



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 1, 2016, 7:00 P.M.**

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

AGENDA

PUBLIC COMMENTS

- 6:45 pm Rep. Joe Pitts
- 6:50 pm Tim Chandler
- 6:55 pm John Renken

1) CALL TO ORDER

2) PRAYER: *Aron Maberry, The Tabernacle (Ward 5)*

PLEDGE OF ALLEGIANCE: *Councilman Geno Grubbs (Ward 7)*

3) ATTENDANCE

4) SPECIAL RECOGNITIONS

5) PUBLIC HEARING: ZONING

1. **ORDINANCE 23-2016-17** (*First Reading*) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Merium Tummons for zone change on property at the terminus of Belle Court from RM-1 Single Family Mobile Home Residential District to R-1 Single Family Residential District (*RPC: Approval/Approval*)
2. **ORDINANCE 24-2016-17** (*First Reading*) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Lyndon W. Watts, Lyndon W. Watts or Alesha Williams-Agents, for zone change on property at the intersection of Madison Street and Liberty Parkway from OP Office Professional District to C-5 Highway & Arterial Commercial 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 1-2016-17** (Second Reading) Authorizing extension of utilities to 3588 Sango Road; request of Mary Nelson
2. **ORDINANCE 2-2016-17** (Second Reading) 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)
3. **ORDINANCE 3-2016-17** (Second Reading) Authorizing extension of utilities to 3751 Sango Road; request of Shirley Joiner
4. **ORDINANCE 7-2016-17** (Second Reading) Amending the FY17 Fire & Rescue Budget to transfer funds for purchase of a vehicle chassis
5. **ORDINANCE 8-2016-17** (Second Reading) Amending the FY17 Capital Projects Fund to repurpose land at Liberty Park
6. **ORDINANCE 10-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Laura Hardin, David Roach, Susan Hedin, James Roach, and Nathaniel Forbus, David Roach-Agent, for zone change on property at the intersection of Nicole Road and High Lea Road from AG Agricultural District to E-1 Single Family Estate District
7. **ORDINANCE 12-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jeff Robinson, et al, Mark Olsen and Taylor Dahl-Agents, for zone change on property at the intersections of Bogard Lane and North First Street, Marion Street and North First Street, and Beaumont Street and North First Street from R-4 Multiple Family Residential District to CBD Central Business District
8. **ORDINANCE 13-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Stephanie Lee Choate for zone change on property at the intersection of Kennedy Road and Trenton Road from AG Agricultural District to R-2 Single Family Residential District
9. Adoption of Minutes: August 4
10. Approval of Board Appointments:

Arts and Heritage Development Council: Dewey Browder, Joe Filippio and Jim Marshall – September 2016 through August 2019

Human Relations Commission: Mohsun Ghias, Candy Johnson, Alexandra Wills – July 2016 through June 2019; Mark Kelly – September 2016 through June 2019

7) COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

David Allen, Chair

1. Department Reports

8) FINANCE COMMITTEE

Joel Wallace, Chair

1. **ORDINANCE 14-2016-17** (First Reading) Closing the Red River Trail/Greenway grant match capital project and transfer funds to the correct Red River Trail project (*Finance Committee: Approval*)
2. **ORDINANCE 15-2016-17** (First Reading) Accepting a National Parks Service grant through the Tennessee Historical Commission and providing matching funds for Smith-Trahern Mansion repairs (*Finance Committee: Approval*)
3. **ORDINANCE 16-2016-17** (First Reading) Amending the Official Code relative to membership of the Two Rivers Company Board of Directors (*Finance Committee: Approval*)
4. **ORDINANCE 18-2016-17** (First Reading) Adding a capital project and accepting a state grant for Swan Lake Pool Renovations (*Finance Committee: Approval*)
5. **RESOLUTION 11-2016-17** Authorizing Two Rivers Company to reallocate previously approved funding (*Finance Committee: Approval*)
6. **RESOLUTION 12-2016-17** Declaring the intent of the City of Clarksville to reimburse itself not to exceed \$7,000,000 for certain project expenditures with proceeds of general obligation bonds or other debt obligations to be issued to the City (*Finance Committee: Approval*)

9) GAS & WATER COMMITTEE

Wallace Redd, Chair

1. **ORDINANCE 17-2016-17** (First Reading) Authorizing extension of utilities to 3181 Highway 41A South; request of David Welch (*Gas & Water Committee: Approval*)
2. Department Reports

10) PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

1. Department Reports

11)PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

1. **ORDINANCE 19-2016-17** (First Reading) Amending the Official Code relative to use of public rights-of-way (*Public Safety Committee: Approval*)
2. Department Reports

12)STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

1. Department Reports

13)NEW BUSINESS

1. **ORDINANCE 20-2016-17** (First Reading) Amending the FY17 Parks & Recreation Budget for Stokes Field safety repairs (*Councilwoman McLaughlin*)
2. **ORDINANCE 21-2016-17** (First Reading) Amending the FY17 Capital Projects Budget for Trenton Road improvements (*Councilman Allen*)
3. **ORDINANCE 22-2016-17** Amending the FY17 Operating Budget to appropriate funds for the Tree Board (*Councilman Lewis*)
- 4a. Approval to consider **RESOLUTION 13-2016-17** (*Mayor McMillan; 3/4 majority approval required*)
- 4b. **RESOLUTION 13-2016-17** Expressing support for Military and Veteran Caregivers
- 5a. Approval to consider **RESOLUTION 14-2016-17** (*Mayor McMillan; 3/4 majority approval required*)
- 5b. **RESOLUTION 14-2016-17** Accepting a TDOT proposal for intersection improvements at Denny Road & Rotary Park Drive (*Mayor McMillan*)

14) MAYOR AND STAFF REPORTS

15) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on September 1, 2016. The public hearing will be held on: September 1, 2016.

CITY ORD. #: 23-2016-17 RPC CASE NUMBER: Z-22-2016
Applicant: MERIAM TUMMONS
Location: Located at the terminus of Belle Court.
Ward #: 9
Request: RM-1 Single-Family Mobile Home Residential District
 to
 R-1 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 24-2016-17 RPC CASE NUMBER: Z-23-2016
Applicant: LYNDON W WATTS
Agent: Lyndon W Watts Or Alesha Williams
Location: Property fronting on the south frontage of Madison Street 577+/- feet east of the Madison St. & Liberty Pkwy intersection.
Ward #: 9
Request: OP Office/Professional 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: 8/24/2016

CASE NUMBER: Z - 22 - 2016

NAME OF APPLICANT: Meriam

Tummons

AGENT:

GENERAL INFORMATION

PRESENT ZONING: RM-1

PROPOSED ZONING: R-1

EXTENSION OF ZONE

CLASSIFICATION: NO

APPLICANT'S STATEMENT FOR PROPOSED USE: For a single-family dwelling, permanent structure on this lot.

PROPERTY LOCATION: Located at the terminus of Belle Court.

ACREAGE TO BE REZONED: 0.55+/-

DESCRIPTION OF PROPERTY AND SURROUNDING USES: Residential lot that previously had two mobile homes on site.

GROWTH PLAN AREA:

CITY **TAX PLAT:** 32-P-C

PARCEL(S): 27.00

CIVIL DISTRICT: 2nd

CITY COUNCIL WARD: 9

COUNTY COMMISSION DISTRICT: 17

PREVIOUS ZONING HISTORY:

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

3.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3. DRAINAGE COMMENTS:

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

6. FIRE DEPT/EMERGENCY MGT.:

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

7. POLICE DEPT/SHERIFF'S OFFICE:

Comments Received From Department And They Had No Concerns.

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

9.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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 SURROUNDING DEVELOPMENT: Minimal

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: BELLE CT.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

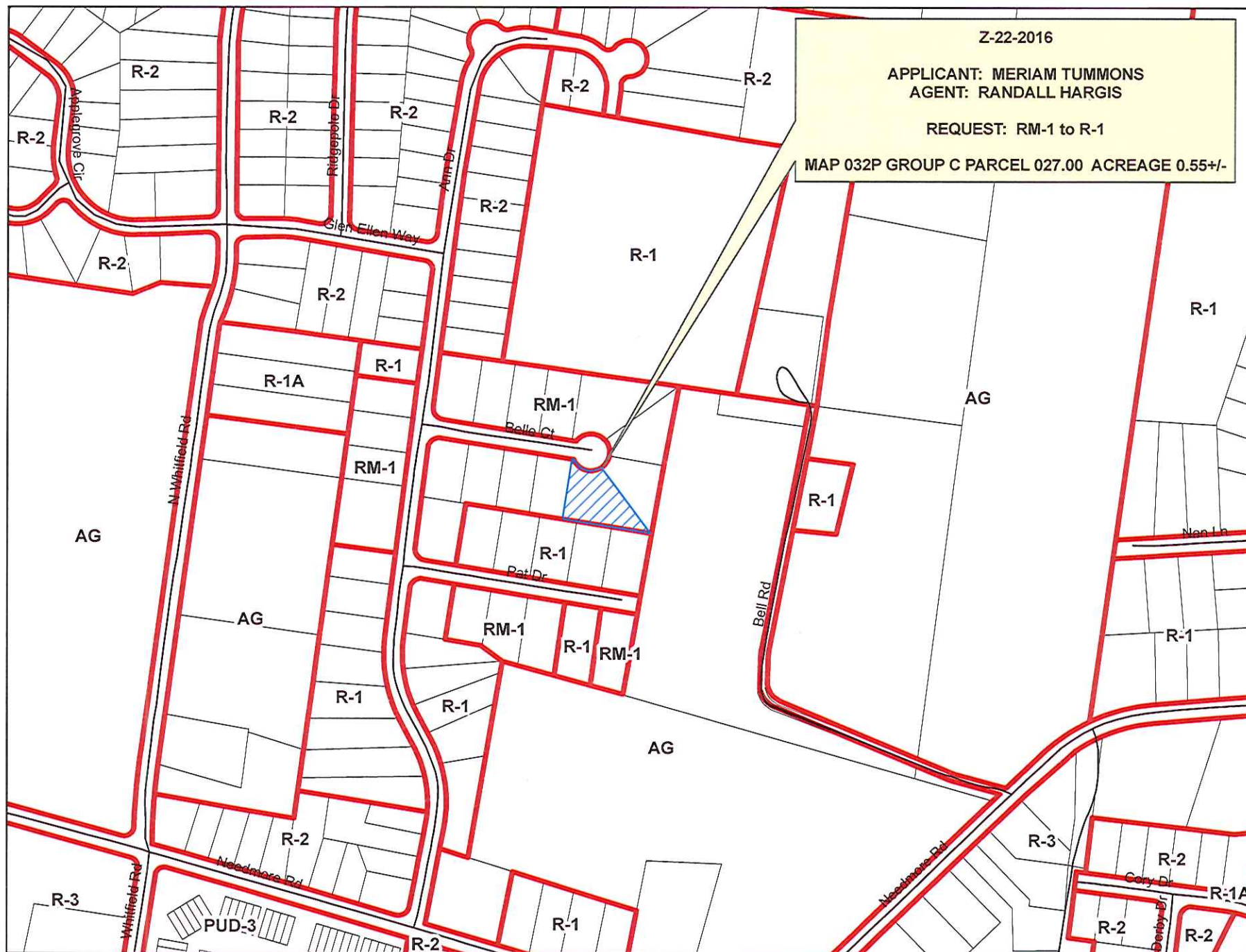
APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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. Proposed R-1 zoning classification is an extension of the R-1 zoning classification to the south and will permit construction of a conventional build home on the property.
- 5.

Z-22-2016
APPLICANT: MERIAM TUMMONS
AGENT: RANDALL HARGIS
REQUEST: RM-1 to R-1
MAP 032P GROUP C PARCEL 027.00 ACREAGE 0.55+/-



CASE NUMBER: Z 22 2016 MEETING DATE 8/24/2016

APPLICANT: Meriam Tummons

PRESENT ZONING RM-1

PROPOSED ZONING R-1

TAX PLAT # 32-P-C

PARCEL 27.00

GEN. LOCATION Located at the terminus of Belle Court.

PUBLIC COMMENTS

None received as of 10:00 a.m. on 8/24/2016 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 8/24/2016

CASE NUMBER: Z - 23 - 2016

NAME OF APPLICANT: Lyndon W

Watts

AGENT: Lyndon W

Watts Or Alesha Williams

GENERAL INFORMATION

PRESENT ZONING: OP

PROPOSED ZONING: C-5

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT To conform with the zoning of the adjacent parcel owned by the same owner.

FOR PROPOSED USE: Property will be listed and leased commercially.

PROPERTY LOCATION: Property fronting on the south frontage of Madison Street 577+/- feet east of the Madison St. & Liberty Pkwy intersection.

ACREAGE TO BE REZONED: 0.68

DESCRIPTION OF PROPERTY Former single family residential structure converted to office/retail.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY **TAX PLAT:** 65-P-J

PARCEL(S): 4.00

CIVIL DISTRICT: 12th

CITY COUNCIL WARD: 9

COUNTY COMMISSION DISTRICT: 21

PREVIOUS ZONING HISTORY: Z-33-1999 R-1 to OP Staff+/RPC+/City Council+
(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.

3.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3. DRAINAGE COMMENTS:

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

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.

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 range & intensity of commercial uses.

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: MADISON STREET

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:

Hilldale Planning Area- One of the most stable single family residential areas of the city. Its central location gives its convenient proximity to most areas of the city.

STAFF RECOMMENDATION: APPROVAL

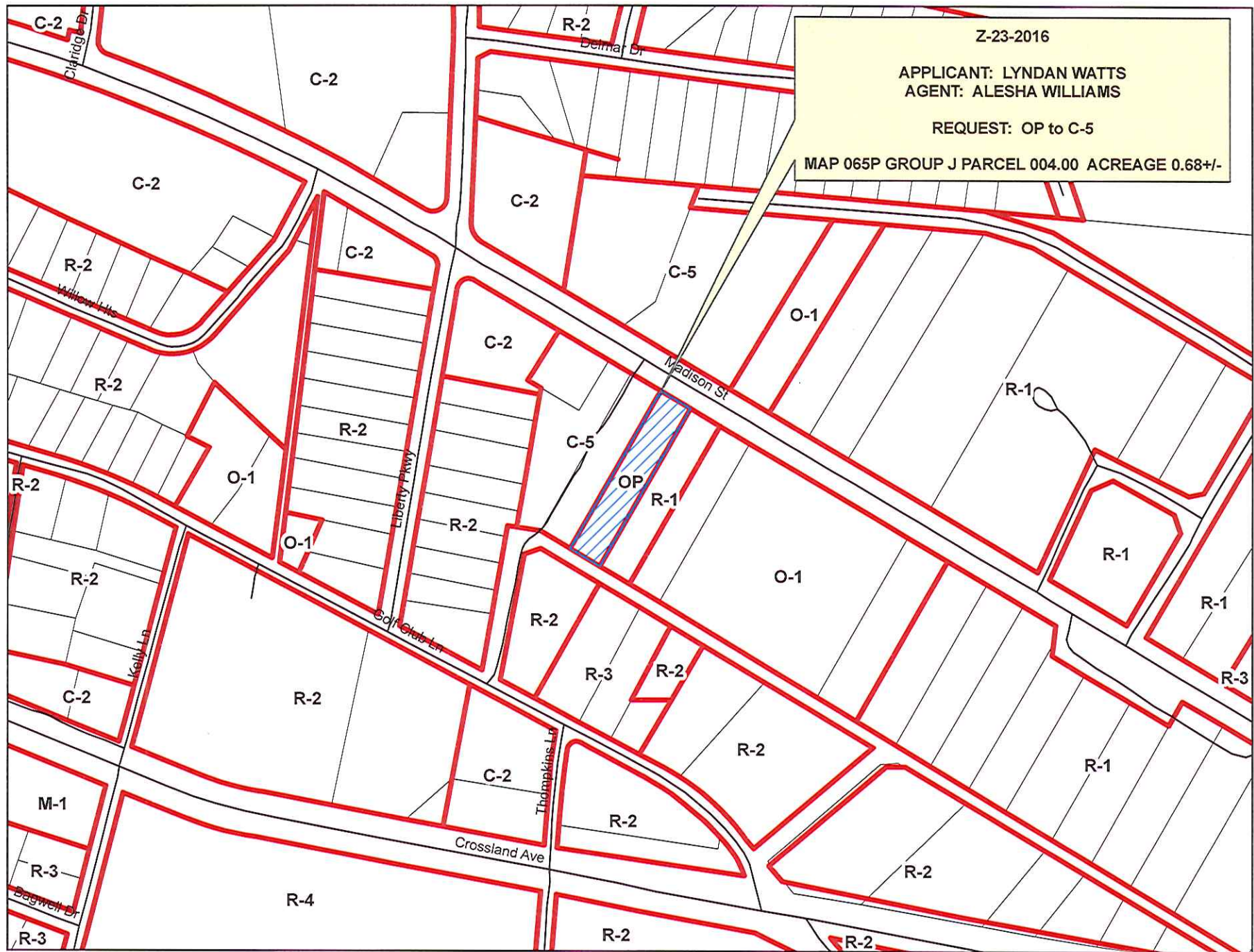
1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. Proposed C-5 zoning classification is an extension of the C-5 zoning district to the west and north.
- 5.

Z-23-2016

APPLICANT: LYNDAN WATTS
AGENT: ALESHA WILLIAMS

REQUEST: OP to C-5

MAP 065P GROUP J PARCEL 004.00 ACREAGE 0.68+/-



CASE NUMBER: Z 23 2016 MEETING DATE 8/24/2016

APPLICANT: Lyndon W Watts

PRESENT ZONING OP

PROPOSED ZONING C-5

TAX PLAT # 65-P-J

PARCEL 4.00

GEN. LOCATION Property fronting on the south frontage of Madison Street 577+/- feet east of the
Madison St. & Liberty Pkwy intersection.

PUBLIC COMMENTS

None received as of 10:00 a.m. on 8/24/2016 (jhb).

ORDINANCE 23-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MERIUM TUMMONS FOR ZONE CHANGE ON PROPERTY AT THE TERMINUS OF BELLE COURT

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 411+/- feet east of the centerline of the Belle Ct. and Ann Dr. intersection, further identified as the northeast corner of the Carolyn Hinton Trust property and the northwest corner of the herein described tract, thence in a easterly direction 91+/- feet with the southern right of way margin of Belle Ct. to a point, said point being the northwest corner of the Marsha Kay Farley property, thence in a southeasterly direction 222+/- feet with the western property line of the Farley property to a point, said point being the northwest corner of the Gustavo A Carranza, thence in a westerly direction 241 +/- feet with the northern property boundary of the Carranza property and others to a point, said point being the southeast corner of the Carolyn Hinton Trust property, thence in a northerly direction 163 +/- feet to the point of beginning, said tract containing 0.55+/- acres, further identified as Tax Map 32-P-C, Parcel 27.00

ORDINANCE 24-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF LYNDON WATTS, LYNDON WATTS OR ALESHA WILLIAMS-AGENTS, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF MADISON STREET AND LIBERTY PARKWAY

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 OP Office Professional District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 543 +/- feet southeast of the Madison St. and Liberty Pkwy. said point being the northeast corner of the Lyndon Wayne Watts, further identified as northwest corner of the herein described tract, thence in a southeasterly direction 75 +/- feet with the southern right of way margin of Madison St. to a point, said point being the northwest corner of the Joy Ogles property, hence in a southerly direction with the western boundary of the Ogles property 398 +/- feet to a point, said point being in the northern boundary of an undeveloped alley, thence in a westerly direction 75 +/- feet with the northern boundary of the undeveloped alley to a point, said point being the southeast corner of the Lyndon Wayne Watts property, thence in a northerly direction 397 +/- feet with the eastern boundary of the Watts property to the point of beginning, said tract containing 0.68 +/- acres, further identified as Tax Map 65-P-J, Parcel 4.00

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: July 7, 2016

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: July 7, 2016

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

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:

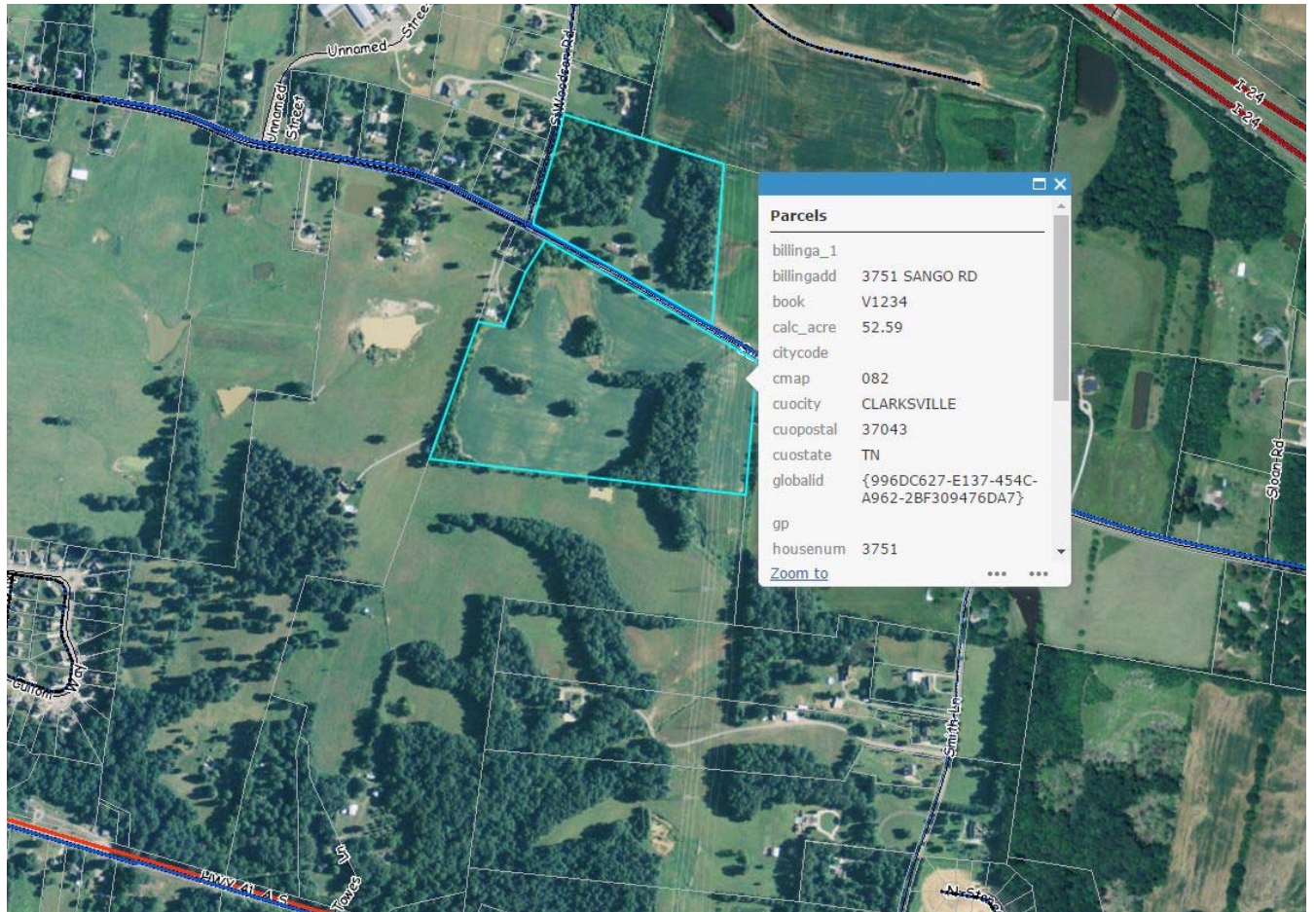
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 82, Parcel 93 with the property address of 3751 Sango Road outside the City corporate limits, request of Shirley Joiner, as described in Exhibit A attached hereto and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

FIRST READING: July 7, 2016

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



ORDINANCE 7-2016-17

AN ORDINANCE AMENDING THE 2016-17 GENERAL FUND OPERATING BUDGET (ORDINANCE 104-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE THE OPERATING BUDGET OF THE FIRE DEPARTMENT FOR THE PURPOSES OF PAYING FOR A VEHICLE CHASSIS THAT WAS PLANNED AND BUDGETED IN FY2016 BUT WILL NECESSITATE FUNDING IN FY2017

WHEREAS, The Fire Department ordered a 2016 Ford Chassis in April which was anticipated to be delivered prior to fiscal year end; and

WHEREAS, the Chassis will not be delivered within our required timeframe to use FY 2016 appropriations; and

WHEREAS, appropriations expire at fiscal year end; and

WHEREAS, the \$56,211 budgeted from fiscal year 2016 will revert back to the general fund allowing those funds to be available for appropriation in fiscal year 2017 to pay for this item upon delivery.

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

That the following Gneral Fund Budget Amendment be made:

10422004-4742 Increase: \$56,211

BE IT FURTHER ORDAINED that the source of funding for this \$56,211 shall be from the fund balance of the General Fund.

FIRST READING: August 4, 2016

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 8-2016-17

AN ORDINANCE AMENDING THE CAPITAL PROJECTS FUND TO REPURPOSE
ALREADY APPROPRIATED FUNDS FOR LIBERTY PARK

WHEREAS, the Capital Projects Fund is a multiyear fund where appropriated dollars roll from year to year; and

WHEREAS, the FY 2015 Budget Ordinance 81-2013-2014 authorized a capital project for the purpose of purchasing land near Liberty Park; and

WHEREAS, it is in the best interest of City to utilize these funds to convert currently owned City property at Liberty Park into a parking lot.

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

That the following Amendment be made:

Capital Projects Fund – Parks & Recreation:

Project # 15501 – Land Purchase near Liberty Park - \$155,940

Rename the project to:

Project #15501 – Land Improvement at Liberty Park - \$155,940

BE IT FURTHER ORDAINED that no additional funding is necessary.

FIRST READING: August 4, 2016

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 10-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF LAURA HARDIN, DAVID ROACH, SUSAN HEDIN, JAMES ROACH, AND NATHANIEL FORBUS, DAVID ROACH-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF NICOLE ROAD AND HIGH LEA 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 E-1 Single Family Estate District.

PUBLIC HEARING: August 4, 2016

FIRST READING: August 4, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 958 +/- feet northeast of the centerline of the Nicole Rd. & High Lea Rd. intersection, said pint also being in the west Right of Way margin of Nicole Rd. further identified as the north east corner of the William Allen Maynard property and the southeast corner of the herein described tract, thence in a westerly direction 425 +/- feet with the northern boundary of the Maynard property to a point, said point being in the eastern property line of the Terry C. Frey property, thence in a northwesterly direction 347 +/- feet with the eastern boundary of the Frey property to a point, said point being in the southern boundary of the Steven E. Hart II property, thence in a easterly direction 622 +/- feet with the southern boundary of the Hart property to a point, said point being in the western right of way margin of Nicole Rd. thence in a southerly direction 360 +/- feet with the western right of way margin of Nicole Rd. to the point of beginning, said tract containing 3.91 +/- acres, further identified as Tax Map 32, Parcel 46.14.

ORDINANCE 12-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JEFF ROBINSON, ET AL, MARK OLSEN AND TAYLOR DAHL-AGENTS, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTIONS OF BOGARD LANE AND NORTH FIRST STREET, MARION STREET AND NORTH FIRST STREET, AND BEAUMONT STREET AND NORTH FIRST STREET

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

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

PUBLIC HEARING: August 4, 2016
FIRST READING: August 4, 2016
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Parcel(s) as depicted in Exhibit A as follows:

66-G-B-23.00
66-B-B-27.00
66-B-B-9.00
66-B-B-29.00
66-B-B-33.00
66-G-B-2.00
66-B-B-48.00
66-B-B-48.01
66-B-B-48.02
66-B-B-48.03

ORDINANCE 13-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF STEPHANIE LEE CHOATE FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF KENNEDY ROAD AND TRENTON 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 as Agricultural District, as R-2 Single Family Residential District.

PUBLIC HEARING: August 4, 2016
FIRST READING: August 4, 2016
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing iron pin in the south margin of Kennedy Road, said iron pin being 3,165 feet west of Trenton Road; thence along margin of said road North 84 Degrees 24 Minutes 45 Seconds East 1239.70 feet to a point; thence South 09 Degrees 40 Minutes 05 Seconds West 306.20 feet to a point; thence North 88 Degrees 49 Minutes 55 Seconds West 177.17 feet to a point; thence South 10 Degrees 46 Minutes 05 Seconds West 287.80 feet to a point; thence South 08 Degrees 21 Minutes 56 Seconds West 1687.36 feet to a point; thence North 70 Degrees 51 Minutes 47 Seconds West 64.10 feet to a point; thence South 18 Degrees 08 Minutes 13 Seconds West 154.00 feet to a point; thence South 61 Degrees 38 Minutes 13 Seconds West 216.00 feet to a point; thence North 79 Degrees 51 Minutes 47 Seconds West 152.00 feet to a point; thence South 37 Degrees 38 Minutes 13 Seconds West 143.09 feet to a point; thence North 65 Degrees 00 Minutes 32 Seconds West 174.75 feet to a point North 40 Degrees 40 Minutes 36 Seconds West 205.97 feet to a point; thence North 29 Degrees 19 Minutes 20 Seconds West 175.92 feet to a point; thence North 54 Degrees 28 Minutes 06 Seconds West 105.27 feet to a point; thence North 08 Degrees 21 Minutes 56 Seconds East 2021.09 feet to the point of beginning and containing an area of 55.71 acres. Tax Map 17, Parcel 47.01



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
AUGUST 4, 2016**

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, August 4, 2016, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Wallace Redd (Ward 4); the Pledge of Allegiance was led by Councilman David Allen (Ward 8).

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), Jeff Burkhart (Ward 12)

ABSENT: Bill Powers (Ward 11)

PUBLIC HEARING

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

ORDINANCE 10-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Laura Hardin, David Roach, Susan Hedin, James Roach, and Nathaniel Forbus, David Roach-Agent, for zone change on property at the intersection of Nicole Road and High Lea Road from AG Agricultural District to E-1 Single Family Estate District

David Roach said the owners wanted to revitalize the property and said the area was no longer appropriate for farming. Alexander Loots said he was representing area homeowners wishing to preserve green space and presented a petition of opposition to the change. Phil Haley said the intent of the original developers was to provide large tracts of land to homeowners.

ORDINANCE 11-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jacob Wintner, Peter Faulk-Agent, for zone change on property at the intersection of Old Farmers Road and Townsend Court from O-1 Office District to C-2 General Commercial District

Peter Faulk said Signature Health Care was considering this property for a facility to expand the current services. No one voiced opposition to this request.

ORDINANCE 12-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jeff Robinson, et al, Mark Olsen and Taylor Dahl-Agents, for zone change on property at the intersections of Bogard Lane and North First Street, Marion Street and North First Street, and Beaumont Street and North First Street from R-4 Multiple Family Residential District to CBD Central Business District

Jeff Robinson said this request included ten parcels and the rezoning would allow current development to continue without variances. No one voiced opposition to this request.

ORDINANCE 13-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Stephanie Lee Choate for zone change on property at the intersection of Kennedy Road and Trenton Road from AG Agricultural District to R-2 Single Family Residential District

Rex Hawkins offered to answer questions. No one voiced opposition to this request.

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

ZONING

The recommendations of the Regional Planning Staff & Commission were for approval of **ORDINANCE 10-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. In response to Councilman Alexander's question, Dr. David Ripple, Director of Planning, said the change would allow the owner to create three separate lots. The following vote was recorded:

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

NAY: Allen

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 11-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilwoman McLaughlin said the current O-1 zoning would already allow expansion of the existing facility. Councilman Alexander opposed a commercial zone adjacent to existing residential developments. The following vote was recorded:

AYE: Grubbs, Redd

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

The motion to adopt this ordinance on first reading failed.

The recommendation of the Regional Planning Staff was for disapproval of **ORDINANCE 12-2016-17**; the recommendation of the Regional Planning Commission was for approval. 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: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 13-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilman Burkhart said he was a potential buyer of this property and would abstain from voting. Councilwoman McLaughlin felt Trenton Road could not accommodate additional traffic. Councilman Garrett felt developers should not be penalized because of poor conditions of state roadways. The following vote was recorded:

AYE: Garrett, Grubbs, Guzman, Lewis, Redd, Smith, Wallace

NAY: Alexander, Allen, McLaughlin

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

CONSENT AGENDA

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

1. **ORDINANCE 4-2016-17** (Second 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
2. **ORDINANCE 5-2016-17** (Second 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
3. **ORDINANCE 6-2016-17** (Second 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
4. **RESOLUTION 7-2016-17** Renewing the Certificate of Compliance for a retail liquor store for Rajan Daswani (Queen City Liquors, 1232 Tylertown Road)
5. **RESOLUTION 9-2016-17** Approving a Certificate of Compliance for sale of wine in a food store for Sweta Patel (Quick Stop Food Mart, 531 North Second Street)
6. **RESOLUTION 10-2016-17** Approving a Certificate of Compliance for sale of wine in a food store for Yogeshkumar Patel (Silver Dollar Grocery, 2700 Trenton Road)
7. Adoption of Minutes: July 7, 2016
8. Approval of Board Appointments:

Ethics Commission: Barbara Johnson – July 2016 through June 2019

Tree Board: Dottie Mann – July 2016 through June 2018

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

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

The motion to adopt this Consent Agenda as presented passed.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 7-2016-17 (First Reading) Amending the FY17 Fire & Rescue Budget to transfer funds for purchase of a vehicle chassis

Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. Councilman Wallace said the funding was previously approved in the FY16 budget, but the part was not delivered until after the FY17 budget was in effect. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 8-2016-17 (First Reading) Amending the FY17 Capital Projects Fund to repurpose land at Liberty Park

Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilman Wallace said the original intent for this funding was to purchase additional land for parking, but city officials were requesting the funds be used to construct a parking lot on existing park land instead. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

RESOLUTION 8-2016-17 Expressing support for an application to the Bureau of Justice for a Body Worn Cameras (BWC) grant and for commitment to this long term program

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

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

The motion to adopt this resolution passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said contracts had been award for reconstruction projects at 111 Ridgeway Drive, Ward 2, for \$109,800, and at 47 Chestnut Street, Ward 4, for \$96,800.

GAS & WATER COMMITTEE

Wallace Redd, Chair

No report.

PARKS, RECREATION, GENERAL SERVICES

Deanna McLaughlin

On behalf of Chairman Bill Powers, Councilwoman McLaughlin announced upcoming activities including Blueway Cleanup, Community Centers Open House, and the Back To School Splash. Councilwoman McLaughlin reported the following monthly statistics: Fort Defiance – 1,655 visitors; Burt Cobb Cennter – 196 visitors; Crow Center – 1,282 visitors; Kleeman Center – 1,851 visitors; B-Cycle – 667 rentals for 4,831 miles; Building Maintenance – 223 work orders.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

Councilman Grubbs shared the following monthly statistics: Building & Codes Construction Division – 1,425 inspections; Building & Codes Enforcement Division – 553 cases; Building & Codes Administration – 42 single-family permits; Building & Codes Abatement Division – 67 work orders; Fire & Rescue – 1,139 emergency runs; Police – 13, 804 responses.

Councilman Grubbs congratulated Chief Al Ansley and the Clarksville Police Department for recently achieving accreditation for the third consecutive year.

STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

Councilman Lewis reported the following monthly department statistics: Clarksville Transit System – 54,673 passengers; Clarksville-Nashville Express – 5,740 passengers; City Garage – 319 work orders (unleaded fuel \$1.79 gal/diesel fuel \$1.47/gal); Streets – 337 work orders.

Councilman Redd expressed appreciation to the Street Department for quick responses to flooding problems in Ward 4.

NEW BUSINESS

RESOLUTION 6-2016-17 Approving a Tax Increment Financing Agreement with Montgomery County and the Clarksville-Montgomery County Industrial Development Board

Councilman Garrett made a motion to adopt this resolution. The motion was seconded by Councilwoman McLaughlin.

Councilman Allen said the church he pastors was in the proposed TIF District and City Attorney Lance Baker determined he had no conflict of interest in voting on this matter.

Councilman Redd made a motion to change this document from a resolution which would require one vote to an ordinance which would require two votes. Because of the lack of public notice, Mayor McMillan ruled this motion out of order.

During discussion, Mr. Baker said the Industrial Development Board created a subcommittee of non-IDB board members, to review applications and recommend projects to the IDB for consideration.

Councilman Lewis stated the City had no representation on the IDB. In response to Councilman Burkhart's question regarding the possibility of a developer defaulting on a bank loan for a TIF project, Mr. Baker said responsibility of parties involved would be determined by a project agreement approved by the IDB. Councilman Redd objected to giving private developers tax dollars. Councilwoman Guzman and Councilman Allen expressed support for the tax incentive program for downtown development.

There was no objection to Councilman Grubbs request to go out of session to hear comments from Community Development Director Keith Lampkin. Mr. Lampkin said existing community development funds could assist in revitalizing downtown if the proposed TIF met federal guidelines.

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

Councilman Grubbs said the City could create a separate funding program using Community Development grants. Councilwoman McLaughlin said the IDB had been very successful in negotiating significant industrial developments. Mayor McMillan said all recommendations from the City for the proposed TIF agreement had been rejected by the IDB or by Montgomery County officials.

Mayor McMillan made a motion to postpone this vote to the next regular session to allow a proposed amendment to be drafted. The motion was seconded by Councilman Redd. 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, Redd, Smith, Wallace

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

AYE: Burkhart, Grubbs, Lewis, McMillan, Redd, Smith

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

The motion to postpone failed due to lack of a majority. Councilman Garrett 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, Redd, Smith, Wallace

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

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

NAY: Grubbs, Lewis, McMillan, Redd, Smith

The motion to adopt this resolution passed.

MAYOR AND STAFF REPORTS

There were no reports.

ADJOURNMENT

The meeting was adjourned at 9:21 p.m.

ORDINANCE 14-2016-17

AN ORDINANCE AMENDING THE 2016-17 CAPITAL PROJECTS FUND BUDGET (ORDINANCE 102B-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO CLOSE THE RED RIVER TRAIL/GREENWAY GRANT MATCH CAPITAL PROJECT THAT WAS ESTABLISHED IN FY15 IN ERROR AND MOVING THOSE FUNDS TO THE CORRECT RED RIVER TRAIL PROJECT (13501).

WHEREAS, the City Council approved \$160,000 in funding for the Red River Trail/Greenway Grant Match with the FY15 Capital Projects Budget, and;

WHEREAS, a new capital project was established with these funds (15503) in error, and;

WHEREAS, these funds should have been added to the already existing Clarksville River Trail project (13501) that had been created in FY13, and;

WHEREAS, this Ordinance corrects this error.

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

That the following Capital Projects Fund budget amendments be made for housekeeping only:

40450004 4710 15503 Red River Trail	Decrease:	\$ 160,000
40450003 4450 13501 Clarksville River Trail	Increase:	\$ 160,000

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 15-2016-17

AN ORDINANCE AMENDING THE 2016-17 CAPITAL PROJECTS FUND BUDGET (ORDINANCE 102B-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO ACCEPT A GRANT FROM THE NATIONAL PARK SERVICE THROUGH THE TENNESSEE HISTORICAL COMMISSION IN THE AMOUNT OF \$24,600 AND PROVIDE THE LOCAL MATCH OF \$16,400 TO GO TOWARDS A \$41,000 PROJECT FOR SMITH-TRAHERN MANSION REPAIRS.

WHEREAS, the City of Clarksville has been awarded \$24,600 in grant funds from the National Park Service through the Tennessee Historical Commission that requires a local match of \$16,400; and

WHEREAS, the City Council appropriated \$115,000 for Smith-Trahern Mansion repairs in the FY17 Capital Projects Budget that this grant project can enhance; and

WHEREAS, there are bond funds available from the 2016 Bond Issue that have not been used by other capital projects to provide the City's match for this grant.

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

That the following Capital Projects Fund budget amendments be made:

Expenditure:

40410003 4450 17101 Smith-Trahern Renovation	Increase:	\$ 41,000
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Revenue:

4041000 33130 17101 Federal Grant Smith-Trahern	Increase:	\$ 24,600
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FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 16-2016-17

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE, TITLE 12, SECTION 12-905, RELATIVE TO TWO RIVERS COMPANY BOARD OF DIRECTORS

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

That the Official Code of the City of Clarksville, Tennessee, Title 12, "Streets and Other Public Ways and Places," Section 12-905, "District management corporation," is hereby amended by deleting the following language:

"The president of Austin Peay State University shall also be one (1) of the thirteen (13) voting members."

And by substituting instead the following language:

"The President of Austin Peay State University, or the President's designee, shall be one (1) of the thirteen (13) voting members."

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 18-2016-17

AN ORDINANCE AMENDING THE 2016-2017 GENERAL GOVERNMENT CAPITAL PROJECTS FUND (ORDINANCE 102B-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO ADD A CAPITAL PROJECT IN THE AMOUNT OF \$976,000 WITH GENERAL GOVERNMENT FUNDING IN THE AMOUNT OF \$488,000 AND ACCEPTANCE OF STATE GRANT IN THE AMOUNT OF \$488,000

WHEREAS, the Swan Lake Pool is in need of rehabilitation work

WHEREAS, the City applied for and has been awarded a grant from the State Local Parks and Recreation Fund in the amount of \$488,000; and

WHEREAS, on April 7, 2016 City Council by Resolution 36-2015-16 approved supporting the grant application and funding of this project; and

WHEREAS, the City is required to provide a match in the amount of \$488,000.

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

A capital project be created and added – Swan Lake Pool Renovation in the amount of \$976,000 with revenue sources of \$488,000 from grant funds and \$488,000 from City matching funds.

That the following Budget Amendment be made:

Capital Projects Fund:

Grant Revenue 4041000 33130 17506	Increase	\$488,000
Project Expenditures 40450003 4450 17506	Increase	\$976,000

BE IT FURTHER ORDAINED that the source of funding for the General Government's grant match of \$488,000 shall be from the unused balance of the 2016 Debt Issue.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 11-2016-17

A RESOLUTION AUTHORIZING THE TWO RIVERS COMPANY TO REALLOCATE PREVIOUSLY APPROVED FUNDING

WHEREAS, the Two Rivers Company (TRC) is a non-profit 501(c)(4) organization serving as the district management corporation for the City of Clarksville Central Business Improvement District and focuses on enhancing Clarksville Tennessee's downtown and riverfront areas; and

WHEREAS, the TRC received funding in fiscal years 2013/14 and 2014/15 as a non-profit agency and through a line item in the City's legislative budget; and

WHEREAS, as the TRC is a separate non-profit agency with City tax payer dollars previously appropriated, now held in trust for TRC. Any substantial change in how funds are to be spent must be approved by City Council; and

WHEREAS, Reallocation of previously approved funding to "capital" allow funds to be paid as expended. Capital requires a request for reimbursement, providing the appropriate level of control and responsibility for tax payer dollars.

WHEREAS, Capital spending for TRC shall include items such as consulting services, small projects, marketing and promotions, professional services and incentives.

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

That the City Council hereby approves the attached TRC budget reallocation; summarized below:

Capital	Spending	\$199,940.60
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BE IT FURTHER RESOLVED that no new funding is necessary; funds are available in a trust account for TRC's use.

ADOPTED:

TRC City Funding Reallocation Request

	FY2016 Approved Allocation	Balances Available for Reallocation	FY2015 Unencumbered PO's	FY2017 New Allocation Request
Expenditures				
salaries & benefits	88,000.00	22,000.00		
Office/operating				
office supplies	22,000.00	5,500.00		
memberships/conventions/conf/training				
website/software maint/licensing				
utilities				
Economic Vitality				
Incentives professional services	136,228.00	34,057.00		
capital incentives professional services	136,228.00	96,515.75	13,954.48	93,500.00
Marketing/Pomotions				
Adv/mark/promotions/professional services	5,600.00	1,400.00		13,000.00
Safe Clean & Green				
small projects/capital improvements	36,000.00	26,513.32		93,440.00
TOTAL	424,056.00	185,986.07	13,954.48	199,940.00
Total Operating	251,828.00	62,957.00	-	-
Total Capital (receipts required)	172,228.00	123,029.07	13,954.48	199,940.00
Grand Total	424,056.00	185,986.07	13,954.48	199,940.00

RESOLUTION 12-2016-17

A RESOLUTION DECLARING THE INTENT OF THE CITY OF CLARKSVILLE, TENNESSEE TO REIMBURSE ITSELF IN A NOT TO EXCEED AMOUNT OF \$7,000,000 FOR CERTAIN PROJECT EXPENDITURES WITH THE PROCEEDS OF GENERAL OBLIGATION BONDS OR OTHER DEBT OBLIGATIONS TO BE ISSUED BY THE CITY

WHEREAS, it is the intention of the City Council of the City of Clarksville, Tennessee (the "City") to provide funds for the (i) acquisition of land and acquisition, construction, improvement, repair, renovation, maintenance and equipping of (a) Fire Department buildings, vehicles and facilities, (b) public buildings, (c) parks, open spaces and trails, (d) recreational and athletic facilities, (e) streets, roads and bridges, including sidewalks, signage, signalization, related facilities and drainage improvements, and (f) a conference and performing arts center; (ii) acquisition of all property real or personal, appurtenant thereto, or connected with the foregoing; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; and (iv) payment of costs incident to the issuance and sale of related debt obligations; and

WHEREAS, it is the intention of the City Council of the City to pay all or a portion of the costs associated with the aforementioned activities by the sale of general obligation bonds, in one or more emissions, or other debt obligations of the City; and

WHEREAS, it is anticipated that it will be necessary to make expenditures in payment of said costs prior to the issuance of said bonds or debt obligations; and

WHEREAS, the City Council of the City wishes to state its intentions with respect to reimbursements for said expenditures, in a not to exceed amount of \$7,000,000, in accordance with the requirements of final regulations applicable thereto promulgated by the United States Department of the Treasury.

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

SECTION 1. It is reasonably expected that the City will reimburse itself for certain expenditures, in a not to exceed amount of \$7,000,000, made by the City in connection with the activities hereinabove described. The City further reasonably expects to reimburse all such expenditures from the proceeds of its general obligation bonds or other debt obligations. The expenditures made prior to the issuance of said bonds or other debt obligations are expected to be paid from the General Fund of the City and reimbursement shall be made to the General Fund. Debt service on the bonds or other debt obligations is expected to be paid from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the City.

SECTION 2. This resolution shall be placed in the minutes of the City Council and shall be made available for inspection by the general public at the office of the City Clerk.

SECTION 3. This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.

SECTION 4. All other resolutions and orders, or parts thereof in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

ADOPTED:

ORDINANCE 17-2016-17

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS FOR PROPERTY LOCATED AT 3181 HWY 41-A SOUTH; REQUEST OF DAVID WELCH

WHEREAS, proper application has been made by Cal McKay on behalf of David Welch for extensions of City utility service to property located at Cmap 82, Parcel 174.00 with the property address of 3181 Hwy 41-A South 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 174.00 with the property address of 3181 Hwy 41-A South outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

Mayor

ATTEST:

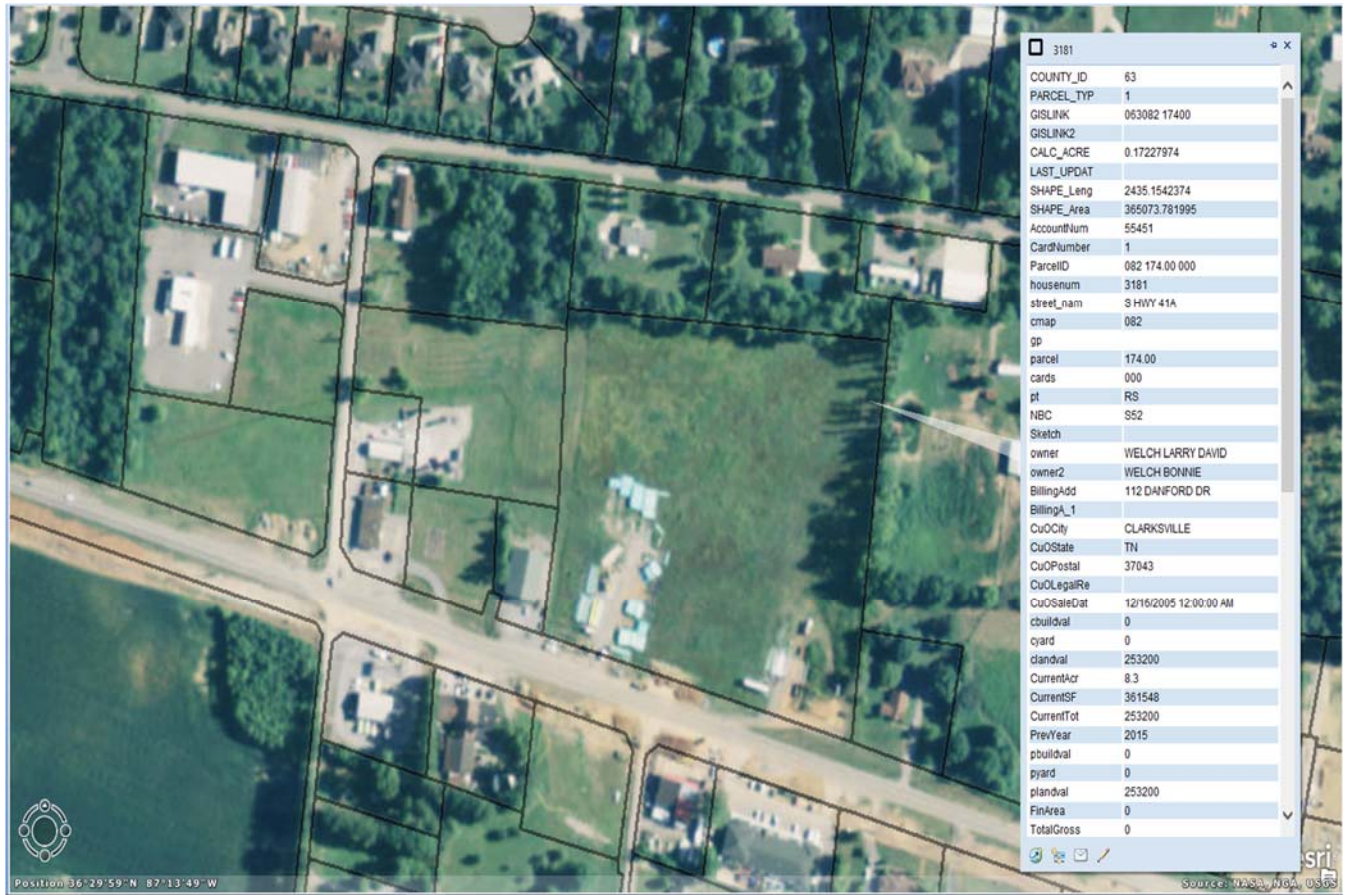
City Clerk

FIRST READING:

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



ORDINANCE 19-2016-17

**As Presented at Executive Session 8-25-16*

AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE
RELATIVE USE OF PUBLIC RIGHTS-OF-WAY FOR SOLICITATION OF DONATIONS /
PANHANDLING TO AND FROM MOTOR VEHICLES AND STORAGE, SALE, OR
EXHIBITION OF MERCHANDISE IN PUBLIC RIGHTS-OF-WAY

- WHEREAS*, City Code Section 9-435 prohibits the sale of merchandise from vehicles in certain circumstances; and
- WHEREAS*, City Code Section 12-111 prohibits obstruction of City public rights-of-way generally; and
- WHEREAS*, the City Council finds that additional regulations are necessary in order to prevent dangers to persons and property, and to prevent delays and interference with vehicular traffic flow; and
- WHEREAS*, use of the public right-of-way for solicitation of donations, or for the transfer or delivery of goods, merchandise or materials, or for the storage, sale or exhibition of goods, merchandise or materials, can pose significant hazards to the solicitors / panhandlers, and to other pedestrians, and to motorists; and
- WHEREAS*, such hazards can be created by the actions of either solicitors / panhandlers, or by the occupants of vehicles who want to interact with such solicitors / panhandlers; and
- WHEREAS*, solicitors / panhandlers create a safety hazard for themselves and the motoring public when entering upon public streets, for the purpose of distributing / delivering items to vehicle occupants, or to receive money or other items from vehicle occupants; and
- WHEREAS*, the safety hazard continues even if the solicitor / panhandler stays on the curb or public sidewalk while distributing / delivering items to vehicle occupants, or receiving money or other items from vehicle occupants, while the vehicle is on a public street being used by or open to use by vehicular traffic; and
- WHEREAS*, distraction of motorists occasioned by solicitations, or by the transfer or delivery of goods, merchandise or materials, or by the storage or exhibition of goods, merchandise or materials, in the right-of-way, impedes the safe and orderly flow of traffic, causes vehicles to stop unexpectedly, causes vehicles to linger at traffic control devices, and causes motorists to fail to attend to driving; and

WHEREAS, distracted drivers pose a significant risk of physical injury to motorists and to pedestrians, as well as a significant risk of damage to property, both public and private; and

WHEREAS, the City Council finds that additional regulations are necessary in order to prevent dangers to persons and property, and to prevent delays and interference with vehicular traffic flow; and

WHEREAS, public health, safety and welfare requires the imposition of reasonable manner and place restrictions on solicitation, and on the transfer / delivery of goods, merchandise or materials, and on the storage or exhibition of goods, merchandise and materials, in the public right-of-way, while respecting the constitutional right of free speech and of the press for all citizens.

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

1. The Code of Ordinances of the City of Clarksville, Title 12 (Streets and Other Public Ways and Places), Chapter 1 (In General), is hereby amended by adding the following new “Section 12-126. Restrictions on Use of City Public Rights-of-Way for Solicitation / Panhandling.”:

Section 12-126. Restrictions on Use of City Public Rights-of-Way for Solicitation / Panhandling.

(a) Except as permitted by other portions of this Code, no person shall use or occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk, for the purpose of:

(1) Storing or exhibiting any goods, merchandise or other materials.

(2) Selling, or attempting to sell, any goods, merchandise or other materials, or any services.

(b) No person shall stand on or otherwise occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk for the purpose of soliciting or accepting a donation of money or any other item from the occupant of any vehicle while the vehicle is on a public street being used by, or open to use by, vehicular traffic.

(c) No person shall, by means of a sign or other device of any kind, use or occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk, to attempt to alert, or for the purpose of attracting the attention of, the driver of a motor vehicle that is on a public street being used by, or open to use by, vehicular traffic, to any commercial activity.

(d) Nothing in this section shall be construed to apply to:

- (1) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state authorized to engage in inspection, construction, repair or maintenance of streets, roadways, public utilities, or any public structure or property, or in making traffic or engineering surveys whether public or private.
- (2) Any of the following persons while engaged in the performance of their respective occupations: firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel, public transportation personnel, or public utilities personnel.
- (3) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals, parades or other events or activities permitted by the City.

(e) Nothing in this section or in any other part of this Code shall be construed as prohibiting the sale or distribution of newspapers, magazines, periodicals, handbills, flyers or similar materials, except that:

- (1) Such activity shall be prohibited on any portion of any street within the City.
- (2) Such materials shall not be handed, passed or thrown to the occupant of any motor vehicle that is on a public street being used by, or open to use by, vehicular traffic, nor shall any action be taken which is intended to, or reasonably calculated to, cause the vehicle occupant to hand, pass or to throw anything to the person selling or distributing the materials.

2. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 19-2016-17

**City Attorney Proposed Amendments*

**McLaughlin/Garrett Proposed Amendments*

AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE
RELATIVE USE OF PUBLIC RIGHTS-OF-WAY FOR SOLICITATION OF DONATIONS /
PANHANDLING TO AND FROM MOTOR VEHICLES AND STORAGE, SALE, OR
EXHIBITION OF MERCHANDISE IN PUBLIC RIGHTS-OF-WAY

- WHEREAS*, City Code Section 9-435 prohibits the sale of merchandise from vehicles in certain circumstances; and
- WHEREAS*, City Code Section 12-111 prohibits obstruction of City public rights-of-way generally; and
- WHEREAS*, the City Council finds that additional regulations are necessary in order to prevent dangers to persons and property, and to prevent delays and interference with vehicular traffic flow; and
- WHEREAS*, use of the public right-of-way for solicitation of donations, or for the transfer or delivery of goods, merchandise or materials, or for the storage, sale or exhibition of goods, merchandise or materials, can pose significant hazards to the solicitors / panhandlers, and to other pedestrians, and to motorists; and
- WHEREAS*, such hazards can be created by the actions of either solicitors / panhandlers, or by the occupants of vehicles who want to interact with such solicitors / panhandlers; and
- WHEREAS*, solicitors / panhandlers create a safety hazard for themselves and the motoring public when entering upon public streets, for the purpose of distributing / delivering items to vehicle occupants, or to receive money or other items from vehicle occupants; and
- WHEREAS*, the safety hazard continues even if the solicitor / panhandler stays on the curb or public sidewalk while distributing / delivering items to vehicle occupants, or **when** receiving money or other items from vehicle occupants, while the vehicle is on a public street being used by or open to use by vehicular traffic; and
- WHEREAS*, distraction of motorists occasioned by solicitations / **panhandling**, or by the transfer or delivery of goods, merchandise or materials, or by the storage or exhibition of goods, merchandise or materials, in the right-of-way, impedes the safe and orderly flow of traffic, causes vehicles to stop unexpectedly, causes vehicles to linger at traffic control devices, and causes motorists to fail to attend to driving; and

WHEREAS, distracted drivers pose a significant risk of physical injury to motorists and to pedestrians, as well as a significant risk of damage to property, both public and private; and

WHEREAS, the City Council finds that additional regulations are necessary in order to prevent dangers to persons and property, and to prevent delays and interference with vehicular traffic flow; and

WHEREAS, public health, safety and welfare requires the imposition of reasonable manner and place restrictions on solicitation / **panhandling**, and on the transfer / delivery of goods, merchandise or materials, and on the storage or exhibition of goods, merchandise and materials, in the public right-of-way, while respecting the constitutional right of free speech and of the press for all citizens.

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

1. The Code of Ordinances of the City of Clarksville, Title 12 (Streets and Other Public Ways and Places), Chapter 1 (In General), is hereby amended by adding the following new “Section 12-126. Restrictions on Use of City Public Rights-of-Way for Solicitation / Panhandling.”:

Section 12-126. Restrictions on Use of City Public Rights-of-Way for Solicitation / Panhandling.

(a) Except as permitted by other portions of this Code, no person shall use or occupy any portion of the public right-of-way, including any public street, **road, highway, interstate, exit, roundabout**, median, alley or sidewalk, **whether federal state or local, within the City**, for the purpose of:

(1) Storing or exhibiting any goods, merchandise or other materials.

(2) Selling, or attempting to sell, any goods, merchandise or other materials, or any services.

(b) No person shall stand on or otherwise occupy any portion of the public right-of-way, including any public street, **road, highway, interstate, exit, roundabout**, median, alley or sidewalk, for the purpose of soliciting or accepting a donation of money or any other item from the occupant of any vehicle while the vehicle is **located in or** on a public street, **road, highway, interstate, exit, roundabout, or alley** being used by, or open to use by, vehicular traffic.

(c) No person shall, by means of a sign or other device of any kind, use or occupy any portion of the public right-of-way, including any public street, road, highway, interstate, exit, roundabout, median, alley or sidewalk, to attempt to alert, or for the purpose of attracting the attention of, the driver of a motor vehicle that is in or on a public street, road, highway, interstate, exit, roundabout, or alley being used by, or open to use by, vehicular traffic, to any commercial activity.

(d) No person driving or operating a motor vehicle, nor any passenger or occupant of a motor vehicle, that is in or on a public street, road, highway, interstate, exit, roundabout, or alley being used by, or open to use by, vehicular traffic, shall hand, pass, deliver, transfer, or distribute any item, materials, paper, goods, money, or any other physical object to any pedestrian standing, located or moving on or in any right-of-way, including any public street, road, highway, interstate, exit, roundabout, median, alley or sidewalk, except as may be otherwise requested or required by persons engaged in the performance of the following respective occupations / work duties: firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel, public transportation personnel, or public or private utilities personnel.

(~~d~~ e) Nothing in this section shall be construed to apply to:

- (1) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state, or the federal government, authorized to engage in inspection, construction, repair or maintenance of streets, roadways, highways, interstates, exits, roundabouts, medians, alleys, sidewalks, public or private utilities, or any public structure or property, or in making traffic or engineering surveys whether public or private.
- (2) Any of the following persons while engaged in the performance of their respective occupations / work duties: firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel, public transportation personnel, or public or private utilities personnel.
- (3) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals, parades or other events or activities permitted by the City.

(e f) Nothing in this section or in any other part of this Code shall be construed as prohibiting the sale, delivery, transfer, or distribution of newspapers, magazines, periodicals, handbills, flyers, papers or similar materials, except that:

- (1) Such activity shall be prohibited on any portion of any street, road, highway, interstate, exit lane, roundabout or alley within the City.
- (2) Such materials shall not be handed, passed or thrown to the occupant of any motor vehicle that is on a public street, road, highway, interstate, exit lane, roundabout or alley being used by, or open to use by, vehicular traffic, nor shall any action be taken which is intended to, or reasonably calculated to, cause the vehicle occupant to hand, pass, deliver, transfer or to throw anything to the person selling or distributing the materials.

(g) Nothing in this section shall be construed to apply to activities or conduct occurring wholly in or on privately owned real property.

2. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 20-2016-17

AN ORDINANCE AMENDING THE 2016-17 GENERAL FUND OPERATING BUDGET (ORDINANCE 104-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE THE OPERATING BUDGET OF THE PARKS AND RECREATION DEPARTMENT FOR THE PURPOSES OF MAKING MUCH NEEDED SAFETY REPAIRS AT THE STOKES FIELD COMPLEX

WHEREAS, Stokes Field was established in the 1960's by Mr. Stokes in order for children in North Clarksville to play baseball, softball, and tee ball; and

WHEREAS, During the summer of 2015 the Stokes Field Complex was vandalized and burglarized on two separate occasions causing more than \$10,000 in losses and damages; and

WHEREAS, As a result of the vandalism and burglaries, the Northwest Little League Board, State Representative Joe Pitts, Councilman Deanna McLaughlin, Generous Community Members, and the Clarksville Parks and Recreation Staff worked together to make the needed repairs that resulted from the vandalism; and

WHEREAS, In early 2016 Mayor McMillan created a Stokes Field Task Force to focus on the future of the Stokes Field Complex. The Stokes Field Task Force has met on one occasion; and

WHEREAS, Representative Pitts and Councilman McLaughlin continue to work regularly with the Northwest Little League Board and the Clarksville Parks and Recreation Staff to address safety and maintenance concerns at the Stokes Field Complex; and

WHEREAS, In various meetings with the Northwest Little League Board, it was determined that there are current safety repair needs that need to be addressed in a timely manner; and

WHEREAS, Funding is not currently allocated in the FY2017 budget to make the needed safety repairs; and

WHEREAS, The Parks and Recreation Director Position became open on August 1, 2016 and is currently being filled by the Parks and Recreation Deputy Director; and

WHEREAS, The salary and benefits savings from the open Parks and Recreation Director position could be used to start making repairs at the Stokes Field Complex; and

WHEREAS, Stokes Field is not an asset of the City of Clarksville. The asset is that of the Clarksville Montgomery County School System. The City leases the field from CMCSS and in turn subleases it to Northwest Little League; various repairs, maintenance and improvements are outlined in the terms of the lease.

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

That the Parks and Recreation Director position shall remain unfilled until November 1, 2016 and the salary and benefit savings shall be transferred to the Parks and Recreation Maintenance budget to specifically be used for repairs at the Stokes Field Complex as listed below.

That the following General Fund Budget Amendment be made:

10451001-* Parks and Recreation Director Salary (\$89,996 annually)

Decrease: \$17,320

\$4,015 9/15/16 payroll

\$4,435 9/30/16 payroll

\$4,435 10/15/16 payroll

\$4,435 10/31/16 payroll

- Various salary and benefit accounts within org 10451001 to include taxes, health/dental, life and long term disability insurances,

10451001-4231 Parks and Recreation TCRS Contribution for Parks and Recreation Director

Decrease: \$2,080

\$520 9/15/16 payroll

\$520 9/30/16 payroll

\$520 10/15/16 payroll

\$520 10/31/16 payroll

10422004-4742 Parks and Recreation Maintenance for Stokes Field Repairs

Increase: \$19,400

Items to be repaired as funding allows:

- Field 2 score tower roof and ceiling
 - Field 1 score tower electrical issues
 - Bring Field 1 and Field 2 stairwells up to code
 - Inspect and replace all deteriorating light poles
- Additional speed bumps in the parking lot
Dirt bin erosion

BE IT FURTHER ORDAINED that the source of funding for this \$19,400 shall be from the Parks and Recreation Director salary and benefits line items of the GENERAL FUND budget.

FIRST READING:

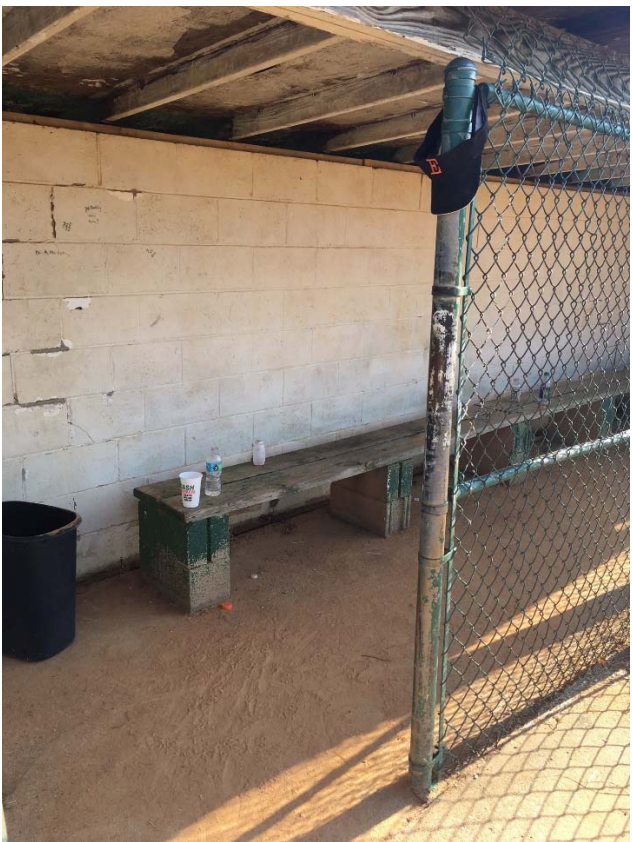
SECOND READING:

EFFECTIVE DATE:

























ORDINANCE 21-2016-2017

AN ORDINANCE AMENDING THE 2016-2017 GENERAL GOVERNMENT CAPITAL PROJECTS FUND (ORDINANCE 102B-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO ADD A CAPITAL PROJECT IN THE AMOUNT OF \$60,000,000 TO IMPROVE/WIDEN TRENTON ROAD

WHEREAS, the level of service provided related to Trenton road is unacceptable; and

WHEREAS, Trenton road is a major thoroughfare in need of widening to accommodate traffic needs, and

WHEREAS, Trenton Road is a state road, the project is on the State's capital plan for improvement likely between 2027 and 2035; and

WHEREAS, the funding of this project would necessitate issuing debt committing the full faith and credit of the City's ability to raise property taxes to make annual debt service commitments.

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

A capital project be created and added for Trenton Road Improvement/Widening in the amount of \$60,000,000 with the funding source from GO Bonds.

That the following Budget Amendment be made:

Capital Projects Fund:

Increase Bond Proceeds 4041000 39310	Increase	\$60,000,000
Project Expenditures 40431003 4450 17308	Increase	\$60,000,000

BE IT FURTHER ORDAINED that the source of funding for the capital project will be General Obligation Bonds.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 22-2016-17

AN ORDINANCE AMENDING THE 2016-17 GENERAL FUND OPERATING BUDGET (ORDINANCE 104-2015-16) AUTHORIZING THE CITY OF CLARKSVILLE TO ADD FUNDING FOR THE TREE BOARD

WHEREAS, Typically each year the Tree Board requests and receives an annual budget through the budget process, and

WHEREAS, it is unclear why they did not receive funding in FY2017 budget; and

WHEREAS, the new Chair has requested a budget for their general use in the duties of the board.

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

That the following General Fund Budget Amendment be made:

10413303-4610-TREE	Increase:	\$1,500
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BE IT FURTHER ORDAINED that the source of funding for this \$1,500 shall be from the fund balance of the General Fund.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 13-2016-17

A RESOLUTION EXPRESSING SUPPORT FOR MILITARY AND VETERAN CAREGIVERS

WHEREAS, the series of wars in which our nation has been engaged over time since World War II, has resulted in 5.5 million military and veteran caregivers who are parents, spouses, siblings, and friends, caring for those wounded, ill, or injured who have served our nation, as documented by the 2014 Rand study commissioned by the Elizabeth Dole Foundation; and

WHEREAS, the daily tasks of these military and veteran caregivers can include bathing, feeding, dressing, and caring for the grievous injuries of wounded warriors, administering medications, providing emotional support, caring for the family and the home, and working outside the home to earn essential income; and

WHEREAS, the nation provides multi-faceted support to our wounded, ill, and injured veterans and service members through public, private, and philanthropic resources, but their caregivers receive little support or acknowledgement; and

WHEREAS, most military and veteran caregivers consider the challenging work they do as simply carrying out their civic and patriotic duty without realizing they are, in fact, caregivers, and do not identify themselves as such; and

WHEREAS, according to research, an alarming number of military and veteran caregivers are suffering numerous debilitating mental, physical, and emotional effects as a result of their caregiving duties; and

WHEREAS, the Clarksville City Council desires to recognize and support those who are serving in these vital roles in our own community.

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

That the City of Clarksville becomes a military and veteran caregiver supportive city.

BE IT FURTHER RESOLVED that the City of Clarksville will seek to identify military and veteran caregivers residing in this city.

BE IT FURTHER RESOLVED that the City of Clarksville will work to ensure that our government, organizations, employers, and non-profits are aware of the unique challenges of military and veteran caregivers and are encouraged to create supportive environments and opportunities for assistance.

BE IT FURTHER RESOLVED that the City of Clarksville will observe each May, during Military Appreciation Month, to honor and recognize the City's military and veteran caregivers in partnership with the Elizabeth Dole Foundation's national Hidden Heroes campaign.

BE IT FURTHER RESOLVED that the City of Clarksville encourages all who care for and support veterans and service members to extend that support to their caregivers.

BE IT RESOLVED that the City of Clarksville shall designate a point of contact for our city, from the public or private sector, for citizens and organizations wanting to offer support, and caregivers who need that support.

ADOPTED:

RESOLUTION 14-2016-17

A RESOLUTION ACCEPTING THE PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS AT DENNY ROAD & ROTARY PARK DRIVE

WHEREAS, the Tennessee Department of Transportation proposes to construct a project in the City of Clarksville for State Project No. 63022-2207-94, Federal Project No. HSIP-76(96); and

WHEREAS, the above referenced project is described as SR-76 Intersection at Denny Road & Rotary Park Drive; and

WHEREAS, the City of Clarksville agrees to cooperate with TDOT as set forth in this proposal so that the general highway program may be carried out in accordance with the intent of the Tennessee General Assembly.

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

That the Clarksville City Council hereby accepts the proposal, attached hereto as Exhibit A, from the Tennessee Department of Transportation for State Project No. 63022-2207-94, Federal Project No. HSIP-76(96), intersection improvements at Denny Road & Rotary Park Drive.

ADOPTED:

PROPOSAL
OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE CITY OF CLARKSVILLE, TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project in the City of Clarksville, Tennessee, hereinafter "CITY", designated as Federal Project No. HSIP-76(96), State Project No. 63022-2207-94 , that is described as "SR-76 Intersection at Denny Road/Rotary Park Drive LM 14.1 to LM 14.2 in Clarksville", provided the CITY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee, 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.

2. The CITY will close or otherwise modify any of its roads, or other public ways if indicated on the project plans, as provided by law.

3. The CITY will transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the CITY or by any of its instrumentalities as required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes.

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water, not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right-of-way of any road or other public way owned by the CITY, or any of its instrumentalities, the CITY agrees that it will take any action necessary to require the removal or adjustment of any of the above-described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the CITY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the CITY.

The foregoing does not apply to those utility facilities which are owned by the CITY or one of its instrumentalities, it being understood that the CITY has the duty to relocate or adjust such facilities, if required, provided the CITY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the CITY.

5. The CITY will maintain any frontage road to be constructed as part of the project.

6. After the project is completed and open to traffic, the CITY will accept jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map.

7. The CITY will make no changes or alter any segment of a road on its road system that

lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the CITY for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the CITY that all traffic control signs for the control of traffic on a street under the jurisdiction of the CITY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the CITY.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the CITY.

11. If, as a result of acquisition and use of right-of-way for the project, any building and/or structure improvements become in violation of a CITY setback line or building and/or structure requirement, including, but not limited to, on-premise signs, the CITY agrees to waive enforcement of the CITY setback line or building and/or structure requirement and take other proper governmental action as necessary to accomplish such waiver.

12. If, as a result of acquisition and use of right-of-way for the project, any real property retained by any property owner shall become in violation of a CITY zoning regulation or requirement, the CITY agrees to waive enforcement of the CITY zoning regulation or requirement and take other proper governmental action as necessary to accomplish such waiver.

13. The CITY will prohibit encroachments of any kind upon the right-of-way and

easements for the project.

14. The CITY will prohibit the servicing of motor vehicles within the right-of-way and easements for the project.

15. The CITY will obtain the approval of the DEPARTMENT before authorizing parking on the right-of-way and easements for the project and before installing any device for the purpose of regulating the movement of traffic.

16. The CITY will not install or maintain any device for the purpose of regulating the movement of traffic on the roadway except as warranted and in conformity with the Manual on Uniform Traffic Control Devices.

17. The DEPARTMENT will maintain the completed project if it is classified as full access control (i.e. a project which has no intersecting streets at grade), and it will maintain the pavement from curb to curb where curbs exist or the full width of the roadway where no curbs exist on non-access control projects. The CITY agrees to maintain other parts of non-access control projects.

18. If a sidewalk is constructed as a component of this project, the CITY shall be responsible for maintenance of the sidewalk and shall assume all liability for third-party claims for damages arising from its use of the sidewalk or premises beyond the DEPARTMENT'S maintenance responsibilities as set forth in section 15 of this Proposal.

19. When said project is completed, the CITY thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation, or governmental agency, without first obtaining the approval of the DEPARTMENT.

20. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation for damage or civil actions of which the Attorney

General has received the notice and pleadings provided for herein.

21. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the CITY.

22. The acceptance of this proposal shall be evidenced by the passage of a resolution, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this the ____ day of _____, 2013.

THE CITY OF _____, TENNESSEE

BY: _____
MAYOR

DATE: _____

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
JOHN SCHROER
COMMISSIONER

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
JOHN REINBOLD
GENERAL COUNSEL

DATE: _____

US 41A Bypass Between Denny Road and Rotary Park Road

