sidewalks relative to handicap accessibility.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, May 5, 2016, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Richard Woodson, Living Word International Ministries; the Pledge of Allegiance was led by Councilman Bill Powers.

ATTENDANCE

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

ABSENT: James Lewis (Ward 3)

SPECIAL RECOGNITIONS

Mayor McMillan proclaimed May 5, 2016, as "Teens-4-Teens" Day to honor Kenwood High School Seniors and their efforts in raising awareness of needs in the local community.

ZONING PUBLIC HEARING

ORDINANCE 84-2015-16 (First Reading; Postponed April 7th) Amending the Zoning Ordinance and map of the City of Clarksville, application of Gordon Seay for zone change on property at the intersection of Tylertown Road and Samantha Lane from R-2 Single Family Residential District and R-5 Residential District to R-4 Multiple Family Residential District

The public hearing for this case was held April 7, 2016. The City Council had previously been made aware of the applicant's request to withdraw this ordinance.

ORDINANCE 87-2015-16 (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Pamela S. May, Wayne Wilkinson-Agent, for zone change on property located at the intersection of Union Hall Road and Timberwood Drive from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District

Wayne Wilkinson said he did not attend the public hearing at the Regional Planning Commission and explained this change would be an extension of existing commercial zonings on two side of the subject property. No one expressed opposition.

ORDINANCE 88-2015-16 (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Wanda Morrison, Mark Holleman-Agent, for zone change on property north of Dover Road, east of Paula Drive, and west of Aurelia Lynn Drive from R-1 Single Family Residential District to C-2 General Commercial District

Mark Holleman asked the Council refer this ordinance back to the Regional Planning Commission to allow the applicant to amend the acreage to be changed to C-2 General Commercial District.

Wayne Erickson and Helga Redd opposed the change to commercial which could allow a multi-family development.

During rebuttal, Mr. Holleman said the applicant would like the opportunity to consider better zoning options.

ORDINANCE 89-2015-16 (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Ronnie Goad for zone change on property South of Bellshire Court and north of Wilson Road from R-4 Multiple Family Residential District to R-2D Two Family Residential District and R-2A Single Family Residential District

No one spoke for or against this request.

ORDINANCE 90-2015-16 (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Chris Morin, David Smith-Agent, for zone change on property at the intersection of Amberley Drive and Powell Road from AG Agricultural District to R-1 Single Family Residential District

David Smith offered to answer questions. Mark Grant reminded the Council that Powell Road was on the current re-paving schedule and adjacent properties were already zoned R-1 Single Family Residential District.

Ralph Mackens said this change would increase traffic on Powell Road which could create emergency vehicle access problems. Pam Clumphas was concerned about traffic congestion and asked those in the audience who opposed this change to stand and be recognized.

During rebuttal, Mr. Smith said one entrance/exit would provide extra security for the neighborhood. Linda Allen said widening of Rossview Road would not improve traffic flow on Powell Road and that sinkholes could cause drainage problems on the roadways.

ACTION ON ZONING

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 84-2015-16** and the applicant had asked for withdrawal of the request. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. City Attorney Lance Baker said if the request was disapproved, an applicant must wait at least twelve months to make the same request on the same land even if the property was sold to a new owner. The following vote was recorded:

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

The motion to adopt this ordinance on first reading failed.

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 87-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Garrett. Councilman Powers supported this change stating surrounding lots were already zoned commercial. Councilman Burkhart felt this change would allow intrusion of commercial development into the residential area. The following vote was recorded:

AYE: Allen, Garrett, Grubbs, McMillan, Powers, Smith, Wallace

NAY: Alexander, Burkhart, Guzman, McLaughlin, Redd

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 88-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. Councilwoman McLaughlin made a motion to refer this request back to the Regional Planning Commission for reconsideration. The motion was seconded by Councilman Powers. Councilman Redd said he owned land adjacent to the property in question and did not object to commercial rezoning, but did oppose a multi-family development. Councilman Grubbs said he would not vote on this ordinance because a family member was a relative of the owner. The following vote was recorded:

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

ABSTAIN: Grubbs, Redd

The motion to refer this request back to the Regional Planning Commission passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 89-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 90-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

NEW BUSINESS

RESOLUTION 45-2015-16 Adopting the Smoke Free Community Initiative

There was no objection to moving this resolution up from the end of this agenda. Councilwoman McLaughlin made a motion to adopt this resolution. The motion was seconded by Councilman Garrett. Councilman Garrett commended Rossview High School and Northwest High School students for their presentations made during the April 28th Executive Session. The following vote was recorded:

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

NAY: Alexander, Redd

The motion to adopt this resolution 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 80-2015-16** (Second Reading) Authorizing purchase of Randall Arthur Property for the Clarksville Greenway/Red River Trail
2. **ORDINANCE 81-2015-16** (Second Reading) Authorizing purchase of Cecil Radford property for wastewater system improvements
3. **ORDINANCE 82-2015-16** (Second Reading) Amending the Zoning Ordinance of the City of Clarksville, application of the Regional Planning Commission to add a cell tower masking provision for communication towers to existing conditions for approval
4. **ORDINANCE 83-2015-16** (Second Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Randy and Debra Butts for zone change on property at the intersection of Trenton Road and Sequoia Lane from R-1 Single Family Residential District to C-5 Highway & Commercial District
5. **ORDINANCE 85-2015-16** (Second Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Reda Homebuilders, Inc. for zone change on property at the intersection of Fairview Lane and W. Rossview Road from R-1 Single Family Residential District to R-2 Single Family Residential District
6. **ORDINANCE 86-2015-16** (Second Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Biltmore Landings Business Park, Johnny Piper-Agent, for zone change on property at the intersection of Wilma Rudolph Boulevard and Old Trenton Road from C-2 General Commercial District to R-4 Multiple Family Residential District
7. **RESOLUTION 49-2015-16** Approving a Certificate of Compliance for Ernst N. Corns for sale of wine at Houchens Food Group/Price Less IGA #494, 1151 Fort Campbell Boulevard
8. **RESOLUTION 50-2015-16** Approving a Certificate of Compliance for John A. Attaway, Jr. for sale of wine at Publix #1392, 1771 Madison Street
9. **RESOLUTION 51-2015-16** Approving a Certificate of Compliance for John A. Attaway, Jr. for sale of wine at Publix #1425, 1490 Tiny Town Road
10. Adoption of Minutes: April 7th, April 18th
11. Approval of Board Appointments:

Senior Citizens Board: Gilbert Pulley, Doris Allen Reynolds – May 2016 through April 2019

Councilman Alexander made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

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

The motion to adopt the Consent Agenda as presented passed.

FINANCE COMMITTEE

Joel Wallace, Chair

RESOLUTION 46-2015-16 Authorizing a grant application and adopting the 2016-17 Action Plan and Budget for Community Development Block Grant and HOME programs

The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. Councilman Wallace offered an amendment to include the recently approved funding for the Shelter Plus Care Grant in the amount of \$109,688. The motion was seconded by Councilman Powers. A voice was taken; the motion passed without objection. The following vote on the original motion as amended was recorded:

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

NAY: Garrett

The motion to adopt this resolution as amended passed.

RESOLUTION 47-2015-16 Accepting the proposal from the Tennessee Department of Transportation for a project on SR-237/Rossvie Road

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

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

The motion to adopt this resolution passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen announced the following reconstruction projects would begin soon: 1606 Golf Club Lane - \$82,647 (Ward 9); 156 Reynolds Street - \$84,052 (Ward 6).

Councilman Garrett referred to his message distributed earlier this day requesting an ordinance that would require all City funding for non-profit agencies be allocated to the United Way to be disbursed at their discretion. He expressed his feelings that the Leap Organization was being discriminated against. City Attorney Lance Baker said this action could be accomplished during the process for adopting the upcoming budget. Without objection from the Council, Community Development Director Keith Lampkin said a notice was published in the local newspaper giving all non-profit agencies information regarding the application process. Mr. Lampkin vowed to follow Housing & Urban Development guidelines regarding allocation of the City's federal funds.

Councilman Burkhart and Councilwoman McLaughlin suggested phasing out city-funded non-profit agency donations. Councilman Allen expressed support for the funding stating the agencies contribute greatly to the community.

NOTE: Councilman Alexander left the meeting at 8:49 p.m.

GAS & WATER COMMITTEE

Wallace Redd, Chair

RESOLUTION 48-2015-16 Authorizing issuance, sale, and payment of up to \$110,000,000 Water, Sewer, and Gas Revenue Refunding Bonds and authorizing cash defeasance of certain outstanding bonds

The recommendation of the Gas & Water Committee was for approval. Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

The motion to adopt this resolution passed.

PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

Councilman Powers said city pools would open May 28th and shared information regarding the following spring and summer events: Queen City Road Race, Movies in the Park, Sleeping Under the Stars, and Downtown Market. He said Building Maintenance had completed 164 work orders during the previous month.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

Councilman Grubbs shared the following monthly department statistics: Building & Codes Construction Division – 1,602 inspections; Building & Codes Enforcement Division = 475 cases; Building & Codes Abatement Division – 46 work orders; Fire & Rescue – 1,018 emergency runs; Police – 12,900 responses.

STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

In Chairman Lewis' absence, Councilwoman McLaughlin said Clarksville Transit System transported 60,580 passengers, the Clarksville-Nashville Express transported 5,856 passengers, and the City Garage completed 305 work orders during April.

MAYOR AND STAFF REPORTS

Councilman Garrett had also requested a budget amendment that would designate funding directly to the Two Rivers Company and not require the TRC to apply through the non-profit agency donation process. Mr. Baker also this action could also be accomplished during the upcoming budget process.

NON-PUBLIC SESSION

City Attorney Lance Baker held a non-public session with members of the City Council regarding situations involving Jonathan George, Sr.

Some members left the meeting during this discussion.

ADJOURNMENT

The meeting was adjourned at 9:27 p.m.



CLARKSVILLE CITY COUNCIL SPECIAL SESSION MAY 19, 2016

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, May 19, 2016, at 4:35 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Richard Garrett; the Pledge of Allegiance was led by Councilman Bill Powers.

ATTENDANCE

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

ABSENT: James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Geno Grubbs (Ward 7)

FY17 BUDGET NON-VOTING WORK SESSION

There was no objection to allowing input and responses from Department Heads and Chief Financial Officer Laurie Matta while the Council was in special session.

Ms. Matta noted some major accomplishments during FY16 including paving 32 miles of streets, construction of Fire Station 12 and the CPD North Precinct, partial construction of Fire Station 11, completion of riverbank stabilization (which was 65% funded by the Corps of Engineers), and the external audit completed on time with no findings. She noted the amended FY16 budget revenues would total \$86.3 million and that year-end department expenditures should be 1% under budget.

The proposed FY17 budget contained a 2% general wage increase for city employees and funding for an updated pay study. Ms. Matta said a new property tax rate of \$1.29 (5 cent increase) was being proposed to fund staffing and operation of Fire Station 11 and Fire Station 12, a new rescue vehicle, and additional paving.

Anticipated revenues and savings included a SAFER grant, delayed staffing of Fire Station 11 plus a lower construction cost, increased state-shared revenues, drivers' license renewal fees, and an increased Department of Electricity PILOT payment. Ms. Matta said projected FY17 revenues would total \$94.2 million with \$94.1 million projected expenditures for the general government. The combined budgets of the Department of Electricity, Gas & Water, Clarksville Transit System, Parking Commission, and the General Fund would total \$389.6 million.

Questions and discussions were relative to the following departments:

CITY COURT

In response to Councilwoman McLaughlin's question, City Court Clerk Ernie Griffith said funding was included for "interim judge pay" which would compensate someone who would act in the absence of the City Judge. Mr. Griffith said the department was no longer accepting telephone credit card payments.

MUSEUM

In response to Councilwoman McLaughlin's question, Ms. Matta said the Customs House Museum was requesting \$400,000 to replace one HVAC system.

FINANCE DEPARTMENT

In response to Councilwoman McLaughlin's questions, Ms. Matta offered the following responses: \$8 million was being proposed for general fund debt service payments; the FY17 fund balance was estimated to be \$20 million; \$.01 of the property tax rate would equal \$264,425 in revenue.

HUMAN RESOURCES

In response to Councilwoman McLaughlin's questions, Human Resources Director Will Wyatt offered the following responses: The proposed 2% employee pay increase would total \$754,000; auto insurance premiums vary by department depending on accident history; a "readiness assessment" was being conducted with regard to a performance management system; funding was included for an updated pay study; a proposed new software would allow employees to update their individual benefits; a proposed new software would provide equipment

safety inspections; a learning management system would schedule online training for employees remotely and expedite employee status changes.

In response to Councilman Garrett's questions, Mr. Wyatt offered the following responses: An updated pay study should be completed within six months; a performance-based pay plan could be completed within a minimum of twelve months; the recent market study showed 3% would be a fair increase.

PROPERTY TAX RATE

In response to Councilman Garrett's question, Ms. Matta said the proposed 2% employee pay increase could be funded without a tax increase.

In response to Councilman Powers' question, Ms. Matta said a \$1.29 rate would increase property taxes for a \$128,000 home by approximately \$1.34 per month, a \$165,000 home by approximately \$1.72 per month, and a \$250,000 home by approximately \$2.60 per month.

MAYOR'S VEHICLE

In response to Councilwoman Smith's question, Fleet Manager Randy Reese said the Mayor's request for a new vehicle had been removed from the proposed budget.

SPORTS COMPLEX

In response to Councilman Allen's question, Mayor McMillan said \$6.5 million was being proposed for land acquisition and design for a sports complex at the Exit 8/Rossvue Road site.

In response to Councilman Alexander's question, Ms. Matta said deleting this capital project would not affect the property tax rate.

PERFORMING ARTS CENTER

In response to Councilman Allen's question, Mayor McMillan said the proposed budget contained funds to purchase the Brenner Building on Franklin Street for a performing arts center. Councilwoman McLaughlin said the City should consider building a center along First Street instead of Franklin Street because the City already owns the property. Mayor McMillan said she would propose an outside entity manage the center.

WATERWORKS BUILDING

In response to Councilman Burkhart's question, Mayor McMillan said the City could consider selling the old waterworks building since the bank stabilization project was complete.

In response to Councilwoman McLaughlin's question, Project Manager Brad Workman said \$50,000 was being requested to clean up and secure the building.

STREETS

In response to Councilman Burkhart's questions, Traffic Engineer Chris Cowan said the preliminary engineering and environmental study for an east-west connector was underway and right-of-way acquisition for the fourth phase of the Needmore Road/Trenton Road intersection had begun.

In response to Councilwoman McLaughlin's questions, Mr. Cowan said locations for sidewalk installation included in the \$700,000 request had not been determined and an adaptive signal control system for Wilma Rudolph Boulevard would allow the signals to automatically adjust to traffic conditions.

In response to Councilman Allen's question, Mr. Cowan said widening of Tiny Town Road had not yet been completely evaluated.

In response to Councilman Garrett's question, Mr. Cowan said the Department did not have any recommendations for improvements to Quinn Lane at this time.

SMITH TRAHERN MANSION

In response to Councilman Powers' question, Mr. Workman said \$115,000 was being requested to rebuild the front porch and columns of the Smith Trahern Mansion.

PARKS

In response to Councilwoman McLaughlin's question, Director of Parks & Recreation Mark Tummons said the proposed "public places comprehensive plan" would take approximately twelve months to evaluate needs for current and new recreational facilities.

U.S. CONFERENCE OF MAYORS

In response to Councilman Garrett's question, Mayor McMillan said membership in the U.S. Conference of Mayors offers various grants that the City may not otherwise become aware of.

FIRE STATION 1

In response to Councilwoman McLaughlin's question, Fire Chief Mike Roberts noted that Phase 1 of Fire Station 1 improvements had been eliminated from the proposed budget.

LEGAL SERVICES

In response to Councilwoman McLaughlin's question, City Attorney Lance Baker said the \$150,000 request for legal services was primarily for the Freedom Point lawsuit.

ADVERTISING & MARKETING

In response to Councilwoman McLaughlin's question, Ms. Matta responded with the following breakdown of expenses requested by the Director of Communications for advertising and marketing: \$20,000 printed advertising – *Tennessee Economic Guide, Tennessee Vacation Guide, Chamber Directory*; \$10,000 social media - training, publicity opportunities (*Fort Campbell Courier*); \$25,000 video production – employee and investor recruitment.

NON-PROFIT AGENCIES

In response to Councilman Garrett's question, Mayor McMillan said officers of the United Way had expressed concern about a proposal for all city non-profit donations to be given to the United Way for disbursement because they would not be able to partner with some of the currently funded groups.

ADJOURNMENT

The meeting was adjourned at 7:54 p.m.

ORDINANCE 94-2015-16

AN ORDINANCE ACCEPTING DONATION OF PROPERTY FROM DONALD MALONE
FOR FUTURE SEWER SYSTEM IMPROVEMENTS

WHEREAS, Donald Malone has offered to donate property located at the intersection of Fort Campbell Boulevard and East Fork Drive to the City of Clarksville; and

WHEREAS, the subject property lies adjacent to Ringgold Creek Sewer Pump Station, one of the City's regional sewer pump stations; and

WHEREAS, the Clarksville Gas, Water & Sewer Department anticipates needed improvements to the sewer system in this sewershed within five to ten years which may include improvements to the pump station, new gravity sewer and/or sewer force main, and perhaps wastewater detention/equalization storage; and

WHEREAS, the property adjacent to the Ringgold Creek Sewer Pump Station would be an appropriate site for future system improvements; and

WHEREAS, improvements to the sewer system at this location would not preclude possible recreational uses.

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

That the Clarksville City Council hereby accepts donation of real property located at the intersection of Fort Campbell Boulevard and East Fork Drive, further described in Exhibit A attached, from Donald Malone for use by the City of Clarksville.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

In accordance with the property survey prepared by Weakley Brothers Engineering dated May 24, 2016, the property has a boundary described by the following calls:

Commencing at the Point of Beginning, said point being an iron pin located North 36 degrees 05 minutes 21 seconds West a distance of 441.46 feet from the centerline intersection of Brookside Drive and Fort Campbell Boulevard:

Thence South 63 degrees 40 minutes 31 seconds West for a distance of 110.15 feet to an iron pin;

Thence South 28 degrees 05 minutes 41 seconds East for a distance of 53.10 feet to an iron pin;

Thence South 82 degrees 22 minutes 39 seconds West for a distance of 171.98 feet to an iron pin;

Thence South 20 degrees 17 minutes 21 seconds East for a distance of 47.30 feet to an iron pin;

Thence South 70 degrees 25 minutes 04 seconds West for a distance of 173.12 feet to an iron pin;

Thence North 20 degrees 10 minutes 06 seconds West for a distance of 51.29 feet to an iron pin;

Thence South 69 degrees 18 minutes 00 seconds West for a distance of 51.11 feet to an iron pin;

Thence South 21 degrees 40 minutes 09 seconds East for a distance of 58.93 feet to an iron pin;

Thence along the Right-of-Way of East Fork Drive along a non-tangent curve with a delta equal to 103 degrees 29 minutes 00 seconds, a radius equal to 50.00 feet, an arc length equal to 90.31 feet and a chord running South 58 degrees 22 minutes 02 seconds West for a distance of 78.52 feet to an iron pin;

Thence South 86 degrees 36 minutes 45 seconds West for a distance of 89.85 feet to an iron pin;

Thence North 15 degrees 52 minutes 49 seconds East for a distance of 229.89 feet to an iron pin;

Thence North 24 degrees 08 minutes 12 seconds East for a distance of 190.03 feet to an iron pin;

Thence North 39 degrees 34 minutes 12 seconds East for a distance of 172.18 feet to an iron pin;

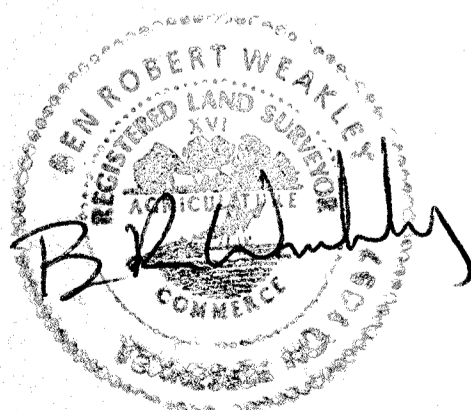
Thence North 58 degrees 46 minutes 39 seconds East for a distance of 78.24 feet to an iron pin;

Thence North 86 degrees 31 minutes 26 seconds East for a distance of 28.73 feet to an iron pin;

Thence South 81 degrees 53 minutes 57 seconds East for a distance of 121.60 feet to an iron pin;

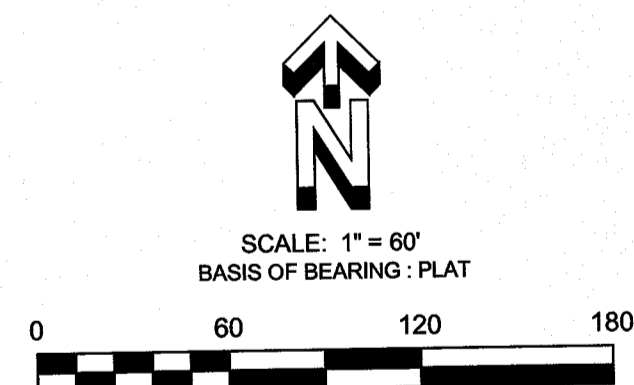
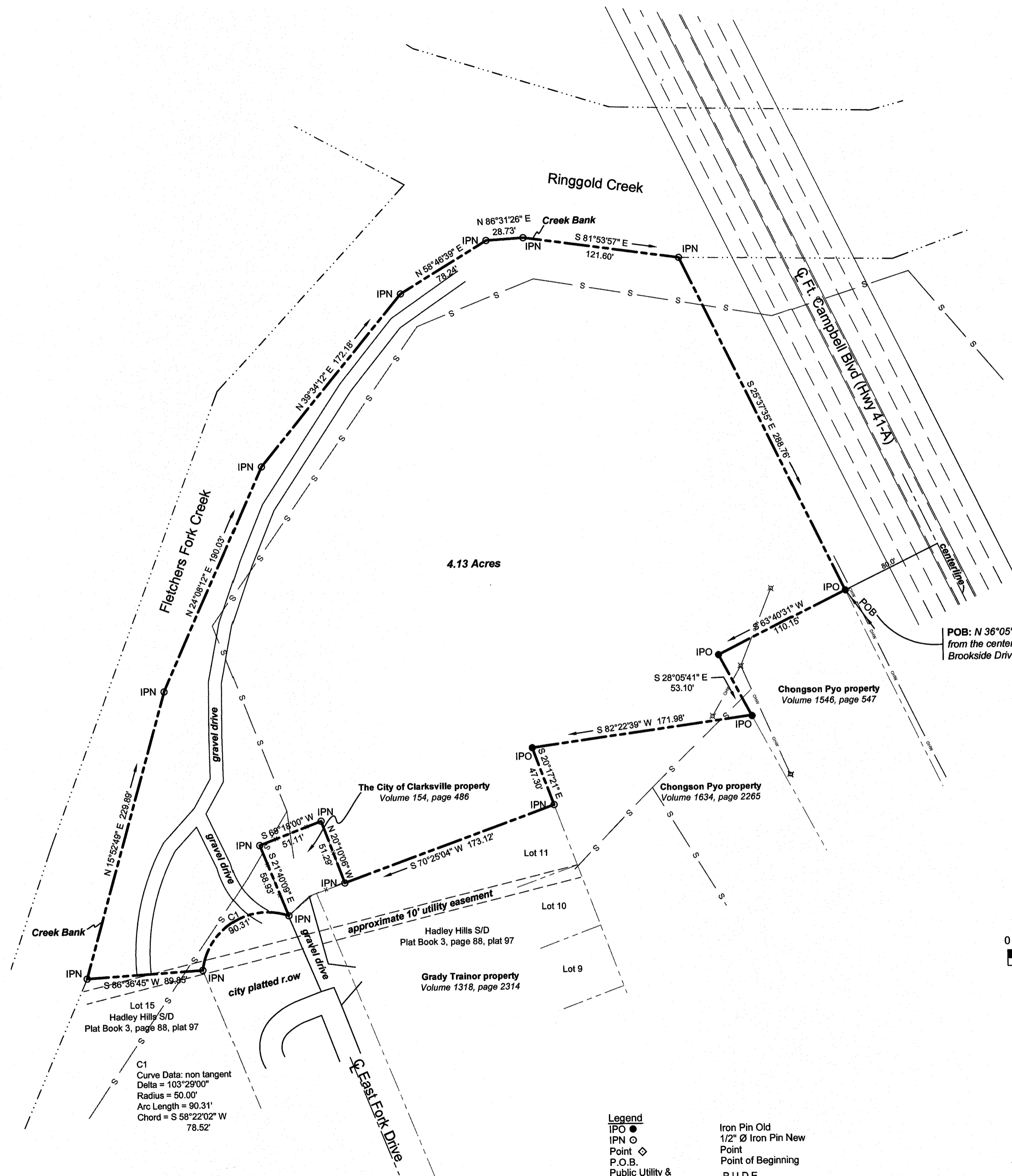
Thence along the Right-of-Way of Fort Campbell Boulevard (US 41-A) South 25 degrees 37 minutes 35 seconds East for a distance of 288.76 feet to the Point of Beginning;

Said property contains 4.13 acres.



We hereby certify that this survey has been made using the recorded information shown, that there are no visible encroachments or projections observed other than those shown, and that this survey is correct to the best of my knowledge and belief. We hereby certify that this is a category I survey and that the ratio of precision of the unadjusted traverse is better than 1:10,000 as shown hereon.

Note: The platted r.o.w. for East Fork Drive was not adequately delineated on the recorded plat and had to be estimated by this surveyor.



**Property Survey For:
City of Clarksville**

Donald Malone property
Map 30, parcel 3.01
Property Recorded in
Deed Book 136, page 653
R. O. Montgomery County
Clarksville, Tennessee
3rd Civil District

WEAKLEY BROTHERS
ENGINEERING

108 Center Pointe Drive
Clarksville, TN 37040 648-9445

Land Surveying Civil Engineering

Legend

IPO ● Iron Pin Old
IPN ○ 1/2" Ø Iron Pin New
Point ◇
P.O.B. Point of Beginning
P.U.D.E. Public Utility & Drainage Easement
M.B.S.L. Minimum Building Setback Line
Fence — x — x —
Overhead Wire — OHW —
Boundary Line ———

Date: 5-24-16
Job No.: 16-215
16215aps.dwg BT

Recreation Use Evaluation

**Donald Malone Property; Parcel: 030 003.01 000,
Fort Campbell Blvd./East Fork Drive, Clarksville, TN**

The following information is provided in order to make a sound determination if the property can be used now or in the future for recreation purposes.

Current Owner: Donald Malone, 3469 Forest Park Estates, Springfield, TN 317172. Mr. Malone's Son - Bud Malone has been the point of contact for the property. He can be reached at Farm Bureau Office: 931-796-5881 or Cell 931-703-3102. Mr. Malone has owned the property since 1961.

Size: According to the Montgomery County Assessor of Property Website, the acreage is approximately 2.80 +/-.

Zoning: While the tax records state that the Land Use is Residential, it references Zoning as being C-5 Highway Arterial Commercial District.

Land Value: Tax records place a \$12,000 appraised value with a \$3000 assessed value.

Previous/Current Uses: There are no structures on the property as it is nearly 100% forested with a dirt/mud road that has been cut due to some informal recreation that is/has taken place with vehicles. Located along a short portion of the SW Corner, a Clarksville Gas and Water Pump Station is present. (See attachment1).

Current condition: As stated the site is mostly forested with trees that have moderately grown throughout the past 50-60 years. The property in the early 1960's was either open land or logged at some point during the next 10-20 years after Mr. Malone acquired the property. The property is a low/bottom area along the Little West Fork River, and stays wet/moist several months of the year primarily during winter and spring, drying out in the summer and fall. The property has been known to flood annually due to heavy rains. It is undetermined if the area would be classified a wetland as further research/determination would need to be done. The understory is mostly scrub weeds/brush. The informal recreation taking place is primarily fishing, with possibly some All-Terrain Vehicle (ATV) use as well. To the south, divided by a dirt access road is the Trainor Property which had a tremendous amount of trash on it. It was observed that homeless tent(s) were set up and occupied on the Trainor site as well. The Trainor property is currently for sale. (See attachment 2).

Topography: Site is mostly level. The southern portion (nearest the Trainor Property) and the eastern portion (closest to Fort Campbell Blvd.) is slightly sloped. The Northern portion of the property is defined by the Little West Fork River and the western side is in private ownership.

Nearby Uses: Located on the southeastern boundary, along Fort Campbell Blvd. is a furniture store. Other properties adjoining are vacant areas and possibly for sale.

property does not adequately fall into the near-term strategic direction and goals for a park site at this time. See later comments under summary.

Additional Studies: No additional studies such as Utility, Geo-technical; Traffic flow/access, Archeological or Historical will be required at this time.

Summary/Conclusion: The property has very little large scale recreation value to the City of Clarksville outside of possibly being a future fishing/blueway/greenway access. The primary reason being:

- The size is relatively small
- Has limited recreation opportunities – primarily outdoor
- Resides in a flood plain
- Has a lot of traffic noise from Fort Campbell Blvd.
- Is not located near or adjoining other park sites or community services
- Contains no known historical or archeological aspects
- Not conducive to a wide variety of recreation amenities, such as playgrounds, ball-fields, etc.

However, since it is a donation with relatively low acquisition costs, it is recommended that the City go-ahead and secure the property and hold the property until the blueway/greenway access becomes more of a reality in the years ahead. It must be noted however, with the project priorities currently identified in the City of Clarksville Parks and Recreation System Strategic Plan, funding requests for development could be 8-10 or more years down the road.

An ideal scenario in order to develop the site sooner would be for the City to obtain through donation, fee simple or easement additional property on the other side of Fort Campbell Blvd. bridge known as the Durrett property. (See attachment 4). This would allow an access road to be constructed from the Malone property, under the bridge and access a portion of the Durrett property just past the dam area to create a kayak/canoe access point. Blueway enthusiasts could then drive to below the dam and place their watercraft easily and safely into the water to float the Little West Fork to the West Fork River and beyond.

In addition, the Tennessee Wildlife Resource Agency (TWRA) has "Park and Float" grants available to assist in providing funding for accesses near state bridges and highways for such purposes. (See blue highlighted area on attachment 4).

Before the City agrees in principal to the property donation, it is recommended that the Department of Parks and Recreation establish a public input meeting of area residents to determine their thoughts and ideas as to the location, amenities and cost of the potential park.

Mark Tummons

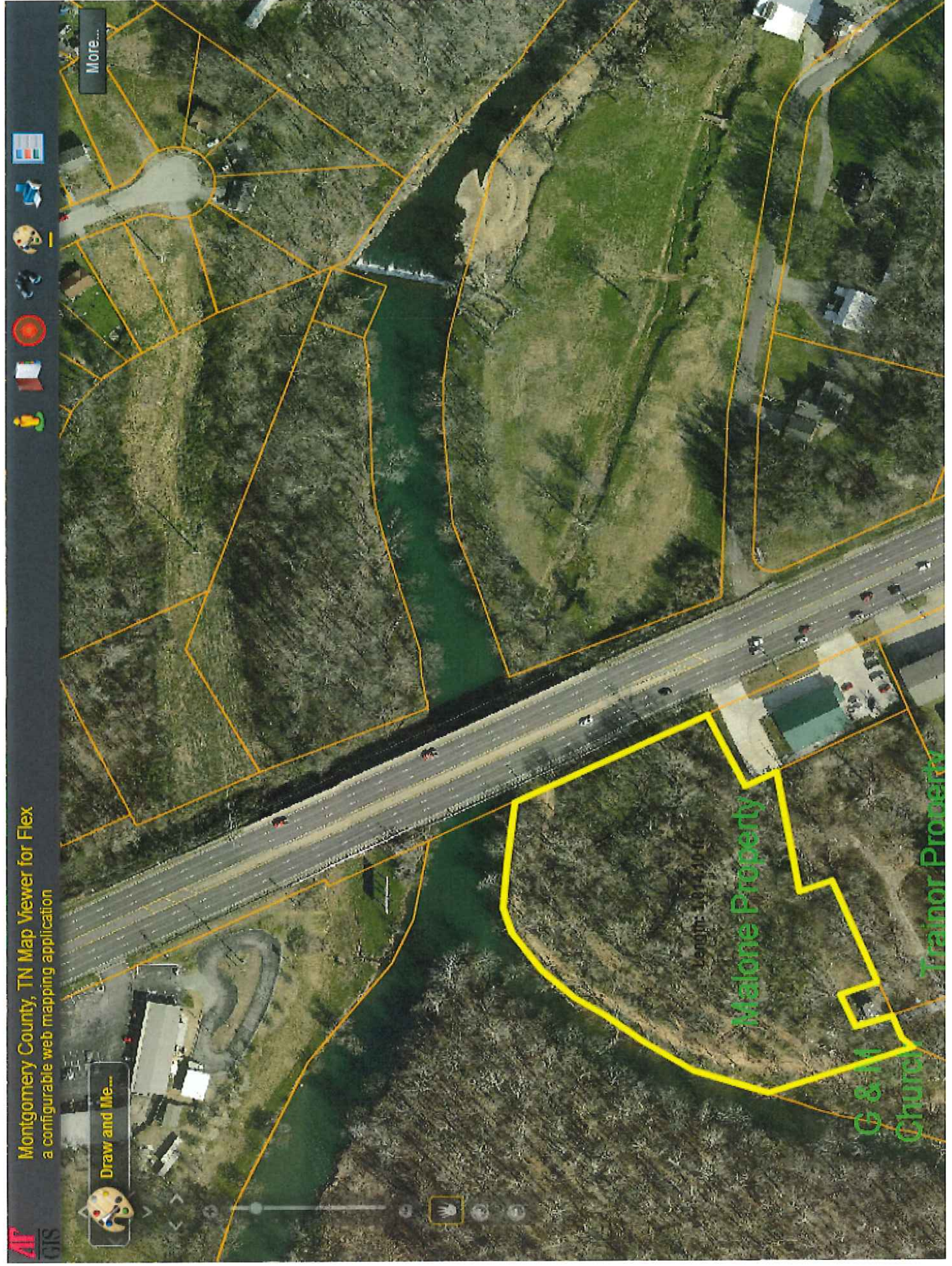
1-26-2016

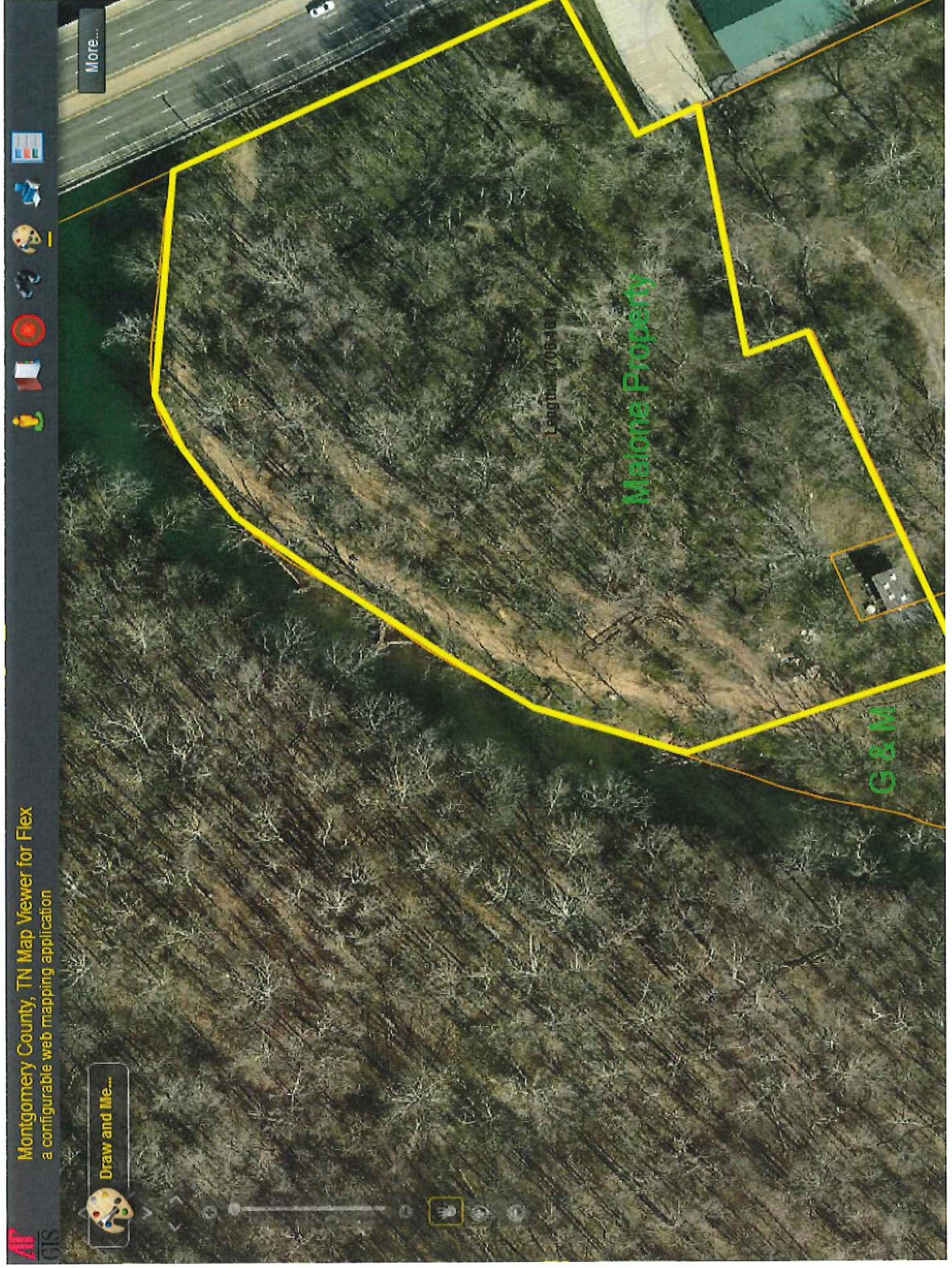
Reviewer Signature

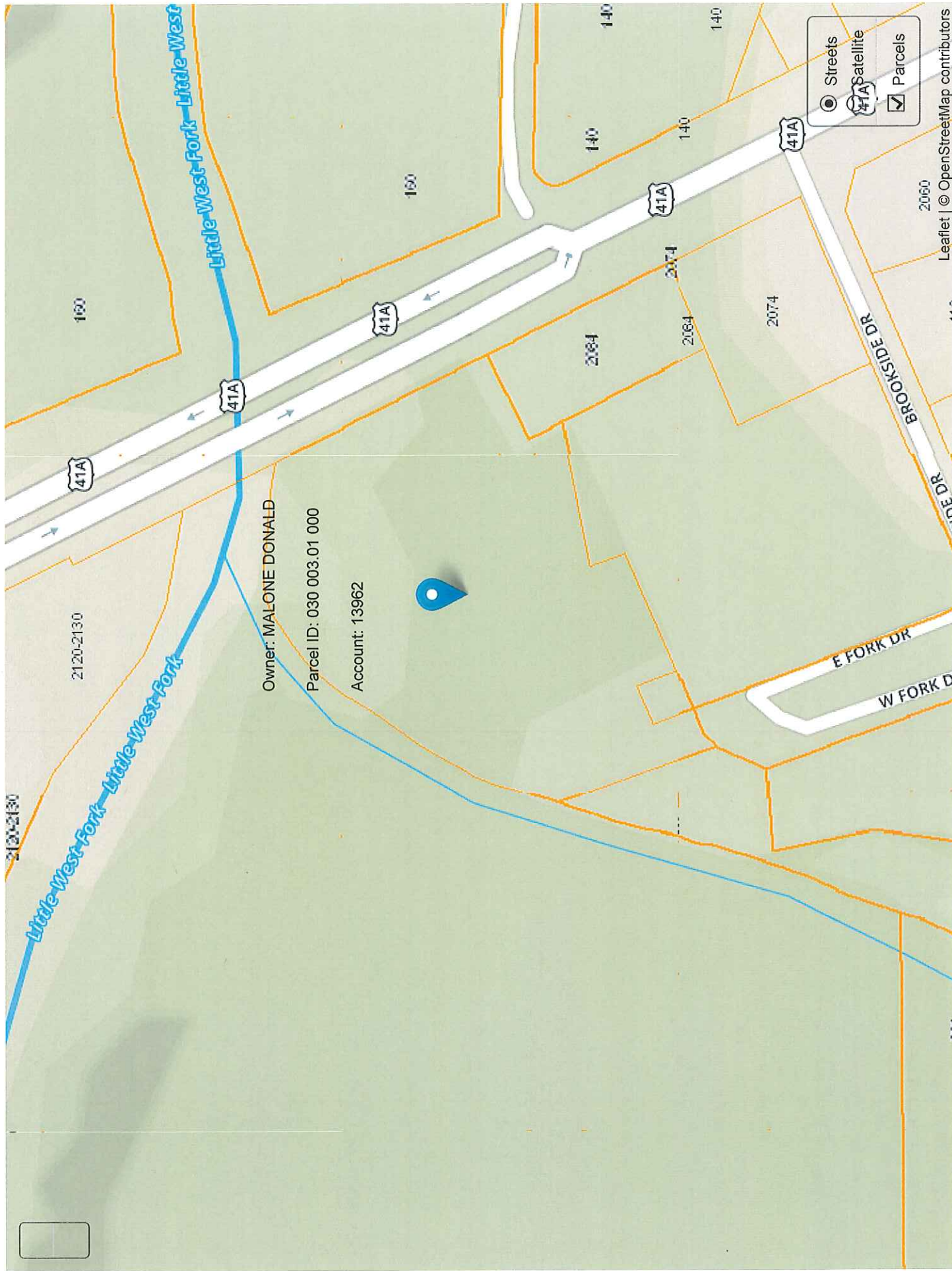
Date

Attachment 1: Site/Location Maps









Malone Property

Lift Station



Attachment 2: Photos of the site

Bud Malone Property









Attachment 3: Site Development

Malone Property

Conceptual



Malone and Trainor Properties



All Properties



RESOLUTION 53-2015-16

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ROD WRIGHT
AS DIRECTOR OF INTERNAL AUDIT

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

That, in accordance with the provisions of the Official Code of the City of Clarksville,
Tennessee, Sec. 6-614, the Clarksville City Council hereby confirms the Mayor's
appointment of Rod Wright as Director of Internal Audit.

ADOPTED:

ORDINANCE 75-2015-16
As Adopted on First Reading

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: March 3, 2016
POSTPONED: April 7, 2016 to June 2, 2016
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

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

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

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

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+liquor%22%2C%22pageNum%22%3A2%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fu)

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:

1. 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.

- a. 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, except there shall be no reduction in the number of retail liquor stores allowed if the population decreases as determined by any such census.
- b. The limit on the number of retail liquor stores provided in this Section shall not apply to grocery stores selling wine as permitted by state law.

2. That the Official Code of the City of Clarksville, Tennessee, Title 2, “Alcoholic Beverages,” Chapter 2, “Intoxicating Liquor,” is hereby amended by adding the following new Section 2-214:

Section 2-214. Procedures for Processing Applications for Certificates of Compliance for Liquor Stores.

a. Any applicant that desires to operate a retail liquor store within the City, must obtain a state retail liquor license from the State of Tennessee, Alcoholic Beverage Commission, or take such other action as is required by state law. Prior to the issuance of such state retail liquor license, applicants desiring to operate a retail liquor store and to sell liquor at retail within the City must obtain a Certificate of Compliance from the City, except as may be otherwise provided by state law.

b. As permitted by state law, the City has established a limit on the number of retail liquor stores within the City as is provided by Section 2-205 herein. At any time the number of approved licensed retail liquor stores is less than the total limit for the number of retail liquor stores as provided in Section 2-205, the following procedures are established and shall govern the processing of applications for additional retail liquor stores up to the total limit on the number of retail liquor stores specified in Section 2-205 at that time.

1. The City Clerk shall publish online using the City website, and in a local newspaper of general circulation, for a period of three (3) consecutive calendar days, a notice that the City has an open Certificate or Certificates of Compliance, equal to the total amount of retail liquor stores permitted by Section 2-205 less any previously approved Certificates of Compliance, for the operation of one or more retail liquor stores within the City, available to prospective applicants. The notice shall provide that prospective applicants may obtain a written application for a Certificate of Compliance from the City Clerk. The application form shall also be posted on the City website by the City Clerk for download by the public. The notice shall further provide that the City shall accept applications for a period of twenty (20) calendar days after the last date of publication of the notice, and no applications shall be accepted after that date for that application period.

2. The City Clerk shall develop an application form with the input and assistance of the City Attorney and Chief of Police, and provide such application to any prospective applicant upon request by the applicant. The application shall include the names, addresses, phone numbers, date of birth and driver’s license information for all individuals with an ownership interest in the prospective business establishment, along with the same information for any persons who are to be in charge of the business establishment, the location of the business establishment, and such other information as the City Clerk, City Attorney, City Building

Official or City Chief of Police require for processing said application. The application shall also include an authorization from the applicant and all owners of the prospective establishment for the City Police Department to conduct a criminal background check on same.

3. During the twenty (20) calendar days period specified above, the City shall accept all written applications for processing that are properly and fully completed and timely submitted during business hours at the City Clerk's office. It shall be the sole responsibility of the applicant to complete the application properly and fully and to timely submit the application.

4. Once an application has been submitted, a copy of the application shall be referred by the City Clerk to the Clarksville Police Department, which shall conduct a criminal background check of the applicant. The Clarksville Police Department shall complete its criminal background check of all applications submitted to it by the City Clerk within ten (10) calendar days of receiving same from the City Clerk. The results of the Clarksville Police Department criminal background check shall be filed with the application and returned to the City Clerk for further processing. A copy of the application shall also be referred by the City Clerk to the Clarksville Department of Buildings and Codes, which shall conduct a review to determine if the applicant's proposed business location is properly zoned for use as a retail liquor store. The results of the Clarksville Department of Buildings and Codes zoning check shall be filed with the application and returned to the City Clerk for further processing.

5. Upon return of an application after the criminal background check by the Clarksville Police Department to the City Clerk, the City Clerk shall confer with the City Attorney to determine if any applicant has been convicted of a felony from any jurisdiction within a ten (10) year period immediately preceding the date of the application, and any other disqualifying factors as may be prescribed by state law. Any applications wherein the applicant has been found to have been convicted of same shall have their application denied and such applicant shall receive written notice of this finding and that their application has been denied by the City for that reason, or for any other reason prescribed by state law.

6. All applicants that timely submitted a properly and fully completed application and who have passed the criminal background check shall then be eligible for further processing.

7. If the number of applicants eligible for further processing after completion of the criminal background check is less than the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available, then each applicant's application for a

Certificate of Compliance shall be placed on the agenda by the City Clerk for the next regular session of the City Council in the form of a separate resolution approving a Certificate of Compliance for each separate applicant location. At said next regular session the City Council shall consider each separate resolution which shall require a majority vote for approval.

8. If the number of applicants eligible for further processing exceeds the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available, then each applicant's application for a Certificate of Compliance shall be considered based on a public lottery drawing. The City Clerk shall place on the agenda for the next regular session of the City Council an agenda item for a public lottery drawing pertaining to retail liquor store Certificates of Compliance, and listing the names of all applicants that are eligible for the public lottery drawing. Prior to said next regular session, the City Clerk shall prepare separate strips of paper of equal dimensions upon which the names of each applicant seeking a Certificate of Compliance is typed. Each strip of paper shall then be folded twice in the same manner for each strip of paper, and then placed into an opaque container from which the drawing shall be made. At the appropriate time at the next regular City Council meeting, the City Mayor, or the Mayor's designee, shall draw from the opaque container without viewing the inside of the container a number of the strips of paper containing the typewritten names of the applicants that are equal to the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available. Those applicants selected by public lottery shall then be the applicants accepted for consideration of the applicant's application for a Certificate of Compliance by the City Council.

9. In those circumstances where the provisions of subsection b. 8. above applies, upon the conclusion of the public lottery drawing, each applicant selected during the public lottery drawing shall have their application for a Certificate of Compliance immediately considered at the same session as the public lottery drawing, by the City Council by separate resolution for each selected applicant location, which shall require a majority vote for approval.

10. Any applicant who has been approved for a Certificate of Compliance by the City Council who does not then make application for a retail liquor store license from the Tennessee Alcoholic Beverage Commission within one hundred twenty (120) calendar days of the date of approval of the resolution for a Certificate of Compliance by the City Council, may have their Certificate of Compliance repealed by a separate resolution of the City Council.

11. Any Certificate of Compliance approved by resolution of the City Council for any applicant, who, prior to obtaining their retail liquor store license from the Tennessee Alcoholic Beverage Commission, is subsequently convicted of any felony from any jurisdiction, may have their Certificate of Compliance repealed by a separate resolution of the City Council.

12. As provided by state law, any applicant's application for a Certificate of Compliance that is selected through the public lottery method prescribed herein that is not voted on by the City Council within sixty (60) days from the date such applicants application is submitted to the City Clerk shall be deemed granted.

FIRST READING:

March 3, 2016

SECOND READING:

EFFECTIVE DATE:

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:

1. 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.

- a. 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, except there shall be no reduction in the number of retail liquor stores allowed if the population decreases as determined by any such census.
- b. The limit on the number of retail liquor stores provided in this Section shall not apply to grocery stores selling wine as permitted by state law.

2. That the Official Code of the City of Clarksville, Tennessee, Title 2, “Alcoholic Beverages,” Chapter 2, “Intoxicating Liquor,” is hereby amended by adding the following new Section 2-214:

Section 2-214. Procedures for Processing Applications for Certificates of Compliance for Liquor Stores.

a. Any applicant that desires to operate a retail liquor store within the City, must obtain a state retail liquor license from the State of Tennessee, Alcoholic Beverage Commission, or take such other action as is required by state law. Prior to the issuance of such state retail liquor license, applicants desiring to operate a retail liquor store and to sell liquor at retail within the City must obtain a Certificate of Compliance from the City, except as may be otherwise provided by state law.

b. As permitted by state law, the City has established a limit on the number of retail liquor stores within the City as is provided by Section 2-205 herein. At any time the number of approved licensed retail liquor stores is less than the total limit for the number of retail liquor stores as provided in Section 2-205, the following procedures are established and shall govern the processing of applications for additional retail liquor stores up to the total limit on the number of retail liquor stores specified in Section 2-205 at that time.

1. The City Clerk shall publish online using the City website, and in a local newspaper of general circulation, for a period of three (3) consecutive calendar days, a notice that the City has an open Certificate or Certificates of Compliance, equal to the total amount of retail liquor stores permitted by Section 2-205 less any previously approved Certificates of Compliance, for the operation of one or more retail liquor stores within the City, available to prospective applicants. The notice shall provide that prospective applicants may obtain a written application for a Certificate of Compliance from the City Clerk. The application form shall also be posted on the City website by the City Clerk for download by the public. The notice shall further provide that the City shall accept applications for a period of twenty (20) calendar days after the last date of publication of the notice, and no applications shall be accepted after that date for that application period.

2. The City Clerk shall develop an application form with the input and assistance of the City Attorney and Chief of Police, and provide such application to any prospective applicant upon request by the applicant. The application shall include the names, addresses, phone numbers, date of birth and driver’s license information for all individuals with an ownership interest in the prospective business establishment, along with the same information for any persons who are to be in charge of the business establishment, the location of the business establishment, and such other information as the City Clerk, City Attorney, City Building

Official or City Chief of Police require for processing said application. The application shall also include an authorization from the applicant and all owners of the prospective establishment for the City Police Department to conduct a criminal background check on same.

3. During the twenty (20) calendar days period specified above, the City shall accept all written applications for processing that are properly and fully completed and timely submitted during business hours at the City Clerk's office. It shall be the sole responsibility of the applicant to complete the application properly and fully and to timely submit the application.

4. Once an application has been submitted, a copy of the application shall be referred by the City Clerk to the Clarksville Police Department, which shall conduct a criminal background check of the applicant. The Clarksville Police Department shall complete its criminal background check of all applications submitted to it by the City Clerk within ten (10) calendar days of receiving same from the City Clerk. The results of the Clarksville Police Department criminal background check shall be filed with the application and returned to the City Clerk for further processing. A copy of the application shall also be referred by the City Clerk to the Clarksville Department of Buildings and Codes, which shall conduct a review to determine if the applicant's proposed business location is properly zoned for use as a retail liquor store. The results of the Clarksville Department of Buildings and Codes zoning check shall be filed with the application and returned to the City Clerk for further processing.

5. Upon return of an application after the criminal background check by the Clarksville Police Department to the City Clerk, the City Clerk shall confer with the City Attorney to determine if any applicant has been convicted of a felony from any jurisdiction within a ten (10) year period immediately preceding the date of the application, and any other disqualifying factors as may be prescribed by state law. Any applications wherein the applicant has been found to have been convicted of same shall have their application denied and such applicant shall receive written notice of this finding and that their application has been denied by the City for that reason, or for any other reason prescribed by state law.

6. All applicants that timely submitted a properly and fully completed application and who have passed the criminal background check shall then be eligible for further processing.

7. If the number of applicants eligible for further processing after completion of the criminal background check is less than the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available, then each applicant's application for a

Certificate of Compliance shall be placed on the agenda by the City Clerk for the next regular session of the City Council in the form of a separate resolution approving a Certificate of Compliance for each separate applicant location. At said next regular session the City Council shall consider each separate resolution which shall require a majority vote for approval.

8. If the number of applicants eligible for further processing exceeds the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available, then each applicant's application for a Certificate of Compliance shall be considered based on a public lottery drawing. The City Clerk shall place on the agenda for the next regular session of the City Council an agenda item for a public lottery drawing pertaining to retail liquor store Certificates of Compliance, and listing the names of all applicants that are eligible for the public lottery drawing. Prior to said next regular session, the City Clerk shall prepare separate strips of paper of equal dimensions upon which the names of each applicant seeking a Certificate of Compliance is typed. Each strip of paper shall then be folded twice in the same manner for each strip of paper, and then placed into an opaque container from which the drawing shall be made. At the appropriate time at the next regular City Council meeting, the City Mayor, or the Mayor's designee, shall draw from the opaque container without viewing the inside of the container a number of the strips of paper containing the typewritten names of the applicants that are equal to the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available. Those applicants selected by public lottery shall then be the applicants accepted for consideration of the applicant's application for a Certificate of Compliance by the City Council.

9. In those circumstances where the provisions of subsection b. 8. above applies, upon the conclusion of the public lottery drawing, each applicant selected during the public lottery drawing shall have their application for a Certificate of Compliance immediately considered at the same session as the public lottery drawing, by the City Council by separate resolution for each selected applicant location, which shall require a majority vote for approval.

10. Any applicant who has been approved for a Certificate of Compliance by the City Council who does not then make application for a retail liquor store license from the Tennessee Alcoholic Beverage Commission within one hundred twenty (120) calendar days of the date of approval of the resolution for a Certificate of Compliance by the City Council, may have their Certificate of Compliance repealed by a separate resolution of the City Council.

11. Any Certificate of Compliance approved by resolution of the City Council for any applicant, who, prior to obtaining their retail liquor store license from the Tennessee Alcoholic Beverage Commission, is subsequently convicted of any felony from any jurisdiction, may have their Certificate of Compliance repealed by a separate resolution of the City Council.

12. As provided by state law, any applicant's application for a Certificate of Compliance that is selected through the public lottery method prescribed herein that is not voted on by the City Council within sixty (60) days from the date such applicants application is submitted to the City Clerk shall be deemed granted.

3. Upon passage, this ordinance shall take effect on August 1, 2016.

FIRST READING: March 3, 2016

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 75-2015-16

Proposed Burkhart Amendment

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:

1. 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.

- a. 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, except there shall be no reduction in the number of retail liquor stores allowed if the population decreases as determined by any such census.
- b. The provisions of subsection a. above shall be phased in as follows: Starting January 1, 2018, an additional two (2) retail liquor stores shall be allowed within the City, and thereafter, on January 1 of every even numbered year, an additional two (2) retail liquor stores shall be allowed, until such time as the number of allowed retail liquor stores within the City in ratio to the census population referenced in subsection a. has been achieved.

- c. The limit on the number of retail liquor stores provided in this Section shall not apply to grocery stores selling wine as permitted by state law.

2. That the Official Code of the City of Clarksville, Tennessee, Title 2, “Alcoholic Beverages,” Chapter 2, “Intoxicating Liquor,” is hereby amended by adding the following new Section 2-214:

Section 2-214. Procedures for Processing Applications for Certificates of Compliance for Liquor Stores.

a. Any applicant that desires to operate a retail liquor store within the City, must obtain a state retail liquor license from the State of Tennessee, Alcoholic Beverage Commission, or take such other action as is required by state law. Prior to the issuance of such state retail liquor license, applicants desiring to operate a retail liquor store and to sell liquor at retail within the City must obtain a Certificate of Compliance from the City, except as may be otherwise provided by state law.

b. As permitted by state law, the City has established a limit on the number of retail liquor stores within the City as is provided by Section 2-205 herein. At any time the number of approved licensed retail liquor stores is less than the total limit for the number of retail liquor stores as provided in Section 2-205, the following procedures are established and shall govern the processing of applications for additional retail liquor stores up to the total limit on the number of retail liquor stores specified in Section 2-205 at that time.

1. The City Clerk shall publish online using the City website, and in a local newspaper of general circulation, for a period of three (3) consecutive calendar days, a notice that the City has an open Certificate or Certificates of Compliance, equal to the total amount of retail liquor stores permitted by Section 2-205 less any previously approved Certificates of Compliance, for the operation of one or more retail liquor stores within the City, available to prospective applicants. The notice shall provide that prospective applicants may obtain a written application for a Certificate of Compliance from the City Clerk. The application form shall also be posted on the City website by the City Clerk for download by the public. The notice shall further provide that the City shall accept applications for a period of twenty (20) calendar days after the last date of publication of the notice, and no applications shall be accepted after that date for that application period.

2. The City Clerk shall develop an application form with the input and assistance of the City Attorney and Chief of Police, and provide such application to any prospective applicant upon request by the applicant. The application shall include the names, addresses, phone numbers, date of birth and driver's license information for all individuals with an ownership interest in the prospective business establishment, along with the same information for any persons who are to be in charge of the business establishment, the location of the business establishment, and such other information as the City Clerk, City Attorney, City Building Official or City Chief of Police require for processing said application. The application shall also include an authorization from the applicant and all owners of the prospective establishment for the City Police Department to conduct a criminal background check on same.

3. During the twenty (20) calendar days period specified above, the City shall accept all written applications for processing that are properly and fully completed and timely submitted during business hours at the City Clerk's office. It shall be the sole responsibility of the applicant to complete the application properly and fully and to timely submit the application.

4. Once an application has been submitted, a copy of the application shall be referred by the City Clerk to the Clarksville Police Department, which shall conduct a criminal background check of the applicant. The Clarksville Police Department shall complete its criminal background check of all applications submitted to it by the City Clerk within ten (10) calendar days of receiving same from the City Clerk. The results of the Clarksville Police Department criminal background check shall be filed with the application and returned to the City Clerk for further processing. A copy of the application shall also be referred by the City Clerk to the Clarksville Department of Buildings and Codes, which shall conduct a review to determine if the applicant's proposed business location is properly zoned for use as a retail liquor store. The results of the Clarksville Department of Buildings and Codes zoning check shall be filed with the application and returned to the City Clerk for further processing.

5. Upon return of an application after the criminal background check by the Clarksville Police Department to the City Clerk, the City Clerk shall confer with the City Attorney to determine if any applicant has been convicted of a felony from any jurisdiction within a ten (10) year period immediately preceding the date of the application, and any other disqualifying factors as may be prescribed by state law. Any applications wherein the applicant has been found to have been convicted of same shall have their application denied and such applicant shall receive written notice of this finding and that their application has been denied by the City for that reason, or for any other reason prescribed by state law.

6. All applicants that timely submitted a properly and fully completed application and who have passed the criminal background check shall then be eligible for further processing.

7. If the number of applicants eligible for further processing after completion of the criminal background check is less than the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available, then each applicant's application for a Certificate of Compliance shall be placed on the agenda by the City Clerk for the next regular session of the City Council in the form of a separate resolution approving a Certificate of Compliance for each separate applicant location. At said next regular session the City Council shall consider each separate resolution which shall require a majority vote for approval.

8. If the number of applicants eligible for further processing exceeds the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available, then each applicant's application for a Certificate of Compliance shall be considered based on a public lottery drawing. The City Clerk shall place on the agenda for the next regular session of the City Council an agenda item for a public lottery drawing pertaining to retail liquor store Certificates of Compliance, and listing the names of all applicants that are eligible for the public lottery drawing. Prior to said next regular session, the City Clerk shall prepare separate strips of paper of equal dimensions upon which the names of each applicant seeking a Certificate of Compliance is typed. Each strip of paper shall then be folded twice in the same manner for each strip of paper, and then placed into an opaque container from which the drawing shall be made. At the appropriate time at the next regular City Council meeting, the City Mayor, or the Mayor's designee, shall draw from the opaque container without viewing the inside of the container a number of the strips of paper containing the typewritten names of the applicants that are equal to the number of open Certificates of Compliance (retail liquor stores permitted pursuant to Section 2-205) that are available. Those applicants selected by public lottery shall then be the applicants accepted for consideration of the applicant's application for a Certificate of Compliance by the City Council.

9. In those circumstances where the provisions of subsection b. 8. above applies, upon the conclusion of the public lottery drawing, each applicant selected during the public lottery drawing shall have their application for a Certificate of Compliance immediately considered at the same session as the public lottery drawing, by the City Council by separate resolution for each selected applicant location, which shall require a majority vote for approval.

10. Any applicant who has been approved for a Certificate of Compliance by the City Council who does not then make application for a retail liquor store license from the Tennessee Alcoholic Beverage Commission within one hundred twenty (120) calendar days of the date of approval of the resolution for a Certificate of Compliance by the City Council, may have their Certificate of Compliance repealed by a separate resolution of the City Council.

11. Any Certificate of Compliance approved by resolution of the City Council for any applicant, who, prior to obtaining their retail liquor store license from the Tennessee Alcoholic Beverage Commission, is subsequently convicted of any felony from any jurisdiction, may have their Certificate of Compliance repealed by a separate resolution of the City Council.

12. As provided by state law, any applicant's application for a Certificate of Compliance that is selected through the public lottery method prescribed herein that is not voted on by the City Council within sixty (60) days from the date such applicants application is submitted to the City Clerk shall be deemed granted.

FIRST READING:

March 3, 2016

SECOND READING:

EFFECTIVE DATE: