



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

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

AGENDA

PUBLIC COMMENTS:

- 6:55 pm Ms. Kyong Degon

1) CALL TO ORDER

2) PRAYER: *Pastor Timothy Grant, Deliverance Outreach Temple (Ward 3)*

PLEDGE OF ALLEGIANCE: *Mayor Pro Tem Joel Wallace (Ward 9)*

3) ATTENDANCE

4) SPECIAL RECOGNITIONS

5) ZONING: PUBLIC HEARING AND FIRST READING

- 1. ORDINANCE 4-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Johnson Properties, LP, Sidney Johnson-Agent, for zone change on property at the intersection of Stone Container Drive & Old Russellville Pike from M-3 Planned Industrial District to C-5 Highway & Arterial Commercial District (*RPC: Approval/Approval*)

2. **ORDINANCE 5-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Clarkland, c/o Herb Baggett, for zone change on property located at the terminus of Townsend Court from O-1 Office District to R-2A Single Family Residential District (*RPC: Approval/Approval*)
3. **ORDINANCE 6-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ernest E. Carpenter, Mark Day-Agent, for zone change on property at the intersection of Tiny Town Road & Needmore Road from AG Agricultural District to C-5 Highway & Arterial District (*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 88-2015-16** (Second 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
2. **ORDINANCE 94-2015-16** (Second Reading) Accepting donation of property from Donald Malone for future sewer system improvements
3. **RESOLUTION 1-2016-17** Renewing a retail liquor store Certificate of Compliance for Billy G. Brown (Bill's Package Store, 1651 Ft. Campbell Boulevard) (*CPD: No Criminal History*)
4. **RESOLUTION 3-2016-17** Approving a Certificate of Compliance for sale of wine in a food store for David Behm, Terry Edward Pfortmiller, Jason Chandler Hart, Charles E. Youngstrom for Aldi #20 (1626 Ft. Campbell Boulevard) (*CPD: No Criminal History*)
5. **RESOLUTION 4-2016-17** Renewing a retail liquor store Certificate of Compliance for Peter Martin (Ebenezer's, 2896 Wilma Rudolph Boulevard) (*CPD: No Criminal History*)
6. Adoption of Minutes: May 31, June 2, June 7, June 14, June 22

7. Approval of Board Appointments:

Ethics Commission: Ellen Kanervo – July 2016 through June 2019

Parking Commission: Wilbur Berry – July 2016 through December 2016

Public Art Commission: Valerie Guzman – June 2016 through May 2018;
Jennifer Snyder – June 2016 through May 2020

Senior Citizens Board: Barbara Johnson – July 2016 through June 2018

Tree Board: Bryan Beusher, Karla Kean, Wes Powell – July 2016 through June 2019

7) FINANCE COMMITTEE

Joel Wallace, Chair

1. **RESOLUTION 2-2016-17** Authorizing an Interlocal Agreement between the City of Clarksville and Montgomery County pertaining to the division of 2016 Byrne Justice Assistance grant fund allocation and the administration and use of such funds (*Finance Committee: Approval*)

8) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

1. Department reports

9) GAS & WATER COMMITTEE

Wallace Redd, Chair

1. **ORDINANCE 1-2016-17** (First Reading) Authorizing extension of utilities to 3588 Sango Road; request of Mary Nelson (*Gas & Water Committee: Approval*)
2. **ORDINANCE 2-2016-17** Authorizing use of eminent domain for acquisition of easements and/or rights of way for utility relocation required to facilitate construction for the TDOT roadway widening project on S.R. 76 (U.S. 41 Bypass) (*Gas & Water Committee: Approval*)
3. **ORDINANCE 3-2016-17** (First Reading) Authorizing extension of utilities to 3751 Sango Road; request of Shirley Joiner (*Gas & Water Committee: Approval*)

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) NEW BUSINESS

- 1a. Approval to consider **RESOLUTION 5-2016-17** (*2/3 majority required*)
- 1b. **RESOLUTION 5-2016-17** Approving an encroachment easement agreement with Regions Bank (*Mayor McMillan*)

14) MAYOR AND STAFF REPORTS

15) ADJOURNMENT

ORDINANCE 4-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JOHNSON PROPERTIES, SIDNEY JOHNSON-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF STONE CONTAINER DRIVE AND OLD RUSSELLVILLE PIKE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned M-3 Planned Industrial District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin in the southern margin of Stone Container Drive, said point of beginning being north 87 degrees 17 minutes 10 seconds west 300.48 feet to the right of way of Old Russellville pike; runs thence with the southern margin of Stone Container Drive south 87 degrees 17 minutes 10 seconds east 112.79 feet to an iron pin; thence on a curve to the right having a delta of 52 degrees 00 minutes 00 seconds, radius of 180.03 feet, tangent of 87.81 feet for a distance of 163.69 feet to an iron pin; thence on a slight curve to the left having a delta of 10 degrees 12 minutes 28 seconds, radius of 239.80 feet, tangent of 21.42 feet for a distance of 42.72 feet to an iron pin; thence leaving said right of way of Stone Container Drive, south 32 degrees 28 minutes 17 seconds west 90.05 feet to an iron pin; thence north 87 degrees 08 minutes 19 seconds west 239.11 feet to an iron pin; thence north 02 degrees 42 minutes 50 seconds east 177.91 feet to the point of beginning, containing 1.00 +/-acre.

ORDINANCE 5-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CLARKLAND, C/O HERB BAGGETT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE TERMINUS OF TOWNSEND COURT

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a new iron pin in the north margin of Townsend Court, said iron pin being 1064.8 feet west of Old Farmers Road; thence along margin of said road North 81 Degrees 46 Minutes 03 Seconds West 258.65 feet to an existing iron pin; thence with a curve turning to the right with an arc length of 52.36 feet, with a radius of 50.00 feet and with a chord of North 51 Degrees 46 Minutes 03 Seconds West 50.00 feet to an existing iron pin; thence with a curve turning to the left with an arc length of 222.53 feet, with a radius of 100.00 feet and with a chord of North 85 Degrees 30 Minutes 59 Seconds West 179.37 feet to an existing iron pin; thence leaving margin of said road North 86 Degrees 02 Minutes 34 Seconds West 394.34 feet to an existing iron pin in the east line of the Lynda Ann Holt Property; thence with said property North 03 Degrees 57 Minutes 26 Seconds East 484.57 feet to an existing iron pin in the south line of the Melissa Goad Tennant, ET AL Property; thence with said property North 72 Degrees 57 Minutes 00 Seconds East 211.09 feet to an existing iron pin in the east line of the Hilledale Baptist Church, Inc. Property; thence with said property South 82 Degrees 33 Minutes 45 Seconds East 750.90 feet to an existing iron pin; thence South 08 Degrees 09 Minutes 25 Seconds West 343.83 feet to an existing iron pin in the north line of Clarkland Property; thence with said property North 81 Degrees 51 Minutes 08 Seconds West 32.15 feet to an existing iron pin; thence South 08 Degrees 09 Minutes 25 Seconds West 223.79 feet to the point of beginning, having an area of 11.35 +/- Acres.

ORDINANCE 6-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF ERNEST E. CARPENTER, MARK DAY-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF TINY TOWN ROAD AND NEEDMORE ROAD

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing iron pin in the south margin of Tiny Town Road, said iron pin being the northeast corner of the James Huggins Property (Volume 1572, Page 2706), said iron pin also being the northwest corner of this tract; thence along the south margin of said road North 67 Degrees 39 Minutes 18 Seconds East 143.75 feet to a new iron pin; thence leaving margin of said road South 02 Degrees 13 Minutes 20 Seconds East 97.64 feet to a point; thence North 76 Degrees 40 Minutes 01 Seconds East 423.24 feet to a point; thence South 14 Degrees 31 Minutes 29 Seconds East 52.29 feet to a new iron pin; thence North 75 Degrees 29 Minutes 10 Seconds East 25.00 feet to a new iron pin; thence South 80 Degrees 22 Minutes 22 Seconds East 52.48 feet to a new iron pin in the west margin of Needmore Road; thence along margin of said road South 09 Degrees 37 Minutes 37 Seconds West 44.11 feet to a new iron pin; thence with a curve turning to the left with an arc length of 186.05', with a radius of 1020.34', with a chord of South 04 Degrees 46 Minutes 15 Seconds West 185.80 feet to a new iron pin; thence leaving margin of said road South 71 Degrees 09 Minutes 53 Seconds West 535.42 feet to a North 15 Degrees 07 Minutes 06 Seconds West 414.29 feet to the point of beginning and containing an area of 4.34 +/- acres.

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on July 7, 2016. The public hearing will be held on: July 7, 2016.

CITY ORD. #: 4-2016-17 RPC CASE NUMBER: Z-15-2016

Applicant: JOHNSON PROPERTIES L P

Agent: Sidney Johnson

Location: fronting on the south frontage of Stone Container Dr. 410 +/- feet east of the Old Russellville Pike & Stone Container Dr. intersection.

Ward #: 12

Request: M-3 Planned Industrial District
to
C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 5-2016-17 RPC CASE NUMBER: Z-16-2016

Applicant: CLARKLAND C/O HERB BAGGETT

Location: fronting on the north frontage of Townsend Ct. at the terminus of Townsend Ct.

Ward #: 10

Request: O-1 Office District
to
R-2A Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 6-2016-17 RPC CASE NUMBER: Z-17-2016

Applicant: ERNEST E CARPENTER

Agent: Mark Day

Location: south of Tiny Town Rd. and west of Needmore Rd. 500 +/- feet west & 390 +/- feet south of the Tiny Town Rd. & Needmore Rd. intersection.

Ward #: 8

Request: AG Agricultural District
to
C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 6/29/2016

CASE NUMBER: Z - 15 - 2016

NAME OF APPLICANT: Johnson

Properties L P

AGENT: Sidney

Johnson

GENERAL INFORMATION

PRESENT ZONING: M-3

PROPOSED ZONING: C-5

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT Bring zoning into conformance with land use as financial office and with
FOR PROPOSED USE: surrounding C-5 zoning.

PROPERTY LOCATION: Property fronting on the south frontage of Stone Container Dr. 410 +/- feet east of
the Old Russellville Pike & Stone Container Dr. intersection.

ACREAGE TO BE REZONED: 1.0

DESCRIPTION OF PROPERTY Former credit union/bank building.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY **TAX PLAT:** 41

PARCEL(S): 23.01

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

PREVIOUS ZONING HISTORY:

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2. STREET DEPARTMENT/

COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

3. DRAINAGE COMMENTS:

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5.

No Comment(s) Received

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

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

9.

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: STONE CONTAINER DR.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

STAFF RECOMMENDATION: **APPROVAL**

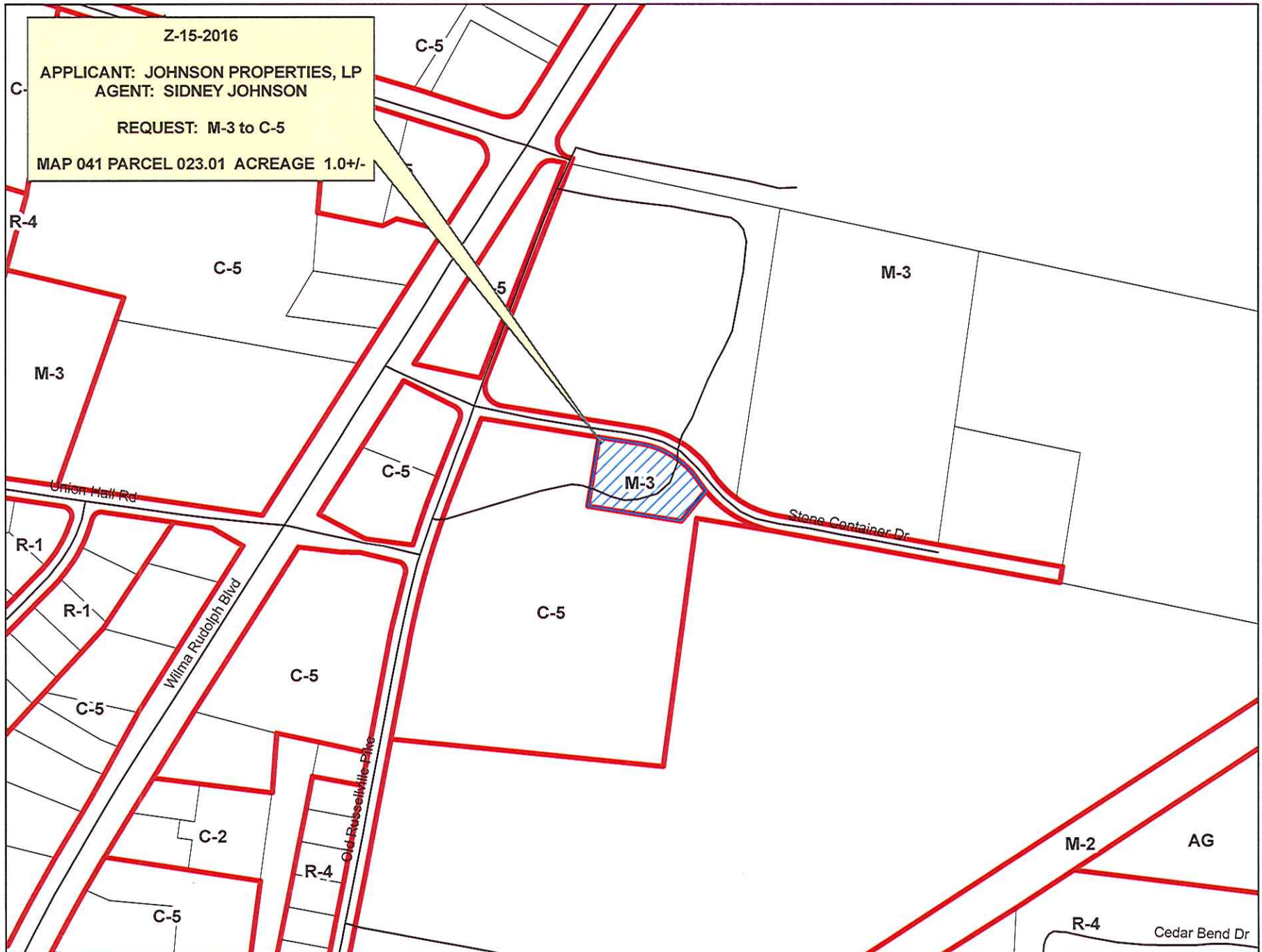
1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. No adverse environmental issues were identified relative to this request.
3. Request brings existing use into compliance with the zoning ordinance.
- 4.
- 5.

Z-15-2016

APPLICANT: JOHNSON PROPERTIES, LP
AGENT: SIDNEY JOHNSON

REQUEST: M-3 to C-5

MAP 041 PARCEL 023.01 ACREAGE 1.0+/-



CASE NUMBER: Z 15 2016 MEETING DATE 6/29/2016

APPLICANT: Johnson

Properties L P

PRESENT ZONING M-3

PROPOSED ZONING C-5

TAX PLAT # 41

PARCEL 23.01

GEN. LOCATION Property fronting on the south frontage of Stone Container Dr. 410 +/- feet east of
the Old Russellville Pike & Stone Container Dr. intersection.

PUBLIC COMMENTS

None received as of 10:35 a.m. on 6/29/2016 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 6/29/2016

CASE NUMBER: Z - 16 - 2016

NAME OF APPLICANT: Clarkland C/o Herb Baggett

AGENT:

GENERAL INFORMATION

PRESENT ZONING: O-1

PROPOSED ZONING: R-2A

EXTENSION OF ZONE

CLASSIFICATION: NO

APPLICANT'S STATEMENT To allow for residential development.
FOR PROPOSED USE:

PROPERTY LOCATION: Property fronting on the north frontage of Townsend Ct. at the terminus of Townsend Ct.

ACREAGE TO BE REZONED: 11.35

DESCRIPTION OF PROPERTY Gradually sloping grassland field.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY **TAX PLAT:** 81

PARCEL(S): 33.03 p/o

CIVIL DISTRICT: 11th

CITY COUNCIL WARD: 10

COUNTY COMMISSION DISTRICT: 20

PREVIOUS ZONING HISTORY: CZ-12-1997 R-1 to O-1 Approved
(to include zoning, acreage and CZ-13-1996, R-1 to O-1 Approved
action by legislative body) CZ-41-1987, R-1 to O-1 Approved
SLSR-10-2015

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/

COUNTY HIGHWAY DEPARTMENT:

Comments Received From Department And They Had No Concerns.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS:

Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5.

Comments Received From Department And They Had No Concerns.

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

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.:

8.

Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

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: BARKSDALE

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: CLARKSVILLE

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Minimal

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: TOWNSEND CT.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

36

ROAD MILES:

POPULATION:

97

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Sango Planning Area: Growth rate for this area is well above the overall county average

STAFF RECOMMENDATION: **APPROVAL**

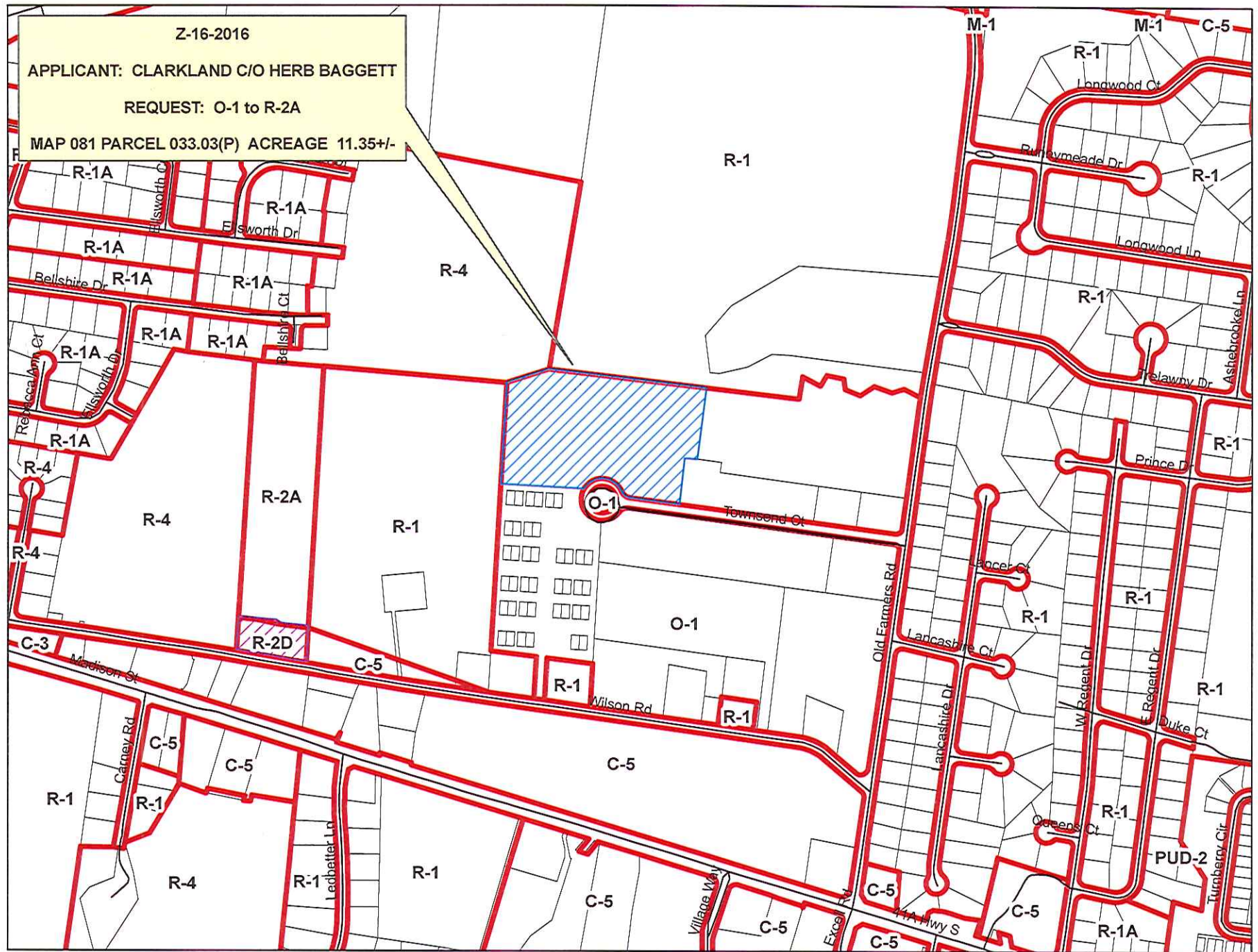
1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. The R-1A request consistent with the Single Family Developments in the surrounding area.
- 5.

Z-16-2016

APPLICANT: CLARKLAND C/O HERB BAGGETT

REQUEST: O-1 to R-2A

MAP 081 PARCEL 033.03(P) ACREAGE 11.35+/-



CASE NUMBER: Z 16 2016 MEETING DATE 6/29/2016

APPLICANT: Clarkland C/o Herb Baggett

PRESENT ZONING O-1

PROPOSED ZONING R-2A

TAX PLAT # 81

PARCEL 33.03 p/o

GEN. LOCATION Property fronting on the north frontage of Townsend Ct. at the terminus of Townsend Ct.

PUBLIC COMMENTS

None received as of 10:35 a.m. on 6/29/2016 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 6/29/2016

CASE NUMBER: Z - 17 - 2016

NAME OF APPLICANT: Ernest E Carpenter

AGENT: Mark Day

GENERAL INFORMATION

PRESENT ZONING: AG

PROPOSED ZONING: C-5

EXTENSION OF ZONE
CLASSIFICATION: YES

APPLICANT'S STATEMENT Request zone change to allow property to fall in line with current commercial
FOR PROPOSED USE: property directly across Needmore Road. Subject property already has 1.24 acres
zoned C-5.

PROPERTY LOCATION: Property located south of Tiny Town Rd. and west of Needmore Rd. 500+/- feet
west & 390 +/- feet south of the Tiny Town Rd. & Needmore Rd. intersection.

ACREAGE TO BE REZONED: 3.9 +/-

DESCRIPTION OF PROPERTY Gradually sloping single family residential property.
AND SURROUNDING USES:

GROWTH PLAN AREA: CITY **TAX PLAT:** 7 **PARCEL(S):** 12.02 p/o

CIVIL DISTRICT: 2nd

CITY COUNCIL WARD: 8 **COUNTY COMMISSION DISTRICT:** 18

PREVIOUS ZONING HISTORY: Z-29-2001 AG to C-5 Approved
(to include zoning, acreage and
action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

No Sewer Available

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Traffic Assessment Received And Reviewed By The Clarksville Street Dept.

3.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3. DRAINAGE COMMENTS:

3a. DRAINAGE COST:

5.

No Comment(s) Received

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

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

7.

Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

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

9.

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

0.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11.

11. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

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

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: TINY TOWN RD. & NEEDMORE RD.

DRAINAGE:
SOUTH/WEST

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:

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. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. C-5 is a Highway & Arterial Commercial District and Tiny Town Road is an arterial highway. Request is an extension of the C-5 zoning to the north & east.

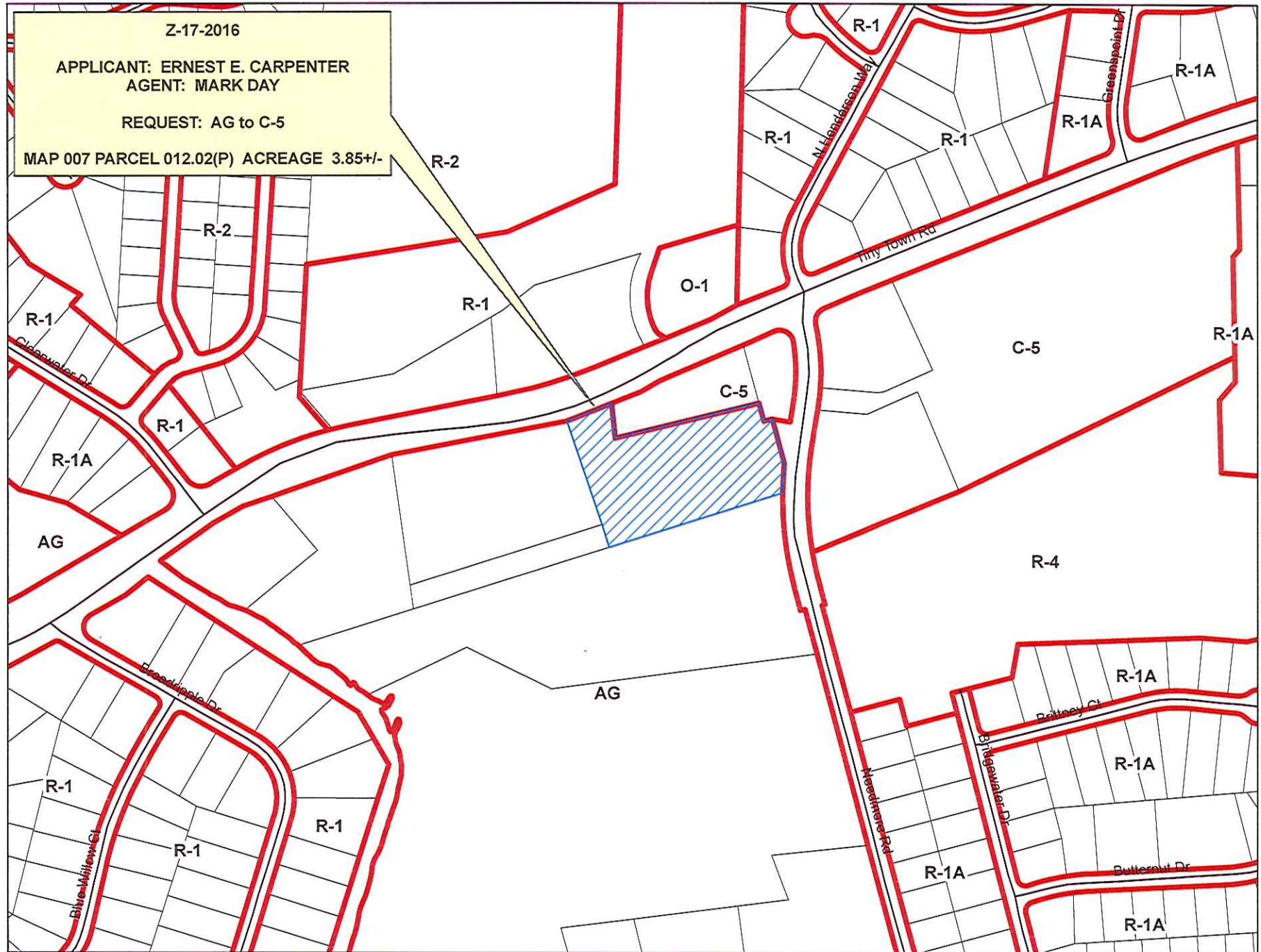
5.

Z-17-2016

APPLICANT: ERNEST E. CARPENTER
AGENT: MARK DAY

REQUEST: AG to C-5

MAP 007 PARCEL 012.02(P) ACREAGE 3.85+/-



CASE NUMBER: Z 17 2016 MEETING DATE 6/29/2016

APPLICANT: Ernest E Carpenter

PRESENT ZONING AG PROPOSED ZONING C-5

TAX PLAT # 7 PARCEL 12.02 p/o

GEN. LOCATION Property located south of Tiny Town Rd. and west of Needmore Rd. 500+/- feet
west & 390 +/- feet south of the Tiny Town Rd. & Needmore Rd. intersection.

PUBLIC COMMENTS

None received as of 10:35 a.m. on 6/29/2016 (jhb).

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: June 2, 2016

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 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: June 2, 2016

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.

RESOLUTION 1-2016-17

A RESOLUTION RENEWING A RETAIL LIQUOR STORE CERTIFICATE OF COMPLIANCE FOR BILLY G. BROWN

WHEREAS, Billy G. Brown, has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for the operation of Bill's Package Store currently located at 1651 Ft. Campbell Boulevard; and

WHEREAS, the applicant(s) who is/are to be in actual charge of said business has/have not been convicted of a felony within a ten year period immediately preceding the date of the application and, if a corporation, that the executive officers, or those in control, have not been convicted of a felony within a ten year period immediately preceding the date of the application; and further that it is the undersigned's opinion that the applicant will not violate any provisions of *Tennessee Code Annotated, Title 57, Chapter 3*;

WHEREAS, the applicant(s) has/have secured a location which complies with all restrictions of the laws, ordinances, or resolutions;

WHEREAS, the applicant(s) has/have complied with the residency provision;

WHEREAS, the issuance of this license will not exceed the numerical limit established in City Code Sec. 2-205.

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

That the Clarksville City Council hereby renews a retail liquor store Certificate of Compliance for Billy G. Brown for operation of Bill's Package Store located at 1651 Ft. Campbell Boulevard, Clarksville, Tennessee.

ADOPTED:

RESOLUTION 3-2016-17

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE AT ALDI #20

WHEREAS, David Behm, Terry Edward Pfortmiller, Jason Chandler Hart, and Charles E. Youngstrom have applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Aldi #20, 1626 Ft. Campbell Boulevard; and

WHEREAS, the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and

WHEREAS, the applicant or applicants have secured a location for the business which complies with all zoning laws adopted by the local jurisdiction, as to the location of the business.

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

That the Clarksville City Council hereby approves a Certificate of Compliance for David Behm, Terry Edward Pfortmiller, Jason Chandler Hart, and Charles E. Youngstrom for sale of wine at Aldi #20, 1626 Ft. Campbell Boulevard, Clarksville, Tennessee.

ADOPTED:

RESOLUTION 4-2016-17

A RESOLUTION APPROVING A RETAIL LIQUOR STORE CERTIFICATE OF COMPLIANCE FOR PETER MARTIN (EBENEZER'S)

WHEREAS, Peter Martin has applied for renewal of a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for the operation of Ebenezer's currently located at 2896 Wilma Rudolph Boulevard; and

WHEREAS, the applicant(s) who is/are to be in actual charge of said business has/have not been convicted of a felony within a ten year period immediately preceding the date of the application and, if a corporation, that the executive officers, or those in control, have not been convicted of a felony within a ten year period immediately preceding the date of the application; and further that it is the undersigned's opinion that the applicant will not violate any provisions of *Tennessee Code Annotated, Title 57, Chapter 3*;

WHEREAS, the applicant(s) has/have secured a location which complies with all restrictions of the laws, ordinances, or resolutions;

WHEREAS, the applicant(s)s has/have complied with the residency provision;

WHEREAS, the issuance of this license will not exceed the numerical limit established in City Code Sec. 2-205.

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

That the Clarksville City Council hereby renews a retail liquor store Certificate of Compliance for a Peter Martin for operation of Ebenezer's located at 2896 Wilma Rudolph Boulevard.

ADOPTED:



CLARKSVILLE CITY COUNCIL SPECIAL SESSION MAY 31, 2016

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Tuesday, May 31, 2016, in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

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

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), James Lewis (Ward 3), Valerie Guzman (Ward 5; arrived 4:39 p.m.), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10; arrived 4:48 p.m.), Bill Powers (Ward 11)

ABSENT: Wallace Redd (Ward 4), Jeff Burkhart (Ward 12)

SPORTS COMPLEX

Mayor McMillan introduced Chris Camp, Lose & Associates, who shared a presentation comparing two proposed sites, Tiny Town Road and Rossview Road, for a multi-purpose sports complex. Mr. Camp said the firm previously identified these two sites, out of twelve potential sites, as meeting the criteria relative to size, availability, geography, as well as other conditions.

GENERAL COMMENTS

In response to Councilman Allen's question, Mr. Camp said any complex would generate noise and bright lights at night that might affect nearby neighborhoods.

In response to Councilman Powers' question, Mr. Camp said the initial phase of a development should include an indoor facility and all-weather surface fields.

Councilman Garrett felt football, lacrosse, and rugby fields should be considered.

TINY TOWN ROAD SITE

Councilwoman McLaughlin felt the Tiny Town Road site had better access to major roads and good potential for new development. She said this site was near three school complexes and could possibly be connected to the Clarksville Greenway.

Councilman Allen said the Tiny Town Road site was near significant commercial developments which could generate revenue from sports participants.

Mr. Camp said the Tiny Town Road site had numerous large sink holes that must be repaired prior to development.

Councilman Allen said the Tiny Town Road site could provide easy access from the adjacent residential areas. Mr. Camp felt this site would better serve the City as a neighborhood park.

Mr. Camp said some additional acreage would be required at the Tiny Town Road site in order to avoid sinkholes. He said this site has twice as many sinkholes as the Rossvie Road site and the cost of filling them is unknown.

ROSSVIEW ROAD SITE

In response to Councilman Garrett's question, Mr. Camp said the Rossvie Road site was not currently inside the city limits, but it was centrally located between Exit 1 and Exit 11. He felt this site had a better road system already in place.

Councilman Powers mentioned that a new fire station was already built in the area of the Rossvie Road site. He said there was the possibility that the City could share utility connections with the owner of the adjacent commercial parcel.

Councilman Burkhart and Councilman Allen left the meeting at 5:35 p.m.

FY17 BUDGETS

MISCELLANEOUS AGENCIES

Councilwoman McLaughlin asked Finance Director Laurie Matta for a line item breakdown of budgets for the miscellaneous agencies.

SENIOR CITIZENS CENTER

In response to Councilwoman McLaughlin's question, Senior Citizens Center Director Anita Atchley said the request of \$15,000 was for a director assistant position. Fiscal Director Robert Thompson said a 3% pay increase was being proposed for staff employees.

MUSEUM

In response to Councilwoman Smith's question, Board Member Tracy Jackson said a request was being made to replace six air conditioning units which were needed for accurate climate control.

CRIME STOPPERS

In response to Councilwoman McLaughlin's question, Roger Carroll said the agency was proposing a new initiative to solve a cold case each month.

TWO RIVERS COMPANY

In response to Councilwoman McLaughlin's question, Ms. Matta said the Miscellaneous Agency Committee determined that the TRC, as a non-profit agency, did not meet the qualifications for city funding. She also said the City was currently holding approximately \$400,000 of city funds from previous budgets in a trust account for the TRC.

Councilman Wallace and Councilman Alexander left the meeting at 6:30 p.m.

EMPLOYEE COMPENSATION

Councilwoman Smith said she supports a merit-based pay plan for city employees.

In response to Councilman Garrett's question, Will Wyatt, Director of Human Resources, said job classifications are reviewed annually and are adjusted when job responsibilities change. Mr. Wyatt recommended the City comply with the current pay plan which evaluates the market periodically to keep and recruit good quality employees.

ADJOURNMENT

The meeting adjourned at 7:23 p.m.



CLARKSVILLE CITY COUNCIL REGULAR SESSION JUNE 2, 2016

MINUTES

PUBLIC COMMENTS:

Candy Johnson, Chair of the Clarksville Human Relations Commission, asked for support of a full time Diversity Practitioner position to assist the HRC and promote its mission.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, June 2, 2016, at 7:20 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

Before the prayer offered by Pastor Ron S. Washington, Restoration House of Praise located in Ward 2, Mayor McMillan asked for a moment of silence to remember the fallen *Blue Angels* pilot who lost his life in an aircraft crash earlier this day in Smyrna, Tennessee. The Pledge of Allegiance was led by Councilman Mike Alexander, Ward 10.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

SPECIAL RECOGNITIONS

There were no special recognitions.

PUBLIC HEARING: ZONING AND ANNEXATION

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

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]

This request was referred back to the Regional Planning Commission on May 5, 2016, for consideration of a change in the acreage. Mark Holleman said the RPC approved the applicant's offer to reduce the acreage requested to change to commercial. There was no voiced opposition.

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

Christian Black said multi-family developments already existed adjacent to this property and the wooded area would serve as a barrier between a new apartment complex and the single family neighborhood. He said although there was no specific building plan, 32 units could be built on the two-acre site with at least two access points on Union Hall Road.

Connie Copez, speaking on behalf of the residents of Forest Hills Subdivision, submitted a petition against this change. She said Union Hall Road had a history of fast traffic and accidents.

A resident (name inaudible) of Union Hall Road said even with the existing traffic signal at Wilma Rudolph Boulevard & Forest Hills Drive, numerous traffic accidents have occurred at this intersection.

ORDINANCE 91-2015-16 (First Reading) Annexing territory south of Rossview Road and east of Interstate 24; request of Cornelia C. and John Mitchell and Anne and Charles Ross

Mike Baggett asked for support of this request on behalf of the applicants. Linda Alley said the City already had traffic issues at the intersection of Rossview Road and Powell Road. In response to Ms. Alley's question, Mayor McMillan said this property was not the same as the site being considered for an athletic complex. There was no voiced opposition.

RESOLUTION 52-2015-16 Adopting a Plan of Service for annexed are south of Rossview Road and east of Interstate 24

There were no comments in support of or in opposition to this request.

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

ADOPTION OF ZONING AND ANNEXATION

The recommendation 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. The following vote was recorded:

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

ABSTAIN: Grubbs, 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 95-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilman Powers made a motion to postpone this vote to the next regular session to allow the residents of Forest Hills to meet with the applicant and obtain additional information about the proposed change. The motion was seconded by Councilman Garrett. The following vote was recorded:

AYE: Burkhart, Lewis, Powers, Wallace

NAY: Alexander, Allen, Garrett, Grubbs, Guzman, McLaughlin, Redd, Smith

The motion to postpone this vote to the next regular session failed. The following vote on the original motion was recorded:

AYE: Alexander, Grubbs, Redd

NAY: Allen, Burkhart, Garrett, Guzman, Lewis, McLaughlin, Powers, Smith, Wallace

The motion to adopt this ordinance on first reading failed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 91-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Grubbs, Lewis, Powers, Redd, Wallace

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

The motion to adopt this ordinance on first reading failed.

The recommendations of the Regional Planning Staff and Commission were for approval of **RESOLUTION 52-2015-16**. Councilman Grubbs made a motion to adopt this resolution. This motion failed for a lack of a second.

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 *[Removed; see transcription following vote on the Consent Agenda]*
4. Adoption of Minutes: May 5th, May 19th

Councilman Alexander requested separate consideration of **ORDINANCE 90-2015-16**. Councilman Lewis made a motion to adopt the Consent Agenda as amended. The motion was seconded by Councilwoman McLaughlin. Councilman Burkhart and Councilwoman McLaughlin voted “nay” on **ORDINANCE 87-2015-16**. The following vote was recorded:

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

The motion to adopt the Consent Agenda as amended passed.

ADOPTION OF ZONING

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

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

There was no objection to Councilman Alexander’s request to hear comments from Dr. David Ripple, Director of Planning. Dr. Ripple said the response from the Clarksville-Montgomery County School System regarding this zone change

stated the Rossview School Complex was more than 90% occupied and a change could add more students. He said the Street Department said Rossview Road improvements at Powell Road should accommodate additional traffic.

There was no objection to Councilman Alexander's request to hear comments from Traffic Engineer Chris Cowan. Mr. Cowan said a traffic assessment showed no change in the level of service for Rossview Road if this zone change were approved.

Councilman Lewis objected to Councilman Alexander's request to hear comments from David Smith, agent for the applicant.

There was no objection to reverting to regular session. The following vote was recorded:

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

NAY: Alexander, Guzman

The motion to adopt this ordinance on second reading passed.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 94-2015-16 (First Reading) Accepting donation of property from Donald Malone for future sewer system improvements

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

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

The motion to adopt this ordinance on first reading passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen announced the June 13th opening of Patriots Place, an affordable housing unit for homeless Veterans located on Daniel Street. The City donated this property to Buffalo Valley to be used as a transitional housing facility for Veterans.

GAS & WATER COMMITTEE

Wallace Redd, Chair

No report.

PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

Councilman Powers said City pools and splash pads opened May 28th. He said 22,417 patrons visited the Indoor Aquatic Center during the previous fall and winter seasons. Councilman Powers said more than 1,500 runners participated in the recent Queen City Road Race and Fort Defiance had approximately 1,600 visitors during the month of May.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

Councilman Grubbs shared the following monthly department statistics: Building & Codes Construction Division – 160 inspections; Building & Codes Enforcement Division – 594 cases; Building & Codes Administration – 59 single-family permits; Building & Codes Abatement Division – 71 work orders; Fire & Rescue – 1,024 runs; Police – 14,179 responses.

STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

Councilman Lewis shared the following monthly department statistics: Streets – 233 work orders; Clarksville Transit System – 54,445 passengers; Clarksville-Nashville Express – 5,490 passengers; Garage – 332 work orders with unleaded fuel at \$2.16/gal. and diesel fuel at \$1.69/gal.

INTERNAL AUDIT COMMITTEE

RESOLUTION 53-2015-16 Confirming the Mayor's appointment of Rod Wright as Director of Internal Audit

Mayor McMillan made a motion to adopt this resolution. The motion was seconded by Councilman Redd. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

NEW BUSINESS

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

Councilwoman McLaughlin made a motion to adopt her amendment which established an application process and an effective date of August 1, 2016. The motion was seconded by Councilman Redd. The following vote was recorded:

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

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

Councilwoman McLaughlin's amendment passed.

Councilman Burkhart made a motion to amend the ordinance by adding language that would create a phase-in process to add two stores per year beginning July 1, 2018, until the allowed number of stores is achieved. The motion was seconded by Councilman Lewis. Councilwoman McLaughlin, Councilman Redd, and Councilwoman Smith stated their objection to phasing in additional stores. Councilman Allen felt the retail liquor store business should not be regulated by local government. The following vote was recorded:

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

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

Councilman Burkhart's amendment passed. The following vote on the original motion was recorded:

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

NAY: Guzman

The motion to adopt this ordinance as amended passed.

MAYOR AND STAFF REPORTS

There were no Mayor or Staff reports.

ADJOURNMENT

The meeting was adjourned at 8:34 p.m.



CLARKSVILLE CITY COUNCIL SPECIAL SESSION JUNE 7, 2016

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Tuesday, June 7, 2016, at 4:35 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

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

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10; arrived 5:05 p.m.), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

POWER BOARD

Councilman Lewis made a motion to appoint Sally Castleman and Leo Milan to the Power Board, each for a term July 2016 through June 2019. The motion was seconded by Councilman Powers. The following vote was recorded:

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

NOTE: Councilman Alexander was not present for this vote.

The motion to approve these appointments to the Power Board passed.

PUBLIC IMPROVEMENTS PROGRAM & CAPITAL PROJECTS BUDGET

RESOLUTION 35-2015-16 Accepting the 2017-2021 Public Improvements Program and Capital Projects Budget

The vote on this resolution was postponed by the City Council on April 7, 2016. The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. Councilman Wallace said this information would be used as a planning document and its adoption would not be binding. The following vote was recorded:

AYE: Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Wallace

NAY: Allen, Redd, Smith

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this resolution passed.

PUBLIC HEARING: FY17 BUDGETS

Mayor McMillan presented the City's budgets totaling near \$400,000,000 including CDE: \$190,000,000, supported 100% by rate payers, Gas-Water-Sewer Department: \$91,000,000, supported 100% by rate payers, Parking Commission, Clarksville Transit System: \$13,000,000, 13% fund by tax payers, and Community Development.

There was no objection to conducting a public hearing to receive comments regarding the proposed FY17 budgets.

Rose Algood said the City should appropriate funds to open and operate all public pools. She mentioned two of the five pools were not open because the Parks & Recreation Department did not have funds for repairs.

Ms. Algood encouraged support for funding for the Roxy Regional Theater.

There was no objection to reverting to special session.

NOTE: There was no objection to allowing Finance Director Laurie Matta to respond to questions during the special session.

HOUSING & COMMUNITY DEVELOPMENT FY17 BUDGET

ORDINANCE 96-2015-16 (First Reading) Amending the FY16 Budget and establishing the FY17 Budget for Housing & Community Development

Councilman Lewis made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Grubbs. There was no discussion. The following vote was recorded:

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

PARKING COMMISSION FY17 BUDGET

ORDINANCE 97-2015-16 (First Reading) Amending the FY16 Budget and establishing the FY17 Budget for the Clarksville Parking Commission

Councilman Lewis made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Allen. There was no discussion. The following vote was recorded:

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

CLARKSVILLE TRANSIT SYSTEM FY17 BUDGET

ORDINANCE 98-2015-16 (First Reading) Amending the FY16 Budget and establishing the FY17 Budget for Clarksville Transit System

Councilman Lewis made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Allen. There was no discussion. The following vote was recorded:

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

NAY: Redd

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

DEPARTMENT OF ELECTRICITY FY17 BUDGET

ORDINANCE 99-2015-16 (First Reading) Amending the FY16 Budget and establishing the FY17 Budget for Clarksville Department of Electricity

Councilman Lewis made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Allen. There was no discussion. The following vote was recorded:

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

GAS & WATER DEPARTMENT FY17 BUDGET

ORDINANCE 100-2015-16 (First Reading) Amending the FY16 Budget and establishing the FY17 Budget for Clarksville Gas & Water

Councilman Lewis made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. There was no discussion. The following vote was recorded:

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

INTERNAL SERVICE FUND FY17 BUDGET

ORDINANCE 101-2015-16 (First Reading) Amending the FY16 Budget and establishing the FY17 Budget for the City of Clarksville Internal Service Fund

Councilman Lewis made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Grubbs. There was no discussion. The following vote was recorded:

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

GENERAL GOVERNMENT FY17 BUDGET

ORDINANCE 102-2015-16 (First Reading) Amending the FY16 Budget and establishing the FY17 Budget for the City of Clarksville General Government

MAYOR'S STATEMENT

Mayor McMillan said by adopting a budget, the City can offer resources to serve the citizens that only government can provide. She said the budget would include funding for the needs of the City and all of its residents, as well as projects and programs that lay a solid foundation for growth and opportunity. She said that according to Moody's Investors Service and Fitch Ratings, the City of Clarksville was in a very stable, financial situation. The Finance Department had recently received a certification for Achievement in Excellence in Financial Reporting for the second consecutive year. Mayor McMillan said the proposed budget included funding for economic promotion in the Housing & Community Development

Department, property acquisition for a Performing Arts Center, property acquisition for an Athletic Complex, roadway infrastructure improvements, one new Information Technology employee, and five risk prevention officers. She said a five cent tax increase was being proposed to fund public safety.

Mayor McMillan made a motion to adopt **ORDINANCE 102-2015-16** on first reading. The motion was seconded by Councilman Grubbs.

PERFORMING ARTS & CONFERENCE CENTER (Amendment #1)

Councilwoman McLaughlin made a motion to delete \$1,250,000 for purchase of property for a performing arts and conference center [Capital Projects] and add \$200,000 for Custom House Museum air conditioner replacement [Operating]. The motion was seconded by Councilman Garrett.

In response to Councilwoman McLaughlin's question, Mayor McMillan said this purchase would not include the Roxy Theater building and the proposed performing arts center would be operated by a non-profit agency. She said Museum officials had agreed to accept \$200,000 to replace three of the six HVAC units, then replace the remaining units the following year. Councilman Burkhardt and Councilwoman McLaughlin objected to demolition of an existing downtown historical building [Brenner Building]. Councilman Allen and Councilman Alexander felt there were too many uncertainties involving this project. Councilman Grubbs expressed support for the center.

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

AYE: Alexander, Allen, Burkhardt, Garrett, Lewis, McLaughlin, Redd

NAY: Grubbs, Guzman, Powers, Smith, Wallace

The motion to cease discussion on the amendment failed due to lack of a 2/3 majority. The following vote on Councilwoman McLaughlin's first amendment was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers, Wallace

The motion to delete \$1,250,000 for a performing arts and conference center (Amendment #1) passed.

CUSTOMS HOUSE MUSEUM (Amendment #1B)

Following discussion, Councilman Redd called for the question on Councilwoman McLaughlin's amendment to add \$200,000 for Customs House Museum air conditioner replacement [Other City Funded Agencies]. The question was seconded by Councilman Lewis. The following vote was recorded:

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

The motion to cease discussion on Amendment #1B passed. The following vote was recorded:

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

NAY: Grubbs, Lewis, Powers, Redd

The motion to add \$200,000 for Custom House Museum air conditioner replacement (Amendment #1B) passed.

DIVIDE THE QUESTION

Councilman Burkhart made a motion to divide the question to consider operating expenses separately from capital projects. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

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

The motion to divide the question passed. The operating budget would be considered as **ORDINANCE 102A-2015-16**; the capital projects budget would be considered as **ORDINANCE 102B-2015-16**.

ATHLETIC COMPLEX (Amendment #102B-2)

Councilman Alexander made a motion to amend **ORDINANCE 102B-2015-16** by deleting \$6,500,000 for land and design of an athletic complex on Rossview Road [Capital Projects #16503]. The motion was seconded by Councilman Redd. Councilwoman McLaughlin made a motion to amend Councilman Alexander's motion by designating the Tiny Town Road site for the proposed athletic complex, but withdrew her motion. Following discussion regarding location of a complex, Councilman Allen called for the question. The question was seconded by Councilman Alexander. The following vote was recorded:

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

The motion to cease discussion on Councilman Alexander's motion passed. The following vote on the main motion was recorded:

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

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

The motion to delete \$6,500,000 from the capital projects budget for an athletic complex on Rossview Road (Amendment #102B-2) passed.

DIVERSITY PRACTITIONER (Amendment #102A-3)

Councilman Allen made a motion to amend **ORDINANCE 102A-2015-16** by adding \$67,500 for a Diversity Practitioner position [Human Resources]. The motion was seconded by Councilman Garrett. Mayor McMillan responded to accusations made by Human Relations Chair Candy Johnson during Public Comments prior to the June 2nd Regular Session. Councilwoman Smith called for a point of order stating that Mayor McMillan's statements were not related to the question. Mayor McMillan ruled against Councilwoman Smith's point of order stating she had taken a point of personal privilege. Councilman Allen appealed the Mayor's decision. The following vote was recorded:

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

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

NOTE: Councilman Grubbs was not present for this vote.

The ruling was overturned. Mayor McMillan said she supports diversity and noted city employment and memberships on various boards and commissions had increased in diversity since she took office. She stated there was a policy for creating new positions and this request had not followed that policy. Councilwoman Smith said Mayor McMillan claimed to support diversity, but she did not show support by opposing creation of this position. Councilwoman Guzman called for a point of order stating that members cannot assume the intent of others' reasoning and votes. Mayor McMillan ruled in favor of Councilwoman Guzman's point of order.

Councilman Alexander called for the question. The question was seconded by Councilman Lewis. The motion and second were withdrawn after Councilman Alexander realized others were requesting to speak. Councilman Redd encouraged members to focus on issues that would bring Americans together. Councilman Alexander called for the question. The question was seconded by Councilman Powers. The following vote was recorded:

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

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

AYE: Allen, Burkhardt, Garrett, Guzman, Smith

NAY: Alexander, Grubbs, Lewis, McLaughlin, Powers, Redd, Wallace

The motion to add \$67,500 for a Diversity Practitioner position (Amendment 102A-3) failed.

CONTRIBUTION TO LEAP (Amendment #102A-4)

Councilman Allen made a motion to amend **ORDINANCE 102A-2015-16** by adding \$25,000 to Miscellaneous Agencies for a contribution to the Leap Organization. The motion was seconded by Councilwoman Smith. Councilman Lewis said the Leap Organization did not apply for city funding. Councilman Garrett said he would abstain from voting on this amendment because of his association with the organization. Councilman Redd and Councilman Burkhart felt the City should not fund non-profit agencies. The following vote was recorded:

AYE: Allen, Smith

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

ABSTAIN: Garrett

The motion to add \$25,000 for a contribution to the Leap Organization (Amendment 102A-4) failed.

ATHLETIC COMPLEX (Amendment #102B-5)

Councilman Allen made a motion to amend **ORDINANCE 102B-2015-16** by adding \$6,500,000 to Capital Projects for an athletic complex at the Tiny Town Road site. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Allen, Garrett, McLaughlin, Powers, Smith

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

The motion to add \$6,500,000 for an athletic complex at the Tiny Town Road site (Amendment #102B-5) failed.

MISCELLANEOUS AGENCIES (Amendment #102A-6)

Councilwoman McLaughlin made a motion to amend **ORDINANCE 102A-2015-16** by deleting \$103,500 for all Miscellaneous Agencies. The motion was seconded by Councilman Redd. Councilman Allen, Councilman Powers, and Councilman Garrett expressed support for non-profit funding and said the agencies have a positive impact on the community. The following vote was recorded:

AYE: Alexander, Burkhart, Guzman, McLaughlin, Redd

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

The motion to delete \$103,500 for Miscellaneous Agencies (Amendment #102A-6) failed.

CHIEF ADMINISTRATIVE OFFICER (Amendment #102A-7)

Councilwoman Garrett made a motion to amend **ORDINANCE 102A-2015-16** by deleting \$63,321 and delete the position of Chief Administrative Officer [Mayor's Office]. The motion was seconded by Councilwoman McLaughlin. Councilman Garrett felt the duties of the Chief Administrative Officer and the Chief of Administration [Mayor's Office] overlap.

Councilwoman McLaughlin offered an amendment to delete an additional \$10,091 for benefits for the position of Chief Administrative Officer. The motion was seconded by Councilman Alexander. The following vote was recorded:

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

NAY: Grubbs, Guzman, Lewis, Powers, Wallace

Councilwoman McLaughlin's amendment passed. In response to Mayor McMillan's question, City Attorney Lance Baker said there is no clear City Charter or City Code provision that allows the City Council to eliminate employee positions. He said if salary and benefit funding were deleted from the budget, a department head would still have authority to move existing appropriations to fund a position.

Councilwoman Smith made a motion to postpone this amendment to the next regular session. The motion was not seconded.

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

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

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

AYE: Allen, Garrett, McLaughlin, Redd, Smith

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

The motion to delete \$73,412 and the position of Chief Administrative Officer (Amendment #102A-7) failed.

PROPERTY TAX RATE (Amendment #102A-8)

Councilman Redd made a motion to decrease the proposed property tax rate from \$1.29 to the current rate of \$1.24. The motion was seconded by Councilwoman McLaughlin. Mayor McMillan said if the property tax rate is reduced, the proposed budget would not be balanced. Councilman Allen said he supported the 2% general wage increase for city employees and was concerned that reducing the property tax rate would not fund the wage increase. Following discussion,

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

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

NOTE: Councilman Garrett was not present for this vote.

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

AYE: Allen, Burkhart, McLaughlin, Redd

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

NOTE: Councilman Garrett was not present for this vote.

The motion to decrease the proposed property tax rate to \$1.24 (Amendment #102A-8) failed.

FY17 GENERAL GOVERNMENT OPERATING BUDGET

Councilwoman McLaughlin called for the question on the motion to adopt **ORDINANCE 102A-2015-16** on first reading. The question was seconded by Councilman Redd. The following vote was recorded:

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

The motion to cease discussion passed. The following vote on the main motion as amended was recorded:

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

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

The motion to adopt the proposed FY17 General Government Operating Budget, **ORDINANCE 102A-2015-16** as amended, on first reading failed.

RECESS

The City Council recessed at 8:16 p.m. and reconvened at 8:28 p.m.

ATHLETIC COMPLEX (Amendment #102B-9)

Councilman Garrett made a motion to amend **ORDINANCE 102b-2015-16** by creating a Capital Project for an athletic complex at the Tiny Town Road site for \$6,500,000. The motion was seconded by Councilman Allen.

Councilman Redd made a motion to adjourn. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Alexander, Burkhart, Grubbs, Lewis, McLaughlin, Redd

NAY: Allen, Garrett, Guzman, McMillan, Powers, Smith, Wallace

The motion to adjourn failed. Councilman Garrett expressed support for the Tiny Town Road athletic complex and called for the question. Mayor McMillan ruled the call for the question was out of order because it followed Councilman Garrett's comments supporting an athletic complex. Councilman Powers called for the question. The question was seconded by Councilman Redd. The following vote was recorded:

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

NAY: Smith

The motion to cease discussion on Councilman Garrett's amendment passed. The following vote on the amendment was recorded:

AYE: Allen, Garrett, McLaughlin, Powers, Smith

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

The motion to create a Tiny Town Road athletic complex (Amendment #102B-9) failed.

FY17 GENERAL GOVERNMENT CAPITAL PROJECTS BUDGET

Councilman Burkhart called for the question on **ORDINANCE 102B-2015-16**. The motion was seconded by Councilman Redd. The following vote was recorded:

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

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

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

NAY: Allen, Redd, Smith

The motion to adopt the FY17 General Government Capital Projects Budget (**ORDINANCE 102B-2015-16**) on first reading passed.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.



CLARKSVILLE CITY COUNCIL SPECIAL SESSION JUNE 14, 2016

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Tuesday, June 14, 2016, at 4:35 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman David Allen; the Pledge of Allegiance was led by Councilman James Lewis.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1; arrived 4:54 p.m.), Deanna McLaughlin (Ward 2), James Lewis (Ward 3), Wallace Redd (Ward 4), 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)

ABSENT: Valerie Guzman (Ward 5), Jeff Burkhart (Ward 12)

FY17 GENERAL GOVERNMENT BUDGET

ORDINANCE 104-2015-16 (First Reading) Establishing the FY17 Operating Budget for the City of Clarksville General Government

Although this ordinance was listed at the end of the agenda, Councilwoman McLaughlin made a motion to consider this item first in the event amendments would affect other proposed budgets. The motion was seconded by Councilman Allen. There was no objection.

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

There were no objections to responses from the City Attorney, the Director of Finance, or staff during this meeting.

ADVERTISING (Amendment #1)

Councilwoman McLaughlin made a motion to delete \$53,000 [Legislative Budget] for advertising (social media, printed ads, video projection, and general publications). The motion was seconded by Councilman Allen. Following Mayor McMillan's explanation that the general publications were for legal and meeting notices, Councilwoman McLaughlin made a motion to retain \$3,000 and delete \$50,000. The motion was seconded by Councilman Alexander. A voice vote was taken; the amendment passed without objection. The following vote on the main motion was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers

NOTE: Councilman Garrett was not present for this vote.

The motion to delete \$50,000 for advertising (Amendment #1) passed.

NATIONAL LEAGUE OF CITIES (Amendment #2)

Councilwoman McLaughlin made a motion to delete \$13,674 [Legislative budget] for National League of Cities dues and conference. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Allen, McLaughlin, Redd, Smith

NAY: Grubbs, Lewis, McMillan, Powers, Wallace

NOTE: Councilman Garrett was not present for this vote.

The motion to delete \$13,675 for National League of Cities dues and conference (Amendment #2) failed due to lack of majority.

NOTE: This amendment was presented again; see Amendment #6.

PENNYRILE AREA DEVELOPMENT DISTRICT (Amendment #3)

Councilwoman McLaughlin made a motion to delete \$5,484 for Pennyrile Area Development District [Shared Expenditures]. The motion was seconded by Councilman Allen. Mayor McMillan said this request was for the City's share of matching funds for a grant that had been awarded to the Pennyrile Area Development District for a program to explore ways neighboring counties can work together to promote services for Veterans. Following discussion, Councilman Alexander called for the question. The motion was seconded by Councilman Redd. A voice vote was taken; the motion to cease discussion passed. The following vote was recorded:

AYE: Allen, Garrett, McLaughlin, Redd, Smith

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

The motion to delete \$5,484 for Pennyryle Area Development District shared expenditures (Amendment #3) failed.

REGIONAL TRANSPORTATION AUTHORITY (Amendment #4)

Councilwoman McLaughlin made a motion to reduce Regional Transportation Authority funding [Shared Expenses] from \$75,489 to \$28,104. The motion was seconded by Councilman Redd. Mayor McMillan said federal grant funding for this program had decreased and fares would be increased to cover some additional expenses. The following vote was recorded:

AYE: Alexander, McLaughlin, Redd

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

The motion to reduce the RTA shared expenses to \$28,104 (Amendment #4) failed.

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

Councilwoman McLaughlin made a motion to delete \$18,680 [Mayor's Office budget] for U.S. Conference of Mayor's membership dues. The motion was seconded by Councilman Alexander. The following vote was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers, Wallace

The motion to delete \$18,680 for U.S. Conference of Mayors dues and conference (Amendment #5) passed.

FY 17 BUDGET - CEASE DISCUSSION

Councilman Wallace made a motion to cease discussion on **ORDINANCE 104-2015-16**. The motion was seconded by Councilman Alexander. The following vote was recorded:

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

NAY: Allen, Garrett, McLaughlin, Smith

The vote to cease discussion on the FY17 Budget failed due to lack of a majority.

NATIONAL LEAGUE OF CITIES (Amendment #6)

Councilman Allen made a motion to delete \$13,674 [Legislative budget] for National League of Cities dues and conference. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers, Wallace

The motion to delete \$13,674 for NLC dues and conference (Amendment #6) passed.

CITY COURT POSITION (Amendment #7)

In response to Councilman Garrett's suggestion that the Chief Administrative Officer [Mayor's Office] should be transferred to the City Court staff, City Attorney Lance Baker said creation of a new position for any department must follow the appropriate process. Councilman Garrett made a motion to add \$45,000 for the purpose of funding a new position for the City Court staff. The motion was seconded by Councilwoman Smith. The following vote was recorded:

AYE: Alexander, Allen, Garrett, Grubbs, Smith

NAY: Lewis, McLaughlin, McMillan, Powers, Redd

The motion to add \$45,000 to the City Court Department (Amendment #7) passed.

CHIEF ADMINISTRATIVE OFFICER (Amendment #8)

Councilman Garrett made a motion to delete \$73,412 [salary and benefits for Chief Administrative Officer] from the Mayor's Office budget. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers, Wallace

The motion to delete \$73,412 from the Mayor's Office budget (Amendment #8) passed.

CHIEF OF ADMINISTRATION

In response to Councilman Garrett's question, Mayor McMillan explained the pay increase proposed for the Chief of Administration (commonly referred to as "Chief of Staff"-Mayor's Office), included the entitled increase this employee received following the probationary period plus the general wage increase being proposed for all employees.

RECESS

The City Council recessed at 6:10 p.m. and reconvened at 6:19 p.m.

PROPERTY TAX RATE (Amendment #9)

Councilman Redd made a motion to establish the property tax rate at \$1.24. The motion was seconded by Councilwoman McLaughlin. Mayor McMillan said the budget would not be balanced at this rate. Finance Director Laurie Matta said this rate would produce a fund balance that would be \$1.1 million below the required 20% of expenditures. Ms. Matta said with the adopted amendments thus far, the rate should be \$1.286.

Councilman Allen said he supported the proposed 2% employee general wage increase and made a motion to amend Councilman Redd's motion by establishing the property tax rate at \$1.28. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Garrett, McLaughlin, Redd

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

Councilman Allen's amendment failed. Councilman Garrett made a motion to amend Councilman Redd's motion by establishing the property tax rate at \$1.286. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Allen, Garrett, McLaughlin, Redd

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

Councilman Garrett's amendment failed. The following vote on the main motion was recorded:

AYE: Alexander, Redd

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

The motion to establish the property tax rate at \$1.24 (Amendment #9) failed.

FY17 GENERAL GOVERNMENT BUDGET

Councilman Allen made a motion to adjourn. The motion was not seconded.

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

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

The motion to cease discussion on the FY17 General Government Budget passed. The following vote on the main motion as amended was recorded:

AYE: Alexander, Allen, Garrett, Grubbs, Lewis, Powers, Wallace

NAY: McLaughlin, Redd, Smith

The motion to adopt **ORDINANCE 104-2015-16**, establishing the FY17 Operating Budget for the City of Clarksville General Government, on first reading as amended passed.

FY17 HOUSING & COMMUNITY DEVELOPMENT BUDGET

ORDINANCE 96-2015-16 (Second Reading) Amending the FY16 Budget and establishing the FY17 Budget for Housing & Community Development

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

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt **ORDINANCE 96-2015-16**, FY17 Housing & Community Development Budget, on second reading passed.

FY17 PARKING COMMISSION BUDGET

ORDINANCE 97-2015-16 (Second Reading) Amending the FY16 Budget and establishing the FY17 Budget for the Clarksville Parking Commission

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

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt **ORDINANCE 97-2015-16**, FY17 Clarksville Parking Commission Budget, on second reading passed.

FY17 CLARKSVILLE TRANSIT SYSTEM

ORDINANCE 98-2015-16 (Second Reading) Amending the FY16 Budget and establishing the FY17 Budget for Clarksville Transit System

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

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

NAY: Redd

The motion to adopt **ORDINANCE 98-2015-16**, FY17 Clarksville Transit System Budget, on second reading passed.

FY17 DEPARTMENT OF ELECTRICITY BUDGET

ORDINANCE 99-2015-16 (Second Reading) Amending the FY16 Budget and establishing the FY17 Budget for Clarksville Department of Electricity

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

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

The motion to adopt **ORDINANCE 99-2015-16**, FY17 Clarksville Department of Electricity Budget, on second reading passed.

FY17 GAS & WATER BUDGET

ORDINANCE 100-2015-16 (Second Reading) Amending the FY16 Budget and establishing the FY17 Budget for Clarksville Gas & Water

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

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

The motion to adopt **ORDINANCE 100-2015-16**, FY17 Clarksville Gas & Water Department Budget, on second reading passed.

FY17 INTERNAL SERVICE FUND

ORDINANCE 101-2015-16 (Second Reading) Amending the FY16 Budget and establishing the FY17 Budget for the City of Clarksville Internal Service Fund

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

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

The motion to adopt **ORDINANCE 101-2015-16**, FY17 City of Clarksville Internal Service Fund Budget, on second reading passed.

FY17 GENERAL GOVERNMENT CAPITAL PROJECTS BUDGET

ORDINANCE 102B-2015-16 (Second Reading) Establishing the FY17 Capital Projects Budget for the City of Clarksville General Government

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

POLICE DISTRICT 3 PRECINCT (Amendment #1)

Councilwoman McLaughlin made a motion to create a capital project for a new Police Precinct for District 3, \$3,285,000, by moving the project from the FY18 Capital Projects Budget to the FY17 Capital Projects Budget. The motion was seconded by Councilman Allen. Councilman Allen and Councilman Alexander also expressed support for this amendment. The following vote was recorded:

AYE: Allen, Garrett, McLaughlin

NAY: Alexander, Grubbs, Lewis, Powers, Redd, Smith, Wallace

Councilwoman McLaughlin's motion to create a CPD District 4 Precinct capital project in the FY17 Capital Projects Budget (Amendment #1) failed.

ATHLETIC COMPLEX (Amendment #2)

Councilman Powers made a motion to create a Rossview Road Athletic Complex capital project. The motion was seconded by Councilwoman Lewis. Councilman Powers said this location would allow connection to the Clarksville Greenway and Clarksville Blueway. Councilman Garrett offered an amendment to create a Teeter Property Athletic Complex capital project. The motion was not seconded. Councilwoman McLaughlin felt sites other than Rossview Road should be considered. The following vote on the amendment was recorded:

AYE: Grubbs, Lewis, McMillan, Powers, Wallace

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

Councilman Powers' amendment to create a Rossview Road Athletic Complex capital project (Amendment #2) failed.

FY17 CAPITAL PROJECTS BUDGET

The following vote on the main motion was recorded:

AYE: Alexander, Allen, Garrett, Grubbs, Lewis, McLaughlin, McMillan, Powers

NAY: Redd, Smith, Wallace

The motion to adopt **ORDINANCE 102B-2015-16**, FY17 General Government Capital Projects Budget, on second reading passed.

ORDINANCE 103-2015-16 (First Reading) Amending the FY16 Budget for the City of Clarksville General Government

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, Garrett, Grubbs, Lewis, McLaughlin, McMillan, Powers, Redd, Smith, Wallace

The motion to adopt **ORDINANCE 103-2015-16**, amending the FY16 General Government Budget, on first reading passed.

ADJOURNMENT

The meeting was adjourned at 7:01 p.m.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 22, 2016**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Wednesday, June 22, 2016, at 4:35 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

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

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhardt (Ward 12)

UTILITY CONNECTION AGREEMENTS

RESOLUTION 55-2015-16 Authorizing and approving a pole attachment agreement and a right-of-way agreement

Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. City Attorney Lance Baker said this agreement will allow cell phone companies to increase their coverage and improve their reception. He said the same agreement may be used for other companies in the future. Councilman Alexander stated his intention to abstain because he had a family member employed by a local company. The following vote was recorded:

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

ABSTAIN: Alexander

The motion to adopt this resolution passed.

FY16 BUDGET AMENDMENTS

ORDINANCE 103-2015-16 (Second Reading) Amending the FY16 Budget for the City of Clarksville General Government

There was no objection to responses from City Attorney Lance Baker, Director of Finance Laurie Matta, or Department Heads during this discussion.

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

Ms. Matta noted that a scribner's error had been corrected in Attachment A, "Total Expenditures and Financing Uses;" the original total of \$9,516,050 had been corrected to \$12,551,578.

CUSTOM HOUSE MUSEUM AMENDMENT #1

Councilman Alexander made a motion to add \$20,000 to funding for the Customs House Museum for payment of the balance of a 2015 invoice for design fees for capital improvements. The motion was seconded by Councilman Powers. Museum Director Jim Zimmer said the invoice was not received during FY15 and the funds were not currently available. The following vote was recorded:

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

The motion to add \$20,000 for the Custom House Museum (Amendment #1) passed.

ADOPTION OF FY16 AMENDMENTS

The following vote on the main motion was recorded:

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

NAY: Burkhart, Guzman, Redd

NOTE: Following this vote, Councilman Burkhart indicated he meant to vote in favor of this ordinance.

The motion to adopt **ORDINANCE 103-2015-16**, FY16 Budget Amendments, on second reading as amended passed.

FY17 BUDGET

ORDINANCE 104-2015-16 (Second Reading) Establishing the FY17 Operating Budget for the City of Clarksville General Government

There was no objection to responses from City Attorney Lance Baker, Director of Finance Laurie Matta, or Department Heads during this discussion.

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

MAYOR'S OFFICE/CHIEF ADMINISTRATIVE OFFICER (Amendment #1)

Councilman Lewis made a motion to add \$73,412 [deleted during first reading June 14th] to the Mayor's Office budget. The motion was seconded by Councilman Grubbs. This amount equaled salary and benefits for the Chief Administrative Officer. Councilman Lewis said the Council should not delete currently filled positions. Councilman Wallace said this action could open the City to litigation. Following discussion, Councilman Redd made a motion to table this amendment. The motion was seconded by Councilman McLaughlin. The following vote was recorded:

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

NAY: Grubbs, Lewis, Powers, Smith, Wallace

The motion to table this amendment passed.

FIRE & RESCUE/DISTRICT CHIEFS & FIREFIGHTERS (Amendment #2)

Councilman Burkhardt made a motion to delete \$261,165 from the Clarksville Fire & Rescue budget. The motion was seconded by Councilman Garrett. This amount equaled funding for three new district chiefs and three new firefighters. Fire Chief Mike Roberts said the additional district chiefs were needed to cover areas along Interstate 24. Following extended discussion, Councilman Garrett called for the question. The question was seconded by Councilman Alexander. The following vote was recorded:

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

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

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

NAY: Grubbs, Lewis, McMillan, Powers, Wallace

The motion to delete \$261,165 from the Fire & Rescue budget (Amendment #2) passed.

HUMAN RESOURCES/H.R. ANALYST (Amendment #3)

Councilman Burkhardt made a motion to delete \$73,238 from the Human Resources budget. The motion was seconded by Councilman Redd. This amount equaled funding requested for a new Human Resource Analyst position. Following discussion, Councilman Redd called for the question. The question was seconded by Councilman Lewis. The following vote was recorded:

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

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

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

NAY: Grubbs, Lewis, McMillan, Powers

The motion to delete \$73,238 from the Human Resources budget (Amendment #3) passed.

HUMAN RESOURCES/LMS SOFTWARE (Amendment #4)

Councilman Burkhart made a motion to delete \$129,000 from the Human Resources budget. The motion was seconded by Councilman Alexander. This amount equaled funding requested for Learning Management System software and an employee benefits and training software. Human Resources Director Will Wyatt said some software was already under contract. Councilman Burkhart amended his motion to delete \$60,000 for the LMH software. The motion was seconded by Councilman Garrett. A voice vote was taken; Councilman Burkhart's second amendment passed. The following vote on the main motion was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Redd

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

The motion to delete \$60,000 from the Human Resources budget (Amendment #4) failed.

MUNICIPAL PROPERTIES/LEGAL RENOVATION (Amendment #5)

Councilman Burkhart made a motion to delete \$65,000 from the Municipal Properties budget. The motion was seconded by Councilman Redd. This amount equaled funding requested for Legal Department renovations, including a conference room. The following vote was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers

The motion to delete \$65,000 from the Municipal Properties budget (Amendment #5) passed.

SENIOR CITIZENS/PART-TIME POSITION (Amendment #6)

Councilwoman McLaughlin made a motion to delete \$14,946 from the Senior Citizens Center appropriation. The motion was seconded by Councilman Alexander. This amount equaled funding requested for a part-time clerical position. The following vote was recorded:

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

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

NOTE: Councilman Redd was not present for this vote.

The motion to delete \$14,946 from the Senior Citizens Center budget (Amendment #6) failed.

RECESS

The Council recessed at 6:40 p.m. and reconvened at 6:50 p.m.

CITY COURT/NEW CLERK POSITION (Amendment #7)

Councilwoman McLaughlin made a motion to delete \$45,000 from the City Court budget. The motion was seconded by Councilman Redd. This amount equaled funding requested for a new clerk position and was added during first reading of the budget on June 14th. The following budget was recorded:

AYE: Burkhardt, Grubbs, McLaughlin, McMillan, Redd, Smith

NAY: Garrett, Guzman, Lewis, Powers, Wallace

The motion to delete \$45,000 from the City Court budget (Amendment #7) passed.

FIRE & RESCUE/FIREFIGHTERS (Amendment #8)

Councilman Lewis made a motion to add \$261,165 [deleted by the adoption of Amendment #2] to the Fire & Rescue budget. The motion was seconded by Councilman Grubbs. This amount equaled funding requested for salaries and benefits for three new district chiefs and three new firefighters. Chief Roberts said this funding would be covered by the SAFER grant which was also included in FY17 revenues and said deleting these positions would jeopardize the entire grant.

Councilman Burkhardt made a motion to reduce this addition from \$261,165 to \$129,161. The motion was seconded by Councilman Garrett. This amount equaled salaries and benefits for three new firefighters, but not three new district chief positions. The motion was seconded by Councilman Powers. A voice vote was taken; the amendment passed.

Councilman Burkhart offered an amendment to approve hiring fifteen (15) new firefighters during FY17 contingent upon award of the SAFER grant. The motion was seconded by Councilman Garrett. A voice vote was taken; the motion passed.

The following vote on the main motion was recorded:

AYE: Grubbs, Lewis, McMillan, Powers, Wallace

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

The motion to add \$129,161 to the Fire & Rescue budget (Amendment #8) failed.

CITY COURT/NEW CLERK POSITION (Amendment #9)

Councilman Garrett made a motion to add \$45,000 to the City Court budget. The motion was seconded by Councilman Alexander. This amount equaled funding requested for a new clerk position; this amount was deleted by adoption of Amendment #7. The following vote was recorded:

AYE: Alexander, Allen, Garrett, Guzman, Powers

NAY: Burkhart, Grubbs, Lewis, McLaughlin, Redd, Smith, Wallace

The motion to add \$45,000 to the City Court budget (Amendment #9) failed.

LEGISLATIVE BUDGET/ADVERTISING (Amendment #10)

Councilman Lewis made a motion to add \$50,000 to the Legislative budget. The motion was seconded by Councilman Powers. This amount equaled funding requested for advertising which was deleted during first reading of the budget on June 14th. Mayor McMillan said advertising benefits the city as a whole, and not any particular department. The following vote was recorded:

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

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

The motion to add \$50,000 to the Legislative budget (Amendment #10) failed.

MAYOR'S OFFICE/CHIEF ADMINISTRATIVE OFFICER (Amendment #1)

Councilman Lewis made a motion to lift this amendment from the table. The motion was seconded. The following vote was recorded:

AYE: Grubbs, Lewis, McMillan, Powers, Wallace

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

The motion to lift Amendment #1 from the table failed.

2% DEPARTMENT DECREASE (Amendment #11)

Councilman Burkhart made a motion to delete 2% from each General Fund department except Internal Audit, Purchasing, Crime Stoppers, and Retirees. The motion was seconded by Councilman Redd. This percentage equaled \$1,562,970. The breakdown was as follows:

Building & Codes – 40,879; City Court – 8,502; Finance – 33,401; Fire & Rescue – 357,339; Garage – 22,413; Golf/Mason Rudolph - \$4,781; Golf/Swan Lake - \$16,739; Human Relations Commission - \$136; Human Resources - \$17,604; Information Systems - \$33,070; Legal - \$11,374; Legislative - \$11,631; Mayor's Office - \$10,132; Municipal Properties - \$13,974; Parks & Recreation - \$140,538; Police & Dispatch - \$574,172; Streets - \$266,285

Following discussion, Councilman Garrett called for the question. The question was seconded by Councilman Lewis. The following vote was recorded:

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

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

The motion to cease discussion failed due to lack of 2/3 majority. Councilwoman McLaughlin said the City should be prepared in the event the Public Safety SAFER grant is not received. The following vote on the main motion was recorded:

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

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

The motion to reduce General Fund department budgets by 2% (Amendment #11) passed.

CALL FOR THE QUESTION

Councilman Garrett called for the question on **ORDINANCE 104-2015-16**. The question was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Allen, Burkhart, Garrett, McLaughlin, Smith

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

The motion to cease discussion on the FY17 General Government Budget failed due to lack of 2/3 majority.

MAYOR'S OFFICE/CHIEF ADMINISTRATIVE OFFICER (Amendment #1)

Councilman Lewis made a motion to lift Amendment #1 from the table. The motion was seconded by Councilman Grubbs. The following vote was recorded:

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

NAY: Alexander, Allen, Burkhardt, Garrett, McLaughlin, Smith, Wallace

The motion to lift Amendment #1 from the table failed.

CALL FOR THE QUESTION

Councilwoman McLaughlin called for the question on **ORDINANCE 104-2015-16**. The motion was seconded by Councilwoman Smith. The following vote was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers, Redd

The motion to cease discussion on the FY17 General Government Budget failed due to lack of 2/3 majority.

LEGISLATIVE/COUNCIL SALARIES (Amendment #12)

Councilman Grubbs made a motion to delete \$84,432 from the Legislative Budget. The motion was seconded by Councilman Redd. Mr. Baker said the *Official Charter* prohibits changing City Council compensation during a member's term of office. Mayor McMillan ruled the motion was out of order.

CALL FOR THE QUESTION

Councilman Allen called for the question on **ORDINANCE 104-2015-16**. The motion was seconded by Councilwoman Smith. The following vote was recorded:

AYE: Alexander, Allen, Burkhardt, Garrett, Lewis, McLaughlin, Smith

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

The motion to crease discussion on the FY17 General Government Budget failed due to lack of 2/3 majority.

MAYOR'S OFFICE/CHIEF ADMINISTRATIVE OFFIER (Amendment #1)

Councilwoman McLaughlin made a motion to lift Amendment #1 from the table. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

The motion to lift Amendment #1 from the table unanimously passed.

Councilman Redd made a motion to reduce amount of Amendment #1, \$73,412, by \$3,412, resulting in an amendment to add \$70,000 to the Mayor's Office budget. The amendment was seconded by Councilman Lewis. Councilman Redd felt that any amendment should not equal a currently filled position's salary and benefits. The following vote was recorded:

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

NAY: Grubbs, Guzman, Smith, Wallace

Councilman Redd's amendment passed. Councilman Allen called for the question. The motion was seconded by Councilman Wallace. A voice vote was taken; the motion passed. The following vote on the main motion was recorded:

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

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

The motion to add \$70,000 to the Mayor's Office budget (Amendment #1) passed.

CALL FOR THE QUESTION

Councilwoman McLaughlin called for the question on **ORDINANCE 104-2015-16**. The motion was seconded by Councilman Redd. The following vote was recorded:

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

The motion to crease discussion on the FY17 General Government Budget passed.

Realizing that the property tax rate had not been considered, Councilman Redd made a motion to reconsider ceasing discussion. The motion was seconded by Councilman Garrett. The following vote was recorded:

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

The motion to reconsider ceasing discussion passed. The following vote was recorded:

AYE: Alexander, Burkhart, Smith

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

The motion to cease discussion on the FY17 General Government Budget failed.

PROPERTY TAX RATE (Amendment #13)

Councilwoman McLaughlin made a motion to establish the property tax rate at \$1.24. The motion was seconded by Councilman Redd. The following vote was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers

The motion to establish the property tax rate at \$1.24 (Amendment #13) passed.

SAFER GRANT (Amendment #14)

Councilman Garrett made a motion to reduce the SAFER grant revenue by \$124,161 [\$663,265 originally budgeted]. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

The motion to reduce the SAFER grant revenue by \$124,161 [resulting in total revenue of \$539,104] (Amendment #14) passed.

CALL FOR THE QUESTION

Councilman Garrett called for the question on **ORDINANCE 104-2015-16**. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Allen, Garrett, McLaughlin, Smith

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

The motion to cease discussion on the FY17 General Government Budget failed.

STATUS OF BUDGET

Ms. Matta said with the tax rate established at \$1.24, the FY17 beginning fund balance would be approximately \$18.4 million.

CALL FOR THE QUESTION

Councilman Burkhart called for the question on **ORDINANCE 104-2015-16**. The question was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

The motion to cease discussion on the FY17 General Government Budget passed.

ADOPTION OF BUDGET

The following vote on the motion to adopt **ORDINANCE 104-2015-16** on second reading as amended was recorded:

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

NAY: Grubbs, Lewis, McMillan, Powers, Wallace

The motion to adopt the FY17 General Government on second reading as amended passed.

ADJOURNMENT

The meeting was adjourned at 9:03 p.m.

RESOLUTION 2-2016-17

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND MONTGOMERY COUNTY PERTAINING TO THE DIVISION OF 2016 BYRNE JUSTICE ASSISTANCE GRANT FUND ALLOCATIONS AND THE ADMINISTRATION AND USE OF SUCH FUNDS

WHEREAS, a combined, disparate allocation of funds of \$62,196 from the 2016 JAG Program to the City of Clarksville and Montgomery County establishes the need for a joint JAG Program Award Application, and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, the Clarksville City Council finds it to be in the best interest of the City to approve the 2016 Byrne JAG interlocal agreement with Montgomery County.

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

1. That the City of Clarksville agrees to provide Montgomery County \$22,513.59 from the JAG award for the 2016 Clarksville-Montgomery County Law Enforcement Program, and
2. That Montgomery County will use \$22,513.59 for the Law Enforcement Program no later than September 30, 2018; and
3. That the City of Clarksville shall be the applicant and fiscal agent for the 2016 Byrne Justice Assistance Grant; and
4. The Clarksville City Council hereby authorizes the interlocal agreement attached hereto as Exhibit A; and
5. That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED:

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSVILLE, TN and
THE COUNTY OF MONTGOMERY, TN
REGARDING THE
2016 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this ____ day of _____, 2016, by and between The COUNTY of Montgomery acting by and through its governing body, the County Commission, hereinafter referred to as COUNTY, and the CITY of Clarksville acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Montgomery County, State of Tennessee, witnesseth:

WHEREAS, a combined, disparate allocation of funds of \$62,196 from the JAG Program to the CITY and the COUNTY establishes the need for a joint JAG Program Award Application; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, the CITY and COUNTY agreed to modify the normal 50% split to accommodate for the COUNTY reimbursing the CITY their half of a recently purchased fingerprinting machine according to a Memorandum of Agreement dated April 22, 2016; and

WHEREAS, the CITY agrees to provide the COUNTY \$22,513.59 from the JAG award for the Law Enforcement Program; and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds,

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

CITY agrees to reimburse COUNTY a total of \$22,513.59 based upon expenditure records.

Section 2.

COUNTY agrees to use \$22,513.59 for the Law Enforcement Program no later than September 30, 2019.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tennessee Governmental Tort Liability Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Tennessee Governmental Tort Liability Act.

Section 5.

The CITY shall serve as Applicant and Fiscal Agent for the 2016 JAG Program Application, shall advise the COUNTY of balance available information on a periodic basis, and shall prepare all reports. The COUNTY shall submit claims/requests for distribution of COUNTY share of funds to the CITY for payment processing and provide such summary information as may be required for periodic reports.

Section 6.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 7.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 8.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 9.

This interlocal agreement will become effective upon adoption of enabling resolutions by the governing bodies of both the County and the City, at which time the applicant shall proceed to accept the JAG grant award.

For the CITY OF CLARKSVILLE, TN:

Kim McMillan, Mayor

Date

For the COUNTY OF MONTGOMERY, TN

Jim Durrett, Mayor

Date

MEMORANDUM

TO: Finance Committee

FROM: Laurie Matta, Chief Financial Officer; Debbie Smith, Grants Analyst

SUBJECT: FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Interlocal Agreement with Montgomery County

Each year the City of Clarksville is allocated grant funding for the Police Department to use for various law enforcement activities. There is a statutory formula that is based on the city's proportion of the state's 3-year violent crime average. The allocation for FY 2016 is \$62,196. Because the city's allocation is more than what the county would receive on its own, and the county bears more than half of the costs to prosecute and incarcerate criminals from the city, we must share the allocation with county. This requires a formal agreement between the city and the county to determine who will act as the fiscal agent and submit the grant application. The city will serve as the fiscal agent for this grant and reimburse the county a total of \$22,513.59. This is less than the usual 50% due to an executed Memorandum of Agreement between the city and county regarding forfeiting some of the county's share of new JAG funds to reimburse the City for their half of a recently purchased fingerprinting machine. The county will be required to submit claims/requests for distribution of the county's share of funds to the city for payment processing. The city will submit payment requests to JAG for reimbursement of grant expenses. The city has the option of drawing down the grant funds in advance. If this option is exercised, the city must deposit grant funds in a trust fund established for this purpose.



**Office of the Sheriff
Montgomery County, Tennessee
John S. Fuson, Sheriff**



Memorandum of Agreement

April 22nd 2016

Re: Equal funding for joint purchase of the Automated Fingerprinting System as described in Quote Number 01780293, provided by "Crossmatch", 3950 RCA Blvd Suite 5001, Palm Beach Gardens, FL 33410, created on August 19, 2015 and valid through June, 30, 2016.

The Montgomery County Sheriff's Office, in conjunction with the Clarksville Police Department, agrees to the joint purchase of an automated fingerprinting system and services at a total cost of \$17,168.81. The Montgomery County Sheriff's Office will provide 50% funding in support of this MOA by **forfeiting \$8,584.41 from the Fiscal Year 2017 Bureau of Justice Assistance Grant**. The FY 2017 JAG is expected to be awarded no later than October 2016 and is administered by the City of Clarksville, Tennessee.

In the event that the FY 2017 funding for the Bureau of Justice Assistance Grant is suspended, or reduced to the extent that the Montgomery County Sheriff's Office equal share is less than \$8,584.41, the Montgomery County Sheriff's Office guarantees reimbursement of \$8,584.41 to the City of Clarksville. If the FY17 JAG award cannot support this MOA, the Montgomery County Sheriff's Office will make a budget adjustment for payment upon invoice from the City of Clarksville.

Al Ansley 04-22-2016

Chief Al Ansley (Date)
Clarksville Police Department

John S. Fuson 22 Apr 16

Sheriff John Fuson (Date)
Montgomery County Sheriff's Office

ORDINANCE 1-2016-17

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF MARY NELSON FOR PROPERTY LOCATED AT 3588 SANGO ROAD, CMAP 82 PARCEL 87

WHEREAS, proper application has been made by Cal McKay on behalf of Mary Nelson for extensions of City utility service to property located at Cmap 82, Parcel 87 with the property address of 3588 Sango Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 82, Parcel 87 with the property address of 3588 Sango Road outside the City corporate limits, request of Mary Nelson, as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING:

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



ORDINANCE 2-2016-17

AN ORDINANCE AUTHORIZING THE EXERCISE OF RIGHT OF EMINENT DOMAIN TO ACQUIRE EASEMENTS AND RIGHTS OF WAY FOR UTILITY RELOCATION REQUIRED TO FACILITATE CONSTRUCTION OF THE TDOT ROADWAY WIDENING PROJECT ALONG S.R. 76 (U.S. 41 BYPASS) AT THE INTERSECTION OF DENNY ROAD/ROTARY PARK DRIVE.

WHEREAS, the Clarksville City Council finds it to be in the public interest to acquire easements and/or rights of way for the purpose of utility relocation required to facilitate construction of the TDOT roadway widening project along S.R. 76 (U.S. 41 Bypass).

WHEREAS, it may not be possible to effectively negotiate timely easements and property acquisition with the affected property owners for the required construction activities.

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

That, if negotiation efforts are not timely or effective, the City of Clarksville, Tennessee is hereby authorized to exercise the right of eminent domain and institute condemnation actions in the appropriate court for acquisition of any and all necessary property rights from affected property owners for the purpose of utility relocation required to facilitate construction of the TDOT roadway widening project along S.R. 76 (U.S. 41 Bypass) as listed below:

- 141 Denny Road
- 180 Denny Road
- 2501-2505 Hwy 41A
- 2518 Hwy 41A
- 2611 Hwy 41A
- 2617 Hwy 41A
- 2621 Hwy 41A
- 2361 Hwy 41A
- 2300 Rotary Park Drive

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 3-2016-17

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF SHIRLEY JOINER FOR PROPERTY LOCATED AT 3751 SANGO ROAD, CMAP 82 PARCEL 93

WHEREAS, proper application has been made by Britt Little, PE on behalf of Shirley Joiner for extensions of City utility service to property located at Cmap 82, Parcel 93 with the property address of 3751 Sango Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

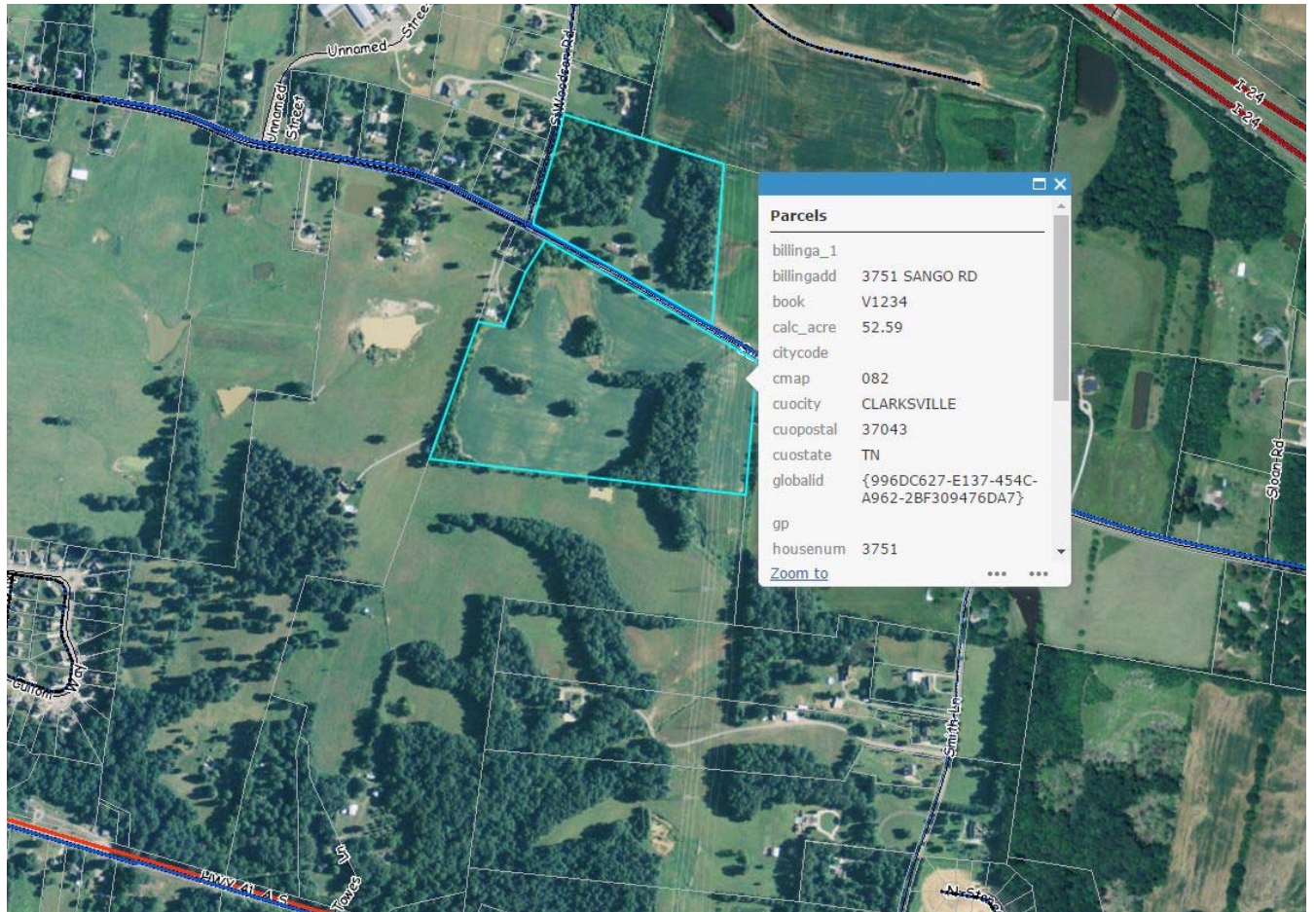
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 82, Parcel 93 with the property address of 3751 Sango Road outside the City corporate limits, request of Shirley Joiner, as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING:

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



RESOLUTION 5-2016-17

A RESOLUTION AUTHORIZING AN ENCROACHMENT EASEMENT AGREEMENT
WITH REGIONS BANK

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

That the Clarksville City Council hereby authorizes an encroachment easement agreement,
attached hereto as Exhibit A, with Regions Bank.

ADOPTED:

EXHIBIT A

THIS INSTRUMENT PREPARED BY:

Jeffery S. DeArman
Adams and Reese, LLP
1901 6th Avenue North, Suite 3000
Birmingham, Alabama 35203

STATE OF TENNESSEE)

MONTGOMERY COUNTY)

ENCROACHMENT EASEMENT AGREEMENT

THIS ENCROACHMENT EASEMENT AGREEMENT (the "Agreement") is dated as of the ____ day of _____, 2016, by and between **The City of Clarksville, Tennessee**, a municipal corporation organized under the laws of the State of Tennessee (the "Grantor"), whose address for notices purposes is One Public Square, Clarksville, Tennessee 37040, Attention: Mayor Kim McMillan, and **Regions Bank**, an Alabama state banking corporation ("Grantee"), whose address for notice purposes is 250 Riverchase Parkway, Suite 600, Birmingham, Alabama 35244, Attention: Portfolio Administration.

RECITALS

A. Grantee owns and occupies certain real property situated in Montgomery County, Tennessee, which property is described on Exhibit A attached hereto and made a part hereof ("Parcel 1").

B. Grantee owns and occupies certain real property situated in Montgomery County, Tennessee, which property is described on Exhibit A attached hereto and made a part hereof ("Parcel 2", and together with Parcel 1, the "Grantee Property").

C. Grantor owns certain real property situated in Montgomery County, Tennessee, which property is described on Exhibit B attached hereto and made a part hereof (the "Grantor Property").

D. The Grantor Property is a public alley which runs between, and separates, Parcel 1 and Parcel 2.

E. Grantee has requested that the Grantor grant to Grantee an encroachment easement over the Grantor Property (i) for the overhang of certain building improvements which exist and which connect a certain building located on Parcel 1 to a certain building located on Parcel 2; and (ii) for the utilization of air space to allow for such connection of the buildings located Parcel 1 and Parcel 2.

F. Grantor is agreeable to granting Grantee the requested encroachment easement over the Grantor Property, subject to the terms and conditions of this Agreement.

AGREEMENT

Now, therefore, for and in consideration of the payment by Grantee to Grantor of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, the parties hereto do hereby covenant and agree to and with each other as follows:

TERMS

1. Grant of Easement. Grantor does hereby grant to Grantee, its successors and/or assigns, a perpetual easement across the Grantor Property over, onto and across the Grantor Property (a) for the building improvements which exist from time to time and which connect the building located on Parcel 1 with the building located on Parcel 2 and (b) for the utilization of air space to allow the building improvements to be installed, maintained and located over and across the Grantor Property. The portion of the Grantor Property which is affected and burdened by the easement being granted in favor of Grantee is more particularly depicted and shown on Exhibit C attached hereto.

2. Maintenance. Grantee, at Grantee's cost and expense, shall have the right to perform such improvements, additions, alterations and other work which Grantee determines to be necessary and/or desirable for the purpose of installing and/or maintaining the building improvements and/or encroachments which are allowed under this Agreement. Any work to be performed by Grantee shall be performed in accordance with all applicable laws and codes.

3. No Interference with Use of Easement. Grantor and Grantee agree that, except as expressly stated in this Agreement, each will not exercise its rights under this Agreement in such a manner as to interfere with the other's use of their real property and facilities. Grantee agrees not to cause or permit any building improvement and/or encroachment to extend below the current clearance distance of Nine Feet, Eight Inches (9'8") above the surface of the Grantor Property, whether by act or omission. Grantor agrees not to erect, construct or place any barriers within any portion of the Grantor Property or otherwise obstruct the use of the Grantor Property by Grantee and its customers, employees, agents, contractors, subcontractors and invitees. Grantor hereby represents that the Grantor Property is not subject to, or encumbered by, any mortgages, leases, licenses, or any other agreements that would prevent, prohibit or not allow the execution of this Agreement by Grantor (or the rights being hereinafter granted by Grantor under this Agreement).

4. Legal Effect. The easements and rights created by this Agreement are appurtenant and may not be transferred, assigned, or encumbered except as an appurtenant

easement. Each covenant contained in this Agreement constitutes a covenant running with the land, binds the parties and any successor or assign now having or hereafter acquiring an interest in the Grantor Property or Grantee Property, and will inure to the benefit of the parties, and their respective successors, assigns and mortgagees. Each Party agrees that on conveyance of all or any part of the Grantor Property or the Grantee Property, the grantee, by accepting such conveyance will thereby become a new party to and be bound by this Agreement.

5. Condemnation. In the event the whole, or any part, of the Grantor Property is taken for any public or quasi-public use under any governmental law, ordinance or regulation, or by right of eminent domain, or by private purchase in lieu thereof, a Party benefitted by an easement created by this Agreement will not share in any award, compensation or other payment made by reason of such taking of a portion of the Grantor Property which is subject to such easement, and such award, compensation or other payment will belong entirely to the Party owning the taken property in fee, and such Party will have no further liability to the other Party for the loss of such easement, or portion thereof, located on the portion of the property so taken.

6. No Impairment. The parties acknowledge and agree that the easement granted hereunder shall not in any way impair or restrict Grantor's rights of ingress, egress, regress, and access to and on the Grantor Property.

7. Severability. If any provision of this Agreement is, to any extent, declared by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement (or the application of such provision to persons or circumstances other than those in respect to which the determination of invalidity or unenforceability was made) will not be affected thereby and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law.

8. Governing Law. This Agreement will be construed in accordance with the laws of the State of Tennessee.

9. Binding Effect. The provisions of this Agreement will be binding on the parties and their respective successors, assigns and mortgagees to the extent herein provided.

10. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

11. Perpetual Easement; Successors and Assigns. The terms and provisions of this Agreement are intended to be permanent and perpetual and shall run with the land hereby affected. This Agreement shall be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors and/or assigns.

12. Notices. Any notices, demands, approvals and other communications provided for herein shall be in writing and shall be delivered by overnight air courier, personal delivery or registered or certified U.S. Mail with return receipt requested, postage or other charges paid, to the appropriate party at its address as follows:

If to Grantor: The City of Clarksville, Tennessee

One Public Square
Clarksville, TN 37040
Attention: Mayor Kim McMillan

If to Grantee: Regions Bank
250 Riverchase Parkway, Suite 600
Birmingham, Alabama 35244
Attention: Portfolio Administration

Addresses for notice may be changed from time to time by written notice to all other parties. Any communication will be effective (i) if given by mail, upon the earlier of (a) three business days following deposit in a post office or other official depository under the care and custody of the United States Postal Service or (b) actual receipt, as indicated by the return receipt; and (ii) if given by personal delivery or by overnight air courier, when delivered to the appropriate address.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, Grantor has executed this Agreement to be effective as of the date first written above.

GRANTOR:

THE CITY OF CLARKSVILLE, TENNESSEE,
a municipal corporation organized under the laws of
the State of Tennessee

By: _____
Mayor Kim McMillan

ATTEST:

Sylvia Skinner, City Clerk

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

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

Witness my hand and seal this the _____ day of _____, 2016.

Notary Public

My commission expires: _____

IN WITNESS WHEREOF, Grantee has executed this Agreement to be effective as of the date first written above.

GRANTEE:

REGIONS BANK,
an Alabama state banking corporation

By: _____
Name: _____
Title: _____

STATE OF ALABAMA)

COUNTY OF _____)

Before me, a Notary Public of the State and County aforesaid, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be _____ of Regions Bank, an Alabama state banking corporation, the within named bargainor, and that he, as such authorized representative of said state banking corporation, executed the foregoing instrument for the purposes therein contained by signing the name of Regions Bank.

WITNESS my hand and seal, this _____ day of _____, 2016.

Notary Public
My commission expires:

EXHIBIT A

[Grantee Property]

**LAND DESCRIPTIONS OF THE
NORTHERN BANK OF TENNESSEE (AMSOUTH/REGIONS) PROPERTY
TRACTS I-IV**

TRACT I

Being a parcel of land in the 12th Civil District of Montgomery County, Tennessee, said parcel being the Northern Bank of Tennessee Property as recorded in Volume (Vol.) 127 , page 346 Register's Office Montgomery County, Tennessee (ROMCT), said parcel being a portion of Parcel ID of 066G G 004.00 as designated by the Tax Assessor of Montgomery County, Tennessee, said parcel being generally described as south of and adjacent to Main Street, east of and adjacent to North Second Street, north of Strawberry Alley, and west of North Third Street, said parcel being more particularly described as follows:

Beginning at a magnetic nail (old), said nail being S 58° 07' E for a distance of 36', more or less, from the centerline intersection of Main Street and North Second Street, said nail bearing Tennessee State Plan Coordinates with a northing of 801950.00 and an easting of 1569187.66 North American Datum 83/Grid North, said nail also being at the intersection of the southern right of way of said Main Street, (50' Right of Way), and the eastern right of way of said North Second Street, (50' Right of Way), said nail also being the northwestern corner of the herein described parcel;

Thence with said southern right of way N 76° 01' 04" E for a distance of 102.24 feet to an iron rod (old), said rod bearing Tennessee State Plan Coordinates with a northing of 801974.71 and an easting of 1569286.88 North American Datum 83/Grid North, said pin also being a corner of the Montgomery County Tennessee property as recorded in Vol. 1657, page 1488 ROMCT, said pin also being the northeastern corner of the herein described parcel;

Thence with the boundary line of said Montgomery County, Tennessee property the following two (2) calls, S 13° 35' 24.5" E a distance of 44.92 feet to a magnetic nail (new), said nail bearing Tennessee State Plan Coordinates with a northing of 801931.05 and an easting of 1569297.43 North American Datum 83/Grid North, said nail also being the southeastern corner of the herein described parcel;

Thence S 75° 54' 28.3" W for a distance of 102.0405 feet to a magnetic nail (old), said nail bearing Tennessee State Plan Coordinates with a northing of 801906.21 and an easting of 1569198.48 North American Datum 83/Grid North, said nail also being on the eastern right of way of said North Second Street, said nail also being the southwestern corner of the herein described parcel;

Thence with said eastern right of way, N 13° 50' 47" W for a distance of 45.11 feet to the Point of beginning, said parcel containing 4,598 Square Feet or 0.106 Acres, more or less. Together with and subject to all right of ways, easements, restrictions, covenants and conveyances of record and not of record.

TRACT II

Being a parcel of land in the 12th Civil District of Montgomery County, Tennessee, said parcel being the Northern Bank of Tennessee Property as recorded in Volume (Vol.) 114 , page 598 Register's Office Montgomery County, Tennessee (ROMCT), said parcel being a portion of Parcel ID of 066G G 004.00 as designated by the Tax Assessor of Montgomery County, Tennessee, said parcel being generally described as south of and adjacent to Main Street, west of and adjacent to North Second Street, north

of Strawberry Alley, and east of North first Street, said parcel being more particularly described as follows:

Beginning at a magnetic nail (new), said nail being S 34° 01' W for a distance of 33', more or less, from the centerline intersection of Main Street and North Second Street, said nail bearing Tennessee State Plan Coordinates with a northing of 801941.54 and an easting of 1569138.25 North American Datum 83/Grid North, said nail also being at the intersection of the southern right of way of said Main Street, (50' Right of Way), and the western right of way of said North Second Street, (50' Right of Way), said nail also being the northeastern corner of the herein described parcel;

Thence with said western right of way, S 13° 50' 47" E for a distance of 79.35 feet to a magnetic nail (new), said nail bearing Tennessee State Plan Coordinates with a northing of 801864.50 and an easting of 1569157.24 North American Datum 83/Grid North, said nail also being the northeastern corner of the Federal Building, Inc. Property as recorded in Vol. 1045, page 2331 ROMCT, said nail also being the southeastern corner of the herein described parcel;

Thence with the northern boundary line of said Federal Building, Inc. Property, S 75° 51' 40" W for a distance of 150.69 to a magnetic nail (new), said nail bearing Tennessee State Plan Coordinates with a northing of 801827.69 and an easting of 1569011.12 North American Datum 83/Grid North, said nail also being on the eastern right of way of a ten (10) foot Alley, said nail also being the southwestern corner of the herein described parcel;

Thence with said Alley, N 14° 20' 27" W for a distance of 78.06 feet to a magnetic nail (new), said nail bearing Tennessee State Plan Coordinates with a northing of 801903.31 and an easting of 1568991.78 North American Datum 83/Grid North, said nail also being on the southern right of way of said Main Street, said nail also being the northwestern corner of the herein described parcel;

Thence leaving said Alley and with said southern right of way, N 75° 22' 21" E a distance of 151.38 feet to the point of beginning, said parcel containing 11,887 Square Feet or 0.273 Acres, more or less. Together with and subject to all right of ways, easements, restrictions, covenants and conveyances of record and not of record.

TRACT III

Being a parcel of land in the 12th Civil District of Montgomery County, Tennessee, said parcel being a portion of Parcel ID of 066G G 004.00 as designated by the Tax Assessor of Montgomery County, Tennessee, said parcel also being the Northern Bank of Tennessee property as recorded in Volume (Vol.) 62, page 558, and Vol. 427, page 839 Register's Office Montgomery County, Tennessee (ROMCT), said parcel being generally described as south of and adjacent to Main Street, west of North Second Street, north of and adjacent to Strawberry Alley, and east of North First Street, said parcel being more particularly described as follows:

Beginning at a magnetic nail (new), said nail being S 68° 41' W for a distance of 187', more or less, from the centerline intersection of Main Street and North Second Street, said nail bearing Tennessee State Plan Coordinates with a northing of 801900.84 and an easting of 1568982.30 North American Datum 83/Grid North, said nail also being on the southern right of way of said Main Street, (50' Right of Way), and the western right of way of an Alley, (10' Right of Way), said nail also being the northeastern corner of the herein described parcel;

Thence leaving said Main Street and with said western right of way of the Alley, S 14° 08' 20" E for a distance of 207.14 feet to magnetic nail (new), said nail bearing Tennessee State Plan Coordinates with a northing of 801699.97 and an easting of 1569032.89 North American Datum 83/Grid North, said nail also being on the northern right of way of Strawberry Alley, (Right of way Varies), said nail also being the southeastern corner of the herein described parcel;

Thence with the northern right of way of said Strawberry Alley, S 75° 51' 40" W for a distance of 57.89 feet to a magnetic nail (new), said nail bearing Tennessee State Plan Coordinates with a northing of 801685.83 and an easting of 1568976.75 North American Datum 83/Grid North, said nail also being the southeastern corner of the John Edward Davenport Property as recorded in Vol. 553, page 1577 ROMCT;

Thence with the boundary lines of said John Edward Davenport the following two (2) calls, N 14° 30' 47" W for a distance of 35.00 feet to a scribe in concrete (new);

Thence S 75° 41' 52" W a distance of 108.87 feet to an iron rod (old), said pin being on the western boundary line of the State of Tennessee Property as recorded in Vol. 1530, page 2746 ROMCT, said pin also bearing Tennessee State Plan Coordinates with a northing of 801692.81 and an easting of 1568862.48 North American Datum 83/Grid North, said nail also being the southwestern corner of the herein described parcel;

Thence with the eastern boundary line of said State of Tennessee Property, N 15° 22' 06" W for a distance of 171.04 feet to an iron rod (new), said pin bearing Tennessee State Plan Coordinates with a northing of 801857.74 and an easting of 1568817.16 North American Datum 83/Grid North, said pin also being on the southern right of way of said Main Street, said pin also being the northwestern corner of the herein described parcel;

Thence with said southern right of way, N 75° 22' 21" E for a distance of 170.67 feet to the point of beginning, said parcel containing 30,989 Square Feet or 0.711 Acres, more or less. Together with and subject to all right of ways, easements, restrictions, covenants and conveyances of record and not of record.

TRACT IV

Being a parcel of land in the 12th Civil District of Montgomery County, Tennessee, said parcel being the Northern Bank of Tennessee Property as recorded in Deed Book (DB) 131, page 324, Volume (Vol.) 158, page 106, & Vol. 235, page 682 Register's Office Montgomery County, Tennessee (ROMCT), said parcel being a portion of Parcel ID of 066G G 004.00 as designated by the Tax Assessor of Montgomery County, Tennessee, said parcel being generally described as north of and adjacent to Main Street, east of North First Street, south of College Street, and west of North Second Street, said parcel being more particularly described as follows:

Beginning at a magnetic nail (new), said nail being S 85° 49' W for a distance of 156', more or less, from the centerline intersection of Main Street and North Second Street, said nail bearing Tennessee State Plan Coordinates with a northing of 801957.79 and an easting of 1569001.18 North American Datum 83/Grid North, said nail also being on the northern right of way of said Main Street, (50' Right of Way), said nail also being the southeastern corner of the herein described parcel;

Thence with said northern right of way, S 75° 59' 58" W for a distance of 192.68 feet to an iron rod (old), said pin being the southeastern corner of the CWHFP, LLC property as recorded in Vol. 1515, page 934

ROMCT, said pin also bearing Tennessee State Plan Coordinates with a northing of 801911.18 and an easting of 1568814.22 North American Datum 83/Grid North, said nail also being the southwestern corner of the herein described parcel;

Thence with the eastern boundary line of said CWHFP, LLC property the following three (3) calls, N 13° 44' 27" W for a distance of 186.30 feet to an iron rod (old);

Thence, N 14° 16' 09" W for a distance of 9.20 feet to a magnetic nail (new), said nail bearing Tennessee State Plan Coordinates with a northing of 802101.06 and an easting of 1568767.70 North American Datum 83/Grid North, said nail also being the northwestern corner of the herein described parcel;

Thence, N 75° 43' 35" E for a distance of 75.33 feet to a magnetic nail (new), said nail being the southwestern corner of the CWHFP, LLC Property as recorded in Vol. 1503, page 1104 ROMCT;

Thence with the southern boundary line of said CWHFP, LLC Property as recorded in Vol. 1503, page 1104 ROMCT, N 75° 47' 36" E a distance of 118.44 feet to a magnetic nail (new), said nail bearing Tennessee State Plan Coordinates with a northing of 802148.70 and an easting of 1568955.52 North American Datum 83/Grid North, said nail also being the northwestern corner of the Alan M. Werner property as recorded in Vol. 1222, page 2258 ROMCT, said nail also being the northeastern corner of the herein described parcel;

Thence with the western boundary line of said Alan M. Werner the following two (2) calls, S 14° 09' 00" E for a distance of 9.08 feet to an iron rod (old);

Thence, S 13° 24' 58" E for a distance of 187.21 feet to the point of beginning, said parcel containing 37,858 Square Feet or 0.869 Acres, more or less. Together with and subject to all right of ways, easements, restrictions, covenants and conveyances of record and not of record.

EXHIBIT B

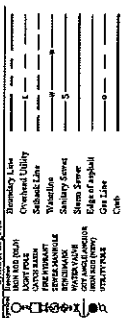
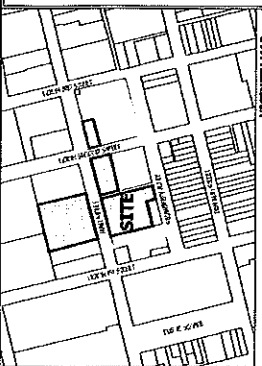
[Grantor Property]

Boundary Survey of the

Boundary Survey



MATT DHORITY
REGISTERED LAND SURVEYOR
249 DENNY ROAD, CLARKSVILLE, TN, 37043
EMAIL: MATT.DHORITY@GMAIL.COM
TELEPHONE: (615) 948-9091



MAP REFERENCE

County Name

4

Source: *Western Book of Testaments*, as offered in Volume 153, page 167, Good Book 131, page 224, & Good Book 114, page 79. Register Office, Montgomery County, Tennessee.

3

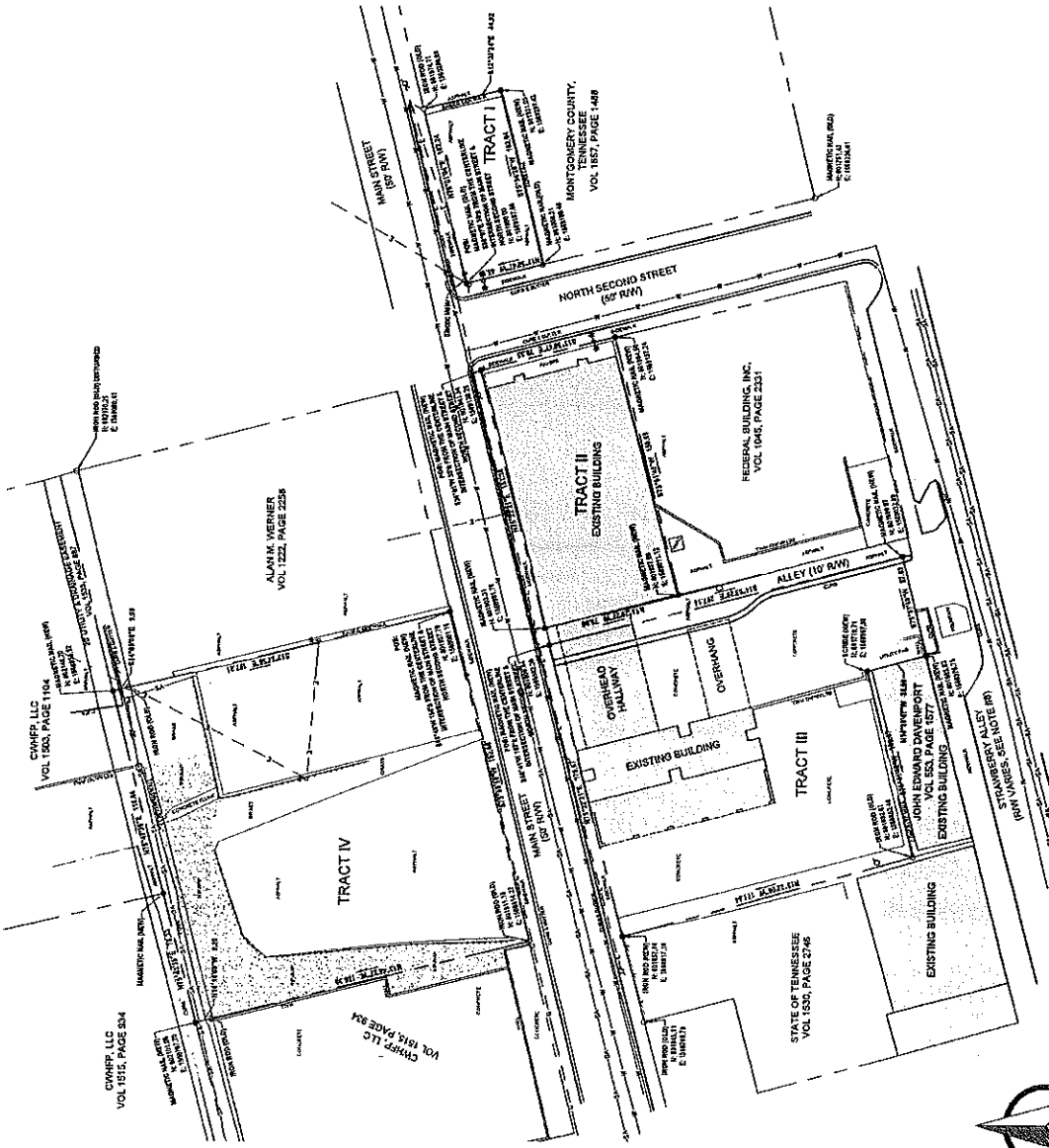
SACTY I: 4,395 Square Feet, at 0.116 Acres, 1000000/100.
 SACTY II: 41,862 Square Feet, at 0.271 Acres, 1000000/100.
 SACTY III: 20,593 Square Feet, at 0.711 Acres, 1000000/100.
 SACTY IV: 37,838 Square Feet, at 0.369 Acres, 1000000/100.

53

[illegible]

SURVEYOR'S CERTIFICATE

the study that the survey was strictly confidential and that the respondents were assured that their answers would be held in strict confidence. The survey was conducted in a confidential manner and the results were not made available to the public.



North Based upon
TN/SNC NAD 83/Gold North
Vertical Datum: NAVD 83 (GEOID 03)
GRAPHIC SCALE IN FEET

NOT DATE: 10/12/2015 11:14:40 AM
C:\K:\Users\jordan\Documents\Boundary Surveying\Surveying\Project\Bkky Bkwy & Capekay Avenue\Boundary Surveying

EXHIBIT C

[Depiction of Easement Area]

**LAND DESCRIPTION OF AN OVERHEAD
BUILDING EASEMENT CROSSING AN EXISTING
CITY OF CLARKSVILLE ALLEY**

Being an easement containing a portion of an existing overhead building crossing an existing City of Clarksville Alley, (10' Right of way), in the 12th Civil District of Montgomery County, Tennessee, said parcel being generally described as south of Main Street, west of North Second Street, north of Strawberry Alley, and east of North first Street, said parcel being more particularly described as follows:

COMMENCING at a magnetic nail (new), said nail being S 34° 01' W for a distance of 33', more or less, from the centerline intersection of Main Street and North Second Street, said nail also bearing Tennessee State Plane Coordinates with a northing of 801941.54 and an easting of 1569138.25 North American Datum 83/Grid North, said nail also being at the intersection of the southern right of way of said Main Street, (50' Right of Way), and the western right of way of said North Second Street, (50' Right of Way), said nail also being the northeastern corner of the Northern Bank of Tennessee Property as recorded in Volume (Vol.) 114 , page 598 Register's Office Montgomery County, Tennessee (ROMCT);

Thence leaving said magnetic nail and with the southern right of way of said Main Street, S 75°22'21" W for a distance of 151.38 feet to a magnetic nail (new), said nail being the northeastern corner of said City of Clarksville Alley, said nail also bearing Tennessee State Plane Coordinates with a northing of 801903.31 and an easting of 1568991.78 North American Datum 83/Grid North, said nail also being the northwestern corner of said Northern Bank of Tennessee Property;

Thence leaving said Main Street along the eastern right of way of said City of Clarksville Alley right of way, S 14°20'27" E for a distance of 6.67 feet to the **TRUE POINT OF BEGINNING**.

BEGINNING at a point, said point being at the intersection of an overhead building and the main Regions Bank building, said point also being the northeastern corner of the herein described easement;

Thence with the eastern right of way of said City of Clarksville Alley, S 14°20'27" E for a distance of 42.00 feet to a point, said point being the southeastern corner of the herein described easement;

Thence leaving said eastern right of way crossing said City of Clarksville Alley along the southern line of the existing Overhead Building/Hallway Crossing, S 75°39'33" W for a distance of 9.97 feet to a point, said point being on the western right of way of said City of Clarksville Alley, said point also being on the eastern boundary line of the Northern Bank of Tennessee property as recorded in Volume 62, page 558 and Volume 427, page 839 ROMCT, said point also being the southwestern corner of the herein described easement;

Thence with said western right of way, N 14°08'20" W for a distance of 42.00 feet to a magnetic nail (new), said nail being the northeastern corner of said Northern Bank of Tennessee property, (Volume 62, page 558 and Volume 427, page 839 ROMCT), said nail also bearing Tennessee State Plane Coordinates with a northing of 801900.84 and an easting of 1568982.30 North American Datum 83/Grid North, said nail also being at the intersection of the southern right of way of said Main Street and the western right of way of said City of Clarksville Alley, said nail also being the northwestern corner of the herein described easement;

Thence along the southern right of way of said Main Street, N 75°39'33" E for a distance of 9.83 feet to the point of beginning, said parcel containing 415 Square Feet or 0.009 Acres, more or less. Together with and subject to all right of ways, easements, restrictions, covenants and conveyances of record and not of record.