CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
MAY 25, 2017, 4:30 P.M.

COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE

AGENDA

1) PLANNING COMMISSION PUBLIC HEARING

1. **ORDINANCE 67-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ronnie Goad for zone change on property at the termini of Ellington Drive, Ellsworth Drive, and Bellshire Drive from R-4 Multiple Family Residential District to R-1A Single Family Residential District *(RPC: Approval/Approval)*

2. **ORDINANCE 68-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of J & N Enterprises, Shane Lemay-Agent, for zone change on property at the intersection of Prewitt Lane and Whitfield Road from AG Agricultural District to R-4 Multiple Family Residential District *(RPC: Approval/Approval)*

2) CONSENT AGENDA

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

1. **ORDINANCE 63-2016-17** (Second Reading) Amending the Official Code relative to promulgation of fees for park services

2. **ORDINANCE 64-2016-17** (Second Reading) Amending the Official Code relative to adoption of the International Code Council

3. **ORDINANCE 65-2016-17** (Second Reading) Authorizing sale of easements to TDOT for Hwy. 48/13 improvements

4. Adoption of Minutes: May 4

5. Approval of Board Appointments:

Adult Oriented Establishment Board: Chonoliah Teasley (replace Ken Day) – June 2017 through December 2020

After Hours Establishment Board: Bob Davis (reappointment) – May 2017 through April 2019

Ethics Commission: Pat Young (replace Gene Washer) – July 2017 through June 2020

Designations Committee: Mary Fisher – June 2017 through April 2019

Power Board: Ronnie Jackson, Wayne Wilkinson (reappointments) – July 2017 through June 2020

Regional Airport Authority: John Hadley (reappointment) – July 2017 through June 2022

Board of Zoning Appeals: Gary Norris (replace Reid Poland) – June 2017 through December 2021

3) FINANCE COMMITTEE
Jeff Burkhart, Chair

1. Department Reports

4) GAS & WATER COMMITTEE
Bill Powers, Chair

1. Department Report

5) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE
David Allen, Chair

1. Department Reports

6) PARKS, RECREATION, GENERAL SERVICES
Valerie Guzman, Chair

1. Department Reports

7) PUBLIC SAFETY COMMITTEE
(Building & Codes, Fire & Rescue, Police)
Geno Grubbs, Chair

1. Department Reports

8) STREETS & GARAGE COMMITTEE
Mike Alexander, Chair

1. Department Reports

9)TRANSPORTATION COMMITTEE
Deanna McLaughlin, Chair

1. Department Report

10)NEW BUSINESS

1. **ORDINANCE 66-2016-17** (First Reading) Amending the Official Code relative to the administrative processing fee for public designation requests *(Councilwoman Guzman)*

2. **RESOLUTION 35-2016-17** Approving appointment of members to the Metropolitan Government Charter Commission *(Mayor McMillan)*

11) MAYOR AND STAFF REPORTS

12) PUBLIC COMMENTS

13) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: June 1, 2017. The public hearing will be held on: June 1, 2017.

CITY ORD. #: 67-2016-17 RPC CASE NUMBER: Z-8-2017
Applicant: RONNIE GOAD
Location: Property located at the eastern termini of Ellington Dr., Ellsworth Dr. & Bellshire Dr.
Ward #: 10
Request: R-4 Multiple Family Residential District
to
R-1A Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 68-2016-17 RPC CASE NUMBER: Z-9-2017
Applicant: J & N ENTERPRISES, INC
Agent: Shane Lemay
Location: Property fronting on the south frontage of Prewitt Ln. 400 +/- feet west of the Whitfield Rd. & Prewitt Ln. intersection.
Ward #: 9
Request: AG Agricultural District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RPC MEETING DATE: 5/24/2017 **CASE NUMBER:** Z - 8 - 2017

NAME OF APPLICANT: Ronnie Goad

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-4

PROPOSED ZONING: R-1A

EXTENSION OF ZONE CLASSIFICATION: YES

APPLICANT'S STATEMENT FOR PROPOSED USE: Owner wishes to complete construction of the last section of the Bellshire subdivision, and will require the rezoning to match previous sections of construction.

PROPERTY LOCATION: Property located at the eastern termini of Ellington Dr., Ellsworth Dr. & Bellshire Dr.

ACREAGE TO BE REZONED: 25.22 +/-

DESCRIPTION OF PROPERTY AND SURROUNDING USES: Existing undeveloped phase of future subdivision.

GROWTH PLAN AREA: CITY **TAX PLAT:** 081 **PARCEL(S):** 38.00 p/o

CIVIL DISTRICT: 11

CITY COUNCIL WARD: 10 **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 DEPARMENT
- ☐ 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.

1. CITY ENGINEER/UTILITY DISTRICT:

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

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.

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:

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

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

9. SCHOOL SYSTEM:

ELEMENTARY: SANGO
MIDDLE SCHOOL: RICHVIEW
HIGH SCHOOL: CLARKSVILLE

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Minimal

INFRASTRUCTURE:

WATER SOURCE: CITY **PIPE SIZE:**

SEWER SOURCE: CITY

ACCESSIBILITY: ELLINGTON DR. / ELLSWORTH DR. / BELLSHIRE DR

DRAINAGE: VARIES

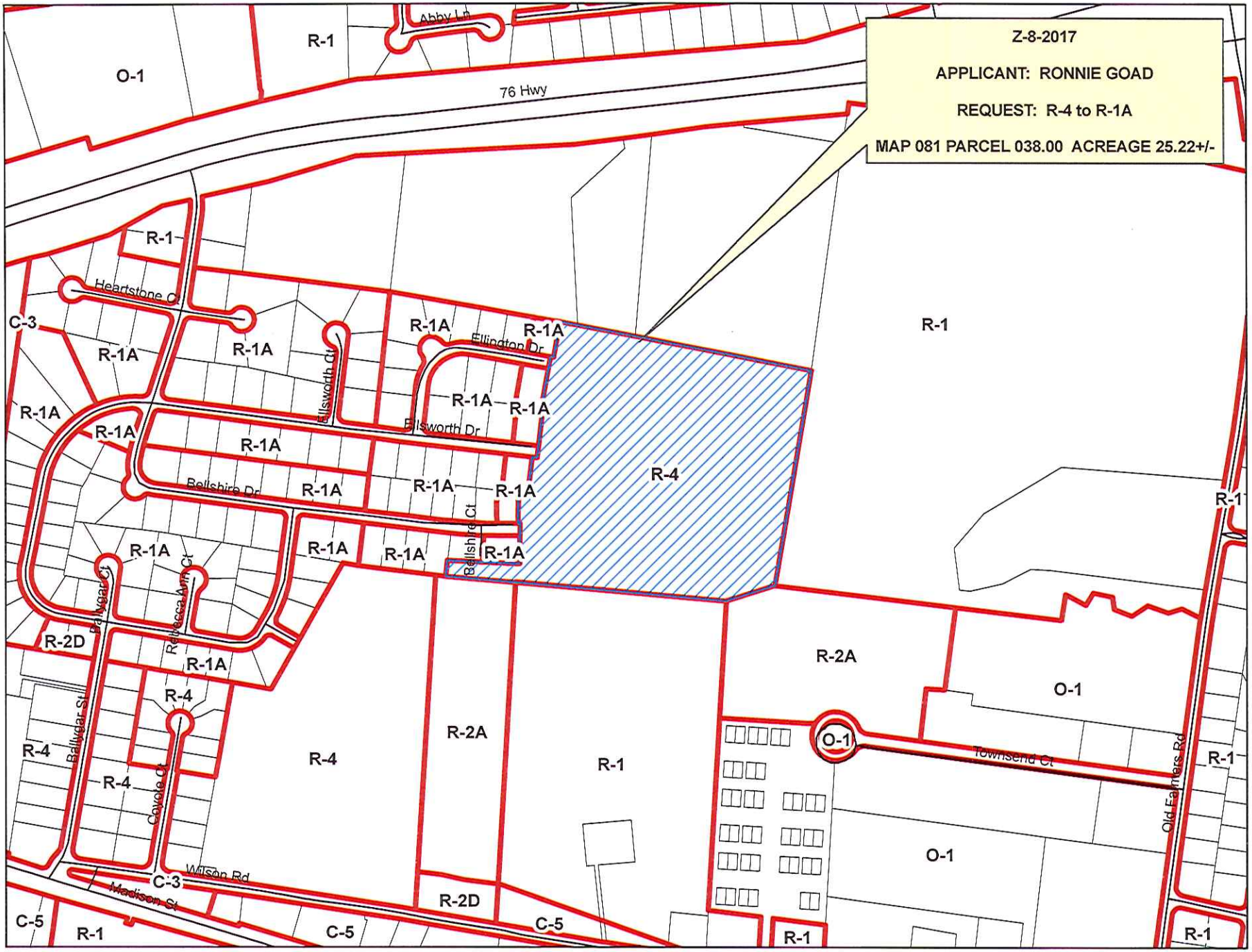
DEVELOPMENT ESTIMATES:	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		52
ROAD MILES:		
POPULATION:		
ELEMENTARY SCHOOL STUDENTS:		
MIDDLE SCHOOL STUDENTS:		
HIGH SCHOOL STUDENTS:		

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 R-1A zoning classification is an extension of the existing R-1a zoning to the west and is consistent with the other Established properties in the immediate area.
5.


Z-8-2017
APPLICANT: RONNIE GOAD
REQUEST: R-4 to R-1A
MAP 081 PARCEL 038.00 ACREAGE 25.22+/-
76 Hwy
Abby Ln
Heartstone Ct
Ellington Dr
Ellsworth Ct
Ellsworth Dr
Bellshire Dr
Bellshire Ct
Rebecca Ann Ct
Ballygar St
Coyote Ct
Wilson Rd
Madison St
Townsend Ct
Old Farmers Rd
O-1
R-1
R-1A
R-2D
R-2A
R-4
C-3
C-5

CASE NUMBER: Z 8 2017 **MEETING DATE** 5/24/2017

APPLICANT: Ronnie Goad

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

TAX PLAT # 081 **PARCEL** 38.00 p/o

GEN. LOCATION Property located at the eastern termini of Ellington Dr., Ellsworth Dr. & Bellshire Dr.

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PUBLIC COMMENTS

None received as of 9:00 a.m. on 5/24/2017 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RPC MEETING DATE: 5/24/2017 **CASE NUMBER:** Z - 9 - 2017

NAME OF APPLICANT: J & N Enterprises, Inc

AGENT: Shane Lemay

GENERAL INFORMATION

PRESENT ZONING: AG

PROPOSED ZONING: R-4

EXTENSION OF ZONE CLASSIFICATION: YES

APPLICANT'S STATEMENT FOR PROPOSED USE: TO ALLOW FOR MULTI-FAMILY HOUSING

PROPERTY LOCATION: Property fronting on the south frontage of Prewitt Ln. 400 +/- feet west of the Whitfield Rd. & Prewitt Ln. intersection.

ACREAGE TO BE REZONED: 3.87

DESCRIPTION OF PROPERTY AND SURROUNDING USES: Open area with gradual slope with 3 mobile homes onsite.

GROWTH PLAN AREA: CITY **TAX PLAT:** 042 **PARCEL(S):** 13.00, 14.00

CIVIL DISTRICT: 0

CITY COUNCIL WARD: 9 **COUNTY COMMISSION DISTRICT:** 14

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 DEPARMENT
- ☐ 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: May Require Water System Upgrades.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT: May Require Road Improvements At The Time Of Development

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS: Comments Received From Department And They Had No Concerns.

3a. DRAINAGE COST:

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

6. FIRE DEPT/EMERGENCY MGT.: Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

7. POLICE DEPT/SHERIFF'S OFFICE:

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

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: Comments Received From Department And They Had No Concerns.

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

9. SCHOOL SYSTEM:

ELEMENTARY: GLENELLEN
MIDDLE SCHOOL: KENWOOD
HIGH SCHOOL: KENWOOD

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

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

INFRASTRUCTURE:

WATER SOURCE: CITY **PIPE SIZE:**

SEWER SOURCE: CITY

ACCESSIBILITY: PREWITT LN.

DRAINAGE: SOUTH

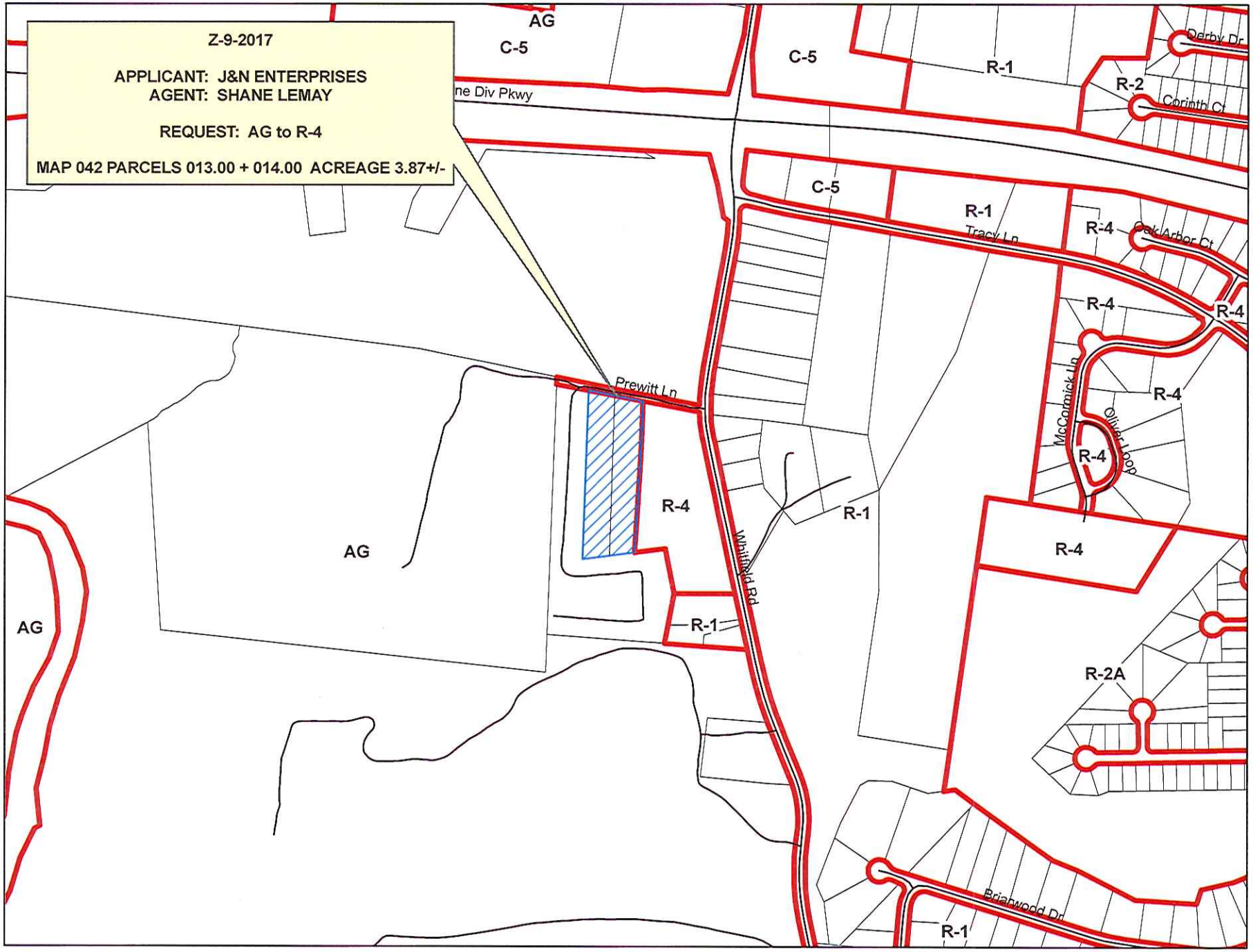
DEVELOPMENT ESTIMATES:	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		46
ROAD MILES:		
POPULATION:		
ELEMENTARY SCHOOL STUDENTS:		
MIDDLE SCHOOL STUDENTS:		
HIGH SCHOOL STUDENTS:		

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

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

STAFF RECOMMENDATION: **APPROVAL**

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


Z-9-2017
APPLICANT: J&N ENTERPRISES
AGENT: SHANE LEMAY
REQUEST: AG to R-4
MAP 042 PARCELS 013.00 + 014.00 ACREAGE 3.87+/-
AG
C-5
C-5
R-1
R-2
Derby Dr
Corinth Ct
ne Div Pkwy
C-5
R-1
Tracy Ln
R-4
Oak Arbor Ct
R-4
R-4
Prewitt Ln
McCormick Ln
Oliver Loop
R-4
R-4
AG
R-1
Whitfield Rd
R-4
AG
R-1
R-2A
Brianwood Dr
R-1

9

CASE NUMBER: Z 9 2017 **MEETING DATE** 5/24/2017

APPLICANT: J & N Enterprises, Inc

PRESENT ZONING AG **PROPOSED ZONING** R-4

TAX PLAT # 042 **PARCEL** 13.00, 14.00

GEN. LOCATION Property fronting on the south frontage of Prewitt Ln. 400 +/- feet west of the Whitfield Rd. & Prewitt Ln. intersection.

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PUBLIC COMMENTS

None received as of 9:00 a.m. on 5/24/2017 (jhb).

ORDINANCE 67-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RONNIE GOAD FOR ZONE CHANGE ON PROPERTY AT THE TERMINI OF ELLINGTON DRIVE, ELLSWORTH DRIVE AND BELLSHIRE DRIVE

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

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

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin (old) found in the north right of way of Bellshire Drive, said pin being the southeast corner of Lot #88 of the Bellshire Section "D" subdivision plat as recorded in Plat Book "G," Page 77, R.O.M.C.T., thence leaving said right of way and with the east boundary of said Lot #88, North 01 degrees 29 minutes 21 seconds East for a distance of 129.46 feet to an iron pin (new) set in the southern boundary of Lot #76 of said plat;

Thence with the south and east boundary of said Lot #76 the following two calls: South 82 degrees 29 minutes 06 seconds East for a distance of 39.76 feet to an iron pin (new);

Thence, North 07 degrees 30 minutes 54 seconds East for a distance of 153.06 feet to an iron pin (new) set in the southern boundary of Ellsworth Drive, said pin being the northeast corner of said Lot #76;

Thence with the south right of way of said Ellsworth Drive, South 82 degrees 29 minutes 06 seconds East for a distance of 20.52 feet to an iron pin (new);

Thence with the terminus of said right of way and the eastern boundary of Lot #75 of said plat, North 07 degrees 30 minutes 54 seconds East for a distance of 208.86 feet to an iron pin (new), said pin being the northeast corner of said Lot #75;

Thence with the north boundary of Lot #75, North 82 degrees 34 minutes 31 seconds West for a distance of 6.48 feet to an iron pin (new);

Thence with the eastern boundary of Lot #68 of said plat and the terminus of Ellington Drive, North 11 degrees 03 minutes 29 seconds East for a distance of 213.49 feet to an iron

pin (new), said pin being the northeastern terminus of Ellington Drive, said pin also being in the south boundary of Lot #67 of said plat;

Thence with the south and east boundary of said Lot #67 the following two calls: South 78 degrees 59 minutes 19 seconds East for a distance of 13.17 feet to an iron pin (new);

Thence, North 11 degrees 03 minutes 29 seconds East for a distance of 149.78 feet to an iron pin (new), said pin being the northeast corner of said Lot #67, said pin also being in the south boundary of the Hilldale Church of Christ, Inc. property as recorded in O.R.V. 589, Page 1674, R.O.M.C.T.;

Thence leaving said Bellshire Section "D" subdivision and with the south boundary of said Hilldale Church of Christ property and the south boundary of the Clarksville Christian School, Inc. property as recorded in O.R.V. 1313, Page 701, R.O.M.C.T., South 79 degrees 01 minutes 49 seconds East for a distance of 299.26 feet to an iron pin (new), said pin being the southwest corner of the Tupeno Partnership property as recorded in O.R.V. 759, Page 1146, R.O.M.C.T.;
Thence with the south boundary of said Tupeno Partnership property, South 79 degrees 17 minutes 22 seconds East for a distance of 731.26 feet to an iron pin (new), said pin being in the west boundary of the Hilldale Baptist Church, Inc. property as recorded in O.R.V. 554, Page 237, R.O.M.C.T.;

Thence with the west boundary of said Hilldale Baptist Church property, South 08 degrees 56 minutes 09 seconds West for a distance of 905.07 feet to an iron pin (new), said pin being in the north boundary of the Clarkland property as recorded in O.R.V. 660, Page 1473, R.O.M.C.T.;

Thence with the north boundary of said Clarkland property, South 71 degrees 41 minutes 59 seconds West for a distance of 205.94 feet to an iron pin (new), said pin being the northeast corner of the Lynda Ann Holt Conner property as recorded in O.R.V. 573, Page 122, R.O.M.C.T.;

Thence with the north boundary of said Conner property, North 86 degrees 08 minutes 11 seconds West for a distance of 862.94 feet to an iron pin (new);

Thence leaving said Conner property on a new division line and continuing further with the eastern boundary of Lot #89 of the previously mentioned plat and the terminus of Bellshire Drive, North 01 degrees 29 minutes 21 seconds East for a distance of 258.12 feet to an iron pin (new), said pin being the northeast terminus of said Bellshire Drive; Thence with the north right of way of said Bellshire Drive, North 88 degrees 30 minutes 39 seconds West for a distance of 8.59 feet to the point of beginning.

Said Tract contains 25.22 +/- acres.
(Further identified as Tax Map 81, Parcel 38.00 p/o)

ORDINANCE 68-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF J & N ENTERPRISES, SHANE LEMAY-AGENT, FOR ZONE CHANGE ON PROPERTYAT THE INTERSECTION OF PREWITT LANE AND WHITFIELD ROAD

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

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

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, which point is 377 feet north 82 degrees 30 minutes west of Whitfield Road, and is also a point in an unnamed road, and runs with said unnamed road north 82 degrees 30 minutes west 133 feet to another point in said unnamed road; thence on a new line south 3 degrees 30 minutes east 765 feet +/-, to an iron pin; thence north 78 degrees 10 minutes east 133 feet to an iron pin; thence north 3 degrees 30 minutes west 720 feet +/- to the point of beginning, said tract containing 2.2 +/- acres (Further identified as Tax Map 42, Parcel 13.00)

ORDINANCE 63-2016-17

AN ORDINANCE AMENDING THE OFFICIAL CODE, TITLE 12, STREETS AND OTHER PUBLIC WAYS AND PLACES, RELATIVE TO PROMULGATION OF A SCHEDULE OF FEES FOR PARKS AND RECREATION SERVICES

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," Chapter 5, "Parks and Recreation," Section 12-507, "Schedule of fees," is hereby amended by deleting the section in its entirety and substituting instead the following language:

> "The director of parks and recreation is hereby authorized to promulgate a schedule of fees for parks and recreation services. The director, or designee, shall inform the Parks & Recreation Committee of the City Council of any fee changes in a timely manner."

FIRST READING: May 4, 2017
SECOND REDING:
EFFECTIVE DATE:

ORDINANCE 64-2016-17

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 4 (BUILDING, UTILITY, AND HOUSING CODES) RELATIVE TO ADOPTION OF UPDATED CODES OF THE INTERNATIONAL CODE COUNCIL

WHEREAS, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2012 editions of the International Building Code, the International Fuel Gas Code, the International Plumbing Code, the International Residential Code, and the International Mechanical Code; and

WHEREAS, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2009 edition of the International Energy Conservation Code; and

WHEREAS, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2009 edition of the Accessible and Useable Buildings and Facilities Code; A-117.1-2009.

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

1. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 1, " IN GENERAL" is hereby amended by deleting Section 4-102, "Installation of water mains, fire plugs, and all-purpose roads required prior to erection of multi-family dwellings," in its entirety.

2. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-201, "Building code adopted," is hereby amended by deleting Section 4-201 in its entirety and by substituting instead therefor the following as new Section 4-201:

Section 4-201. Building Code adopted.
(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2012 edition of the International Building Code and all revisions associated therewith and forthcoming, including appendices C, D, and F thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective July 1, 2017, with the following modifications:

Section 101.1: Insert "City of Clarksville"

Section 114.4 Delete entirely and insert instead:

Section 114.4. Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Section 1612.3: Insert "City of Clarksville" and
Insert "June 15, 1984 and June 29, 2001 (Lower Meadowbrook)"

Section 3412: Delete entirely

(b) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2009 edition of the Accessible and Useable Buildings and Facilities Code; A-117.1-2009.

(c) Three (3) copies of these codes shall be filed in the office of the building official.

3. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-203, "Building permit fees," is hereby amended by deleting sub-section (1) in its entirety and by substituting instead therefore the following as a new sub-section (1):

(1) Effective January 1, 2009 the cost of a building permit for any single family-housing unit will be twenty-two cents ($0.22) per square foot. The fee rate is applicable to total heated and unheated square footage. This fee reflects the combined cost of building and development inspection services provided by the city offices of building and codes, street department and fire services. At any time, the building and codes department may request construction plans as part of the validation process. Builders who are consistently found to misjudge building permit footage will be required to submit construction plans for each permit requested.

The cost factors that go into the single family-housing building permit fee will be reviewed, analyzed for potential fee adjustments as needed. The costs factors may include services provided by building and codes, street department, fire services. A mandatory inflation factor of one cent ($0.01) per year will be applied. Effective January 1, 2010, the cost of a building permit for any single family housing unit will be twenty-three cents ($0.23) per square foot. The revised building permit fee will be posted by January 1 of each year thereafter.

4. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-203, "Building permit fees," is hereby amended by deleting sub-section (5) in its entirety and by substituting instead therefore the following as a new sub-section (5):

(5) Additional fees are as follows:

For the moving of any building or structure $50.00

For the demolition of any structure $50.00

Temporary tents $100.00

Temporary structures $100.00

All signs $25.00

Placement of accessory structures….. $25.00

No permit fees shall be imposed for signs erected in residential districts on currently occupied single family properties pursuant to section 11-503.

Fees for the erection of temporary tents, signs, and structures in conjunction with public functions, festivals, street fairs, or other similar celebrations being conducted pursuant to City Code section 5-1001 shall be governed by regulations adopted by the agency designated in City Code section 5-1001.

5. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, “Electrical Code,” is hereby amended by deleting Section 4-301, “Installations serviced by multiple sources,” in its entirety and by substituting instead therefore the following as a new Section 4-301:

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2014 edition of the National Electric Code, as prepared by the National Fire Protection Association, NFPA 70, together with all revisions associated therewith and forthcoming, including all appendices thereto, are hereby adopted by reference.

(b) Three (3) copies of the code shall be filed in the office of the building official.

6. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, “Electrical Code,” is hereby amended by deleting Section 4-310, “Installations serviced by multiple sources,” in its entirety and by substituting instead therefore the following as a new Section 4-310:

Section 4-310.-Installations serviced by multiple sources.

Interconnected Generation. Electric generators of any type and size, interconnected to CDE Lightband's (CDE) electric grid in any way, shape, form, fashion, or means, including wind, solar, fuel cell, reciprocating engine, hydro, and other similar electric generation devices, are required by CDE to install a load-break AC disconnect or transfer switch (Switch) between CDE facilities and the interconnected Customer's equipment. Such Switch must be installed on the Customer's side of the electrical interconnection with CDE and must be able to isolate the generation source from CDE's electric grid, a) automatically when source power from CDE is lost and, b) manually when needed for emergencies, to perform maintenance, to assist in the restoration of service, or any other time/event deemed appropriate/necessary by CDE.

The Switch must be, a) accessible to CDE personnel at all times, b) located in close proximity to CDE's point of delivery, c) able to provide a clear visible open point of disconnection and a clear visible indication of switch position, d) have padlock provisions for locking the Switch in the open position and, e) labeled "Generator Disconnect Switch" or "Generator Transfer Switch".

Failure by Customer to notify CDE of Customer's generator installation, or failure by Customer to install the Switch according to the specifications listed herein, will result in immediate disconnection of Customer's electric service by CDE. Electric service will be reconnected by CDE when the Switch is installed and inspected/approved by the City of Clarksville, TN, Building and Codes Department.

Transfer equipment associated with installations serviced by alternate sources of supply shall be equipped with all the necessary equipment to prevent back-feed of power onto the power supplier's system when the power supplier's system is not energized by its own source of power. Protective equipment and installation of equipment to prevent back-feed shall be approved by the power supplier.

7. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by deleting Section 4-313, "Violations / penalties," in its entirety and by substituting instead therefore the following as a new Section 4-313:

Section 4-313. Violation penalties; stop work orders; termination of power.

(a) *Violation penalties*. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

(b) *Stop work orders*. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order.

(c) Termination of power. The building official shall have authority to terminate the electrical power to a structure when a situation exists of immediate danger to health, safety or welfare of the occupants, or when a hazard to the structure is eminent, as determined by the building official.

8. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by adding a new Section 4-314:

Section 4-314. Failure to promptly correct defective work.
If any owner, authorized agent, or contractor engaged in electrical work, construction, alteration, modification or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for electrical work shall be issued to him / her until all such defective work has been corrected.

9. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 4, "Gas Code," Section 4-401, "Gas code adopted," is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-401:

Section 4-401. Gas code adopted.
(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2012 edition of the International Fuel Gas Code, together with all revisions associated therewith and forthcoming, including appendix C thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective with the following modifications:

Section 101.1:	Insert "City of Clarksville"
Section 106.6.2:	Insert "The fee schedule for Gas Permit Fees of the City of Clarksville, Section 4-402 of the Official Code of the City of Clarksville."

Section 106.6.3: Delete #2 and #3

Delete Sub-section 108.4 Violation penalties.
Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.
Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

10. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, "Plumbing Code," Section 4-502, "Plumbing Code Adopted," is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-502:

Section 4-502. Plumbing code adopted.

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2012 edition of the International Plumbing Code, together with all revisions associated therewith and forthcoming, including appendix F thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective with the following modifications:

Section 101.1: Insert "City of Clarksville"

Section 106.6: Insert “the fee schedule for plumbing permits of the Official Code of the City of Clarksville Section 4-503.”

Section 106.6.2: Delete #2 and #3.

Section 305.6.1: Insert “18 inches”
Insert “18 inches”

Section 603.2: Delete exception #2.

Section 904.1: Insert “12 inches”

Delete Sub-section 108.4 Violation penalties.
Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.
Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that plumbing work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

11. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, Plumbing Code, Section 4-503, “Fees,” is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-503:

Section 4-503. Fees.

Plumbing and outside utility fees are hereby established as follows:

(1) Water connection:

a. New/existing residential: Per section 13-309.

b. New/existing commercial/industrial: Per section 13-309.

(2) Sewer connection:

a. New/existing residential: Per section 13-309.

b. New/existing commercial/industrial: Per section 13-309.

(3) Reserved.

(4) Water tap: Per section 13-309.

(5) Yard meter/secondary meter: Per section 13-309.

(6) Taps on city main without meter, main extensions/fire sprinkler: Per section 13-309.

(7) Water and sewer service inspection: Twenty-five dollars ($25.00) per service.

(8) Water and sewer replacement: Twenty-five dollars ($25.00) per service replacement

(9) Water tap inspection: Twenty-five dollars ($25.00) per tap

(10) Yard meter/secondary meter service inspection: Twenty-five dollars ($25.00) per service.

(11) Water heater: Ten dollars ($10.00) per water heater

(12) Openings: Ten dollars ($10.00) per opening.

(13) Vacuum breakers:

a. For the first five (5): Two dollars and fifty cents ($2.50) each.

b. For each additional: One dollar and fifty cents ($1.50).

(14) Reduced backflow preventer: Twenty-five dollars ($25.00) each

(15) Permit issuance: Ten dollars ($10.00) per permit (permit issuance fee applies to all plumbing permits to include all applicable water and sewer connection/tap fees as described in section 13-309).

(16) Grease trap and/or oil separator: Twenty-five dollars ($25.00).

(17) A re-inspection permit shall be required for each plumbing re-inspection, such cost of permit to be twenty dollars ($20.00) in addition to the administrative cost for issuing such permit.

12. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, “Plumbing Code,” Section 4-510, “Examination of plumbers, outside utility installers, gas piping and appliance installers; issuance of certificates,” is hereby amended by deleting sub-section (5) in its entirety and by substituting instead therefore the following as a new sub-section (5):

(5) Copies of the 2012 International Plumbing Code or International Fuel Gas Code may be obtained from the building department for actual cost of the publication.

13. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, “Plumbing Code,” Section 4-513, “Local plumbing policies,” is hereby amended by deleting Section 4-513 in its entirety and by substituting instead therefore the following as a new Section 4-513:

Section 4-513. Local plumbing policies.
The City Department of Gas & Water is hereby authorized to establish and promulgate, and along with the Building and Codes Department to enforce, policies and procedures governing the installation, construction and connection of private water and sewer service lines to City owned water and sewer service lines.

14. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 6, “Property Maintenance Code,” Section 4-601, “Title and scope,” sub-section (a)(3), “*Scope*,” is hereby amended by deleting the sub-section in its entirety and by substituting instead therefore the following as a new sub-section (a)(3):

(3) *Scope*.
a. The provisions of this Code shall apply to all buildings or portions thereof, all accessory structures or portions thereof located on residential/nonresidential, used or unused, property.
b. This code establishes minimum standards for occupancy, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this Code.
c. Buildings or structures moved into or within the jurisdiction shall comply with the requirements in the 2012 International Residential Code for new buildings.

15. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 7, “Energy Code,” Section 4-701, “Adopted,” is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-701:

Section 4-701. International Energy Conservation Code Adopted.
(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2009 edition of the International Energy Conservation Code, together with all revisions associated therewith and forthcoming, are hereby adopted by reference.

(b) Three (3) copies of this code shall be filed in the office of the building official.

16. That Title 4, “Building, Utility, and Housing Codes,” Chapter 8, “Residential Code,” Section 4-801, “International Residential Code,” is hereby amended by deleting the section in its entirety, and by substituting instead therefore the following as a new Section 4-801:

Section 4-801. International Residential Code.

(a) Pursuant to the authority granted by Tennessee Code Annotated, Section 6-54-501 et. seq., the 2012 International Residential Code (for one and two family dwellings), together with all revisions associated therewith and forthcoming, including appendix G thereto, but excluding all other appendices thereto, and are hereby adopted by reference, effective July 1, 2017, with the following modifications:

Section R101.1: Insert "City of Clarksville"

Section R 101.2: Scope: Detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

Section (EB) R102.7: Delete "International Property Maintenance Code or the International Fire Code" and substitute "The City of Clarksville Property Maintenance Code."

Section R113.4 Delete entirely and insert instead:

R113.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Section R301.2 (1): Insert the following words and figures in the chart:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

			Subject to Damage From								
Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Weathering	Frost Line depth:	Termite	Decay	Winter Design Temp:	Ice Shield Under-Layment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp:
10	90	C	Severe	12"	Moderate to Heavy	Slight to Moderate	14 deg.	No	6-15-84 6-29-01	500 per 100 yrs.	59 deg.

Section R313: Automatic Fire Sprinkler Systems

Section R313.1: Automatic Sprinkler Systems in Townhouses
"An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall.

Delete Section R313.2: Automatic Sprinkler systems in 1&2 Family Dwellings

Delete entirely Chapter 11: Energy Conservation

Section P2603.5.1:	Insert "18 inches" Insert "18 inches"
Section 2904:	Dwelling Unit Fire Sprinkler Systems: Delete entirely
Section 2905.4.2:	Delete "Water-service piping is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in Section P3002.1, if the building sewer is not constructed of materials listed in Section P 3002.1."
Section P3103.1	Insert "12 inches" Delete "or (number) inches above the anticipated snow accumulation,"

Delete entirely Chapters 34 through 43 (Electrical)

(b) Three (3) copies of the code shall be filed in the office of the building official.

17. That Title 4, "Building, Utility, and Housing Codes," Chapter 8, "Residential Code," is hereby amended by adding a new Section 4-802:

Section 4-802. Failure to promptly correct defective work.
If any owner, authorized agent, or contractor engaged in residential building work, construction, alteration, modification, or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for residential building work shall be issued to him / her until all such defective work has been corrected.

18. That Title 4, "Building, Utility, and Housing Codes," Chapter 9, "Mechanical Code," Section 4-901, "International Mechanical Code," is hereby amended by deleting the section in its entirety, and by substituting instead therefore the following as a new Section 4-901:

Section 4-901. Mechanical Code.

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2012 edition of the International Mechanical Code, together with all revisions associated therewith and forthcoming, including appendix A thereto, but excluding all other appendices thereto, and are hereby adopted by reference, effective July 1, 2017 with the following modifications:

Section 101.1: Insert "City of Clarksville"

Section 106.5.2: Delete entirely

Section 106.5.3: Delete #2 and #3

Delete Sub-section 108.4 Violation penalties.

Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.

Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS ($50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

19. That Title 4, "Building, Utility, and Housing Codes," Chapter 9, "Mechanical Code," is hereby amended by adding a new Section 4-905:

Section 4-905. Failure to promptly correct defective work.

If any owner, authorized agent, or contractor engaged in mechanical work, construction, alteration, modification, or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for mechanical work shall be issued to him / her until all such defective work has been corrected.

FIRST READING: May 4, 2017
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 65-2016-17

AN ORDINANCE AUTHORIZING THE SALE OF PERMANENT AND TEMPORARY EASEMENTS TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Clarksville, for the benefit of the Gas & Water Department, owns certain property located at Hwy 48/13, being Map & Parcel Number 79P-A-7.01, the same being used for the purpose of a sewer lift station;

WHEREAS, the Tennessee Department of Transportation (hereinafter, "TDOT") requires certain permanent and temporary easements on the above described property relating to certain road improvements along Hwy 48/13, as shown on Exhibit A, attached hereto;

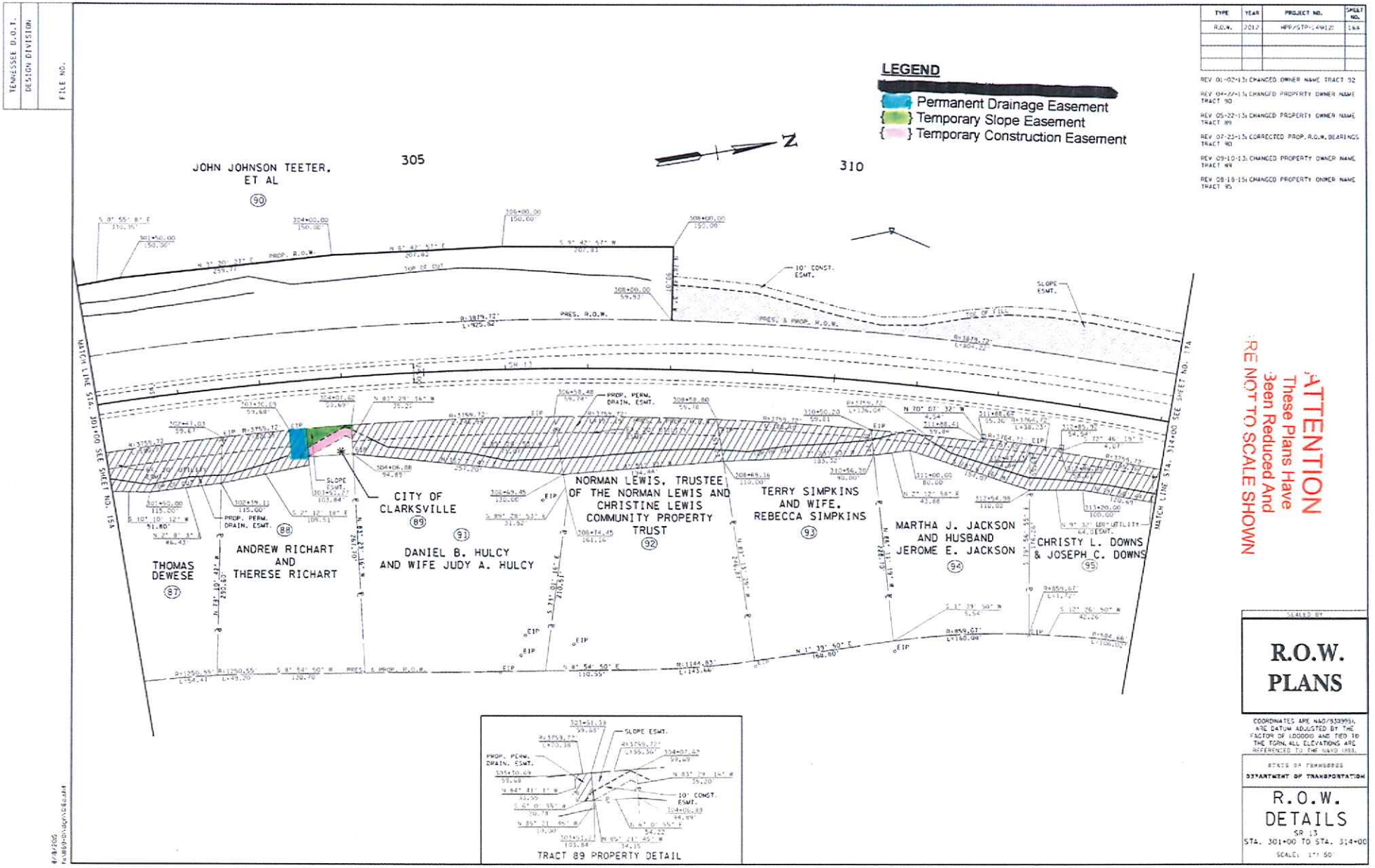
WHEREAS, the City of Clarksville has agreed to sell the required easements to TDOT for the sum of One Thousand Three Hundred Fifty and 00/100 Dollars ($1,350.00), and other good and valuable consideration;

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

That the Clarksville City Council hereby authorizes the sale of permanent and temporary easements more particularly shown on Exhibit A, attached hereto, to TDOT for the sum of One Thousand Three Hundred Fifty and 00/100 Dollars ($1,350.00).

FIRST READING: May 4, 2017
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A


TENNESSEE D.O.T.
DESIGN DIVISION
FILE NO.
TYPE | YEAR | PROJECT NO. | SHEET NO.
R.O.W. | 2012 | HPP/STP-(49)(2) | 1 &
REV 01-02-13: CHANGED OWNER NAME TRACT 92
REV 04-22-13: CHANGED PROPERTY OWNER NAME TRACT 90
REV 05-22-13: CHANGED PROPERTY OWNER NAME TRACT 89
REV 07-23-13: CORRECTED PROP. R.O.W. BEARINGS TRACT 90
REV 09-10-13: CHANGED PROPERTY OWNER NAME TRACT 88
REV 08-18-15: CHANGED PROPERTY OWNER NAME TRACT 95
LEGEND
Permanent Drainage Easement
Temporary Slope Easement
Temporary Construction Easement
305
310
JOHN JOHNSON TEETER, ET AL
90
CITY OF CLARKSVILLE
89
NORMAN LEWIS, TRUSTEE OF THE NORMAN LEWIS AND CHRISTINE LEWIS COMMUNITY PROPERTY TRUST
92
TERRY SIMPKINS AND WIFE, REBECCA SIMPKINS
93
MARTHA J. JACKSON AND HUSBAND JEROME E. JACKSON
94
CHRISTY L. DOWNS & JOSEPH C. DOWNS
95
DANIEL B. HULCY AND WIFE JUDY A. HULCY
91
ANDREW RICHART AND THERESE RICHART
88
THOMAS DEWESE
87
MATCH LINE STA. 301+00 SEE SHEET NO. 1A
MATCH LINE STA. 314+00 SEE SHEET NO. 1A
SLOPE ESMT.
10' CONST. ESMT.
PROP. PERM. DRAIN. ESMT.
PROP. R.O.W.
PRES. R.O.W.
PRES. & PROP. R.O.W.
TOP OF CUT
TOP OF FILL
TRACT 89 PROPERTY DETAIL
ATTENTION
These Plans Have Been Reduced And ARE NOT TO SCALE SHOWN
SEALED BY
R.O.W. PLANS
COORDINATES ARE NAD/83/1998, ARE DATUM ADJUSTED BY THE FACTOR OF 1.00008 AND TIED TO THE TCRN. ALL ELEVATIONS ARE REFERENCED TO THE NAVD 1988.
STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
R.O.W. DETAILS
SR 13
STA. 301+00 TO STA. 314+00
SCALE: 1"= 50'

CLARKSVILLE CITY COUNCIL
REGULAR SESSION
MAY 4, 2017

MINUTES

PUBLIC COMMENTS

Clifton Smith called the City Council's attention to a report recently completed by the Green Certification Committee which gave a comprehensive overview of the status of the efforts being made by the City of Clarksville and Montgomery County to protect and sustain the local environment and well as recommended guidelines for individual endeavors.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, May 4, 2017, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

Mayor McMillan presented a Certificate of Appreciation to Pastor Jimmy Terry, Tabernacle Missionary Baptist Church, for his many years of dedication and service to the Clarksville community.

A prayer was offered by Pastor Terry; the Pledge of Allegiance was led by Councilman Burkhart, Ward 12.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), Ron Erb (Ward 3), Valerie Guzman, Tim Chandler (Ward 4), Mayor Pro Tem (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Jeff Henley (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

SPECIAL RECOGNITIONS

There were no other special recognitions.

PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding request for abandonment of portions of streets and right-of-ways. The motion was seconded by Councilwoman McLaughlin. There was no objection.

RESOLUTION 31-2016-17 Authorizing abandonment of Drane Street north of Marion Street, south of Farris Drive, and east of Robb Avenue; request of City of Clarksville Street Department

No one spoke for or against this request.

RESOLUTION 32-2016-17 Authorizing abandonment of a public right-of-way north of Marion Street and south of Farris Drive; request of City of Clarksville Street Department

No one spoke for or against this request.

RESOLUTION 33-2016-17 Authorizing abandonment of Henry Street north of College Street, south of Marion Street, and west of Eighth Street; request of City of Clarksville Street Department

No one spoke for or against this request.

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

APPROVAL OF ABANDONMENTS

The recommendation of the Regional Planning Commission was for approval of **RESOLUTION 31-2016-17**. Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander. Allen, Burkhart, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

NAY: Chandler

The motion to adopt this resolution passed.

The recommendation of the Regional Planning Commission was for approval of **RESOLUTION 32-2016-17**. Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander. Allen, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

The motion to adopt this resolution passed.

The recommendation of the Regional Planning Commission was for approval of **RESOLUTION 33-2016-17**. Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander. Allen, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

The motion to adopt this resolution passed.

CONSENT AGENDA

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

1. **ORDINANCE 53-2016-17** (Second Reading) Amending the FY17 Special Revenue Fund Budget to accept a Safe Routes To Schools grant from the Tennessee Department of Transportation

2. **ORDINANCE 54-2016-17** (Second Reading) Amending the FY17 Capital Projects Budget to transfer funds for Liberty Park parking

3. **ORDINANCE 55-2016-17** (Second Reading) Authorizing extension of utilities to 401 Miller Road; request of Miller, King & Rudolph

4. **ORDINANCE 56-2016-17** (Second Reading) Amending the FY17 Capital Projects Budget and the General Fund Budget for hazard mitigation for Embassy House Furniture property

5. **ORDINANCE 60-2016-17** (Second Reading) Authorizing purchase of property between Kraft Street and Red River for extension of the Red River Trail/Clarksville Greenway

6. **ORDINANCE 61-2016-17** (Second Reading) Authorizing purchase of property on Walnut Street for a sidewalk to access bus stop shelters on Fort Campbell Boulevard

7. **ORDINANCE 62-2016-17** (Second Reading) Authorizing purchase of property between Kraft Street and Red River for a trail head for the Red River Trail/Clarksville Greenway

8. Adoption of Minutes: April 6

9. Approval of Board Appointments:

   After Hours Establishment Board: Morrell Boyd, Eddie Watson – May 2017 through April 2019

Designations Committee: Mike Baker, Tim Chandler, Ron Erb, Valerie Guzman, Jennifer Latourneau, David Shepard – Coterminous; Bill Harpel – May 2017 through April 2019

Housing Authority: Brenda Lenor – May 2017 through September 2017

Natural Gas Acquisition Board: Pat Hickey – January 2017 through December 2021

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

AYE: Alexander. Allen, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

The motion to adopt the Consent Agenda as presented passed.

FINANCE COMMITTEE
Jeff Burkhart, Chair

ORDINANCE 63-2016-17 (First Reading) Amending the Official Code relative to promulgation of fees for park services

Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Chandler. Councilman Burkhart said this amendment would give the Director of Parks & Recreation the authority to establish and amend park service fees without delay and report any changes to the Parks & Recreation Committee during their next meeting. The following vote was recorded:

AYE: Alexander. Allen, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

The motion to adopt this ordinance on first reading passed.

ORDINANCE 65-2016-17 (First Reading) Authorizing sale of easements to TDOT for Hwy. 48/13 improvements

Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. Councilman Burkhart said the Tennessee Department of Transportation would provide funding for relocation and construction of a new sewer lift station as part of the road improvements. The following vote was recorded:

AYE: Alexander. Allen, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

The motion to adopt this ordinance on first reading passed.

RESOLUTION 30-2016-17 Accepting the FY 2017-18 through FY 2021-22 Public Improvements Program

Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Powers. Councilman Burkhart said this document was for planning purposes only and did not obligate the City to any particular project. Director of Finance Laurie Matta said the program is considered during the City's bond rating process. The following vote was recorded:

AYE: Alexander. Allen, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

The motion to adopt this resolution passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE
David Allen, Chair

Councilman Allen said the City of Clarksville was awarded a $447,232 grant through the Community Development Block Grant Disaster Relief program for improvements to Valleybrook Park which sustained significant damage during the 2010 flood.

GAS & WATER COMMITTEE
Bill Powers, Chair

Councilman Powers said the department was focused on various utility projects throughout the City including working with contractors installing fiber equipment for Google.

PARKS, RECREATION, GENERAL SERVICES
Valerie Guzman, Chair

Councilwoman Guzman noted several upcoming activities including the Queen City Road Race, Fun with Fido, Sleeping Under the Stars, 50-Plus Games, and Movies in the Park.

PUBLIC SAFETY COMMITTEE
(Building & Codes, Fire & Rescue, Police)
Geno Grubbs, Chair

ORDINANCE 64-2016-17 Amending the Official Code relative to adoption of the International Code Council

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 Councilman Garrett. The following vote was recorded:

AYE: Alexander. Allen, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

The motion to adopt this ordinance on first reading passed.

STREET COMMITTEE
Mike Alexander, Chair

Councilman Alexander said the Street Department recently provided debris pickup at 603 locations and noted several paving projects underway.

TRANSPORTATION COMMITTEE
Deanna McLaughlin, Chair

Councilwoman McLaughlin shared the following department statistics: Clarksville Transit System – 58,123 passengers (April); Clarksville-Nashville Express – 6,392 passengers (March)

NEW BUSINESS

RESOLUTION 34-2016-17 Approving establishment of a Metropolitan Government Charter Commission

Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Alexander. Councilman Chandler felt the city mayor should have been consulted during previous meetings held by concerned citizens. Councilwoman McLaughlin expressed support for the process of elected officials not being involved in preparation of a proposed charter. Councilman Garrett said elected officials should not be involved prior to establishment of a charter commission. Councilman Powers stated his support for a metro form of government. In response to Councilman Allen's question, City Attorney Lance Baker said elected officials were not prohibited from serving on a charter commission. Mayor McMillan said she would like to know the vision of the commission prior to development of a charter.

Councilman Alexander called for the question. The question was seconded by Councilman Garrett. A voice vote was taken; the motion to cease discussion passed without objection. The following vote on the main motion was recorded:

AYE: Alexander, Allen, Burkhart, Erb, Garrett, Guzman, Henley, McLaughlin, Powers, Smith

NAY: Chandler, Grubbs

The motion to adopt this resolution passed.

MAYOR AND STAFF REPORTS

Mr. Baker informed members that the Finance Committee met prior to this regular session and rejected the plaintiff's settlement demand in the Jeffrey Robinson, et al, v. City of Clarksville case. At Councilwoman McLaughlin's request, the City Council met in a non-public session to discuss this case.

ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

ORDINANCE 66-2016-17

AN ORDINANCE AMENDING THE OFFICIAL CODE, TITLE 12, CHAPTER 12, RELATIVE TO ADMINISTRATIVE PROCESSING FEE FOR DESIGNATION OF PUBLIC PROPERTY

BE IT RESOLVED 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," Chapter 12, "Designations Committee; Streets and Public Place Designations," is hereby amended by adding the following language as the second paragraph of Sec. 12-1212, "Application filing procedure and administrative fee:"

> If the designations request is denied, the administrative processing fee of two hundred fifty dollars ($250.00) will be refunded within sixty (60) days from the date of denial.

BE IT FURTHER ORDAINED that Section 12-1214, "Evaluation of application," is hereby amended by adding the following language identified as paragraph (d):

> Any application that is not fully completed will not be accepted.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

RESOLUTION 35-2016-17

A RESOLUTION APPROVING APPOINTMENT OF MEMBERS TO THE METROPOLITAN GOVERNMENT CHARTER COMMISSION

WHEREAS, the general law provides for the formation of a metropolitan government charter commission to prepare a charter for a new consolidated government known in the general law as a metropolitan form of government in *T.C.A. 7-2-101*, et seq.; and

WHEREAS, the general law provides the commission may be created by the adoption of a consolidation resolution by the governing body of a county and by the adoption of a substantially similar resolution by the governing body of the principal city in the county to appoint commission members, 10 by the County Mayor and 5 by the City Mayor pursuant to *T.C.A. 7-2-101*; and

WHEREAS, the Clarksville City Council, by adoption of RESOLUTION 34-2016-17 on May 4, 2017, approved establishment of a Metropolitan Government Charter Commission.

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

That the Clarksville City Council, in accordance with *Tennessee Code Annotated 7-2-101*, hereby approves the appointment by the Mayor of the following members to the Metropolitan Government Charter Commission:

Debbie Frazier
Keith Lampkin
Mark Smith
Lynn Stokes
Ray Williams

ADOPTED: