CLARKSVILLE CITY COUNCIL
REGULAR SESSION
DECEMBER 7, 2017, 7:00 P.M.

COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE

AGENDA

PUBLIC COMMENTS:

- 6:55 p.m. Louis Marshall

1) CALL TO ORDER

2) PRAYER*: Amy Grubbs Jackson, Guest of Councilman Geno Grubbs (Ward 7)*

PLEDGE OF ALLEGIANCE: *Mayor Pro Tem Valerie Guzman (Ward 5)*

3) ATTENDANCE

4) SPECIAL RECOGNITIONS

5) PLANNING COMMISSION: PUBLIC HEARING AND FIRST READING

1. **ORDINANCE 34-2017-18** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Brandon Bradford for zone change on property at the intersection of Bellamy Lane and Otis Smith Drive from AG Agricultural District to R-2 Single Family Residential District *(RPC: Approval/Approval)*

6) CONSENT AGENDA

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

1. **ORDINANCE 12-2017-18** (Second Reading) Amending the Official Code relative to application fees for public designations

2. **ORDINANCE 21-2017-18** (Second Reading) Amending the 2017-18 Operating and Capital Budget for the Parking Commission for engineering and building repairs and maintenance for the Cumberland Garage

3. **ORDINANCE 22-2017-18** (Second Reading) Amending the 2017-18 Operating and Capital Budget for Liberty Park remediation [Freedom Point]

4. **ORDINANCE 23-2017-18** (Second Reading) Amending the 2017-18 Operating and Capital Budget for grant and matching funds for body worn cameras

5. **ORDINANCE 24-2017-18** (Second Reading) Approving a PILOT program for Clarksville Housing Authority [South Central Village]

6. **ORDINANCE 25-2017-18** (Second Reading) Accepting donation of property from the Estate of Spencer Pickering Johnson for CDE

7. **ORDINANCE 26-2017-18** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of MKP Partnership, Wayne Wilkinson-Agent, for zone change on property north of Dover Road, east of Magnolia Drive, west of Rosehill Drive, and south of Zinnia Drive from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District

8. **ORDINANCE 27-2017-18** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mildred Johnson, Keith D. Lampkin-Agent, for zone change on property at the intersection of Woodland Street and Greenwood Avenue from C-1 Neighborhood Commercial District to R-3 Three Family Residential District

9. **ORDINANCE 28-2017-18** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Clarksville CC Group, LLC, John Hadley-Agent, for zone change on property west of Fairway Drive, north of Memorial Drive, and east of Georgetown Road from E-1 Estate District to R-4 Multiple Family Residential District

10. **RESOLUTION 16-2017-18** Approving a Certificate of Compliance for Sale of Wine in a Food Store for Greg Starr, Circle K/Mac's Convenience Stores, LLC #3703, 523 Dover Road *(CPD: No Criminal History)*

11. **RESOLUTION 17-2017-18** Approving a Certificate of Compliance for Sale of Wine in a Food Store for Greg Starr, Circle K/Mac's Convenience Stores, LLC #3689, 646 Lafayette Road *(CPD: No Criminal History)*

12. **RESOLUTION 18-2017-18** Approving a Certificate of Compliance for Sale of Wine in a Food Store for Greg Starr, Circle K/Mac's Convenience Stores, LLC #3702, 601 Tiny Town Road *(CPD: No Criminal History)*

13. **RESOLUTION 19-2017-18** Approving a Certificate of Compliance for Sale of Wine in a Food Store for Greg Starr, Circle K/Mac's Convenience Stores, LLC #3707, 1791 Wilma Rudolph Boulevard *(CPD: No Criminal History)*

14. Adoption of Minutes: November 2nd

15. Approval of Board Appointments:

Adult Oriented Establishment Board: Jacob Mathis - December 2017 through December 2020

After Hours Establishment Board: Jeremy Bowles - December 2017 through April 2019

Arts & Heritage Development Council: Leah Foote - December 2017 through 2020; Mandy Smith - July 2017 through June 2020

Designations Committee: Sean Craft - December 2017 – April 2019

Human Relations Commission: Michael Spring - December 2017 through June 2019

Natural Gas Acquisition Board: Cindee Ellis - January 2018 through December 2023

Parking Commission: Carol Clark, Bill Powers, Linda Shepherd - September 2017 through August 2019

Public Art Commission: Jim Diehr - June 2017 through May 2021; Geno Grubb - December 2017 through May 2018; Bob Privett - December 2017 through May 2020

Rail Service Authority: Richard Swift - December 2017 through June 2019

Residential Development Commission: Jeff Henley - January 2018 through December 2019

Regional Solid Waste Planning Board: Richard Swift - December 2017 through October 2023

Tree Board: Joey Redman - December 2017 through June 2018; Alexandria Wills - December 2017 through June 2020

Zoning Appeals Board: Bobby Powers - January 2018 through December 2022

7) FINANCE COMMITTEE
Jeff Burkhart, Chair

1. **ORDINANCE 29-2017-18** (First Reading) Authorizing donation of 936 Charlotte Street to Habitat For Humanity for community development *(Finance Committee: Approval)*

2. **ORDINANCE 30-2017-18** (First Reading) Amending the FY18 Capital Projects Budget for matching grant funds for airport runway improvements *(Finance Committee: Approval)*

3. **ORDINANCE 31-2017-18** (First Reading) Amending the FY18 General Government Budget to transfer funds to Clarksville Transit System to accept a grant for bus related activities *(Finance Committee: Approval)*

4. **RESOLUTION 14-2017-18** Adopting the City of Clarksville Computer Usage Policy *(Finance Committee: Approval)*

8) GAS & WATER COMMITTEE
Bill Powers, Chair

1. **ORDINANCE 32-2017-18** (First Reading) Authorizing extension of utilities to property on Dunlop Lane; request of Jack Dowlen *(Gas & Water Committee: Approval)*

2. **ORDINANCE 33-2017-18** (First Reading) Amending the Official Code relative to gas rates *(Gas & Water Committee: Approval)*

3. Department Report

9) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE
David Allen, Chair

1. Department Report

10) PARKS & RECREATION
Valerie Guzman, Chair

1. Department Report

11) PUBLIC SAFETY COMMITTEE
Geno Grubbs, Chair

1. Department Reports

12) STREETS & GARAGE COMMITTEE
Mike Alexander, Chair

1. Department Reports

13)TRANSPORTATION COMMITTEE
Deanna McLaughlin

1. Department Report

14) MAYOR AND STAFF REPORTS

15) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: December 7, 2017. The public hearing will be held on: December 7, 2017.

CITY ORD. #: 34-2017-18 RPC CASE NUMBER: Z-20-2017
Applicant: BRANDON BRADFORD
Location: Property fronting on the east frontage of Bellamy Lane east of the Bellamy Lane & Otis Smith Drive intersection.
Ward #: 12
Request: AG Agricultural District
to
R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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LARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSIO
STAFF REVIEW - ZONING

RPC MEETING DATE 11/29/2017 **CASE NUMBER:** Z - 20 - 2017

NAME OF APPLICANT: Brandon Bradford

AGENT:

GENERAL INFORMATION

RESENT ZONING: AG

ROPOSED ZONING: R-2

EXTENSION OF ZONE CLASSIFICATION: YES

APPLICANT'S STATEMENT FOR PROPOSED USE: Request for property to be rezoned from AG to R-2. The purpose for the rezone is to allow use with the surrounding neighborhood and current growth patterns.

PROPERTY LOCATION: Property fronting on the east frontage of Bellamy Lane east of the Bellamy Lane & Otis Smith Drive intersection.

CREAGE TO BE REZONED: 1.39 +/-

DESCRIPTION OF PROPERTY AND SURROUNDING USES: Semi-wooded residential lot with single family home.

ROWTH PLAN AREA: CITY **AX PLAT:** 040.00 **PARCEL(S):** 027.00

IVIL DISTRICT: 6th

ITY 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 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: No Sewer Available

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:

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:

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

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

9. SCHOOL SYSTEM:

ELEMENTARY: ST. B.
MIDDLE SCHOOL: ROSSVIEW
HIGH SCHOOL: ROSSVIEW

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS: 11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Minimal

INFRASTRUCTURE:

WATER SOURCE: CITY **PIPE SIZE:**

SEWER SOURCE: SEPTIC

ACCESSIBILITY: BELLAMY LANE

DRAINAGE: VARIES

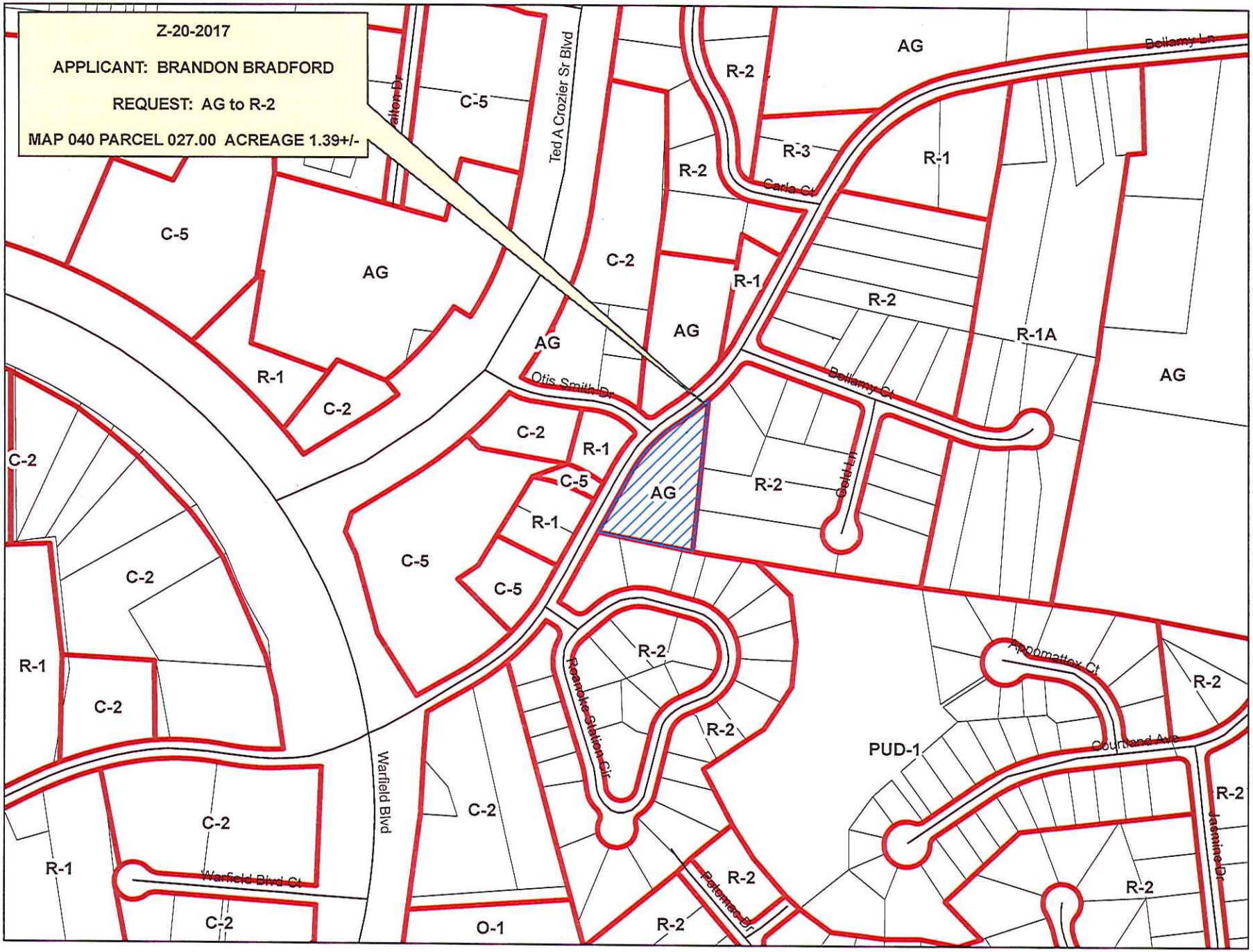
DEVELOPMENT ESTIMATES:	**APPLICANT'S ESTIMATES**	**HISTORICAL ESTIMATES**
LOTS/UNITS:		
ROAD MILES:		
POPULATION:		
ELEMENTARY SCHOOL STUDENTS:		
MIDDLE SCHOOL STUDENTS:		
HIGH SCHOOL STUDENTS:		

PPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Rossview 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. Zoning request will bring the property in compliance for lot size.
3. The R-2 single family residential district is an extension of the R-2 district to the south & west.
4. No adverse environmental issues were identified relative to this request. Adequate infrastructure serves the site.
5.


Z-20-2017
APPLICANT: BRANDON BRADFORD
REQUEST: AG to R-2
MAP 040 PARCEL 027.00 ACREAGE 1.39+/-
Ted A Crozier Sr Blvd
Bellamy Ln
Carla Ct
Otis Smith Dr
Bellamy Ct
Gold Ln
Warfield Blvd
Warfield Blvd Ct
Roanoke Station Cir
Appomattox Ct
Courland Ave
Jasmine Dr
Potomac Dr
C-5
AG
R-2
R-3
R-1
C-2
R-1A
PUD-1
O-1

CASE NUMBER: Z 20 2017 **MEETING DATE** 11/29/2017

APPLICANT: Brandon Bradford

PRESENT ZONING AG **PROPOSED ZONING** R-2

TAX PLAT # 040.00 **PARCEL** 027.00

GEN. LOCATION Property fronting on the east frontage of Bellamy Lane east of the Bellamy Lane & Otis Smith Drive intersection.

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PUBLIC COMMENTS

None received as of 9:15 A.M. on November 29, 2017. (A.L.)

ORDINANCE 34-2017-18

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF BRANDON BRADFORD FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF BELLAMY LANE AND OTIS SMITH 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 AG Agricultural, as R-2 Single Family Residential District.

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

EXHIBIT A

Beginning at a new iron pin in the south margin of Bellamy Lane, said iron pin being north 81 degrees 34 minutes 00 seconds east 48.03 feet from the centerline intersection of Otis Smith Drive & Bellamy Lane; thence along said margin north 53 degrees 15 minutes 17 seconds east 90.64 feet to a new iron pin; thence with a curve turning to the left with an arc angle length of 40.53', with a radius of 500.00' with a chord bearing of north 53 degrees 17 minutes 48 seconds east, with a chord length of 40.52' to an old iron pin; thence leaving said margin along Lots 17, 11 & 12, Bellamy Court Subdivision, south 06 degrees 03 minutes 34 seconds west 390.91' to an iron pin; thence north 80 degrees 39 minutes 00 seconds west 248.45 feet to an old iron pin in the east margin of Bellamy Lane; thence along said margin north 28 degrees 34 minutes 06 seconds east 147.36' to a new iron pin; thence north 31 degrees 15 minutes 37 seconds east 65.26 feet to a new iron pin; thence with a curve turning to the right with an arc length of 115.16', with a radius of 300.00' with a chord bearing og north 42 degrees 15 minutes 27 seconds east, with a chord length of 114.46 feet to the point of beginning and containing 1.35 acres. further identified as Tax Map 40, Parcel 27.00

ORDINANCE 12-2017-18

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

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 12, "Designations Committee; Streets and Public Place Designations," Sec. 12-1212, "Application filing procedure and administrative fee" is hereby amended by deleting the section in its entirety and by substituting instead the following language:

> Each application for nomination shall be accompanied by an administrative processing fee in the amount of seventy five dollars ($75.00). A single application may request up to three (3) sign designations, and a fee in the amount of one hundred and fifty dollars ($150.00) per sign designation requested shall be attached to the application, in addition to the administrative processing fee. Each application for nomination shall be filed with the city clerk and addressed to the Clarksville Designations Committee.
>
> If the designations request is denied, the applicant will receive a refund of one hundred and fifty dollars ($150.00) per sign designation requested within sixty (60) days from the date of denial. The City shall retain the seventy five dollar ($75.00) administrative processing fee in all instances.

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.

POSTPONED:	September 7, 2017
POSTPONED:	October 5, 2017
FIRST READING:	November 2, 2017
SECOND READING:	
EFFECTIVE DATE:	

ORDINANCE 21-2017-18

AN ORDINANCE AMENDING THE 2017-18 OPERATING AND CAPITAL BUDGET (ORDINANCE 70-2016-17) OF THE CLARKSVILLE PARKING COMMISSION AUTHORIZING A BUDGET AMENDMENT IN THE AMOUNT $120,000

WHEREAS, Neely Engineering and Contracting, LLC was hired and provided a report assessing falling concrete and drainage issues at the Cumberland Garage; and

WHEREAS, the report provided an assessment of the current condition and immediate needs as well as a recommendation for further structural engineering evaluation; and

WHEREAS, additional funding is required to address those immediate needs and provide for the further structural engineering evaluation.

WHEREAS, the repair and structural integrity of the parking garage has been deemed urgent. The Purchasing Department has authorized emergency procurement.

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

The following budget amendments be made:

Parking Fund

Expenditure:

11410003 4332	Engineering	Increase:	$ 30,000
11410003 4432 CU	Bldg. Repair & Maint.	Increase:	$ 90,000

BE IT FURTHER ORDAINED That the funds are available from the Parking Commission fund balance.

FIRST READING: November 2, 2017
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 22-2017-18

AN ORDINANCE AMENDING THE 2017-18 OPERATING AND CAPITAL BUDGET (ORDINANCE 75-2016-17) FOR THE GOVERNMENTAL FUNDS IN THE AMOUNT OF $625,000 FOR LIBERTY PARK REMEDIATION [FREEDOM POINT]

WHEREAS, a capital project has previously been created for Liberty Park/Marina remediation; and

WHEREAS, the City has reached a settlement with the contractors, subcontractors and surety involved; and

WHEREAS, the City has received the settlement and will utilize these funds to remediate the affected areas.

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

The following budget amendment be made:

Capital Projects Fund

Expense:			
40450003 4450 17505	Liberty Park Remediation	Increase:	$625,000
Revenue:			
4041000 36500	Miscellaneous Revenue	Increase:	$625,000

BE IT FURTHER ORDAINED There are no City funds necessary for the budget amendment.

FIRST READING: November 2, 2017
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 23-2017-18

AN ORDINANCE AMENDING THE 2017-18 OPERATING AND CAPITAL BUDGET (ORDINANCE 75-2016-17) FOR THE GOVERNMENTAL FUNDS IN THE AMOUNT OF $675,000 FOR THE GRANT AND CITY MATCH TO PURCHASE AND IMPLEMENT BODY WORN CAMERAS FOR THE POLICE DEPARTMENT

WHEREAS, on August 4, 2016 Clarksville City Council approved resolution expressing support for an application to the Bureau of Justice for Body Worn Cameras grant and for commitment to this long term program; and

WHEREAS, on February 9, 2017 the City Mayor, Kim McMillan, sent a letter certifying that local matching funds are available for the implementation of the project; and

WHEREAS, on October 2, 2017 we received official notification of award for a 50/50 grant for $337,500.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:
The following budget amendment be made:

Police Special Revenue Fund:

Expenditure

29420003 4321 PD070	Training	Increase:	$ 28,710
29420003 4580 PD070	Travel	Increase:	$ 4,310
29420003 4640 PD070	Books & Periodicals	Increase:	$ 9,180
29420003 4740 PD070	Machinery & Equipment	Increase:	$632,800

Revenue

2942000 33110 PD070	Federal Operating Grant	Increase:	$337,500
2942000 39150 PD070	Transfer in From Gen.Fund	Increase:	$337,500

General Fund:

Expenditure

10470003 4910	Transfers Out	Increase:	$337,500

BE IT FURTHER ORDAINED The City's match of $337,500 will come from the fund balance of the general fund.

FIRST READING: November 2, 2017
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 24-2017-18

AN ORDINANCE APPROVING A PAYMENT IN LIEU OF TAXES PROGRAM FOR THE CLARKSVILLE HOUSING AUTHORITY [SOUTH CENTRAL VILLAGE]

WHEREAS, the Clarksville Housing Authority ("CHA") is authorized by *Tennessee Code Annotated § 13-20-104* et seq.; as amended (the "ACT"), among other things, to establish a payment in lieu of ad valorem taxes program ("CHA PILOT"); and

WHEREAS, the CHA, so that it may continue its public benefit purposes of providing safe, decent, and affordable housing for low and moderate income families within the City of Clarksville, and such purposes to be furthered by providing the CHA PILOT restricted exclusively for projects developed through the assistance of low income housing tax credits ("LIHTC"), under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the CHA has been approved to provide (i) payment in lieu of taxes ("PILOT") from lessees operating LIHTC property deemed to be in furtherance of the CHA's public purposes and (ii) the maximum term of the CHA PILOT shall be fifteen
(15) years; and

WHEREAS, pursuant to authorization under the Act, upon the acquisition of such facilities by the CHA, the facilities become exempt from all property taxation pursuant to the Act. Contemporaneously, the CHA shall enter into a lease agreement, dated as of approximately even date herewith (the "PILOT Lease Agreement") with the Lessee setting forth certain rights and responsibilities between the parties; and

WHEREAS, the Lessee has requested the CHA to enter into the PILOT for the purposes of the maintenance and continued development of certain qualified multi-family residential facilities for low and moderate income persons located at 1420 Paradise Hill Road, Clarksville, Montgomery County, Tennessee 37043 (the "Project"); and

WHEREAS, the CHA has determined that the Lessee is operating a low income housing tax credit property and is willing to enter into and the Lessee is willing to pay a PILOT on the Project as more fully described below; and

WHEREAS, the Act allows the CHA to enter into PILOT agreements with its lessees and the CHA hereby finds and declares that the Project and the PILOT hereunder are in furtherance of the CHA's purposes set forth in the Act.

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

That the Clarksville City Council hereby approves the Clarksville Housing Authority's request to enter into the PILOT for the purposes of the maintenance and continued development of certain qualified multi-family residential facilities for low and moderate income persons located at 1420 Paradise Hill Road, Clarksville, Montgomery County, Tennessee 37043, based upon Exhibit A and Exhibit B attached hereto.

FIRST READING: November 2, 2017
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 25-2017-18

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM THE ESTATE OF SPENCER PICKERING JOHNSON TO THE CITY OF CLARKSVILLE, FOR THE BENEFIT OF THE CLARKSVILLE DEPARTMENT OF ELECTRICITY, FOR THE PURPOSE OF FIBER OPTIC AND OTHER EQUIPMENT

WHEREAS, the City of Clarksville currently holds an easement to certain real property on Peachers Mill Road, being Map and Parcel 43L-E-10.01, for the placement and operation of fiber optic and other equipment, said easement being of record at Official Record Book Volume 1229, Page 1, in the Register's Office for Montgomery County, Tennessee;

WHEREAS, the Estate of Spencer Pickering Johnson, Spencer Patrick Johnson, Executor, has agreed to donate the said property to the City in fee simple, so that the City will have complete ownership of the tract; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from the Estate of Spencer Pickering Johnson be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from the Estate of Spencer Pickering Johnson, Spencer Patrick Johnson, Executor, being a portion of the property conveyed to donor, by deed of record in Deed Book 123, Page 303, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.

2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.

3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING: November 2, 2017
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Being a certain tract of land situated in the Seventh (7th) Civil District of Montgomery County, Tennessee, to-wit:

BEGINNING on an iron pin (new) said iron pin being in the west right of way of Peachers Mill Road, said iron pin being south 02 degrees 15 minutes 05 seconds west 157.6 feet from the centerline intersection of Peachers Mill Road and Taft Drive; thence with the west right of way of Peachers Mill Road, south 25 degrees 43 minutes 40 seconds east 48.53 feet to an iron pin (new); thence leaving the west right of way of Peachers Mill Road, on a new severance line through the Spencer P. Johnson property, as recorded in Deed Book 123, Page 303, ROMCT, south 87 degrees 39 minutes 00 seconds west 90.90 feet to an iron pin (new); thence on another new severance line through the said Spencer P. Johnson property, north 02 degrees 21 minutes 00 seconds west 44.55 feet to an iron pin (new), said iron pin being in the south line of Lot C-3, Peachers Mill Subdivision, Section B, as recorded in Plat Book 8, Page 59, ROMCT; thence with the south line of the said Lot C-3, Peachers Mill Subdivision, Section B, north 87 degrees 39 minutes 00 seconds east 71.65 feet to the point of beginning. Said tract contains 0.083 acres (3620.5 square feet) more or less. Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on December 5, 2007.

This being a portion of the real estate conveyed to Spencer Pickering Johnson and wife, Ivalee B. Johnson by deed of record in Deed Book 123, Page 303, in the Register's Office for Montgomery County, Tennessee. The map, group and parcel number assigned to the above described real estate by the Assessor of Property for Montgomery County, Tennessee is 43L-E-l0.01.

ORDINANCE 26-2017-18

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MKP PARTNERSHIP, WAYNE WILKINSON-AGENT, FOR ZONE CHANGE ON PROPERTY NORTH OF DOVER ROAD, EAST OF MAGNOLIA DRIVE, WEST OF ROSEHILL DRIVE, AND SOUTH OF ZINNIA DRIVE

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

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

PUBLIC HEARING: November 2, 2017
FIRST READING: November 2, 2017
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 72 +/- feet northeast of the centerline of the Dover Road & Rosehill Drive intersection, further identified as the southeast corner of the herein tract and the northwest corner of the Dover Rd. & Rosehill Dr. intersection, thence in a westerly direction 531 +/- feet with the northern ROW margin of Dover Rd. to a point, said point being at the northeast corner of the Dover Rd. * Magnolia Dr. intersection, thence in a northerly direction 276 +/- feet with the eastern ROW margin of Magnolia Dr. to a point sait point being the southwest corner of the Robert Hundley property, thence in an easterly direction 80 +/- feet to a point and 180 +/- feet in a northerly direction with the southern & eastern boundary of the Hundley property to a point, said point being in the southern ROW margin of Zinnia Dr., thence in a easterly direction 528 +/- feet with the southern ROW margin of Zinnia Dr. to a point said point being the southwest corner of the Zinnia Dr. & Rosehill Dr. intersection, thence in a southerly direction 311 +/- feet with the western ROW margin of Rosehill Dr. to the point of beginning, said tract containing 4.9 =/- acres, further identified as Tax Map 54-A-D Parcel 9.00

ORDINANCE 27 -2017-18

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MILDRED JOHNSON, KEITH D. LAMPKINS-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF WOODLAND STREET AND GREENWOOD AVENUE

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 C-1 Neighborhood Commercial District, as R-3 Three Family Residential District.

PUBLIC HEARING: November 2, 2017
FIRST READING: November 2, 2017
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin in the south line of Woodland Street at the northeast corner of the lot heretofore sold to Watson, said point being 144.5 feet east of the east line of Greenwood Avenue, thence eastwardly along Woodland Street 50 feet to an iron pin, thence southwardly parallel with Greenwood Avenue 100 feet to an iron pin at the northeast corner of the C.H. Moore lot, marked by a fence post, thence westwardly along Moore's line, marked by corner of the Watson lot, thence northwardly along Watson's line and parallel with Greenwood Avenue 100 feet to the beginning.said tract containing 0.11 +/- acres further identified as Tax Map 99-N-G Parcel 14.00

ORDINANCE 28-2017-18

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CLARKSVILLE CC GROUP, LLC, JOHN HADLEY-AGENT, FOR ZONE CHANGE ON PROPERTY WEST OF FAIRWAY DRIVE, NORTH OF MEMORIAL DRIVE, AND EAST OF GEORGETOWN 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 E-1 Estate District, as R-4 Multiple Family Residential District.

PUBLIC HEARING: November 2, 2017
FIRST READING: November 2, 2017
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point also being West of Georgetown Road and North of Kimbrough Road, said point also being South 84 degrees 21 minutes East for a distance of 963 feet from the centerline intersection of Craigmont Blvd. and Georgetown Road, said point also being the southwestern corner of the herein described parcel; Thence, along a new zoning line, North 34 degrees 18 minutes 07 seconds East for a distance of 287 feet to a point on a line;
Thence, continuing along the new zoning line for the next 13 calls, North 47 degrees 52 minutes 56 seconds East for a distance of 255 feet to a point on a line;
Thence, South 85 degrees 18 minutes 39 seconds East for a distance of 223 feet to a point on a line;
Thence, South 31 degrees 04 minutes 09 seconds East for a distance of 94 feet to a point on a line;
Thence, North 59 degrees 16 minutes 00 seconds East for a distance of 222 feet to a point on a line;
Thence, South 30 degrees 27 minutes 45 seconds East for a distance of 109 feet to a point on a line;
Thence, South 59 degrees 05 minutes 45 seconds West for a distance of 320 feet to a point on a line;
Thence, North 30 degrees 54 minutes 15 seconds West a distance of 108 feet to a point on a line;
Thence, South 58 degrees 00 minutes 16 seconds West for a distance of 131 feet to a point on a line;

Thence, North 43 degrees 24 minutes 59 seconds West for a distance of 84 feet to a point on a line;
Thence, South 43 degrees 08 minutes 33 seconds West for a distance of 278 feet to a point on a line;
Thence, South 57 degrees 00 minutes 12 seconds East for a distance of 238 feet to a point on a line;
Thence, South 27 degrees 40 minutes 03 seconds West for a distance of 110 feet to a point on a line;
Thence, North 61 degrees 09 minutes 25 seconds West for a distance of 374 feet to a point on a line, which is the point of beginning, said tract containing 164,545 square feet or 3.78 acres, more or less. Further identified as Tax Map 64-I-A Parcel 20.00 p/0

RESOLUTION 16-2017-18

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE AT CIRCLE K/MAC'S CONVENIENCE STORE (#3703)

WHEREAS, Greg Starr has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Circle K/Mac's Convenience Store, LLC #3703, located at 523 Dover Road; and

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

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

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Greg Starr for sale of wine at Circle K/Mac's Convenience Store LLC #3703, 523 Dover Road, Clarksville, Tennessee.

ADOPTED:

RESOLUTION 17-2017-18

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE AT CIRCLE K/MAC'S CONVENIENCE STORE (#3689)

WHEREAS, Greg Starr has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Circle K/Mac's Convenience Store, LLC #3689, located at 646 Lafayette Road; and

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

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

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Greg Starr for sale of wine at Circle K/Mac's Convenience Store LLC #3689, 646 Lafayette Road, Clarksville, Tennessee.

ADOPTED:

RESOLUTION 18-2017-18

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE AT CIRCLE K/MAC'S CONVENIENCE STORE (#3702)

WHEREAS, Greg Starr has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Circle K/Mac's Convenience Store, LLC #3702, located at 601 Tiny Town Road; and

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

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

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Greg Starr for sale of wine at Circle K/Mac's Convenience Store LLC #3702, 601 Tiny Town Road, Clarksville, Tennessee.

ADOPTED:

RESOLUTION 19-2017-18

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE AT CIRCLE K/MAC'S CONVENIENCE STORE (#3707)

WHEREAS, Greg Starr has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Circle K/Mac's Convenience Store, LLC #3707, located at 1791 Wilma Rudolph Boulevard; and

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

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

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Greg Starr for sale of wine at Circle K/Mac's Convenience Store LLC #3707, 1791 Wilma Rudolph Boulevard, Clarksville, Tennessee.

ADOPTED:

CLARKSVILLE CITY COUNCIL
REGULAR SESSION
NOVEMBER 2, 2017

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Louis Marshall accused the City of malicious arrest and said he was being forced to pay unnecessary bonds. Mr. Marshall asked Mayor McMillan to meet with members of the black community to discuss various issues.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, November 2, 2017, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Pastor Kathy Walker, New Jerusalem Five Fold Ministry, guest of Councilwoman Wanda Smith (Ward 6); the Pledge of Allegiance was led by Councilwoman Smith.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1;arrived 7:09 p.m.), Ron Erb (Ward 3), Tim Chandler (Ward 4), Valerie Guzman, Mayor Pro Team (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)

ABSENT: Deanna McLaughlin (Ward 2; excused)

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 Councilman Alexander. There was no objection.

ORDINANCE 26-2017-18 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of MKP Partnership, Wayne Wilkinson-Agent, for zone change on property north of Dover Road, east of Magnolia Drive, west of Rosehill Drive, and south of Zinnia Drive from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District

Wayne Wilkinson asked for support of this change and offered to answer questions. Stella McKnight was concerned that issues may arise regarding a nearby civil war cemetery and said the property was a nesting area for owls. Ms. McKnight also said traffic and crime could become a problem.

ORDINANCE 27-2017-18 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mildred Johnson, Keith D. Lampkin-Agent, for zone change on property at the intersection of Woodland Street and Greenwood Avenue from C-1 Neighborhood Commercial District to R-3 Three Family Residential District

No one expressed support for or against this request.

ORDINANCE 28-2017-18 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Clarksville CC Group, LLC, John Hadley-Agent, for zone change on property west of Fairway Drive, north of Memorial Drive, and east of Georgetown Road from E-1 Estate District to R-4 Multiple Family Residential District

John Hadley asked for support of this change and offered to answer questions. No one expressed opposition.

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

ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 26-2017-18**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. Councilman Chandler said though he previously disagreed with this change, he decided to support the rezoning. No one objected to Councilman Alexander's request for input from Regional Planning Commission Director Dave Ripple. Dr. Ripple said a buffer and landscaping would be required for this development along adjacent residential properties and owners would be notified of the public site review. He noted that changes in any burial site must be avoided. In response to Councilwoman Smith's question, Dr. Ripple said the developer could not be required to install sidewalks along Dover Road. There was no objection to reverting to regular session. The following vote was recorded:

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

NAY: Smith

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 27-2017-18**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 28-2017-18**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. Councilman Burkhart disclosed that he is part owner of the organization and would abstain from voting. The following vote was recorded:

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

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

6) CONSENT AGENDA

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

1. **ORDINANCE 9-2017-18** (Second Reading) Amending the Official Code relative to retiree health benefits

2. **ORDINANCE 18-2017-18** (Second Reading) Authorizing grant of transmission line easements to Tennessee Valley Authority [Franklin Street & Arrow Lane]

3. **ORDINANCE 19-2017-18** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Robert E. White, Jason Daugherty-Agent, for zone change on property at the intersection of Whitfield Road and Needmore Road from AG Agricultural District to C-2 General Commercial District

4. **ORDINANCE 20-2017-18** (Second Reading) Amending the FY17 Capital Projects budget to add funding to acquire and demolish the Embassy House property

5. Adoption of Minutes: October 5th

6. Approval of Board Appointments:

Human Relations Commission: JoAnn Latz - July 2017 through June 2020

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

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

The motion to adopt the Consent Agenda as presented passed.

FINANCE COMMITTEE
Jeff Burkhart, Chair

ORDINANCE 21-2017-18 Amending the 2017-18 Operating and Capital Budget for the Parking Commission for engineering and building repairs and maintenance for the Cumberland Garage

Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 22-2017-18 Amending the 2017-18 Operating and Capital Budget for Liberty Park remediation [Freedom Point]

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

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 23-2017-18 Amending the 2017-18 Operating and Capital Budget for a grant and matching funds for police body worn cameras

Councilman Burkhart 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, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, Powers, Smith

The motion to adopt this ordinance on first reading passed.

ORDINANCE 24-2017-18 Approving a PILOT program for Clarksville Housing Authority (South Central Village)

Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 25-2017-18 Accepting donation of property from the Estate of Spencer Pickering Johnson for CDE

Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Powers. City Attorney Lance Baker said his staff would research the issue of back taxes prior to second reading. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

RESOLUTION 13-2017-18 Authorizing issuance, sale, and payment of not to exceed $6,500,000 capital outlay notes and levying ad valorem taxes for payment of the notes for purchase of property for an athletic complex

Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. Councilman Alexander said road improvements should be a priority. Mayor McMillan said the recreational survey that was currently underway show significant support for an athletic complex. Councilman Grubbs said the complex was needed to provide a facility for youth sports. Councilman Allen opposed the Exit 8 site and noted there was no specific plan for the types of sports would be incorporated into the facility. Councilman Chandler said many cities smaller than Clarksville have a complex of this type and noted road improvements needed were mostly on state roads. Councilwoman Guzman said the revenue from an athletic complex could help fund infrastructure improvements. Councilwoman Smith said some existing parks are not fully utilized and said Ward 6 needs various improvements. Councilman Garrett called for the question. The question was seconded by Councilman Alexander. A voice vote was taken; the motion to cease discussion passed without objection. The following vote on the original motion was recorded:

AYE: Chandler, Garrett, Grubbs, Guzman, Henley, McMillan, Powers

NAY: Alexander, Allen, Burkhart, Erb, Smith

The motion to adopt this resolution passed.

RECONSIDERATION

Councilman Burkhart made a motion to reconsider the vote on **ORDINANCE 20-2017-18** (previously adopted as part of the Consent Agenda). The motion was seconded by Councilwoman Guzman. Councilman Burkhart said the appropriation for purchase and demolition of the Embassy House property [approved by adoption of ORDINANCE 56-2016-17 on May 4, 2017] must be amended to increase the scope of the project to include an environmental evaluation in accordance with a TEMA/FEMA grant. A voice vote was taken; the motion to reconsider passed without objection. Councilman Burkhart made a motion to amend this ordinance to provide additional funding as required by the grant. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

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

The motion to amend this ordinance passed. The following vote to adopt this ordinance as amended was recorded:

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

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

GAS & WATER COMMITTEE
Bill Powers, Chair

Councilman Powers reported the following monthly department statistics: Service Department - 5,396 work orders, 391 after-hours calls, 95,782 meter reads; Billing Department - 69,914 bills; Engineering Department - 3,120 locates, 713 flushed fire hydrants, 415 backflow devices tested.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE
David Allen, Chair

Councilman Allen said the City of Clarksville was slated to receive $35,000 in additional ESG funds for the Salvation Army, Urban Ministries, and Community Action Agency to receive $11,600 each. He said services provided by Room at the Inn began November 1st offering meals and shelter provided by area churches.

PARKS & RECREATION
Valerie Guzman, Chair

Councilwoman Guzman noted upcoming events including Winter Gyms, Downtown B-Cycle Ghost Tours, Handmade Holidays, and Community Thanksgiving.

PUBLIC SAFETY COMMITTEE
Geno Grubbs, Chair

Councilman Grubbs shared the following department statistics: Building & Codes Construction Division - 1,916 inspections, Building & Codes Code Enforcement - 272 cases, Building & Codes Abatement - 67 work orders, Building & Codes Administration - 96 single family permits; Fire & Rescue - 1,097 emergency runs; Police - 13,691 responses.

STREETS & GARAGE COMMITTEE
Mike Alexander, Chair

Councilman Alexander shared the following department statistics: Garage - 391 work orders with unleaded fuel at a cost of $1.979/gallon and diesel fuel at a cost of $1.932/gallon; Streets - 391 work orders.

Councilman Alexander said the Street Department would be offering debris pickup through December 4th.

TRANSPORTATION COMMITTEE
Ron Erb

Councilman Erb reported 63,931 passengers were transported by Clarksville Transit System during October.

NEW BUSINESS

ORDINANCE 12-2017-18 (First Reading; Postponed October 5th) Amending the Official Code relative to application fees for public designation

Councilman Chandler made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Grubbs. Mr. Baker noted that three signs per application may be requested at a cost of $150 per sign and must be paid with the application fee. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

MAYOR AND STAFF REPORTS

There were no mayor or staff reports.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

ORDINANCE 29-2017-18

AN ORDINANCE AUTHORIZING DONATION OF 936 CHARLOTTE STREET TO HABITAT FOR HUMANITY FOR COMMUNITY DEVELOPMENT

WHEREAS, the Community Development Committee was established by the Mayor and City Council to identify community needs and to recommend affordable housing programs for community development and;

WHEREAS, Community Development Block Grants help communities provide decent housing, a suitable living environment, expanded economic opportunities, principally for persons of low and moderate income; and

WHEREAS, Housing and Urban Development awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development and providing improved community facilities and services; and

WHEREAS, the Office of Community and Economic Development proposes to have the city donate property located at 936 Charlotte Street (Map, Group and Parcel 66O D 014.00) for the purpose of donating it to Habitat for Humanity of Montgomery County, Tennessee, Inc.; and

WHEREAS, providing housing for low-income families is consistent with the goals and objectives of the Community Development Block Grant program.

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

That the City of Clarksville is hereby donating the property know as 936 Charlotte Street to Habitat for Humanity of Montgomery County, Tennessee, Inc.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT “A”

Fronting 50 feet 8 inches on the west side of Charlotte Street and running between parallel lines to the right of way of the T.C.R.R. Company and beginning at the N.E. corner of G.R. Adams property on the west side of Charlotte Street and running thence along the west margin of Charlotte Street and running thence along the west margin of Charlotte Street in a northerly direction 50 feet 8 inches to an iron stake; thence in a westerly direction splitting the center line of a double garage to the right of way of the T.C.R.R. Co. fifty feet 8 inches to the southeast corner of G.R. Adams property; thence with his line, running in an easterly direction to the beginning.

This legal description was taken from previous deed of record at ORBV 1542, Page 100, ROMCT.

The Parcel Number for the lot according to the Assessor of Property for Montgomery County, Tennessee is 66O D 014.00 000.

The property address for the property is: 936 Charlotte Street, Clarksville, Tennessee 37040.

ORDINANCE 30-2017-18

AN ORDINANCE AMENDING THE FY 2017-2018 GOVERNMENTAL FUNDS BUDGET ORDINANCE 75-2016-2017 TO INCREASE CAPITAL FUNDING FOR THE CLARKSVILLE REGIONAL AIRPORT IN THE AMOUNT OF $145,969.

WHEREAS, the FY2017 budget included capital funding for $285,000 as the City's share of a federal grant for runway improvements (grant match of 5% - shared equally with City and County);

WHEREAS, the project bid was approximately $1.4 million more than originally anticipated. Additional federal grant dollars are available. The City match for the additional grant dollars is $38,227.

WHEREAS, the airport believes it's in the best interest to do additional work such as pavement crack cleaning/sealing, pavement markings and an LED lighting upgrade. These items are to be funded with 100% local dollars. The City share is $107,742.

WHEREAS, the City believes it is in the best interest of the citizens to provide the funding for the regional airport improvements.

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

That the following Budget Amendment be made:

10462003-4860	Regional Airport – Capital	Increase	$145,969

BE IT FURTHER ORDAINED that the source of funding for the airport improvements shall be from the fund balance of the General Fund.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 31-2017-18

AN ORDINANCE AMENDING THE 2017-2018 GENERAL FUND BUDGET (ORDINANCE 75-2016-17) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE FUNDING OF THE GENERAL FUND BUDGET IN THE AMOUNT OF $188,985.00 TO BE TRANSFERRED TO THE CLARKSVILLE TRANSIT SYSTEM AND ACCEPTANCE OF FEDERAL AND STATE GRANT IN THE AMOUNT OF $1,700,863.00 FOR BUS AND BUS-RELATED ACTIVITIES

WHEREAS, the Clarksville Transit System has been selected for funding under the Federal Transit Administration (FTA) Section 5307 Program, codified by 49 U.S.C. 5307 to provide urbanized areas with capital and operating assistance within the urbanized areas for capital investments in bus and bus-related activities at an estimated cost of $1,889,848.00: and

WHEREAS, the Clarksville Transit System has been awarded $1,511,878.00 in federal funds, and $188,985.00 in state funds; and

WHEREAS, the Clarksville Transit System will be required to provide 10% local match in the amount of $188,985.00.

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

That the following Budget Amendments be made:

General Fund:

Transfer to Transit	10491004-4740	Increase:	$188,985.00

BE IT FURTHER ORDAINED that the source of funding for this $188,985.00 shall be from the fund balance of the General Fund.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

RESOLUTION 14-2017-18

A RESOLUTION ADOPTING THE CITY OF CLARKSVILLE COMPUTER USAGE POLICY

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

That the City of Clarksville Computer Usage Policy No. IT-104, attached hereto as Exhibit A, is hereby adopted.

ADOPTED:

EXHIBIT A

City of Clarksville
Policies and Procedures

Policy Number	IT-104		
Department	Information Technology		
Subject	Computer Usage Policy		
Date	November 16, 2017	**Revised**	
Department Approval			
Administrative Approval			

CITY OF CLARKSVILLE
Information Technology Policy

Information Technology

Citywide Technology Standards

This policy provides procedures, standards, and guidelines to plan for, acquire, implement, and manage the City's computer systems. To satisfy that intent, rules have been formulated to ensure that information resources fit together in a citywide system capable of providing ready access to information, computing, and communication resources. This policy and related information technology standards apply to hardware and software acquired and/or developed by all departments. While every attempt is made to respect the privacy of our users, general usage is monitored in order to detect unauthorized access and illegal activities. When illegal or inappropriate activities are suspected, users' files may be inspected. Anyone making use of this computer system expressly consents to such monitoring and is advised that evidence of criminal activity may be provided to law enforcement officials.

The development of a citywide computer system requires the establishment of technical standards based upon international industry standards to the maximum extent possible. Information Technology is responsible for establishing, updating, and communicating the City's Information Technology Standards.

The City's dependence on computer technology requires policies and procedures to provide adequate protection for these resources. For these reasons, internal procedures will address security for stand-alone and shared computer resources.

All City Departments will apply the Information Technology adopted Information Technology Policies and standards to all procurement and application development projects to the maximum extent possible.

Exemption Process

Occasionally, departments may have special conditions or extraordinary requirements that prevent them from conforming to a standard. Department managers may request an exemption from the Information Technology Director.

CITY OF CLARKSVILLE

Ten Guidelines for Technology Policy

1. No one shall use any City computer or network facility for non-City business without proper authorization.

2. No one shall connect any computers or equipment to City's network unless approved by Information Technology.

3. No one shall download, copy or install any software that violates copyright or licensing agreements.

4. Games are prohibited on **ALL** City computers.

5. Using E-mail for personal correspondence is permissible if approved by your Department Head and only if it does not interfere with your job.

6. No one shall give any passwords for any City computer to any unauthorized person, nor obtain any other person's password.

7. No one shall misrepresent his or her identity or relationship to the city when on the Internet or E-mailing.

8. City personnel may use the Internet for personal use while on breaks or as permitted by their Department Head.

9. No one shall attempt to gain unauthorized access to other users' files or systems.

10. Users shall not use any other e-mail services on City-owned computers other than those provided by Information Technology.

These Ten Guidelines are designed as a supplement to the City of Clarksville Technology Policy for ease of reference. They DO NOT replace the Technology Policy in any form and all users remain subject to all rules and regulations outlined in the full text of the said policy.

I Purpose

To create a standard for computer usage in the City of Clarksville.

II Definition

- **City computers and network facilities** comprise all computers owned or administered by the City of Clarksville that are connected to the City's communication facilities, including departmental computers, mobile devices, and voice over IP telephones, and also the City's computer network facilities accessed by anyone from anywhere. Some exclusions apply to the City's guest network as it is open to everyone.

- **Authorization** is permission granted by the appropriate part of the City's governance and/or management structure, depending on the particular computers and/or network facilities involved and the way they are administered.

III Penalties

Violations of these policies incur the same types of disciplinary measures as violations of other City policies or state or federal laws, including criminal prosecution in serious cases.

IV Policy

(A) No one shall use any City computer or network facility without proper authorization. No one shall assist in, encourage, or conceal from authorities any unauthorized use, or attempt at unauthorized use, of any of the City's computers or network facilities.

Comment: Computers and networks are just like any other City facilities – they are to be used only by people who have permission.

Using a computer without permission is theft of services and is illegal under state and federal laws.

(B) No one shall knowingly endanger the security of any City Computer or network facility, nor willfully interfere with others' authorized computer usage.

Comment: Many of the other regulations given here deal with specific acts of this kind. You should not assume that other malicious acts or deliberate security violations are permissible merely because there is no specific rule against them.

(C) No one shall use the City's communication facilities to attempt unauthorized use, nor to interfere with others' legitimate use, of any computer or network facility anywhere.

Comments: State and federal laws forbid malicious disruption of computers. City of Clarksville does not tolerate individuals who invade others' privacy, steal computer services, or commit misrepresentation or fraud; nor pranksters who attempt to disrupt computers or network facilities for any other purpose.

The mere lack of security measures does not mean that a computer is open to anyone who wishes to use it. The same goes for unauthorized use of communication paths, such as remote dialout modems and the like.

(D) No one shall connect any computer or device to any of the City's networks unless it meets technical and security standards and is specifically approved by Information Technology.

Comments: The applicable requirements depend on what kind of connection is being made. For example, connecting to the citywide network requires special authorization, because one improperly configured machine on a network can cause widespread disruption.

(E) All users shall share computing resources in accordance with policies set for the computers involved, giving priority to more important work and cooperating with other users of the same equipment.

Comments: If you need an unusual amount of disk space, CPU time, or other resources, check with the administrators in charge of the computer rather than risk disrupting others' work. When resources are tight, work that is necessary to the City's mission must take priority over computing that is done to pursue personal interest or self-training on side topics. Also, no matter how important your work may be, you are only entitled to one person's fair share of the machine unless additional resources are available and appropriate permission has been granted.

Priorities for any particular machine are set by the administrators in charge of it in consultation with the user community.

Obtaining extra computer resources through any form of deception (e.g., secretly opening multiple accounts, misrepresenting the nature of your work, or the like) is strictly prohibited.

(F) No one without specific authorization shall use any City Computer or network facility for non-City business.

Comments: By law, the City can only provide computer services for its own work, not for private use. In this respect the City's computers are different from those owned by colleges or corporations.

It is improper to use the City's computers for political campaigns, fund-raising, commercial enterprises, mass mailings, or other outside activities that have not been granted the use of the City's facilities.

Do not store personal files, including but not limited to, pictures, documents, and music on City computers. The Information Technology Department reserves the right to remove personal files from City computers.

You should be aware that the **ability** to use a computer and/or service does not constitute **permission** or **authorization.** If you have questions, contact your supervisor or someone from the Information Technology Department.

(G) No one shall give any password for any City computer or network facility to any unauthorized person, nor obtain any other person's password by any unauthorized means whatsoever. No one except the System or LAN Administrators in charge of a computer is authorized to issue passwords for that computer.

Comments: Giving your password to an unauthorized person can be a crime under Tennessee law. The criterion is not whether you trust them, but whether the **City** has authorized them.

Passwords protect the City's network, not just the individual machines to which they apply. The City insists that each account be used only by the person to whom it belongs, so that if problems are detected or abuse is alleged, the responsible person can be identified. If a department cannot keep passwords secure, it cannot connect its machines to the citywide network.

In general, you should never share your password with anyone else. Likewise, you must never use or disclose a password that was given to you improperly.
Do not store the password for one computer in another computer. It is easy for anyone to walk up to your personal computer and retrieve passwords that are stored in it or written on paper around the computer.

Passwords must be changed every 90 days. You are responsible for choosing a secure password. **Don't use names, nicknames, phone numbers, or recognizable words in any language,** because some people guess passwords by automatically trying every word in a large dictionary. A strong password should include upper and lower case letters, numbers, and/or symbols. Also, a phrase such as "57ityMwb" is a good password, and it's easy to remember because it stands for "57 is the year Michael was born."

Your password is secret. System or LAN administrators will not typically ask you for it. The computer will never ask you to type it unless you are logging in or changing your password. Beware of computer programs that ask you to "log in again" or type your password at any other time; they are likely to be scams. (There are rare exceptions on some computers; check with your system manager. If anything that you don't understand ever happens after you type your password, then change your password immediately.)

In some situations the City authorizes more than one person to a single account, but this is seldom the best way to conduct collaborative work. Instead, use file sharing, groups, and related features of the system you are using. Email can be redirected automatically to a secretary, who can then forward it to you using a separate mailbox.

(H) No one shall misrepresent his or her identity or relationship to the City when obtaining or using City computer or network privileges.

Comments: Naturally, you must not claim to be someone else, nor claim to have a different relationship to the City than you actually do, when obtaining a computer account or access to a lab.

- You must not falsify your name, address, email address, or affiliation when sending email or other messages from a City computer. Doing so can be illegal as well as being an unacceptable use of the City's facilities.

- On some systems, there are ways to post messages without revealing your name and address. **Anonymous** communication is permissible when there is a legitimate need for additional privacy. It is not a cover for fraudulent or obnoxious behavior, and in cases of abuse, anonymous messages may be traced to their source. **Deceptive** communication, in which you claim to be some other specific person, is never permitted.

- You can create confusion, and possibly violate trademark law, by using someone else's trademark as your name on the internet.

(I) No one without specific authorization shall read, alter, or delete any other person's computer files or electronic mail. This rule applies regardless of whether the operating system of the computer permits these acts.

Comments: Do not try to guess or steal other people's passwords, or read their files, even if the computer permits this.

(J) No one shall download, copy, install, or use any software or data files in violation of applicable copyrights or licensing agreements.

Comments: This rule forbids making unauthorized copies, for use elsewhere, of software residing on the City's computers. It also forbids installing or downloading **ANY** games or using pirated software on City computers.

Unauthorized copying is usually a violation of federal copyright law.

Some software is "site licensed" and can be used on any City computer. (The terms of various site licenses differ.) Some software is genuinely free; the author allows everyone to use it free of charge. Before copying software, **be sure** what you are doing is legal, and consult people who have full information.

If strangers show up at your computer site saying they are there to check software licenses, you should immediately contact Information Technology and your administrative superiors. Software licenses do not normally authorize these surprise inspections, and there is a substantial risk that the "inspectors" are not legitimate.

(K) No one shall create, install, or knowingly distribute a computer virus, "Trojan Horse," or other surreptitiously destructive program on any City computer or network facility, regardless of whether any demonstrable harm results.

Comments: A virus is a hidden computer program that secretly copies itself onto users' disks, often damaging data. A Trojan horse is a program with a hidden, destructive function, or a program designed to trick users into revealing confidential information such as passwords. Even when the harm done by programs of these types is not readily evident, they confuse beginning computer users, degrade CPU performance, and waste the time of system managers who must remove them.

(L) No one without proper authorization shall modify or reconfigure the software or hardware of any City computer or network facility.

Comments: Do not modify the hardware, operating system, or application software of a City computer unless someone has given you explicit permission to do so from Information Technology. The other users with whom you share the machine, and the technician on whom you rely for support, are expecting to find it set up exactly the way they left it.

City personnel shall adhere to the software license agreement provided with each software product purchased. Only city owned software shall reside on City owned computers. Authorized evaluation software may be permitted for a fixed period of time.

Software is copyright protected in the same manner as other media such as records, books, and film. The fact that software is so easy to copy does not legitimize its duplication. The City will purchase and track the requisite number of licenses and use all commercial software in accordance with licensing agreements.

The following procedures shall be followed to ensure adherence to software licensing agreements:

1. Software may be loaded onto City computers only if (1) it is licensed by the City, or (2) it is licensed to an employee of the City and the Information Technology Coordinator or Department Head has approved its use.

2. Users are responsible for ensuring that backups of critical data files are made. Users may contact Information Technology for assistance with backups.

3. Configuration of each workstation shall be determined first by citywide policy and then departmental policy. Only within those parameters is personal preference to be exercised. Information Technology personnel may reconfigure systems and delete unauthorized software and data. Any exceptions, which have been authorized, should be noted in a file.

4. Computers or terminals shall not be left unattended in a state, which affords unauthorized access to records that compromises security.

5. Master software disks shall be centrally received, filled, and maintained by a network administrator in the technology storage area at the department that it belongs to.

6. Software installed on personal computers shall be inventoried annually.

(M) Users shall not place confidential information in computers without protecting it appropriately. The City cannot guarantee the privacy of computer files, electronic mail, or other information stored or transmitted by computer unless special arrangements are made.

Comments: Due to the nature of most e-mail systems, the physical security of messages cannot be guaranteed. As with voice mail and fax, e-mail systems transmit information through wires or through the airwaves. Because there is a security risk in the use of e-mail, it is suggested that care be taken when transmitting sensitive and non-public data through e-mail. Depending on the content, there may be times when e-mail is not the appropriate vehicle to send a message. The contents of the message determine whether the message is public or non-public. Remember that Public data is accessible to the public.

Example uses of e-mail that will not be tolerated:

- Illegal activities
- Wagering, betting, or selling chances
- Harassment
- Fundraising, except for agency-sanctioned activities
- Commercial activities
- Other unethical activities

Since the e-mail messages are City records, you should be aware that department heads have the right to access them at any time with the assistance of the Information Technology department. However, the content of e-mail messages is not routinely monitored or disclosed. Monitoring or disclosure may occur under subpoena or other legal actions, in connection with charges of improper or illegal actions by an individual, unexpected absence of an employee, disciplinary proceedings against an employee, and other appropriate business or technical reasons.

Problems or issues regarding agency e-mail should be directed to the Information Technology Director and/or department heads.

Ordinary electronic mail is not private. Do not use it to transmit computer passwords, credit card numbers, personally identifiable information (PII) or information that would be damaging if made public. Bear in mind that some records are required by law and by City policy, to be kept confidential. It is also necessary to protect confidential information about employees. This applies not only to networked computers, but also to computers, tapes, or disks that could be stolen; an increasing number of computer thieves are after data rather than equipment.

The City will normally respect your privacy but cannot guarantee it absolutely. There are many ways a normally private file can end up being read by others. If a disk is damaged, a system administrator may have to read all the damaged files and try to reconstruct them. If email is misaddressed, it may go to one or more recipients who will read it and try to correct the address. For your own protection, system administrators will often look at unusual activity to make sure your account hasn't fallen victim to an attack.

Encryption is available for portable devices and email. Contact the Information Technology department for more information.

The Tennessee Open Record Act applies to information stored in computers. This act gives citizens the right to obtain copies of "public records" as defined by state law. Requests for public records must be made through proper administrative channels. If you are using personal email to conduct City business, your personal email would become subject to public record requests.

If you have a concern regarding any possible violation of the above rules by anyone, please forward the message with your complaint to Administrator@cityofclarksville.com.

(N) Users shall take full responsibility for messages that they transmit through the City's computers and network facilities. No one shall use the City's computers to transmit fraudulent, defamatory, harassing, obscene, or threating messages, or any communications prohibited by law.

Comments: Electronic mail (e-mail) is an authorized and recommended method of inter and intra-departmental communications. All City personnel who are assigned an individual e-mail address shall become proficient in the use of the e-mail system. Personnel that have been assigned an individual e-mail address should check incoming messages in a timely manner each workday. All personnel should respond to e-mail, which requires a response, in a timely manner.

Any use of technology provided by the City is considered to be public record and may be subject to public disclosure and/or review by authorized city managers in accordance with applicable law. Personnel should understand that they have no legitimate expectation of privacy with regard to any use of technology provided for their use by the city (including but not limited to email, text messaging, internet usage, and telephone/cell phone usage). Never send or keep anything that you would mind seeing on the evening news, or being subject to public disclosure. Routine back up of electronic mail will occur as part of the system maintenance. Internet electronic mail will be available to all employees who are trained on the City's internal electronic mail packages, except where a department head requests otherwise.

You have exactly the same responsibilities on the computer network as when using other forms of communication. You must obey laws against fraud, defamation, harassment, obscenity, solicitation of illegal acts, threatening or inciting violence, and the like. Bear in mind that uninvited amorous or sexual messages are likely to be construed as harassment. If you are bothered by uninvited email, ask the sender to stop, and then, if necessary, consult your system administrator.

Use of the computers to circulate chain letters and pyramid schemes is not permitted. If someone says, "Forward a copy of this to everyone you know on the Internet," don't. Such messages often contain misunderstood or outdated information, or even outright hoaxes. Even when the information is legitimate, chain forwarding is a needlessly expensive way to distribute it.

Never participate in schemes to deliberately flood a computer with excessive amounts of email. "Mail bombing" can incapacitate a whole computer or even a whole subnetwork, not just the intended victim.

It is considered good practice to use your real name, rather than a nickname or pseudonym, in the headers of all outgoing communications. Use of nicknames is often interpreted as a sign of immaturity or an indication that you are not taking full responsibility for what you are sending out.

All users should be aware that there is no guarantee that electronic mail actually came from the person or site indicated in it. Deceptive electronic mail is easy to fake, including the technical information in the header. Doing so is of course prohibited and is in many cases against the law.

Hoaxes, pranks, and con games are common on the Internet. Be on the lookout for misguided "warnings" (about computer viruses, impending legislation, etc.) and false appeals for charity (usually involving dying children). If you get a message that spurs you to take immediate action, it is very likely to be a hoax, even if the person who passed it along to you was perfectly sincere. Also, genuine appeals that are several years old are still circulating as if they were current. Rather than spreading the appeal or "warning", post a question to the Information Technology department.

Use prudent caution when sending out any messages that appears to be an official communication from the City. If the header identifies your message as coming from an administrative office or from the office of someone other than yourself (e.g., "City Clerk"), recipients will presume that you are speaking for that office or person.

It is important to distinguish actions taken to **punish a person** from actions taken to **protect a system.** If your account appears to have been misused or broken into, your system administrator will inactivate it and contact you or wait to hear from you. This is done to stop the misuse and does not presume that you are the guilty person; you can expect to have your privileges reinstated right away, with new password, as soon as you identify yourself and indicate willingness to follow the rules. Thus, you can resume using the computer while investigation of the incident continues.

(O) Those who publish World Wide Web pages or similar information resources on City computers shall take full responsibility for what they publish; shall respect the acceptable-use conditions for the computer on which the material resides; shall obey all applicable laws; and shall not publish commercial advertisements. References and links to commercial sites, advertisements, and especially paid advertisements, are not permitted. Users shall not accept payments, discounts, free merchandise or services, or any other remuneration in return for placing anything on their web pages or similar facilities.

Comments: All Internet users are expected to be responsible cyber-citizens. That means knowing the tools, rules and etiquette and behaving accordingly. This includes the selection of materials to post; posts should reflect well on the City and not violate anyone's trust or copyright laws. The viewing, downloading or printing of pornography is strictly prohibited. Any personnel caught viewing, downloading or printing pornography may be subject to MAJOR disciplinary action.

Personnel are encouraged to use Internet for research, education, and communications, provided it is for City related business. Personnel shall not use the Internet for non-city business use while on City time. However, personnel may use the Internet for personal use while on breaks as permitted by the department head.

City personnel are not permitted to use the Internet or wide area network services for any illegal purpose. This includes unauthorized access to protected resources for the city. Transmitting unprofessional communications or using City resources for unsolicited advertising for personal gain is strictly prohibited.

The information technology department uses network equipment to block access to specific parts of the Internet that by definition have no valid use normally here at the City of Clarksville. Examples of these areas include pornography, gambling and streaming media. If you find that in the course of your job that you need access to these web sites, your department manager should submit a request to human resources to request access. Human Resources will approve the request and submit a help desk ticket to information technology to grant the requested access.

Web pages on the City's network are subject to the same rules as other uses of the same facilities. Different City computers are set up for different purposes; System administrators can advise about what is permitted at any particular site.

Only City of Clarksville Departments are allowed to have pages hosted on the City's computer systems. Furthermore, only links to government agencies will be allowed on the City's web page(s) unless other links are specifically approved by Information Technology.

When you publish something on the World Wide Web, you are putting it before a potential audience of millions. You have the same responsibilities as if you were publishing a newspaper. If the content is libelous or deceptive, people can sue you and you can be held personally liable. Since there are laws against distributing obscene material (not just creating it), a link to an obscene web site can be a violation of the law. This is true regardless of the status of the Communications Decency Act or other new laws that specifically mention computers.

You are not allowed to view any material that is sexually explicit or obscene. Additionally, the City's sexual harassment policy prohibits you from displaying sexually explicit material, which interferes with anyone's work or personal performance or creates an intimidating, hostile, or offensive environment.

If you want to reproduce copyrighted pictures, cartoons, or comic strips on your web page, you must have the copyright owner's permission. It is not sufficient to reproduce the owner's copyright notice; you must actually obtain permission for yourself. Brief textual quotations do not always require permission as long as the source is acknowledged and you are not reproducing a complete work (poem, essay, etc.).

You must not accept payments, discounts, or anything of value in return for placing anything on your web page. The City's disk space and communication capacity are not yours to sell. This applies to all computers directly connected to the City's network, even if they are privately owned.

(P) Users shall not utilize any electronic mail services other than those maintained by City of Clarksville's Information Technology Department.

Comments: You are prohibited from using other mail services such as AOL, Yahoo™, Hotmail, MSN, etc. on City computers. These types of servers cause several problems including (but not limited to) a lack of security and increased bandwidth usage.

(Q) Data which is exempted from disclosure under the Freedom of Information Act (Public law 93-502) or whose disclosure is forbidden by the Privacy Act (Public law 93-579) will not be transmitted over the Internet network unless encrypted.

Comments: Logon Ids and passwords are frequently classified as sensitive information.

(R) Users shall not store City data on personal online storage accounts.

Comments: User data belongs to the City and shall only be stored on City approved servers and cloud solutions.

(S) Users shall report any suspicious activity to the Information Technology department immediately.

Comments: Users should call the Information Technology department immediately. Users should then notify their supervisors of the suspicious activity.

New state and federal laws concerning computer abuse continue to be passed, and important court decisions occur frequently. For up-to-date guidance about specific questions, consult the Information Technology Department.

ORDINANCE 32-2017-18

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF JACK DOWLEN FOR PROPERTY LOCATED ON DUNLOP LANE

WHEREAS, proper application has been made by Cal McKay, PE on behalf of Jack Dowlen for extensions of City utility service to property located at Cmap 40, Parcel 7.00 with the property address of Dunlop Lane 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

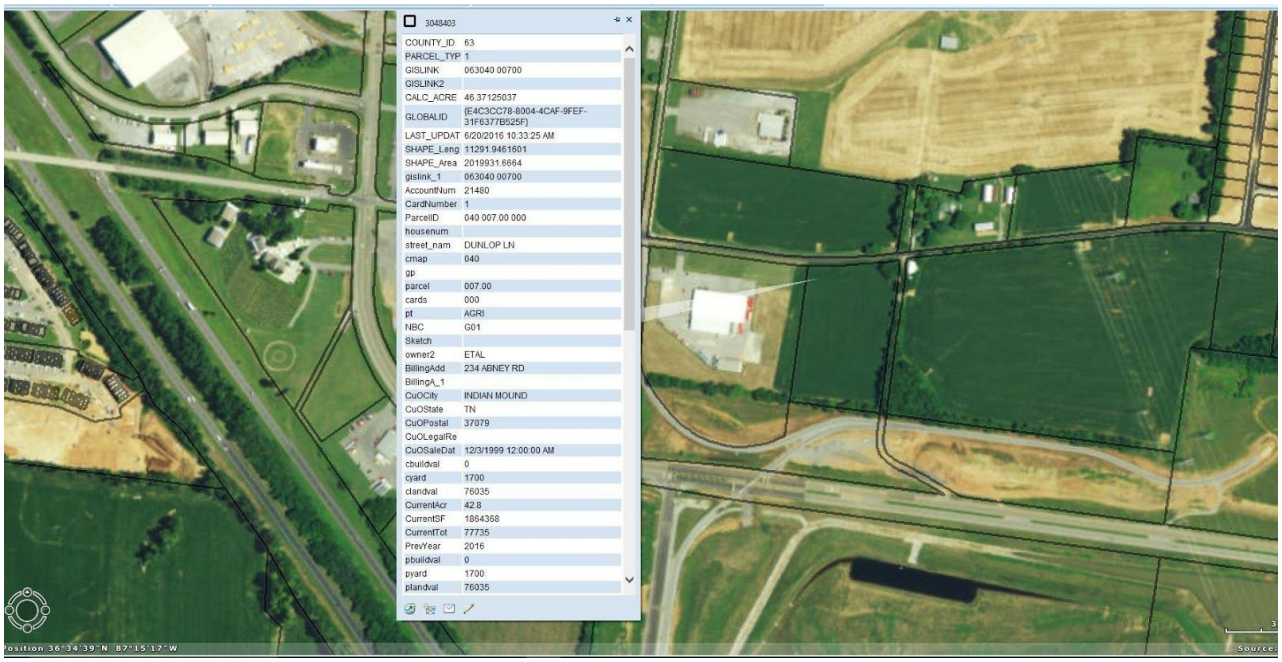
WHEREAS, the Clarksville City Council finds that all of the requirements of City Code Section 13-405 have been or are satisfied and the extension of water and sewer service to property as described in Exhibit A will be in the best interest of the City.

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 40, Parcel 7.00 with the property address of Dunlop Lane 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


3048403
COUNTY_ID 63
PARCEL_TYP 1
GISLINK 063040 00700
GISLINK2
CALC_ACRE 46.37125037
GLOBALID {E4C3CC78-8004-4CAF-9FEF-31F6377B525F}
LAST_UPDAT 6/20/2016 10:33:25 AM
SHAPE_Leng 11291.9461601
SHAPE_Area 2019931.6664
gislink_1 063040 00700
AccountNum 21480
CardNumber 1
ParcelID 040 007.00 000
housenum
street_nam DUNLOP LN
cmap 040
gp
parcel 007.00
cards 000
pt AGRI
NBC G01
Sketch
owner2 ETAL
BillingAdd 234 ABNEY RD
BillingA_1
CuOCity INDIAN MOUND
CuOState TN
CuOPostal 37079
CuOLegalRe
CuOSaleDat 12/3/1999 12:00:00 AM
cbuildval 0
cyard 1700
clandval 76035
CurrentAcr 42.8
CurrentSF 1864368
CurrentTot 77735
PrevYear 2016
pbuildval 0
pyard 1700
plandval 76035

ORDINANCE 33-2017-18

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES), TITLE 13 (UTILITIES AND SERVICE), CHAPTER 3 (GAS, WATER, AND SEWER SERVICE) THE CITY OF CLARKSVILLE RELATIVE TO GAS RATES

WHEREAS, Clarksville Gas and Water retained Raftelis Financial Consultants to develop a comprehensive financial plan, cost of service study and rate plan; and

WHEREAS, the Natural Gas Rate Study Report recommends rate revenue adjustments to better align the cost of serving each class with the revenues generated by that class and rate structure adjustments to better align the City's rate structure with industry best practices for natural gas utility rates.

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

That Sections 13-315 through and including Section 13-319 are hereby deleted in their entirety and substituted therefor the following:

Sec. 13-315. - Authorization for pass through adjustment.

The CGW Chief Financial Officer and the Gas Manager are hereby authorized to pass gas cost adjustments on to customers, whether increases or decreases, from the supplier of the city gas system to maintain the balanced efficiency of the gas department.

The PTA adjustment is intended to assure that the city gas and water department adjusts for these volatile changes in the commodity cost of gas.

The "commodity" cost of gas is the city gas and water department monthly city gate cost of gas. This includes the actual gas cost plus the interstate pipeline volumetric and storage costs involved in transporting the gas from the source of supply to our city gate regulator station.

The PTA will be calculated monthly on the last business day of each month to be applied to the first billing that follows.

Any balance over or under recovery of gas cost at the end of each month may be passed through the subsequent month PTA accordingly.

Sec. 13-316. - Gas services.

(1) Availability. Gas shall be available to any customer as defined in Section 13-312 where the department's distribution mains are suitable for supplying the desired service. A building, for purposes of gas service, shall be considered nonresidential which has more than four (4) units. Commercial and industrial customers will be supplied only through a single metering point. The commercial and industrial rate shall be available to individual apartment houses where service is supplied to more than one family unit through a single

meter. The High Load Factor rate schedule shall be available to any commercial or industrial consumer using natural gas principally for process steam generation, manufacturing purposes, or any other base-load application, and where the use of gas for space heating is only incidental. This rate is not available to consumers whose use of gas during the months of least consumption is less than fifty (50) percent of the use of gas during the month of greatest consumption. The Department reserves the right to place customers in the appropriate rate schedule based on usage history.

(2) *Rates:* The following rates shall be applicable for each customer class, effective February 1, 2018:

Residential Inside City	
Monthly Meter Charge	$ 12.050
Usage Charge (per 100 cf)	$ 0.088
Commodity Charge (per 100 cf)	Based on actual cost of gas
Residential Outside City	
Monthly Meter Charge	$ 17.600
Usage Charge (per 100 cf)	$ 0.110
Commodity Charge (per 100 cf)	Based on actual cost of gas
Commercial & Industrial Inside City	
Monthly Meter Charge	$ 37.410
Usage Charge (per 100 cf)	$ 0.144
Commodity Charge (per 100 cf)	Based on actual cost of gas
Commercial & Industrial Outside City	
Monthly Meter Charge	$ 44.890
Usage Charge (per 100 cf)	$ 0.173
Commodity Charge (per 100 cf)	Based on actual cost of gas
High Load Factor	
Monthly Meter Charge	$ 211.000
Usage Charge (per 100 cf)	$ 0.048
Commodity Charge (per 100 cf)	Based on actual cost of gas
Firm Transportation	
Monthly Meter Charge	$ 497.26
Usage Charge (per 100 cf)	$ 0.038
Demand Charge (per 100 cf/month)	$ 0.170
Interruptible Transportation	
Monthly Meter Charge	$ 497.26
Usage Charge (per 100 cf)	$ 0.038

WACOG	
Monthly Meter Charge	$ 497.26
Usage Charge (per 100 cf)	$ 0.033
Commodity Charge (per 100 cf)	Based on actual cost of gas

(3) Minimum bill. For all services rendered the minimum bill shall be equal to the monthly meter charge as applicable to each customer class per meter. The demand charge for firm transportation customers shall be as set forth in Section 13-317 (a).Section

Sec. 13-317. – Firm and Interruptible Transportation

(a) FIRM TRANSPORTATION

AVAILABILITY:

To be eligible for firm transportation service under this Section, customers must meet each of the following criteria:

(1) The distribution mains owned and operated by the Department must be suitable for supplying the desired service;
(2) The customer must take deliveries of all gas at a single delivery point;
(3) The customer must use at least 100 Mcf per day or 3,000 Mcf per month of natural gas;
(4) The customer must have executed a written notice of election to receive firm transportation service under this Ordinance for a minimum term of 12 months;
(5) The customer must not resell the gas, except that it may resell the gas to any retail consumers served by the customer at the time the Department initiates service and are located in Tennessee.
(6) The customer shall not transport the gas to others.
(7) The customer must have executed a Natural Gas Firm Transportation Agreement substantially in the form approved by the Department for use by the Department in connection with the provision of firm transportation service to eligible customers; and
(8) The customer must have paid the Department a fee of $8,000.00 for the installation of telemetry equipment to be owned and installed by the Department at the customer's meter. Such fee shall be trued-up based on actual cost incurred by the Department with any overpayment being reimbursed to the customer and any underpayment being due the Department.

RATES:

For each month of service provided during the term of the of the Natural Gas Firm Transportation Agreement the customer shall pay the rates set forth in that Agreement and under Section 13-316 (2), including charges for firm transportation, for authorized interruptible overrun service, for daily and monthly balancing and for certain charges imposed by third parties.

MINIMUM BILL:

For service rendered under this Section, the minimum monthly bill shall be the monthly demand charge as set forth in Section 13-316 (2) and shall be applied to the level of the customer's Maximum Daily Quantity, which quantity will be the same for each month for the term of the Natural Gas Firm Transportation Agreement and will be set forth in that Agreement.

CONTRACT PERIOD AND BILLING:

Contracts shall be for a minimum period of one year. A customer that has elected to receive service under this Section shall not be allowed to switch to service under a different Section or Rate Schedule without the Department's written permission during the contract period.

(b) INTERRUPTIBLE TRANSPORTATION

AVAILABILITY:

To be eligible for interruptible transportation service under this Section, a customer must meet each of the following criteria:

(1) The distribution mains owned and operated by the Department must be suitable for supplying the desired service and must not displace firm load;

(2) The customer must take deliveries of all gas at a single delivery point;

(3) The customer must maintain in a usable condition facilities for substitute fuels or otherwise make provision for the curtailment of gas service and must agree to use such substitute facilities or other provision for curtailment of gas service in order to curtail the use of gas up to 100% of the customer's requirements immediately upon oral notice from the Department, and after such curtailment to refrain from increasing the use of gas until permitted to do so by the Department;

(4) The service is not available for residential load;

(5) The customer must use at least 100 Mcf per day or 3,000 Mcf per month of natural gas at its plant when not curtailed by the Department

(6) The customer must have executed a written notice of election to receive interruptible transportation service under this Ordinance for a minimum term of 12 months

(7) The customer must have executed a Natural Gas Interruptible Transportation Agreement substantially in the form approved by the Department for use by the Department in connection with the provision of interruptible transportation service to eligible industrial and commercial customers; and

(8) The customer must have paid the Department a fee of $8,000.00 for the installation of telemetry equipment to be owned and installed by the Department at the customer's meter. Such fee shall be trued-up based on actual cost incurred by the Department with any overpayment being reimbursed to the customer and any underpayment being due the Department.

MINIMUM BILL:

For service rendered under this Interruptible Transportation Rate Schedule, the minimum monthly bill shall be as set forth in Section 13-316 (2). However, in order to remain eligible for service under this Ordinance, the customer must maintain the minimum volume requirements for the availability of interruptible transportation service set forth in this Section during the term that the service is provided. If the customer fails to maintain such minimum volume requirements during the term of the interruptible transportation service, the Department may terminate the availability of service under this Ordinance.

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CONTRACT PERIOD AND BILLING:

Contracts shall be for a minimum period of one year with monthly payment for service taken. A customer that has elected to receive service under this Section shall not be allowed to switch to service under a different Section or Rate Schedule without the Department's permission during the contract period.

PENALTY FOR UNAUTHORIZED USE:

In the event a customer uses gas in excess of the daily volume allowed by the Department during a curtailment period, the customer shall pay the amounts set forth in the Natural Gas Interruptible Transportation Agreement between the Department and the customer. Each such unauthorized use of gas, whether occurring in the same month or in different months of a contract year, shall be subject to a separate penalty.

DAILY TRANSPORTATION BALANCING CHARGES:

Customer shall pay a daily transportation balancing charge to the Department as set forth in the Natural Gas Interruptible Transportation Agreement between the Department and the customer for variances between the quantities that the customer has scheduled for transportation and the quantities that the customer uses at its plant each day.

MONTHLY GAS BALANCING CHARGES:

Monthly balancing of quantities of gas owned by the customer and delivered to the Department and the quantities of gas used by the customer and charges associated with such balancing shall be as set forth in the Natural Gas Interruptible Transportation Agreement between the Department and the customer.

Sec. 13-318 is reserved

Sec. 13-319. - Weighted average cost of gas, interruptible service (WACOG).

(1) *Availability.* WACOG interruptible gas service rate shall be available for eligible commercial or industrial customers for all purposes where the department's distribution mains are suitable for supplying the desired service. The department shall establish guidelines to determine customers eligibility for this service.

The customer shall maintain, in a usable condition, facilities for substitute fuel or shall otherwise make provisions for the curtailment of gas service hereunder and shall agree to use such substitute facilities or curtailment provisions in order to curtail the use of gas up to one hundred (100) percent of the maximum requirements immediately upon verbal notice from the department and, after such curtailment, shall refrain from increasing the use of gas until permitted to do so by the department. It is understood and agreed that the department will have the right to cut off gas service to the customer in the event the customer fails to curtail his use of gas in accordance with the department's verbal notice of curtailment.

(2) *Rate.* The rate shall be as described in Sec. 13-316 (2).

The department and the mayor shall have the authority, under circumstances where it is economically feasible and beneficial for the city to do so, to modify the specific terms of the WAGOC natural gas sales agreement entered into between the department and a specific industrial end use consumer under this section 13-319 as the department and the mayor deem necessary to induce such consumer to locate plant facilities in the city or the city service area, or to locate plant expansions that will increase the consumer's usage of natural gas at its facilities in the city or the city service area, rather than locating such plant facilities or plant expansions in other locations not serve by the department.

(3) *Minimum bill.* For services rendered under the WACOG rate, the minimum monthly bill shall be equal to the monthly meter charge for WACOG customers as listed in Sec. 13-316 (2).

(4) *Contract period and billing.* Contracts shall be for a period of one year with monthly payment of service taken. The customer shall not be allowed to switch from this contract rate during the period covered.

(5) *Penalty for unauthorized use.* In the event a customer uses gas in excess of the daily volumes allowed by the department during a curtailment period, the customer agrees to pay, in addition to the regular rate, an amount the department is penalized by the supplier and/or pipeline for the twelve-month period immediately following the month in which the breaching of the curtailment agreement occurred. Each unauthorized use of gas, whether occurring in the same month or in different months of a contract year, will be subject to a separate penalty.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Sections 13-215 through 13-219 CURRENT LANGUAGE:

Sec. 13-315. - Authorization for pass through adjustment.

The chief financial officer/comptroller and the gas manager are hereby authorized to pass gas cost adjustments on to customers, whether increases or decreases, from the supplier of the city gas system to maintain the balanced efficiency of the gas department.

The mayor, public utilities committee members and other governmental officials shall be apprised of such increases or decreases, as the case may be, whenever they occur.

PASS THROUGH ADJUSTMENT (PTA)

Due to the volatility of the unregulated cost of gas at the wellhead, all city gas and water department residential, commercial and high load factor rate classes will be adjusted monthly, increased or decreased, by a value called the "Pass Through Adjustment" or PTA. The PTA adjustment is intended to assure that the city gas and water department adjusts for these volatile changes in the wellhead cost of gas.

The "base" cost of gas is the city gas and water department average annual city gate cost of gas. This includes the actual gas plus the interstate pipeline volumetric costs involved in transporting the gas from the source of supply to our city gate regulator station. This cost is established annually and will remain stable throughout our fiscal year (July 1 through June 30).

The "monthly" cost of gas is the city gas and water department actual city gate cost of gas compared to the base cost of gas. If the monthly cost of gas exceeds the base cost of gas, the amount will be an increase. If the monthly cost of gas is less than the base cost of gas, the amount will be a decrease.

The cost of gas at the wellhead, or source of supply, has been unregulated for years and is affected by free market factors such as supply, demand and competition.

The city gas and water department does not profit from the PTA adjustment. It adjusts for the city gas and water department monthly city gate gas costs only. It does not affect operation and maintenance, fixed demand costs, or other costs incurred by the utility.

The PTA will be calculated monthly on the last business day of each month to be applied to the first billing that follows.

Any balance over or under recovery of gas cost at the end of each month may be passed through the subsequent month PTA accordingly.

The "pass through adjustment" shall be effective on bills rendered on or after November 1, 2005.

(Ord. No. 17-2005-06, 10-6-05)

Editor's note— Ord. No. 17-2005-06, adopted October 6, 2005, amended § 13-315 in its entirety to read as herein set out. Formerly, § 13-315 pertained to utility committee authorized to pass on gas adjustments, and derived from the Code of 1963, § 28-66.

Sec. 13-316. - Residential gas service.

(1) Availability. Gas shall be available to any regular residential customer for residential uses where the department's distribution mains are suitable for supplying the desired service. A building shall be considered nonresidential which has more than four (4) apartments.

(2) Rates:

Residential Gas Service

a. Rate schedule No. 1—City rate: Gas rates in the city shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 3 or less	$8.93 for 300 CF or less	3	$ 8.93
Next 37	1.131763 per 100 CF	40	50.81
All over 40	1.064043 per 100 CF		

b. Rate schedule No. 1-A—Outside city rate: Gas rates outside the city shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 3 or less	$9.53 for 300 CF or less	3	$ 9.53
Next 37	1.297226 per 100 CF	40	57.53
All over 40	1.219605 per 100 CF		

General Commercial and Industrial Gas Service

c. Rate schedule No. 2—City rate: Gas rates in the city shall be:

	Billing months of June through October		
Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	$13.40 for 500 CF or less	5	$ 13.40
Next 195	1.294227 per 100 CF	200	265.77
Next 1,800	1.130491 per 100 CF	2,000	2,300.66
All over 2,000	1.088209 per 100 CF		

	Billing months of November through May		
Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	$13.40 for 500 CF or less	5	$ 13.40
Next 195	1.358941 per 100 CF	200	278.39
Next 1,800	1.187017 per 100 CF	2,000	2,415.02
All over 2,000	1.142620 per 100 CF		

d. Rate schedule No. 2-A—Outside city rate: Gas rates outside the city shall be:

	Billing months of June through October		
Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	$14.70 for 500 CF or less	5	$ 14.70
Next 195	1.454325 per 100 CF	200	298.29
Next 1,800	1.270335 per 100 CF	2,000	2,584.90

All over 2,000	1.222823 per 100 CF		

	Billing months of November through May		
Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	$14.70 for 500 CF or less	5	$ 14.70
Next 195	1.527041 per 100 CF	200	312.47
Next 1,800	1.333851 per 100 CF	2,000	2,713.41
All over 2,000	1.283963 per 100 CF		

HLF (optional) for Large Commercial and Industrial Gas Consumers Having Year-Round Usage

e. Rate schedule No. 3—City rate: Gas rates in the city shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 104 or less	$149.00 for 10,400 CF or less	104	$ 149.00
Next 496	1.024596 per 100 CF	600	657.20
All over 600	0.974646 per 100 CF		

f. Rate schedule No. 3-A—Outside city rate: Gas rates outside the city shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 104 or less	$165.88 for 10,400 CF or less	104	$ 165.88
Next 496	1.142426 per 100 CF	600	732.52
All over 600	1.086727 per 100 CF		

In the event that gas cost adjustments are made pursuant to section 13-315, then the rates set out above shall be adjusted accordingly.

(3) Minimum bill. For services rendered under Rate Schedule No. 1, the minimum monthly bill shall be two dollars and fifty cents ($2.50) net. For services rendered under Rate Schedule No. 1-A, the minimum monthly bill shall be two and dollars seventy-five cents ($2.75) net.

(4) Payment terms. All bills for service are due upon presentation, and the above stated net rates shall be allowed if payment is made on or before the last day for payment as specified on the bill. Payments made after that date shall be for the gross amount, which will be greater by ten (10) percent than the net billing.

(1963 Code, § 28-67; Ord. No. 7-1997-98, 8-7-97; Ord. of 12-14-00; Ord. No. 82-2001-02, Exh. A, 5-2-02; Ord. of 9-27-05; Ord. No. 17-2005-06, 10-6-05)

Editor's note— Ord. of Dec. 14, 2000 was approved by the Gas and Water Committee.

Sec. 13-317. - General commercial and industrial gas service.

(1) Availability. Gas shall be available to any regular commercial or industrial customer where the department's distribution mains are suitable for supplying the desired service. Service will be supplied only through a single metering point. This schedule shall be available to individual apartment houses where service is supplied to more than one family unit through a single meter.

(2) Rates.

a. Rate Schedule No. 2—City rate: Gas rates in the City of Clarksville shall be:

Billing months of June through October

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	$6.35 for 500 CF or less	5	$ 6.35
Next 45	1.001278 per 100 CF	50	51.40
Next 150	0.847378 per 100 CF	200	178.51
Next 800	0.789666 per 100 CF	1,000	810.24
Next 2,000	0.770428 per 100 CF	23,000	2,351.10
Over 3,000	0.751191 per 100 CF		

Billing months of November through May

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	$6.35 for 500 CF or less	5	$ 6.35
Next 45	0.058991 per 100 CF	50	54.00
Next 150	0.895472 per 100 CF	200	188.32
Next 800	0.837759 per 100 CF	1,000	858.53
Next 2,000	0.799284 per 100 CF	23,000	2,457.10
Over 3,000	0.780047 per 100 CF		

b. Rate Schedule No. 2-A—Outside city rates: Gas rates outside the City of Clarksville shall be:

Billing months of June through October

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	$6.95 for 500 CF or less	5	$ 6.95
Next 45	1.125107 per 100 CF	50	57.58
Next 150	0.971207 per 100 CF	200	203.26
Next 800	0.913326 per 100 CF	1,000	933.92
Next 2,000	0.894257 per 100 CF	23,000	2,722.44
Over 3,000	0.875019 per 100 CF		

Billing months of November through May

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	$6.95 for 500 CF or less	5	$ 6.95
Next 45	1.182819 per 100 CF	50	60.18
Next 150	1.019301 per 100 CF	200	213.07
Next 800	0.961588 per 100 CF	1,000	982.34
Next 2,000	0.923113 per 100 CF	23,000	2,828.57
Over 3,000	0.903876 per 100 CF		

In the event that gas cost adjustments are made pursuant to section 13-315, then the rates set out above shall be adjusted accordingly.

(3) Minimum bill. For services rendered under Rate Schedule No. 2, the minimum monthly bill shall be three dollars and seventy-five cents ($3.75) net. For services rendered under Rate Schedule No. 2-A, the minimum monthly bill shall be four dollars and twelve cents ($4.12) net.

(4) Payment terms. All bills for service are due upon presentation and the above-stated net rates shall be allowed if payment is made on or before the last day for payment as specified on the bill. Payment made after that date shall be for the gross amount, which will be greater by ten (10) percent than the net billing.

(1963 Code, § 28-68; Ord. No. 7-1997-98, 8-7-97; Ord. of 12-14-00; Ord. No. 17-2005-06, 10-6-05)

Editor's note— Ord. of Dec. 14, 2000 was approved by the Gas and Water Committee.

Sec. 13-318. - HLF (optional) for large commercial and industrial gas consumers having year-round usage.

(1) Availability. The HLF rate schedule shall be available to any commercial or industrial consumer using natural gas principally for process steam generation, manufacturing purposes, or any other base-load application, and where the use of gas for space heating is only incidental. This rate is not available to

consumers whose use of gas during the months of least consumption is less than fifty (50) percent of the use of gas during the month of greatest consumption.

(2) Rates.

a. Rate Schedule No. 3—City rates. Gas rates in the City of Clarksville shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 104 or less	$75.94 for 10,400 CF or less	104	$ 75.94
Next 296	0.804347 per 100 CF	400	314.02
Next 600	0.698541 per 100 CF	1,000	733.15
Next 1,000	0.679303 per 100 CF	2,000	1,412.45
Over 2,000	0.669684 per 100 CF		

b. Rate Schedule No. 3-A—Outside city rate. Gas rates outside the City of Clarksville shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 104 or less	$83.30 for 10,400 CF or less	104	$ 83.30
Next 296	0.928176 per 100 CF	400	358.03
Next 600	0.821863 per 100 CF	1,000	851.15
Next 1,000	0.803132 per 100 CF	2,000	1,654.28
Over 2,000	0.793513 per 100 CF		

In the event that gas cost adjustments are made pursuant to section 13-315, then the rates set out above shall be adjusted accordingly.

(3) Minimum bill. For services rendered under Rate Schedule No. 3, the minimum monthly bill shall be forty-five dollars ($45.00) net. For services rendered under Rate Schedule No. 3-A, the minimum monthly bill shall be forty-nine dollars and fifty cents ($49.50) net.

(4) Payment terms. All bills for service are due upon presentation, and the above-stated net rates shall be allowed if payment is made on or before the last day for payment as specified on bill. Payments made after that date shall be for the gross amount which will be greater by ten (10) percent than net billing.

(1963 Code, § 28-69; Ord. No. 7-1997-98, 8-7-97; Ord. of 12-14-00; Ord. No. 17-2005-06, 10-6-05)

Editor's note— Ord. of Dec. 14, 2000 was approved by the Gas and Water Committee.

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Sec. 13-319. - Weighted average cost of gas, interruptible service (WACOG).

(1) Availability. WACOG interruptible gas service rate shall be available for eligible commercial or industrial customers for all purposes where the department's distribution mains are suitable for supplying the desired service. The department shall establish guidelines to determine customers eligibility for this service.

The customer shall maintain, in a usable condition, facilities for substitute fuel or shall otherwise make provisions for the curtailment of gas service hereunder and shall agree to use such substitute facilities or curtailment provisions in order to curtail the use of gas up to one hundred (100) percent of the maximum requirements immediately upon verbal notice from the department and, after such curtailment, shall refrain from increasing the use of gas until permitted to do so by the department. It is understood and agreed that the department will have the right to cut off gas service to the customer in the event the customer fails to curtail his use of gas in accordance with the department's verbal notice of curtailment.

(2) Rate. The rate shall be variable as computed by the department using the weighted average cost of gas (WACOG) plus forty-eight cents ($0.48) per MCF (1,000 CF) for all gas consumed per month.

The department shall compute two (2) separate WACOG rates each month: (1) a market-based WACOG rate; and (2) a fixed-variable WACOG rate. For the market-based WACOG rate, the department shall compute the commodity costs of gas supply as the first of the month index price as published in Inside FERC's Gas Market Report for deliveries into Tennessee Gas Pipeline—Zone 1 per MMBtu, plus fuel, converted to Mcf. For the fixed-variable WACOG rate, the department shall compute the commodity cost of gas supply as equal to the department's per unit commodity cost of gas supply per MMBtu, including all purchases of fixed price gas, variable priced gas, and hedged gas prices, plus fuel.

Each industrial interruptible WACOG customer may make an annual election to take market-based WACOG pricing for the upcoming twelve (12) months by providing notice in writing to the department

by no later than August 15th, with such election to be effective on September 1st. If a WACOG customer does not make such an election, it shall receive fixed-variable WACOG pricing for the next twelve-month period.

Except as provided herein for the computation of the commodity cost of gas supply, the computation of the market-based WACOG rate and the fixed-variable WACOG rate shall be identical. The upstream pipeline transportation and storage costs component of the WACOG rate shall be as computed by the department so as to reflect an allocation of such costs determined by the department to be appropriate under all of the circumstances presented but no less than the unit cost of interruptible transportation service on the Tennessee Gas Pipeline Company System.

The department, the mayor, and the gas, water and sewer committee (the utilities committee) of the city council shall have the authority, under circumstances where it is economically feasible and beneficial for the city to do so, to modify the specific terms of the natural gas sales agreement entered into between the department and a specific industrial end use consumer under this section 13-219 as the department, the mayor, and the utilities committee of the city council deem necessary to induce such consumer to locate plant facilities in the city or the city service area, or to locate plant expansions that will increase the consumer's usage of natural gas at its facilities in the city or the city service area, rather than locating such plant facilities or plant expansions in other locations not serve by the department.

(3) Minimum bill. For services rendered under this WACOG rate, the minimum monthly bill shall be one hundred dollars ($100.00) net with a minimum annual net billing of fifteen thousand dollars ($15,000.00).

(4) Payment terms. All bills for services are due upon presentation and the above-stated net rates shall be allowed if payment is made on or before the last day for payment as specified on the bill. Payments made after that day shall be for the gross amount, which will be greater by ten (10) percent than the net billing.

(5) Contract period and billing. Contracts shall be for a period of one year with monthly payment of service taken. The customer shall not be allowed to switch from this contract rate during the period covered.

(6) Penalty for unauthorized use. In the event a customer uses gas in excess of the daily volumes allowed by the department during a curtailment period, the customer agrees to pay, in addition to the regular rate, an amount the department is penalized by the supplier and/or pipeline for the twelve-month period immediately following the month in which the breaching of the curtailment agreement occurred. Each unauthorized use of gas, whether occurring in the same month or in different months of a contract year, will be subject to a separate penalty.

(1963 Code, § 28-70, Ord. No. 61-1989-90, 9-6-90; Ord. No. 7-1997-98, 8-7-97; Ord. No. 67-1998-99, 7-1-99; Ord. No. 65-1999-00, 4-6-00)