



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
OCTOBER 6, 2016, 7:00 P.M.**

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

AGENDA

PUBLIC COMMENTS

- 6:55 p.m. Joseph Naszady

1) CALL TO ORDER

2) PRAYER: *Councilwoman Wanda Smith (Ward 6)*

PLEDGE OF ALLEGIANCE: *Councilwoman Wanda Smith (Ward 6)*

3) ATTENDANCE

4) SPECIAL RECOGNITIONS

5) PUBLIC HEARING: ZONING

1. **ORDINANCE 26-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Bret Appleton for zone change on property at the intersection of 41-A Bypass and Kender Rhea Court from M-1 Light Industrial District and C-2 General Commercial District to C-5 Highway & Arterial Commercial District (*RPC: Approval/Approval*)
2. **ORDINANCE 27-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ricky and Tina Cumberland and Mike Young, Brookside Properties, Inc./David Crabtree -Agent, for zone change on property at the intersection of Vaughan Road and Scenic Drive from O-1 Office District and R-1 Single Family Residential District to C-5 Highway & Commercial District (*RPC: Approval/Approval*)

3. **ORDINANCE 28-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Meadow Wood Park Properties/Jimmy Settle, Janco Development, LLC-Agent, for zone change on property at the intersection of Professional Park Drive and Big Sky Drive from O-1 Office District to R-4 Multiple Family Residential District (*RPC: Approval/Approval*)
4. **ORDINANCE 29-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Meadow Wood Park, Jason Daugherty-Agent, for zone change on property at the intersection of Big Sky Drive and White Face Drive from O-1 Office District to R-4 Multiple Family Residential District (*RPC: Approval/Approval*)

3) 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 14-2016-17** (Second Reading) Closing the Red River Trail/Greenway grant match capital project and transfer funds to the correct Red River Trail project
2. **ORDINANCE 15-2016-17** (Second Reading) Accepting a National Parks Service grant through the Tennessee Historical Commission and providing matching funds for Smith-Trahern Mansion repairs
3. **ORDINANCE 16-2016-17** (Second Reading) Amending the Official Code relative to membership of the Two Rivers Company Board of Directors
4. **ORDINANCE 17-2016-17** (Second Reading) Authorizing extension of utilities to 3181 Highway 41A South; request of David Welch
5. **ORDINANCE 18-2016-17** (Second Reading) Adding a capital project and accepting a state grant for Swan Lake Pool Renovations
6. **ORDINANCE 19-2016-17** (Second Reading) Amending the Official Code relative to use of public rights-of-way
7. **ORDINANCE 22-2016-17** (Second Reading) Amending the FY17 Operating Budget to appropriate funds for the Tree Board
8. **ORDINANCE 23-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Meriam 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

9. **ORDINANCE 24-2016-17** (Second 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

10. Adoption of Minutes: September 1, 2016

11. Approval of Board Appointments:

Arts & Heritage Development Council: Kim Balevre (replace Judy Castleberry-term expired) – October 2016 through June 2019

Design Review Board: Gail Longston (reappointment/coterminous with RHZC) – October 2016 through September 2021

Historic Zoning Commission – Gail Longston (reappointment) – October 2016 through September 2021

Housing Authority: Angela Jones (reappointment), Karey Daugherty (replace Ed Larson-term expired) – October 2016 through September 2021

4) FINANCE COMMITTEE

Joel Wallace, Chair

5) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

6) GAS & WATER COMMITTEE

Wallace Redd, Chair

1. **ORDINANCE 25-2016-17** (First Reading) Authorizing extension of utility services to 3674 Sango Road; request of Robert Halliburton (*Gas & Water Committee: Approval*)

7) PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

8) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

9) STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

10) NEW BUSINESS

1. **ORDINANCE 9-2016-17** (First Reading) Amending the Official Code relative to departmental transfer of funds (*Councilman Burkhart*)
2. **ORDINANCE 20-2016-17** (First Reading; Postponed September 1st) Amending the FY17 Parks & Recreation Budget for Stokes Field safety repairs (*Councilwoman McLaughlin*)
3. Report of award of Fire Prevention & Safety Grant (*Councilman Wallace*)

11) MAYOR AND STAFF REPORTS

12) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: October 6, 2016. The public hearing will be held on: October 6, 2016.

CITY ORD. #: 26-2016-17 RPC CASE NUMBER: Z-24-2016

Applicant: BRET APPLETON

Location: Property fronting on the south frontage of 41-A Bypass 250 +/- feet northeast of the 41-A Bypass & Kender Rhea Ct. intersection

Ward #: 7

Request: M-1 Light Industrial District / C-2 General Commercial District
to
C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 27-2016-17 RPC CASE NUMBER: Z-25-2016

Applicant: RICKY & TINA CUMBERLAND/MICHAEL YOUNG

Agent: Brookside Properties Inc Attn David Crabtree

Location: Property fronting on the east frontage of Vaughan Rd. east & north of the Vaughan Rd. & Scenic Dr. intersection.

Ward #: 10

Request: O-1 Office District / R-1 Single-Family Residential District
to
C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 28-2016-17 RPC CASE NUMBER: Z-26-2016

Applicant: MEADOW WOOD PARK PROPERTIES ATTN: JIMMY SETTLE

Agent: Janco Development L L C

Location: Property located on the north frontage of Profession Park Dr. north of the Professional Park Dr. & Big Sky Dr. intersection.

Ward #: 12

Request: O-1 Office District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 29-2016-17 RPC CASE NUMBER: Z-27-2016

Applicant: MEADOW WOOD PARK

Agent: Jason Daugherty

Location: Property fronting on the the east frontage of Big Sky Dr. east of the Big Sgy Dr. & White Face Dr.

Ward #: 12

Request: O-1 Office District

to

R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/28/2016

CASE NUMBER: Z - 24 - 2016

NAME OF APPLICANT: Bret

Appleton

AGENT:

GENERAL INFORMATION

PRESENT ZONING: M-1 C-2

PROPOSED ZONING: C-5

EXTENSION OF ZONE
CLASSIFICATION: YES

APPLICANT'S STATEMENT An extension of the current zoning located across the street of Highway 41A-
FOR PROPOSED USE: Bypass

PROPERTY LOCATION: Property fronting on the south frontage of 41-A Bypass 250 +/- feet northeast of
the 41-A Bypass & Kender Rhea Ct. intersection

ACREAGE TO BE REZONED: 1.79

DESCRIPTION OF PROPERTY Vacant M-1 & C-2 lots fronting on 41-A Bypass
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY **TAX PLAT:** 81

PARCEL(S): 56 & 63

CIVIL DISTRICT: 11th

CITY COUNCIL WARD: 7

COUNTY COMMISSION DISTRICT: 20

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

No Gravity Sewer Available, Force Main On Site.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

No Traffic Assessment Required

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 Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: 41-A BYPASS

DRAINAGE:
SOUTH

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

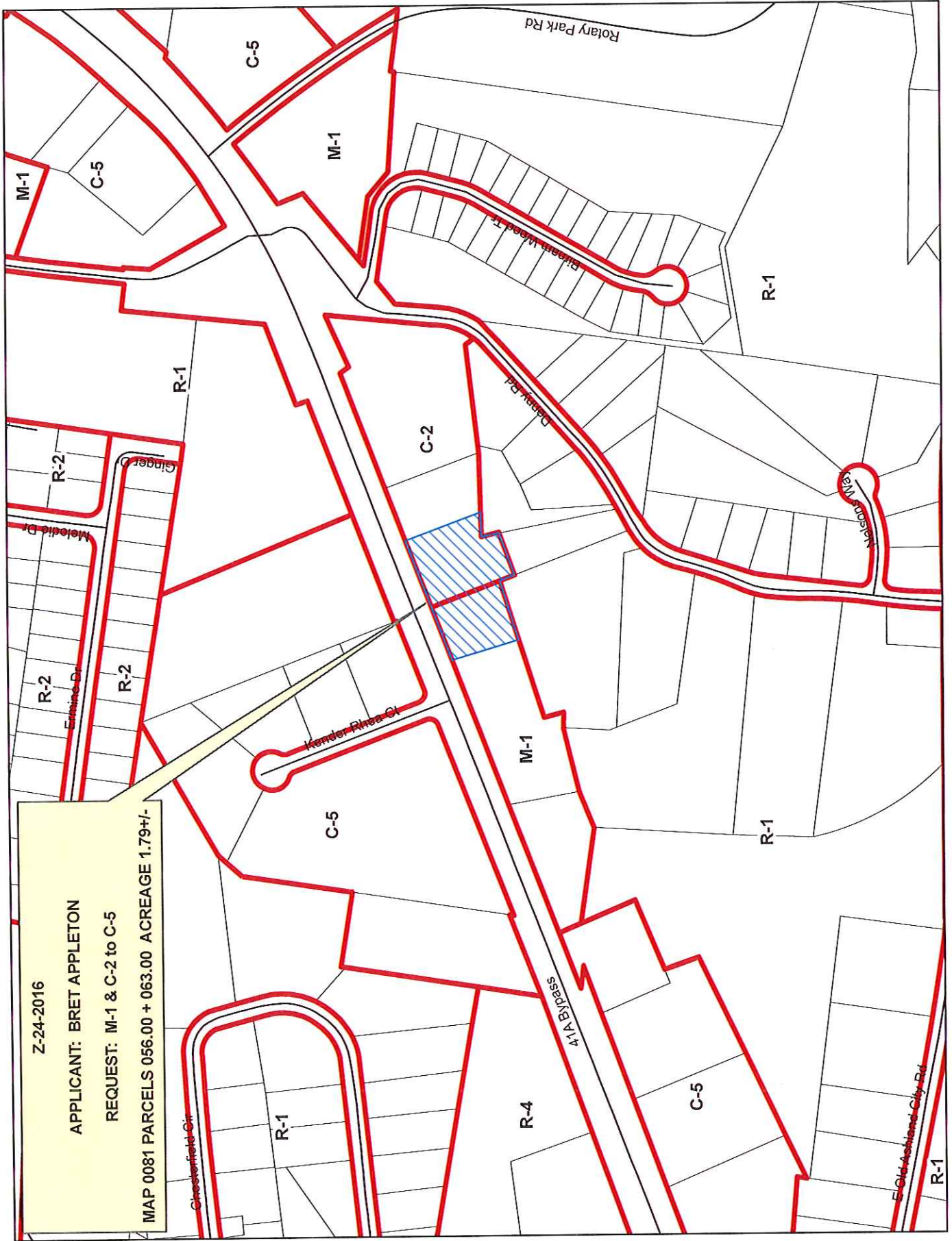
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

STAFF RECOMMENDATION: **APPROVAL**

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



CASE NUMBER: Z 24 2016 MEETING DATE 9/28/2016

APPLICANT: Bret Appleton

PRESENT ZONING M-1 PROPOSED ZONING C-5

TAX PLAT # 81 PARCEL 56 & 63

GEN. LOCATION Property fronting on the south frontage of 41-A Bypass 250 +/- feet northeast of the
41-A Bypass & Kender Rhea Ct. intersection

PUBLIC COMMENTS

None received as of 10:30 a.m. on 9/28/2016 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/28/2016

CASE NUMBER: Z - 25 - 2016

NAME OF APPLICANT: Ricky & Tina Cumberland
Michael Young

AGENT: Brookside Properties Crabtree

GENERAL INFORMATION

PRESENT ZONING: O-1 R-1

PROPOSED ZONING: C-5

EXTENSION OF ZONE
CLASSIFICATION: YES

APPLICANT'S STATEMENT To extend the existing C-5 zoning classification to allow for retail shopping
FOR PROPOSED USE: center.

PROPERTY LOCATION: Property fronting on the east frontage of Vaughan Rd. east & north of the
Vaughan Rd. & Scenic Dr. intersection.

ACREAGE TO BE REZONED: 2.28

DESCRIPTION OF PROPERTY Existing single family home/lot & vacant O-1 zoned lot.
AND SURROUNDING USES:

GROWTH PLAN AREA: CITY **TAX PLAT:** 63 **PARCEL(S):** 35.00 & 36.00

CIVIL DISTRICT: 11th

CITY COUNCIL WARD: 10

COUNTY COMMISSION DISTRICT: 2

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:

Traffic Assessment Submitted And Reviewed By The Clarksville Street Dept.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

3. DRAINAGE COMMENTS:

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

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

9.

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

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

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

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

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: VAUGHAN RD.

DRAINAGE:
SOUTH

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

STAFF RECOMMENDATION: **APPROVAL**

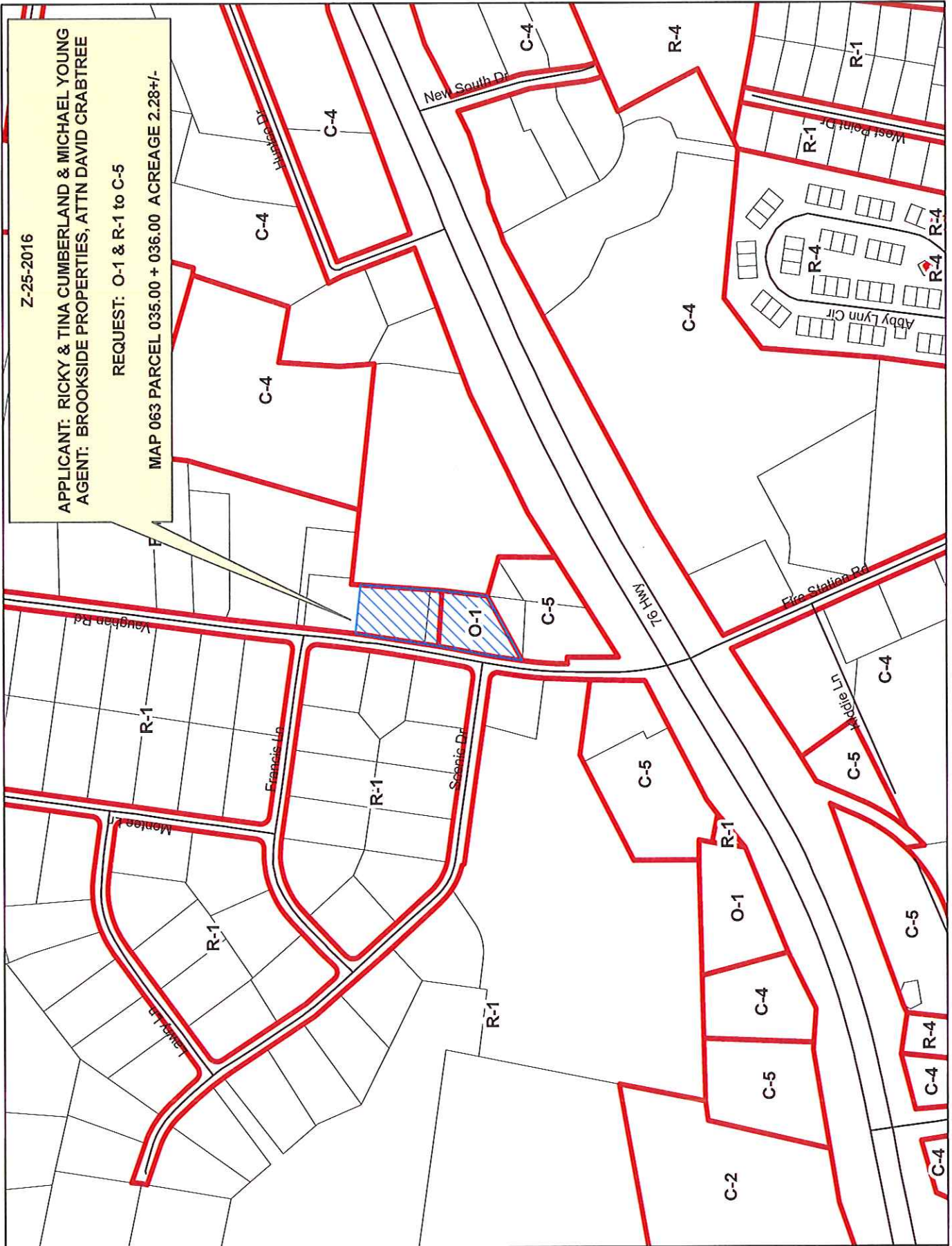
1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site. Signalization of the Vaughan Rd. & Hwy. 76 intersection is planned in the immediate future.
3. No adverse environmental issues were identified relative to this request.
4. Proposed C-5 zoning classification is an extension of the C-5 zoning district to the South.
- 5.

Z-25-2016

APPLICANT: RICKY & TINA CUMBERLAND & MICHAEL YOUNG
AGENT: BROOKSIDE PROPERTIES, ATTN DAVID CRABTREE

REQUEST: O-1 & R-1 to C-5

MAP 063 PARCEL 035.00 + 036.00 ACREAGE 2.28+/-



CASE NUMBER: Z 25 2016 MEETING DATE 9/28/2016

APPLICANT: Ricky & Tina Cumberland

PRESENT ZONING O-1 PROPOSED ZONING C-5

TAX PLAT # 63 PARCEL 35.00 & 36.00

GEN. LOCATION Property fronting on the east frontage of Vaughan Rd. east & north of the Vaughan Rd. & Scenic Dr. intersection.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 9/28/2016 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/28/2016

CASE NUMBER: Z - 26 - 2016

NAME OF APPLICANT: Meadow Wood Park Attn: Jimmy Settle

AGENT: Ianco Development L L

GENERAL INFORMATION

PRESENT ZONING: O-1

PROPOSED ZONING: R-4

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT To extend appropriate zoning for a Senior Housing Development.
FOR PROPOSED USE:

PROPERTY LOCATION: Property located on the north frontage of Profession Park Dr. north of the Professional Park Dr. & Big Sky Dr. intersection.

ACREAGE TO BE REZONED: 8.27

DESCRIPTION OF PROPERTY Four vacant O-1 zoned lots.
AND SURROUNDING USES:

GROWTH PLAN AREA: CITY **TAX PLAT:** 40-G-C **PARCEL(S):** 18, 19, 20 & 21

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

3. DRAINAGE COMMENTS:

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

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

7.

Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

7. POLICE DEPT/SHERIFF'S OFFICE:

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

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

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

All Schools On The Rossview Campus Are Over 95% Capacity.

9. SCHOOL SYSTEM:

ELEMENTARY: ROSSVIEW

MIDDLE SCHOOL: ROSSVIEW

HIGH SCHOOL: ROSSVIEW

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 Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: PROFESSIONAL PARK DR.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

98

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

STAFF RECOMMENDATION: **APPROVAL**

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

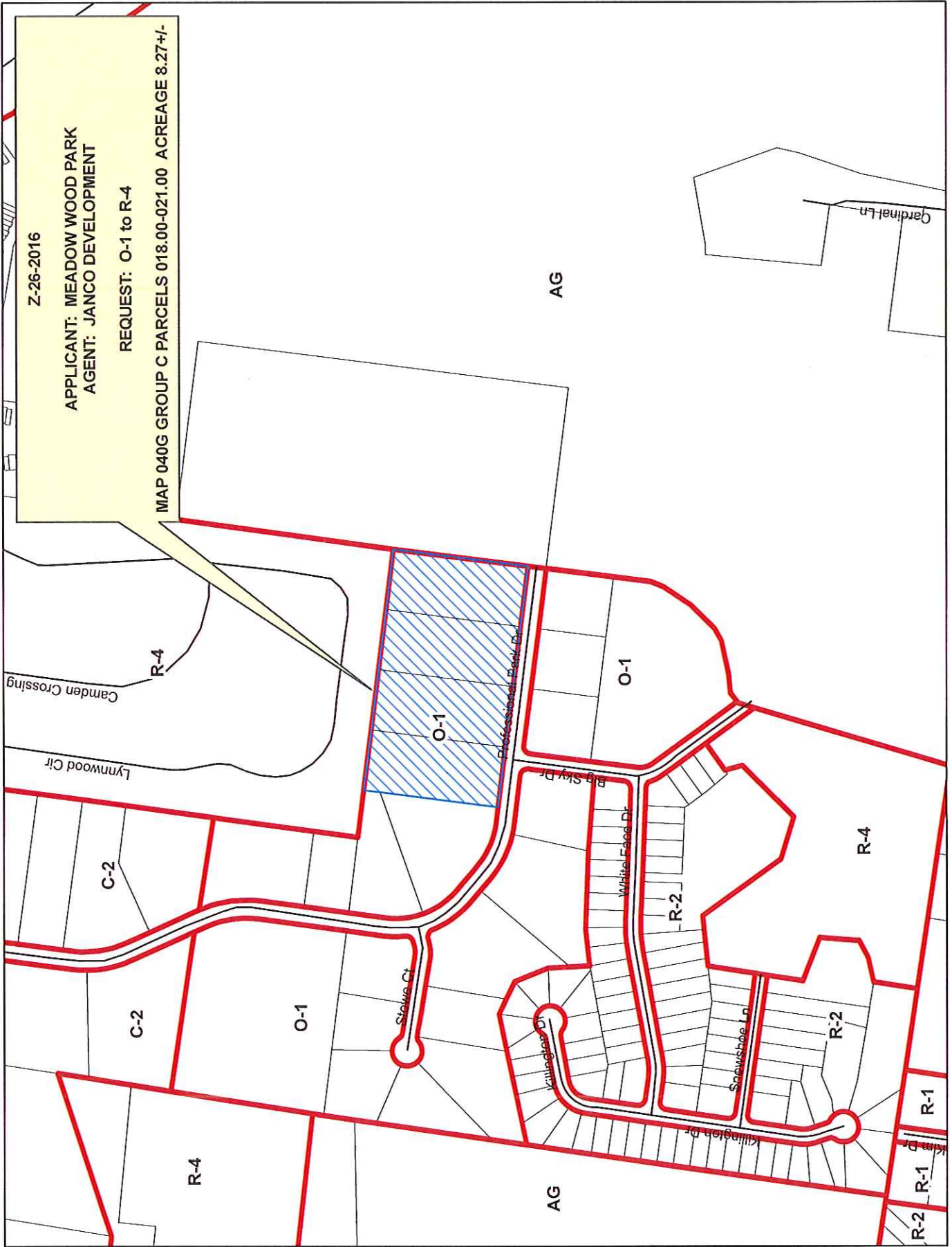
5.

Z-26-2016

APPLICANT: MEADOW WOOD PARK
AGENT: JANCO DEVELOPMENT

REQUEST: O-1 to R-4

MAP 040G GROUP C PARCELS 018.00-021.00 ACREAGE 8.27+/-



CASE NUMBER: Z 26 2016 **MEETING DATE** 9/28/2016

APPLICANT: Meadow Wood Park Properties **Attn:** Jimmy Settle

PRESENT ZONING O-1

PROPOSED ZONING R-4

TAX PLAT # 40-G-C

PARCEL 18, 19, 20 & 21

GEN. LOCATION Property located on the north frontage of Profession Park Dr. north of the
Professional Park Dr. & Big Sky Dr. intersection.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 9/28/2016 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RPC MEETING DATE: 9/28/2016

CASE NUMBER: Z - 27 - 2016

NAME OF APPLICANT: Meadow Wood Park

AGENT: Jason

Daugherty

GENERAL INFORMATION

PRESENT ZONING: O-1

PROPOSED ZONING: R-4

EXTENSION OF ZONE
CLASSIFICATION: YES

APPLICANT'S STATEMENT Rezoning will bring the subject property into conformance with the existing multi.
FOR PROPOSED USE: family properties adjacent to the subject.

PROPERTY LOCATION: Property fronting on the the east frontage of Big Sky Dr. east of the Big Sij Dr. &
White Face Dr.

ACREAGE TO BE REZONED: 4.82

DESCRIPTION OF PROPERTY Slightly sloping lot.
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY TAX PLAT: 40-J-D

PARCEL(S): 4.00

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

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

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Comments Received From Department And They Had No Concerns.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS:

Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5.

4a. COST TO CDE/CEMC:

5. CHARTER COMM./BELL SOUTH:

6.

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

6. FIRE DEPT/EMERGENCY MGT.:

7.

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

7. POLICE DEPT/SHERIFF'S OFFICE:

8.

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

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

Comments Received From Department And They Had No Concerns.

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

9. SCHOOL SYSTEM:

All Schools On The Rossview Campus Are Over 95% Capacity.

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: BIG SKY DR.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

57

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. Proposed R-4 zoning classification is an extension of the R-4 zoning district to the South. Multi-Family use is established to the North in the O-1 district.

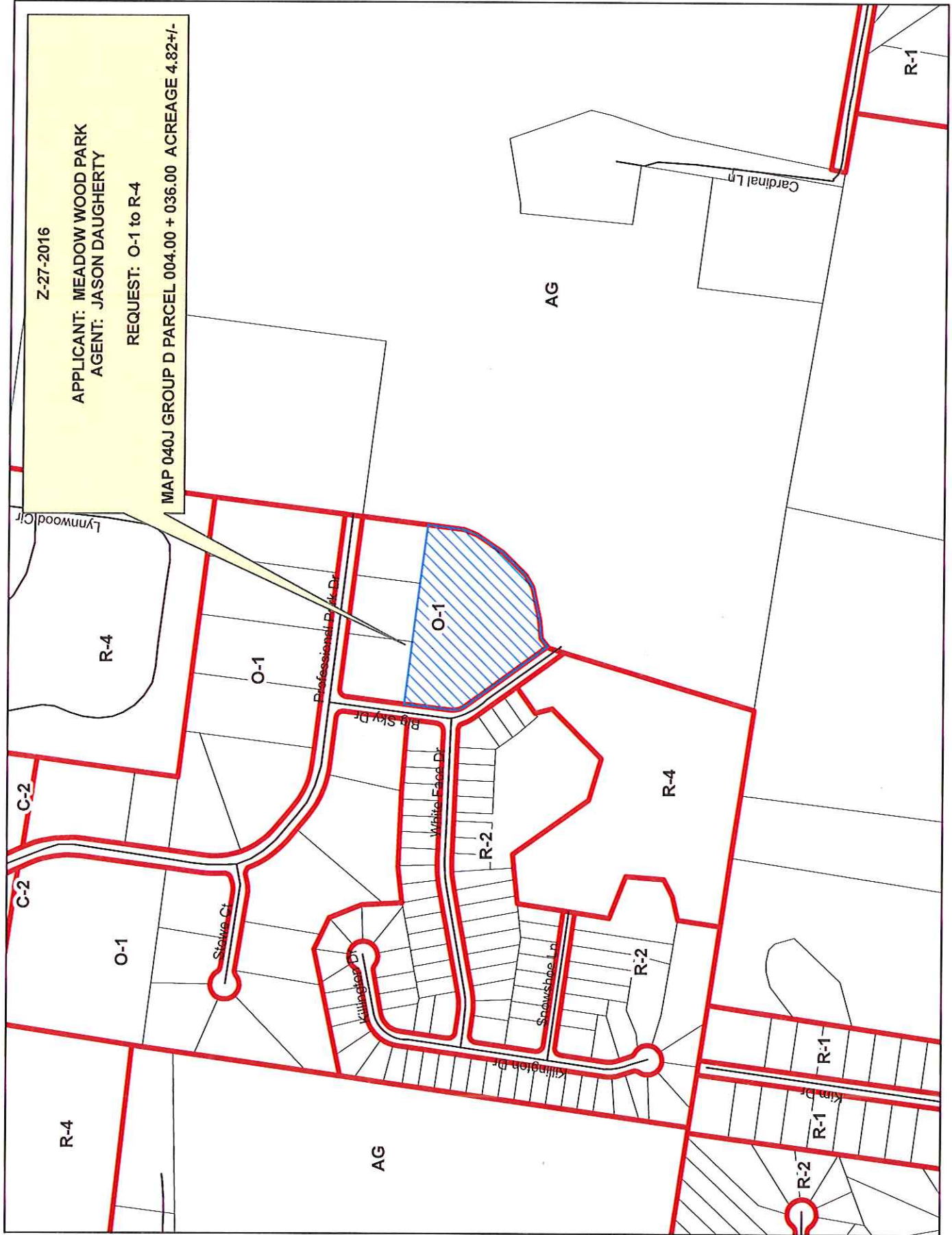
5.

Z-27-2016

APPLICANT: MEADOW WOOD PARK
AGENT: JASON DAUGHERTY

REQUEST: O-1 to R-4

MAP 040J GROUP D PARCEL 004.00 + 036.00 ACREAGE 4.82 +/-



CASE NUMBER: Z 27 2016 MEETING DATE 9/28/2016

APPLICANT: Meadow Wood Park

PRESENT ZONING O-1

PROPOSED ZONING R-4

TAX PLAT # 40-J-D

PARCEL 4.00

GEN. LOCATION Property fronting on the the east frontage of Big Sky Dr. east of the Big Sgy Dr. &
White Face Dr.

PUBLIC COMMENTS

None received as of 10:30 a.m. on 9/28/2016 (jhb).

ORDINANCE 26-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF BRET APPLETON FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF 41-A BYPASS AND KENDER RHEA 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 M-1 Light Industrial District and C-2 General Commercial District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 105 +/- feet east of the centerline of the Kender Rhea Ct. & Hwy 41-A Bypass intersection, said point being located in the southern ROW margin of the 41-A Bypass and further identified as the northeast corner of the David Plowman property, thence in a easterly direction 338 +/- feet with the southern ROW margin of the 41-A Bypass to a point, said point being the northwest corner of the Main Street Apartments property, thence in a southerly direction 213 +/- feet to a point, said point being the southwest corner of the Main Street Apartments property and in the northern boundary of the Shirley Taylor property, thence in a westerly & southerly direction 438 +/- feet with the Taylor Boundary and others to a point, said point being the southeast corner of the David Plowman property, thence in a northerly direction 185 +/- feet with the eastern boundary of the Plowman property to the point of beginning, herein described tract containing 1.79 +/- acres further identified as Tax Map 81, Parcels 56 & 63.

ORDINANCE 27-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RICKY AND TINA CUMBERLAND AND MIKE YOUNG FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF VAUGHAN ROAD AND SCENIC DRIVE

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 169 +/- feet south of the centerline of the Vaughan Rd. and Francis Ln. said point being the southwest corner of the John L. Byrd property, thence in a easterly direction 160 +/- feet to a point, said point being the the western boundary of the Michael E. Young property, thence in a southerly direction 541 +/- feet with the western boundary of the Young property to a point, said point being northeast corner of the Michael E. Young property and the southeast corner of the herein described tract, thence in a westerly direction 196 +/- with the northern boundary of the Young property to a point said point being in the eastern ROW margin of Vaughan Rd. thence in a northerly direction 557 +/- feet with the eastern ROW margin of Vaughan Rd. to the point of beginning, said tract containing 2.28 +/- acres, further identified as Tax Map 63, Parcels 35 & 36.

ORDINANCE 28-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MEADOW WOOD PARK PROPERTIES/JIMMY SETTLE, JANCO DEVELOPMENT, LLC-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF PROFESSIONAL PARK DRIVE AND BIG SKY DRIVE

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 164 +/- northwest of the centerline of the Professional Park Dr. and Big Sky Dr. intersection, said point further identified as the southeast corner of the ATS Rental Partnership property thence in a northerly direction 450 +/- feet with the eastern boundary of the ATS Rental Partnership property to a point, said point being in the southern boundary of the Sun Bell Crossing LLC property, thence in a easterly direction 800 +/- feet with the southern boundary of the Sun Bell Crossing LLC property to a point, said point being in the western boundary of the Young property, thence in a southerly direction 450 +/- feet to a point said point being in the northern ROW margin of Professional Park Dr., thence in a westerly direction 800 +/- feet to the point of beginning, said tract containing 8.27 +/- acres. Properties identified as lots 1, 2, 3 & 4 of Professional Park Commons Final Subdivision Plat dates 11/6/2009. further identified as Tax Map 40-G-P, Parcels 18, 19, 20 & 21.

ORDINANCE 29-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MEADOW WOOD PARK, JASON DAUGHERTY-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF BIG SKY DRIVE AND WHITE FACE DRIVE

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 169 +/- feet north of the centerline of the Big Sky Dr. and White Face Dr. intersection, said point being the southwest corner of the Professional Park Properties property, thence in a easterly direction 613 +/- feet with the southern boundary of the Professional Park Properties southern boundary & others to a point, said point being in the western boundary of the Gladys Young property, thence in a southerly direction 645 +/- feet with the western boundary of the Young property, to a point, said point being in the western ROW margin of Big Sky Dr., thence in a northerly direction 552 +/- feet with the western ROW margin of Big Sky Dr. to the point of beginning, said tract containing 4.82 +/- acres, further identified as Tax map 40-J-D, Parcel 4.00

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: September 1, 2016

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: September 1, 2016

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: September 1, 2016
SECOND READING:
EFFECTIVE DATE:

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:

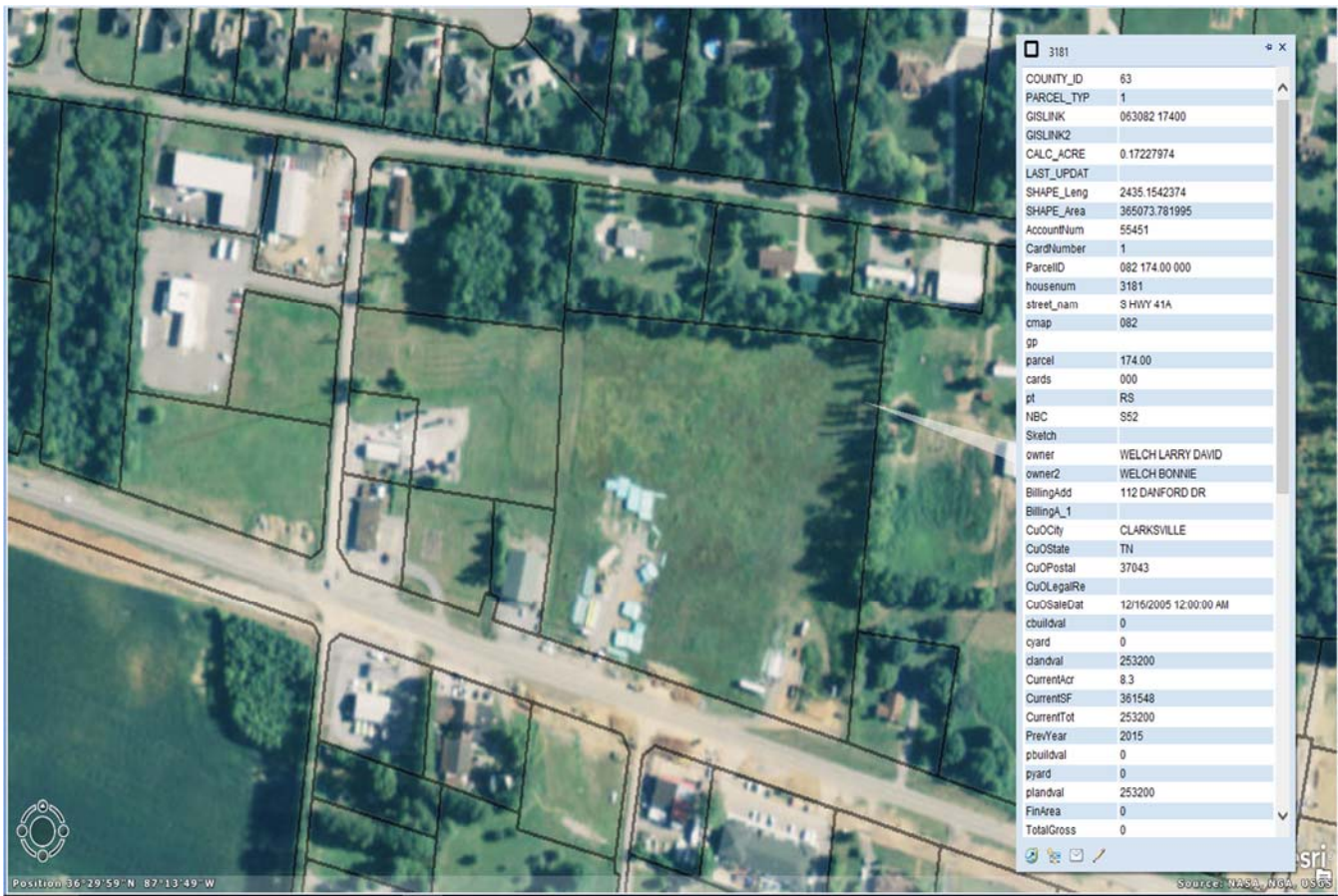
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 82, Parcel 174.00 with the property address of 3181 Hwy 41-A South outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING: September 1, 2016

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



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: September 1, 2016

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 19-2016-17

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, 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: September 1, 2016
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: September 1, 2016

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 23-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MERIAM 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: September 1, 2016
FIRST READING: September 1, 2016
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: September 1, 2016

FIRST READING: September 1, 2016

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



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 1, 2016**

MINUTES

PUBLIC COMMENTS

Prior to the regular session, State Representative Joe Pitts asked the City Council to approve funding for improvements to Stokes Baseball Field. Tim Chandler objected to the proposed amendment to the City Code relative to panhandling. John Renken expressed concern with the way the Police Department was handling incidents he and his wife, a police officer, had been involved in.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, September 1, 2016, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Aron Maberry, The Tabernacle, guest of Ward 5 Councilwoman Valerie Guzman; the Pledge of Allegiance was led by Councilman Geno Grubbs Ward 7.

ATTENDANCE

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

ABSENT: Jeff Burkhart (Ward 12)

SPECIAL RECOGNITIONS

There were no special recognitions.

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 Councilwoman McLaughlin. There was no objection.

ORDINANCE 23-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Meriam 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

Meriam Tummons presented photos of a house that she wanted to relocate to the property in question which was adjacent to an existing R-1 lot. No one expressed opposition.

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

Lyndon Watts spoke for this change. No one expressed opposition.

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

ADOPTION OF ZONING

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 23-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 24-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

CONSENT AGENDA

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

1. **ORDINANCE 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 Filippo 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

Councilman Lewis made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilwoman Guzman. Councilman Powers registered A “nay” VOTE on **ORDINANCE 10-2016-17**. Councilwoman McLaughlin registered a “nay” vote on **ORDINANCE 13-2016-17**. A voice vote was taken; the motion to adopt the Consent Agenda as presented, with notations, passed.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said the First Time Buyers Program was providing down payment assistance through the Community Development Department.

STOKES FIELD

ORDINANCE 20-2016-17 (First Reading) Amending the FY17 Parks & Recreation Budget for Stokes Field safety repairs

Councilwoman McLaughlin made a motion to move this ordinance from the New Business section to the next item on the agenda. The motion was seconded by Councilman Garrett. There was no objection.

Councilwoman McLaughlin made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Garrett. Councilwoman McLaughlin briefly reviewed the current lease which stated the league's responsibilities and recognized members of the audience in support of this funding.

Councilman Powers said the Director of Parks should be allowed to assess the safety issues at Stokes Field. He agreed that the City should offer support, but the Northwest Little League should participate in the renovations. Councilman Powers made a motion to postpone action on this ordinance indefinitely. The motion was seconded by Councilman Alexander. Councilman Allen said the field needed immediate attention. Councilman Wallace said the Director of Parks should evaluate the needs and prepare a list of priorities and cost estimates. During discussion, Councilman Wallace called for a point of order regarding Councilman Allen's previous statement questioning the motives of other members. Mayor McMillan supported Councilman Wallace's point of order and ruled Councilman Allen's comments out of order. Councilwoman McLaughlin and Councilman Garrett objected to postponement. Councilman Alexander called for the question on the motion to postpone indefinitely. The question was seconded by Councilman Lewis. The following vote was recorded:

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

NAY: Guzman, McMillan, Powers, Redd

Mayor McMillan ruled the motion to cease discussion on the motion to postpone indefinitely failed due lack of a 2/3 majority.

Councilman Redd felt this issue should be addressed by the appropriate department committees. Councilwoman Guzman made a motion to amend Councilman Power's motion to postpone action on this ordinance to the next regular session. The motion was seconded by Councilman Grubbs. Mayor McMillan reminded members that this ordinance was based on salary savings that may not become available. Councilman Redd called for the question. The question was seconded by Councilman Alexander. The following vote was recorded:

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

The motion to cease discussion on Councilwoman Guzman's amendment passed. The following vote on the amendment to the motion to postpone was recorded:

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

NAY: Allen, McLaughlin, Smith

The motion to amend Councilman Powers' motion to postpone passed. Councilman Alexander called for the question. The question was seconded by Councilman Garrett. A voice vote was taken; the motion to cease discussion on the motion to postpone passed. The following vote on the motion to postpone was recorded:

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

NAY: Allen, Garrett, McLaughlin, Smith

The motion to postpone action on this ordinance to the next regular session passed.

FINANCE COMMITTEE

Joel Wallace, Chair

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

The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

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

The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin.

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

ORDINANCE 16-2016-17 (First Reading) Amending the Official Code relative to membership of the Two Rivers Company Board of Directors

The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

NOTE: Councilman Alexander was not present for this vote.

The motion to adopt this ordinance on first reading passed.

ORDINANCE 18-2016-17 (First Reading) Adding a capital project and accepting a state grant for Swan Lake Pool Renovations

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

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

The motion to adopt this ordinance on first reading passed

RESOLUTION 11-2016-17 Authorizing Two Rivers Company to reallocate previously approved funding

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

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

The motion to adopt this resolution passed

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

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

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

The motion to adopt this resolution passed

GAS & WATER COMMITTEE

Wallace Redd, Chair

ORDINANCE 17-2016-17 (First Reading) Authorizing extension of utilities to 3181 Highway 41A South; request of David Welch

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

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

The motion to adopt this ordinance on first reading passed

Councilman Redd reported the Gas & Water Department had received \$500,000 in claims for sewer treatment repair following the 2010 flood. Additional claims had been filed.

PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

Councilman Powers reported the following monthly departmental statistics: Fort Defiance – 1,230 visitors; Burt Cobb Center – 988 patrons; Crow Center – 1,442 patrons; Kleeman Center – 3,186 patrons.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

ORDINANCE 19-2016-17 (First Reading) Amending the Official Code relative to use of public rights-of-way

The recommendation of the Public Safety Committee was for approval. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. Councilman Grubbs offered an amendment to adopt revised language as recommended by the City Attorney. The motion was seconded by Councilman Alexander. The following vote on the amendment was recorded:

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

Councilman Grubbs' amendment passed. Councilwoman McLaughlin offered an amendment that would add language that would prohibit drivers to make an exchange with panhandlers in a right-of-way. The motion was seconded by Councilman Garrett. There was no objection to Councilman Grubbs' request to allow Deputy Chief Frankie Gray to answer questions. Deputy Gray said the ordinance is not enforceable and the Chief of Police does not support fines for drivers. The following vote was recorded:

AYE: Alexander, Garrett, McLaughlin

NAY: Allen, Grubbs, Guzman, Lewis, Powers, Redd, Smith, Wallace

Councilwoman McLaughlin's amendment failed. Councilman Alexander called for the question. The question was seconded by Councilman Garrett. A voice vote was taken; the motion to cease discussion on this ordinance passed. The following vote on the main motion was recorded:

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

NAY: Allen, Redd

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

Councilman Grubbs reported the following monthly department statistics: Police – 13,831 responses; Fire & Rescue – 1,146 emergency runs; Building & Codes Enforcement Division – 794 cases; Building & Codes Construction Division – 1,582 inspections; Building & Codes Administration – 56 single family permits; Building & Codes Abatement Program – 92 work orders.

STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

Councilman Lewis reported the following monthly department statistics: Clarksville Transit System – 61,556 passengers; City Garage – 414 work orders.

NEW BUSINESS

ORDINANCE 21-2016-17 (First Reading) Amending the FY17 Capital Projects Budget for Trenton Road improvements

Councilman Allen made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. Councilman Allen said the Tennessee Department of Transportation planned to address improvements to Trenton Road in the future, but the highway needs immediate attention. Councilman Wallace said the addition of a \$60 million project would require a tax increase. Councilman Powers and Councilman Redd objected to city funding for state route improvements. Councilman Allen called for the question. The question was seconded by Councilman Alexander. A voice vote was taken; the motion to cease discussion passed. The following vote was recorded:

AYE: Allen, Garrett, McLaughlin, Smith

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

The motion to adopt this ordinance on first reading failed.

ORDINANCE 22-2016-17 Amending the FY17 Operating Budget to appropriate funds for the Tree Board

Councilman Lewis made motion to adopt this ordinance on first reading. The motion was seconded by Councilman Wallace. Councilman Lewis said funding for the Tree Board was not included in the FY17 budget. The following vote was recorded:

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

NAY: Alexander, Redd

The motion to adopt this ordinance on first reading passed.

RESOLUTION 13-2016-17 Expressing support for Military and Veteran Caregivers

Because it was not an item on the August 25th Executive Session agenda, Mayor McMillan made a motion to consider **RESOLUTION 13-2016-17**. The motion was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion passed by the 3/4 majority required.

Councilwoman McLaughlin made a motion to adopt this resolution. The motion was seconded by Councilman Alexander. The following vote was recorded:

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

The motion to adopt this resolution passed.

RESOLUTION 14-2016-17 Accepting a TDOT proposal for intersection improvements at Denny Road & Rotary Park Drive

Because it was not an item on the August 25th Executive Session agenda, Councilman Lewis made a motion to consider **RESOLUTION 14-2016-17**. The motion was seconded by Councilwoman Alexander. A voice vote was taken; the motion passed by the 3/4 majority required.

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

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

The motion to adopt this resolution passed.

MAYOR AND STAFF REPORTS

There were no mayor or staff reports.

ADJOURNMENT

The meeting was adjourned at 9:11 p.m.

ORDINANCE 25-2016-17

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF ROBERT HALLIBURTON FOR PROPERTY LOCATED AT 3674 SANGO ROAD

WHEREAS, proper application has been made by Cal McKay, PE on behalf of Robert Halliburton for extensions of City utility service to property located at Cmap 82, Parcel 88.01 with the property address of 3674 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:

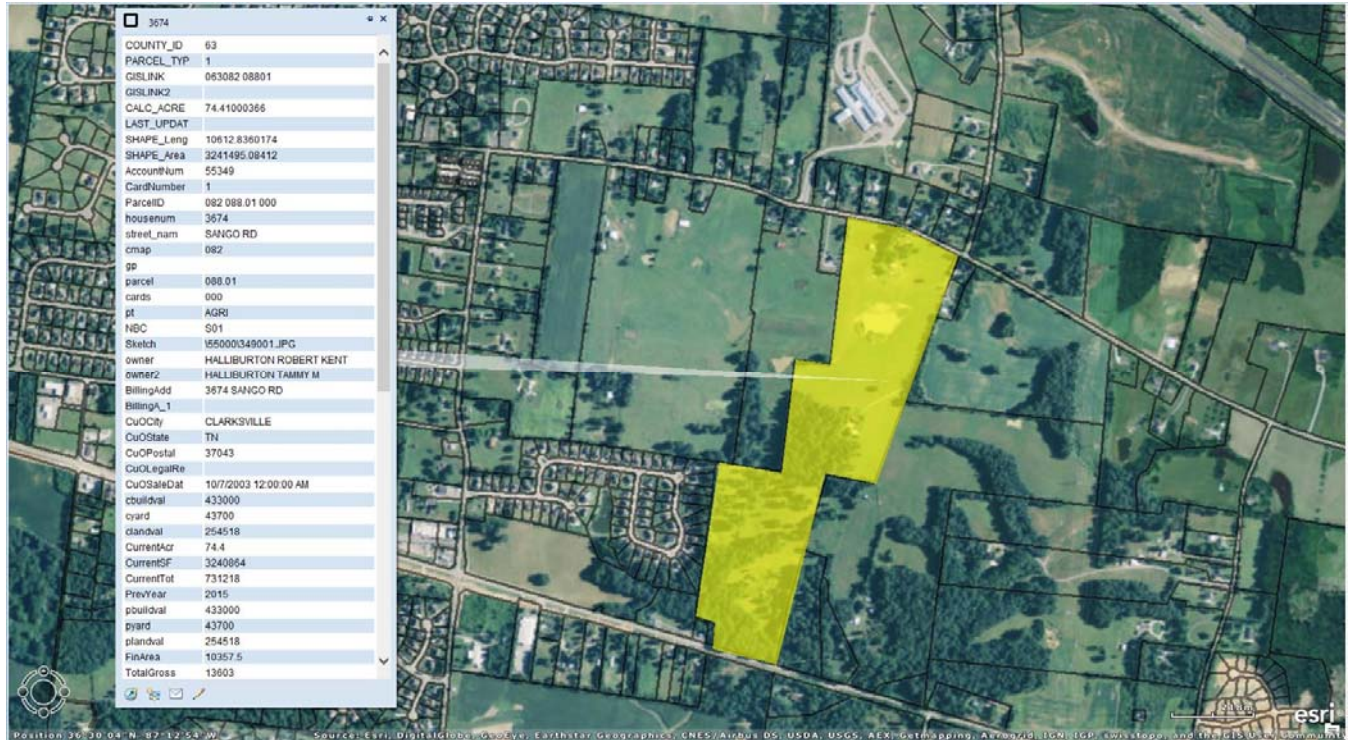
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 82, Parcel 88.01 with the property address of 3674 Sango Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING:

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



ORDINANCE 9-2016-17

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE
RELATIVE TO DEPARTMENTAL TRANSFER OF FUNDS

WHEREAS, it is in the best interest of the City of Clarksville to amend the Official Code, Section 6-510, “Performance Based Budgeting.”

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

That the Official Code of the City of Clarksville, Title 6, Chapter 5, 6-510, “Performance Based Budgeting,” is hereby amended by deleting the section in its entirety and by substituting instead the following:

Sec. 6-510. - Budgeting.

Departments and programs of the city shall prepare budgets as directed by the mayor and shall implement the budgets as approved by the city council. Managers or heads of the departments and programs shall manage their budgets. The total appropriation, as approved by the city council, of the department or program shall not be exceeded. Approval of budgets by the city council need not be in more detail than total appropriation by department.

- (a) No transfer of funds to capital outlay from operating shall occur without prior approval of the mayor.
- (b) No transfer of funds to operating from capital outlay shall occur without prior approval of the mayor.
- (c) No transfer of funds to salaries and benefits from operating shall occur without prior approval of the city council by resolution.
- (d) No transfer of funds to capital outlay from salaries and benefits shall occur without prior approval of the city council by resolution.
- (e) No transfer of funds to operating from salaries and benefits shall occur without prior approval of the city council by resolution.
- (f) No transfer of funds to salaries and benefits from capital outlay shall occur without prior approval of the city council by resolution.

(g) The number of employee positions within a department shall not be increased without the approval of the mayor and city council. If no new funds are necessary, approval shall be by resolution; if new funding is required, approval shall be by ordinance to amend the budget.

(h) No personnel or funds may be transferred from one department, as specified in the annual operating budget ordinance, to another department without the approval of the city council.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

SEC. 6-510

CURRENT LANGUAGE:

- **Sec. 6-510. - Performance based budgeting.**

Departments and programs of the city shall prepare budgets as directed by the mayor and shall implement the budgets as approved by the city council. Managers or heads of the departments and programs shall manage their budgets. The total appropriation, as approved by the city council, of the department or program shall not be exceeded. In the implementation of the budget, the departments and programs shall generally follow the line item worksheet submitted as part of their department's or program's budget document. The purchasing and procurement procedures established by the city Code must be followed. Departments and programs shall clearly identify missions, goals, and areas of operations within the framework of their budgets to be approved by the mayor and city council. Departments and programs shall implement performance measures consistent with their department or program mission and areas of operation as approved by the mayor and city council.

No line item transfer of funds to or from salaries/benefits or capital outlay shall occur without prior approval of the mayor.

The number of employee positions within a department cannot be increased without the approval of the mayor and finance and administration committee if no new funds are required. If new funding is required, approval of the full council will be necessary.

No personnel or funds may be transferred from one department, as specified in the annual operating budget ordinance, to another department without the approval of the city council.

(Ord. No. 81-1999-2000, § 1, 7-6-00; Ord. No. 29-2001-02, 12-6-01; Ord. No. 61-2001-02, 2-7-02; Ord. No. 100-2002-03, 7-3-03)

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.

POSTPONED:

September 1, 2016

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

MEMORANDUM

TO: Mayor McMillan, City Council
FROM: Chief Roberts
DATE: September 29, 2016
SUBJECT: Fire Prevention & Safety Grant Award

Mayor & Council Members:

In May 2016, staff submitted a grant application to the Department of Homeland Security for financial assistance under the Fire Prevention & Safety grant program to send four (4) firefighters to Fire Investigator training and to equip their vehicles with fire investigation tools. Staff received notification of award on September 16, 2016. One of the requirements of accepting the grant was discussion of the application with our governing body and that the City is committed to fulfilling the requirements of the grant. A copy of the award document is attached.

The requirements of the grant award are typical for federal grant awards the City has received in the past and the Grants Analyst will be responsible for ensuring all requirements are met. The project totals \$12,104 with 95% covered by grant funds and a 5% match by the City. A breakdown of the grant project is shown in the table on the next page.

CFR's overall mission is protecting life and property and that includes accurate classification of fire cause, authoring comprehensive fire investigation reports and providing expert testimony where needed. In 2015, only 67 of the 178 fires were investigated due to not having enough trained staff. This grant would allow CFR to increase the number of Fire Investigators from one to five. Staff will attend 75 hours of training covering the span of NFPA 921, Guide for Fire and Explosion Investigations, and addresses all of the job requirements in the 2009 edition of NFPA 1033, Standard for Professional Qualifications of Fire Investigators. The project will also include purchasing the recommended tools in NFPA 921 for use in fire investigations.

The timeline for this grant project would be staff attending the fire investigator course in October 2017 for 12 days, the fire investigation tools would be purchased by December 31, 2017.

Fire Prevention & Safety Grant Budget

Item	# FF	Cost per FF	Total Cost	Grant (95%)	Match (5%)	Description
Fire Investigator Training	4	\$123	\$492	\$468.59	\$23.41	Registration fees to attend FP120 Fire Investigator course with TN Fire and Codes Academy
Fire Investigator Training Curriculum	4	\$110	\$440	\$419.06	\$20.94	Jones & Bartlett Fire Investigator, 3 rd Edition – required book for FP120 Fire Investigator course
Lodging Expenses	4	\$1,068	\$4,272	\$4,068.71	\$203.29	GSA lodging rate for travel to TN Fire & Codes Academy located in Bell Buckle, TN: \$89 x 12 nights for 4 people
Meals & Incidentals	4	\$688	\$2,752	\$2,621.04	\$130.96	GSA per diem for meals & incidentals: \$51 daily rate x 12 days plus \$38.25 daily rate for 2 travel days for 4 people
Mileage	4	\$37	\$148	\$140.96	\$7.04	GSA mileage from Clarksville TN to TN Fire & Codes Academy in Bell Buckle, TN: 97.9 miles one way at \$0.19 per mile for 4 people
Fire Investigation Tools	4	\$1,000	\$4,000	\$3,809.65	\$190.35	To equip vehicles of four new fire investigators with recommended tools and equipment for conducting fire investigations
Totals		\$3,026	\$12,104	\$11,528.00	\$576.00	

U.S. Department of Homeland Security
Washington, D.C. 20472



FEMA

Ms. Debbie Smith
Clarksville Fire Rescue
1 Public Sq Ste 119
Clarksville, Tennessee 37040-3463

Re: Grant No.EMW-2015-FP-00616

Dear Ms. Smith:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2015 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant has been approved in the amount of \$11,528.00. As a condition of this award, you are required to contribute a cost match in the amount of \$576.00 of non-Federal funds, or 5 percent of the Federal contribution of \$11,528.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the Assistance to Firefighters Grant Programs' e-grant system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo
- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2015 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant Notice of Funding Opportunity.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov). As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your period of performance has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

Step 2: If you accept your award, you will see a link on the left side of the screen that says "Update 1199A" in

the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 301-998-8699. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed you will receive an email indicating the form is approved. Once approved you will be able to request payments online. If you have any questions or concerns regarding your 1199A, or the process to request your funds, please call (866) 274-0960.

Sincerely,



Brian E. Kamoie
Assistant Administrator
Grant Programs Directorate

Summary Award Memo

SUMMARY OF ASSISTANCE ACTION
ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - FIRE PREVENTION AND SAFETY GRANTS
Application

INSTRUMENT: GRANT
AGREEMENT NUMBER: EMW-2015-FP-00616
GRANTEE: Clarksville Fire Rescue
DUNS NUMBER: 001204275
AMOUNT: \$12,104.00, Fire Prevention

Project Description

The purpose of the Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants program's purpose and worthy of award. The projects approved for funding are indicated by the budget or negotiation comments below. The recipient shall perform the work described in the grant application for the recipient's approved project or projects as itemized in the request details section of the application and further described in the grant application narrative. The content of the approved portions of the application - along with any documents submitted with the recipient's application - are incorporated by reference into the terms of the recipient's award. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

Period of Performance

08-SEP-16 to 07-SEP-17

Amount Awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$7,172.00
Equipment	\$0.00

Supplies	\$4,440.00
Contractual	\$0.00
Construction	\$0.00
Other	\$492.00
Indirect Charges	\$0.00
Total	\$12,104.00

NEGOTIATION COMMENTS IF APPLICABLE (max 8000 characters)**FEMA Officials**

Program Officer: The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

Grants Assistance Officer: The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.

Grants Operations POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

ADDITIONAL REQUIREMENTS (IF APPLICABLE)

Agreement Articles



FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants

GRANTEE: Clarksville Fire Rescue

PROGRAM: Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants

AGREEMENT NUMBER: EMW-2015-FP-00616

AMENDMENT NUMBER:

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I. **Assurances, Administrative Requirements and Cost Principles**

Recipients of DHS federal financial assistance must complete OMB Standard Form [424B Assurances - Non-Construction Programs](#). Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements and cost principles that apply to DHS award recipients originate from:

[2 C.F.R. Part 200](#), *Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards*, as adopted by DHS at 2 C.F.R. Part 3002.

II. **Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

III. **Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

IV. **Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* ([42 U.S.C. § 6101 et seq.](#)), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

V. **Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities ([42 U.S.C. §§ 12101-12213](#)).

VI. **Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

VII. **Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* ([42 U.S.C. § 2000d et seq.](#)), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at [6 C.F.R. Part 21](#) and [44 C.F.R. Part 7](#).

VIII. **Civil Rights Act of 1968**

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex ([42 U.S.C. § 3601 et seq.](#)), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features (see [24 C.F.R. § 100.201](#)).

IX. **Copyright**

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#) and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government

(e.g., classified information or other information subject to national security or export control laws or regulations).

X. **Debarment and Suspension**

All recipients must comply with Executive Orders [12549](#) and [12689](#), which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

XI. **Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. § 701 et seq.](#)), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at [2 C.F.R. Part 3001](#).

XII. **Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in [2 C.F.R. Part 200, Subpart E](#) may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

XIII. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of [42 U.S.C. § 6201](#) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

XIV. **Reporting Subawards and Executive Compensation**

a. Reporting of first-tier subawards.

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsr.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For

example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if-

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received-

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if-

i. in the subrecipient's preceding fiscal year, the subrecipient received-

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ____ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus*.
- ii. *Awards of stock, stock options, and stock appreciation rights*. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans*. This does not include group life, health, hospitalization or medical

reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

XV. **False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of [31 U.S.C. §3729](#) which set forth that no recipient of federal payments shall submit a false claim for payment. See also [38 U.S.C. § 3801-3812](#) which details the administrative remedies for false claims and statements made.

XVI. **Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See [OMB Circular A-129](#) and form SF-424B, item number 17 for additional information and guidance.

XVII. **Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under [49 U.S.C. § 41102](#)) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* ([49 U.S.C. § 40118](#)) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, [amendment](#) to Comptroller General Decision B-138942.

XVIII. **Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, [15 U.S.C. §2225a](#), all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

XIX. **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients

are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

XX. Lobbying Prohibitions

All recipients must comply with [31 U.S.C. §1352](#), which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

XXI. Non-supplanting Requirement

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

XXII. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act, Pub. L. No. 96-517](#), as amended, and codified in [35 U.S.C. § 200](#) et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in [37 C.F.R. Part 401](#) and the standard patent rights clause in 37 C.F.R. § 401.14.

XXIII. Procurement of Recovered Materials

All recipients must comply with section 6002 of the [Solid Waste Disposal Act](#), as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the

item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XXIV. Contract Provisions for Non-federal Entity Contracts under Federal Awards

a. Contracts for more than the simplified acquisition threshold set at \$150,000.

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by [41 U.S.C. §1908](#), must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b. Contracts in excess of \$10,000.

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

XXV. SAFECOM

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the [SAFECOM](#) Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

XXVI. Terrorist Financing E.O. 13224

All recipients must comply with [U.S. Executive Order 13224](#) and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

XXVII. Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681 et seq.](#)), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity

receiving Federal financial assistance. Implementing regulations are codified at [6 C.F.R. Part 17](#) and [44 C.F.R. Part 19](#)

XXVIII. Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended ([22 U.S.C. § 7104](#)). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at [2 CFR § 175.15](#).

XXIX. Rehabilitation Act of 1973

All recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, [29 U.S.C. § 794](#), as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

XXX. USA Patriot Act of 2001

All recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)*, which amends [18 U.S.C. §§ 175-175c](#). Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

XXXI. Use of DHS Seal, Logo and Flags

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

XXXII. Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at [10 U.S.C § 2409](#), [41 U.S.C. § 4712](#), and [10 U.S.C. § 2324](#), [41 U.S.C. §§ 4304](#) and [4310](#).

XXXIII. DHS Specific Acknowledgements and Assurances

All recipients must acknowledge and agree-and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree-to comply with applicable provisions

governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

XXXIV. System of Award Management and Universal Identifier Requirements

A. Requirement for System of Award Management

Unless exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. Definitions

For purposes of this award term:

1. *System of Award Management(SAM)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. *Subaward*:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award;
and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

XXXV. Animal Welfare Act of 1966

All recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

XXXVI. Protection of Human Subjects

All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

XXXVII. Incorporation by Reference of Notice of Funding Opportunity

The Notice of Funding Opportunity for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the Notice of Funding Opportunity.

XXXVIII. Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. If you have questions about these

procedures, please contact the AFG Help Desk at 1-866-274-0960, or send an email to firegrants@dhs.gov.

XXXIX. Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

XL. Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

**FEDERAL EMERGENCY MANAGEMENT AGENCY
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1a. AGREEMENT NO. EMW-2015-FP-00616	2. AMENDMENT NO. 0	3. RECIPIENT NO. 62-6000261	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX02374N2016T
6. RECIPIENT NAME AND ADDRESS Clarksville Fire Rescue 802 Main Street Clarksville Tennessee, 37040-3359	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20472 POC: Rosalie Vega		8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472	
9. NAME OF RECIPIENT PROJECT OFFICER Debbie Smith	PHONE NO. 9316486113	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960	
11. EFFECTIVE DATE OF THIS ACTION 08-SEP-16	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:08-SEP-16 To:07-SEP-17 Budget Period From:30-MAR-16 To:01-OCT-16	

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
FP	97.044	2016-F5-C111-P4310000-4101-D	\$0.00	\$11,528.00	\$11,528.00	\$576.00
TOTALS			\$0.00	\$11,528.00	\$11,528.00	\$576.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A**16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)**

Assistance to Firefighters Grant - Fire Prevention and Safety Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)
N/A**DATE**
N/A**18. FEMA SIGNATORY OFFICIAL (Name and Title)**
Rosalie Vega**DATE**
07-SEP-16