



**CLARKSVILLE CITY COUNCIL  
EXECUTIVE SESSION  
SEPTEMBER 27, 2018, 4:30 P.M.**

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

**AGENDA**

**1) PLANNING COMMISSION**

**PUBLIC HEARING**

1. **ORDINANCE 19-2018-19** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Alvin T. Brown for zone change on property located at the intersection of Copeland Road and East Copeland Road from R-1 Single Family Residential District to R-2D Two Family Residential District *(RPC: Approval/Approval)*
2. **ORDINANCE 20-2018-19** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of James Pelham for zone change on property located at the intersection of Woodard Street and Richardson Street from R-3 Two & Three Family Residential District to R-4 Multiple Family Residential District *(RPC: Approval/Approval)*

**2) CONSENT AGENDA**

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

1. **ORDINANCE 11-2018-19** (Second Reading) Authorizing extension of utilities to 2924 Dunlop Lane; request of David Smith
2. **ORDINANCE 12-2018-19** (Second Reading) Authorizing extension of utilities to property on Sango Road; request of Mary Cocke

3. **ORDINANCE 13-2018-19** (Second Reading) Authorizing extension of utilities to property on McAdoo Creek Road; request of Clinton Barger
4. **ORDINANCE 14-2018-19** (Second Reading) Amending the FY19 General Fund Operating Budget relating to hotel/motel tax
5. **ORDINANCE 15-2018-19** (Second Reading) Authorizing extension of utilities to property on Sango Drive; request of Brad Weakley
6. **ORDINANCE 16-2018-19** (Second Reading) Amending the Official Code relative to keeping of backyard chickens
7. **ORDINANCE 17-2018-19** (Second Reading) Authorizing sale of permanent and temporary easements to TDOT on property at 2215 Madison Street
8. **RESOLUTION 22-2018-19** Approving appointments to Arts & Heritage Development Council
  - *Arts & Heritage Development Council: Shelia Bryant, Chris Crow, Jim Diehr, Kathy Heuston, Ellen Taylor (reappointments) - July 2018 through June 2021; Fred Landiss (replace Rubye Patch-term expired) - October 2018 through June 2021; Robert Putnam (fill unexpired term of Kim Balavre-resigned) - October 2018 through June 2019*
9. Adoption of Minutes: September 6

### 3) FINANCE COMMITTEE

*Jeff Burkhardt, Chair*

1. **ORDINANCE 18-2018-19** (First Reading) Amending the Official Code relative to TRC expense reimbursements (*Finance Committee: Approval*)
2. **RESOLUTION 20-2018-19** Approving abandonment of Gary Harmon property [Liberty Parkway/JoJo's Pump Station] (*Finance Committee: Approval*)
3. **RESOLUTION 21-2018-19** [*Proposed amendment*] Repealing **RESOLUTION 20-2017-18** and approving a new Participating Employer Agreement and adopting a new Plan Document for the State of Tennessee Deferred Compensation Plan (*Finance Committee: Approval*)

### 4) GAS & WATER COMMITTEE

*Bill Powers, Chair*

1. Department Reports

5) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

*David Allen, Chair*

1. Department Report

6) PARKS & RECREATION

*Valerie Guzman, Chair*

1. Department Report

7) PUBLIC SAFETY COMMITTEE

*Geno Grubbs, Chair*

1. Department Reports

8)STREETS & GARAGE COMMITTEE

*Mike Alexander, Chair*

1. Department Reports

9)TRANSPORTATION COMMITTEE

*Deanna McLaughlin, Chair*

1. Department Reports

10)NEW BUSINESS

1. **RESOLUTION 23-2018-19** Approving an economic impact plan for the 7th & Main Development Area (*Mayor McMillan*)

11) MAYOR AND STAFF REPORTS

12) PUBLIC COMMENTS

13) ADJOURNMENT

## CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: October 4, 2018. The public hearing will be held on: September 27, 2018.

CITY ORD. #: 19-2018-19      RPC CASE NUMBER: Z-19-2018

Applicant:      ALVIN T. BROWN

Location:      Property fronting on the North frontage of East Copeland Court 500 +/- feet southeast of the Copeland Road & East Copeland Court intersection.

Ward #:      1

Request:      R-1 Single Family Residential District  
                 to  
                 R-2D Two-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 20-2018-19      RPC CASE NUMBER: Z-20-2018

Applicant:      JAMES PELHAM

Location:      two parcels located at the northwest corner of Woodard Street & Richardson Street.

Ward #:      6

Request:      R-3 Two and Three Family Residential District  
                 to  
                 R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE** 9/26/2018

**CASE NUMBER:** Z - 19 - 2018

**NAME OF APPLICANT** Alvin T.

Brown

**AGENT:**

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**GENERAL INFORMATION**

**TAX PLAT:** 006I-E

**PARCEL(S):** 022.00 & 023.00

**ACREAGE TO BE REZONED:** 0.61 +/-

**PRESENT ZONING:** R-1

**PROPOSED ZONING:** R-2D

**EXTENSION OF ZONING**

**CLASSIFICATION:** YES TO THE EAST

**PROPERTY LOCATION:** Property fronting on the North frontage of East Copeland Court 500 +/- feet southeast of the Copeland Road & East Copeland Court intersection.

**CITY COUNCIL WARD:** 1

**COUNTY COMMISSION DISTRICT:** 9

**CIVIL DISTRICT:** 3

**DESCRIPTION OF PROPERTY** Vacant maintained single family residential lots.  
**AND SURROUNDING USES:**

**APPLICANT'S STATEMENT** Residential Duplex  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Airport

**PREVIOUS ZONING HISTORY:**

①

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

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

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

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

**1. CITY ENGINEER/UTILITY DISTRICT:** Comments received from department and they had no concerns.

**2. STREET DEPARTMENT/  
COUNTY HIGHWAY DEPARTMENT:** Comments received from department and they had no concerns.

**3. DRAINAGE COMMENTS:** Comments received from department and they had no concerns.

**4. CDE/CEMC:** No Comment(s) Received

**5. FIRE DEPT/EMERGENCY MGT.:** Comments received from department and they had no concerns.

**6. POLICE DEPT/SHERIFF'S OFFICE:** Comments received from department and they had no concerns.

**7. CITY BUILDING DEPARTMENT/  
COUNTY BUILDING DEPARTMENT:** Comments received from department and they had no concerns.

**8. SCHOOL SYSTEM:** Comments received from department and they had no concerns.

ELEMENTARY: WEST CREEK

MIDDLE SCHOOL: WEST CREEK

HIGH SCHOOL: WEST CREEK

**9. FT. CAMPBELL:** Comments received from department and they had no concerns.

**10. OTHER COMMENTS:**

(2)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON Minimal**  
**SURROUNDING DEVELOPMENT:**

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** East Copeland Court

**DRAINAGE COMMENTS:** North

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**4**

**POPULATION:**

**10**

**ELEMENTARY SCHOOL STUDENTS:**

**MIDDLE SCHOOL STUDENTS:**

**HIGH SCHOOL STUDENTS:**

**APPLICABLE LAND USE PLAN**

Airport Planning Area: This Planning area is centered around John H. Outlaw Field. The major north-south axis roads are Ft. Campbell Blvd., Tobacco Rd. and Peachers Mill Rd.. Tiny Town Rd. serves as the major east-west connector here. The planning area has vast amounts of open space that has a long history of agricultural and woodland uses.

**STAFF RECOMMENDATION:      APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** Request is an extension of an existing R-2D Two-Family Residential zoning district to the east.
- 3.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 4.** Request supports In-fill development & a "B" landscape buffer will be required for the development for the adjacent single family residents.

**5.**

(3)



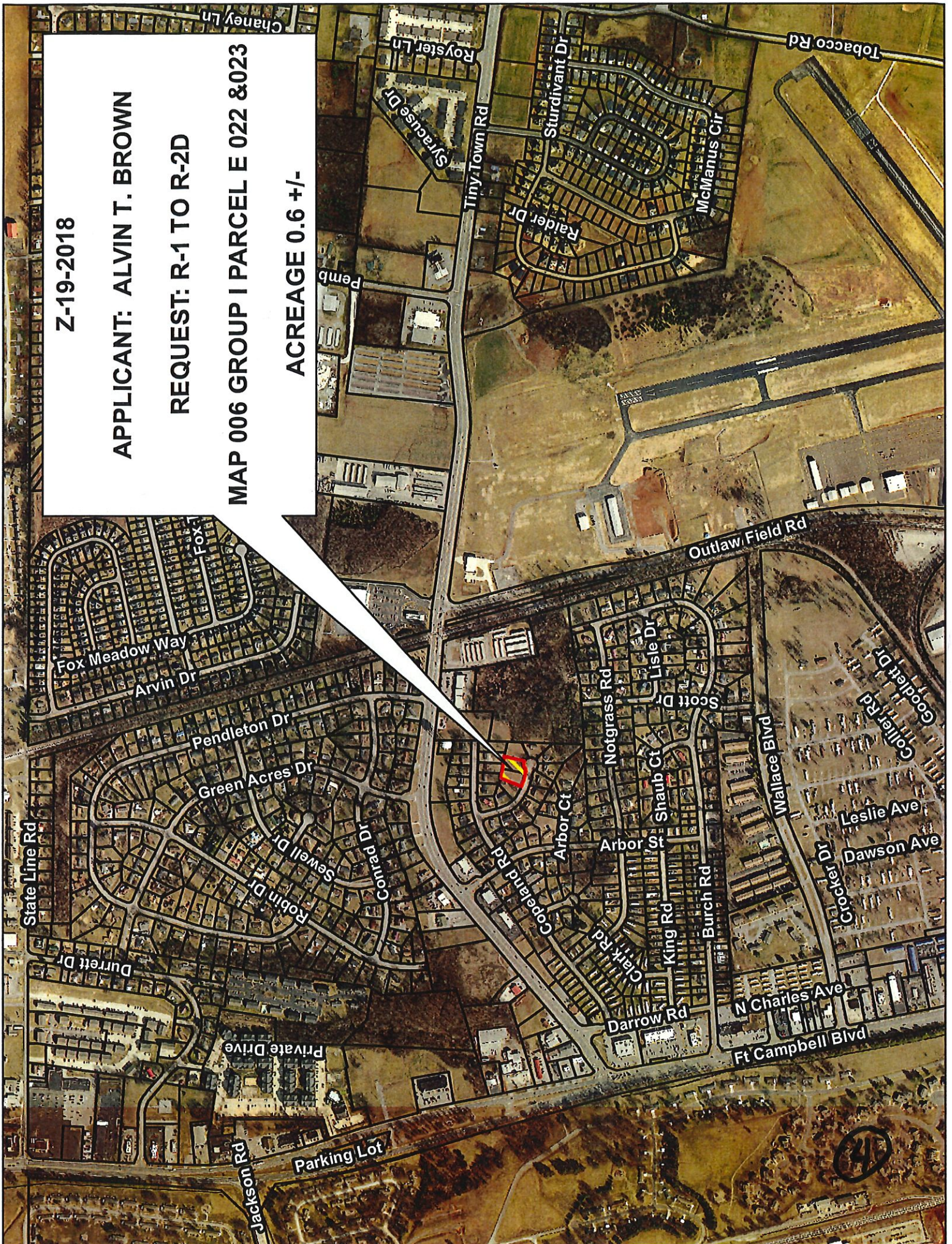
Z-19-2018

APPLICANT: ALVIN T. BROWN

REQUEST: R-1 TO R-2D

MAP 006 GROUP 1 PARCEL E 022 & 023

ACREAGE 0.6 +/-





Z-19-2018

APPLICANT: ALVIN T. BROWN

REQUEST: R-1 TO R-2D

MAP 006 GROUP 1 PARCEL E 022 & 023

ACREAGE 0.6 +/-





**CASE NUMBER:** Z 19 2018 **MEETING DATE** 9/26/2018

**APPLICANT:** Alvin T. Brown

**PRESENT ZONING** R-1

**PROPOSED ZONING** R-2D

**TAX PLAT #** 006I-E

**PARCEL** 022.00 & 023.00

**GEN. LOCATION** Property fronting on the North frontage of East Copeland Court 500 +/- feet  
southeast of the Copeland Road & East Copeland Court intersection.

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**PUBLIC COMMENTS**

None received as of 10:00 A.M. on 9/26/2018. (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 9/26/2018

**CASE NUMBER:** Z - 20 - 2018

**NAME OF APPLICANT:** James

Pelham

**AGENT:**

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**GENERAL INFORMATION**

**TAX PLAT:** 066M-C

**PARCEL(S):** 015.00 & 015.01

**ACREAGE TO BE REZONED:** 1.14 +/-

**PRESENT ZONING:** R-3

**PROPOSED ZONING:** R-4

**EXTENSION OF ZONING**

**CLASSIFICATION:** YES TO THE EAST

**PROPERTY LOCATION:** two parcels located at the northwest corner of Woodard Street & Richardson Street.

**CITY COUNCIL WARD:** 6

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY** Two existing lots one with single family residence & another lot with three apartment  
**AND SURROUNDING USES:** buildings.

**APPLICANT'S STATEMENT** Multi-Family Residential  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** South Clarksville

**PREVIOUS ZONING HISTORY:**

7

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

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

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

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

#### 1. CITY ENGINEER/UTILITY DISTRICT:

Comments received from department and they had no concerns.

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Comments received from department and they had no concerns.

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

#### 7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

ELEMENTARY: NORMAN SMITH  
MIDDLE SCHOOL: ROSSVIEW  
HIGH SCHOOL: ROSSVIEW

Rossvie Middle, and Rossvie High School are all currently over 95% capacities. Rossvie Middle has 7 portable classrooms, and Rossvie High has 1 portable classroom. This continued student growth necessitates action to address building capacity and bus needs in the second fastest growing region in this county. No infrastructure, funding, or processes are in place at this time to address housing developments in this region!

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON Minimal**  
**SURROUNDING DEVELOPMENT:**

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Richardson St. & Woodard St.

**DRAINAGE COMMENTS:** Varies

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**11**

**POPULATION:**

**29**

**ELEMENTARY SCHOOL STUDENTS:**

**MIDDLE SCHOOL STUDENTS:**

**HIGH SCHOOL STUDENTS:**

**APPLICABLE LAND USE PLAN**

South Clarksville Planning Area - South Clarksville is dominated by residential development but is ringed by commercial and light industrial uses. It is near the core of the city and has a well developed transportation network for destinations within its boundaries and other areas of the city. Sufficient infrastructure to support high density development.

**STAFF RECOMMENDATION:    APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** Request is an extension of an existing R-4 Multi-Family Residential zoning district to the east.
- 3.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 4.** The R-4 rezoning request brings an established existing use into compliance With the zoning Ordinance.

**5.**

9



Z-20-2018

APPLICANT: JAMES PELHAM

REQUEST: R-3 TO R-4

MAP 066M GROUP C PARCEL 015.00 & 015.01

ACREAGE 1.14 +/-





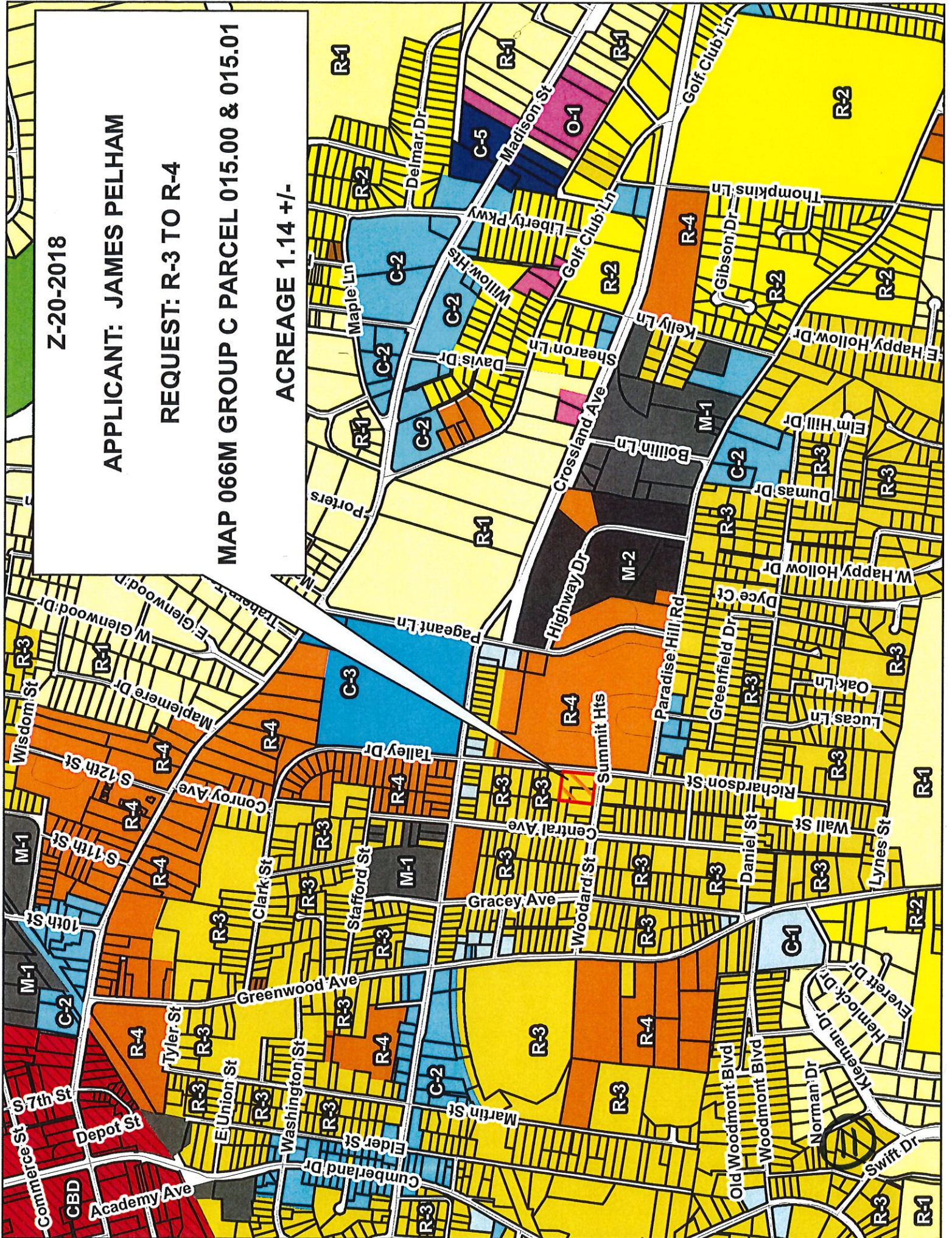
Z-20-2018

APPLICANT: JAMES PELHAM

REQUEST: R-3 TO R-4

MAP 066M GROUP C PARCEL 015.00 & 015.01

ACREAGE 1.14 +/-





**CASE NUMBER:** Z 20 2018 **MEETING DATE** 9/26/2018

**APPLICANT:** James Pelham

**PRESENT ZONING** R-3 **PROPOSED ZONING** R-4

**TAX PLAT #** 066M-C **PARCEL** 015.00 & 015.01

**GEN. LOCATION** two parcels located at the northwest corner of Woodard Street & Richardson Street.

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**PUBLIC COMMENTS**

None received as of 10:00 A.M. on 9/26/2018. (A.L.)

ORDINANCE 19-2017-18

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF ALVIN T. BROWN FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF COPELAND ROAD AND EAST COPELAND COURT

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

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

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being 380 +/- feet southeast of the centerline of the intersection of Copeland Rd. & East Copeland Rd., said point located in the northern right of way of East Copeland Rd. further identified as the southeast corner of Charlotte Leimamo May property, thence in a northeasterly direction 157 +/- feet with the eastern boundary of the May property to a point, said point being in the southern boundary of the Chrisandra Matthews property, thence in a easterly direction 157 +/- feet with the southern boundary of the Matthews property & others to a point, said point being the northwest corner of the Alvin T. Brown property, thence in a southerly direction 146 +/- feet with the western boundary of the Brown property to a point, said point being in the northern right of way boundary East Copeland Rd, thence in a westerly direction 187 +/- feet with the northern right of way boundary of East Copeland Rd., to the point of beginning, said herein described tract containing 0.61 +/- acres (Further identified as Tax Map 06-I-E, Parcel(s) 22.00 & 23.00)

ORDINANCE 20-2017-18

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JAMES PELHAM FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF WOODARD STREET AND RICHARDSON STREET

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Two & Three Family Residential District, as R-4 Multiple Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being 39 +/- feet northwest of the centerline of the intersection of Woodard St. & Richardson St., said point being in the northern right of way of Woodard St. & the southeast corner of the herein described tract, thence in a westerly direction 209 +/- feet with the northern right of way of Woodard St. to a point said point being the southeast corner of the Tom & Tammy Collins property, thence in a northerly direction 241 +/- feet with the eastern boundary of the Collins property to a point, said point being southwest corner of the Southern Property Management Group LLC property, thence in a easterly direction 204 +/- feet with the southern boundary of the Southern Property Management Group LLC property to a point, said point being in the western right of way boundary of Richardson St., thence in a southerly direction 241 +/- feet with the western right of way boundary of Richardson St. to the point of beginning, said herein described tract containing 1.14 +/- acres. (Further identified as Tax map 066-M-C, Parcel(s) 15.00 & 15.01)

ORDINANCE 11-2018-19

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF DAVID B. SMITH FOR PROPERTY LOCATED AT 2924 DUNLOP LANE, CMAP 39 PARCEL 2.00 TRACTS 1 AND 2

*WHEREAS,* proper application has been made by Houston Smith, PE on behalf of David B. Smith for extensions of City utility service to property located at Cmap 39, Parcel 2.00 Tracts 1 and 2 with the property address of 2924 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 39, Parcel 2.00 Tracts 1 and 2 with the property address of 2924 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:* September 6, 2018

*SECOND READING:*

*EFFECTIVE DATE*





ORDINANCE 12-2018-19

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

*WHEREAS,* proper application has been made by Houston Smith, PE on behalf of Mary Cocke for extensions of City utility service to property located at Cmap 82, Parcel 53.00 with the property address of Sango Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

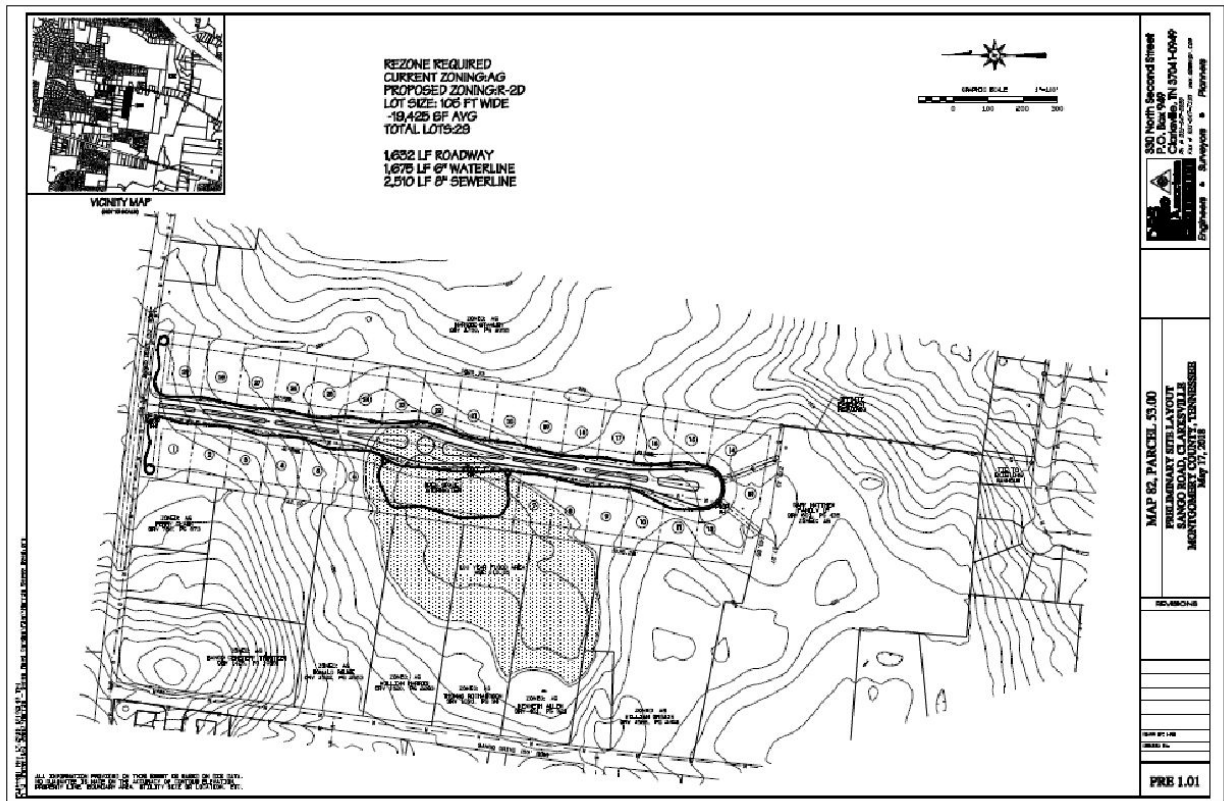
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 82, Parcel 53.00 with the property address of Sango Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

*FIRST READING:* September, 6, 2018

*SECOND READING:*

*EFFECTIVE DATE*

# EXHIBIT A



ORDINANCE 13-2018-19

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF CLINTON BARGER FOR PROPERTY LOCATED AT MCADOO CREEK ROAD

*WHEREAS,* proper application has been made by Houston Smith, PE, on behalf of Clinton Barger for extensions of City utility service to property located at Cmap 87, Parcel 95.01 with the property address of McAdoo Creek Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 87, Parcel 95.01 with the property address of McAdoo Creek Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

*FIRST READING:* September 6, 2018

*SECOND READING:*

*EFFECTIVE DATE*

330 North Second Street  
P.O. Box 940  
Clarksville, TN 37011-0940

ENGINEER: **David L. Hester**  
Engineer • Surveyor • Planner

**MACADOO CREEK RD SUBDIVISION**  
**SITE PLAN**  
**CLARKVILLE**  
**MONTGOMERY COUNTY, TENNESSEE**  
**DATE**

DATE: 11-11-2011  
BY: [Signature]  
CHECKED: [Signature]  
APPROVED: [Signature]

**SP 1.00**

ORDINANCE 14-2018-19

AN ORDINANCE AMENDING THE 2018-19 GENERAL FUND OPERATING BUDGET (ORDINANCE 79-2017-18) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE REVENUES AND EXPENDITURES RELATED TO HOTEL/MOTEL TAX [5% TO CONVENTION & VISITORS BUREAU]

*WHEREAS*, In January 2018 the City received notice that Montgomery County chose to withdraw and terminate a three-party interlocal agreement between the Clarksville-Montgomery County Convention & Visitors Bureau (CVB), City and County; and

*WHEREAS*, Private Act #167 provides 50% of all hotel/motel tax collected be distributed to the CVB, the remaining 50% to be split evenly with the City and County. The interlocal agreement provided for an additional 5% of the total collection to the CVB from each, City and County's share. Under the agreement CVB received 60% of hotel/motel tax collected; and

*WHEREAS*, Termination of the interlocal agreement reduces the revenues of the CVB to fund their FY2019 operating budget; and

*WHEREAS*, Tennessee Department of Tourism shows every \$1 spent on tourism is returned with \$19 in state and local tax revenues. The City believes it is in the best interest of the taxpayers to continue to provide the additional funds to the CVB.

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

That the following Amendment be made:

General Fund – Revenues

100310 31840 – Hotel/Motel Tax	Increase \$62,000
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General Fund – Shared Expenditures w/State & County:

10462003-4884 – Hotel Motel 5% to CVB	Increase \$62,000
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*BE IT FURTHER ORDAINED* that this Ordinance authorizes payment of 5% of total collections (after Trustee's administrative fee) or 1/5th of the City's actual hotel/motel tax cash receipt to the CVB. The City shall provide funds starting with the July 2018 collections (receipt in August).

*BE IT FURTHER ORDAINED* This calculation will be in effect until such time as the newly increased hotel/motel tax (8%) is ratified and takes effect, anticipated to be October 1st. At that time the distribution calculation will be 37.5% to CVB, 50% to County and 12.5% to the City.

*BE IT FURTHER ORDAINED* the net effect on the City's General Fund is zero.

*FIRST READING:* September 6, 2018

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 15-2018-19

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF BRAD WEAKLEY, EI FOR PROPERTY LOCATED AT SANGO DRIVE

*WHEREAS,* proper application has been made by Brad Weakley, EI for extensions of City utility service to property located at Cmap 82, Parcel 124 with the property address of Sango Drive outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

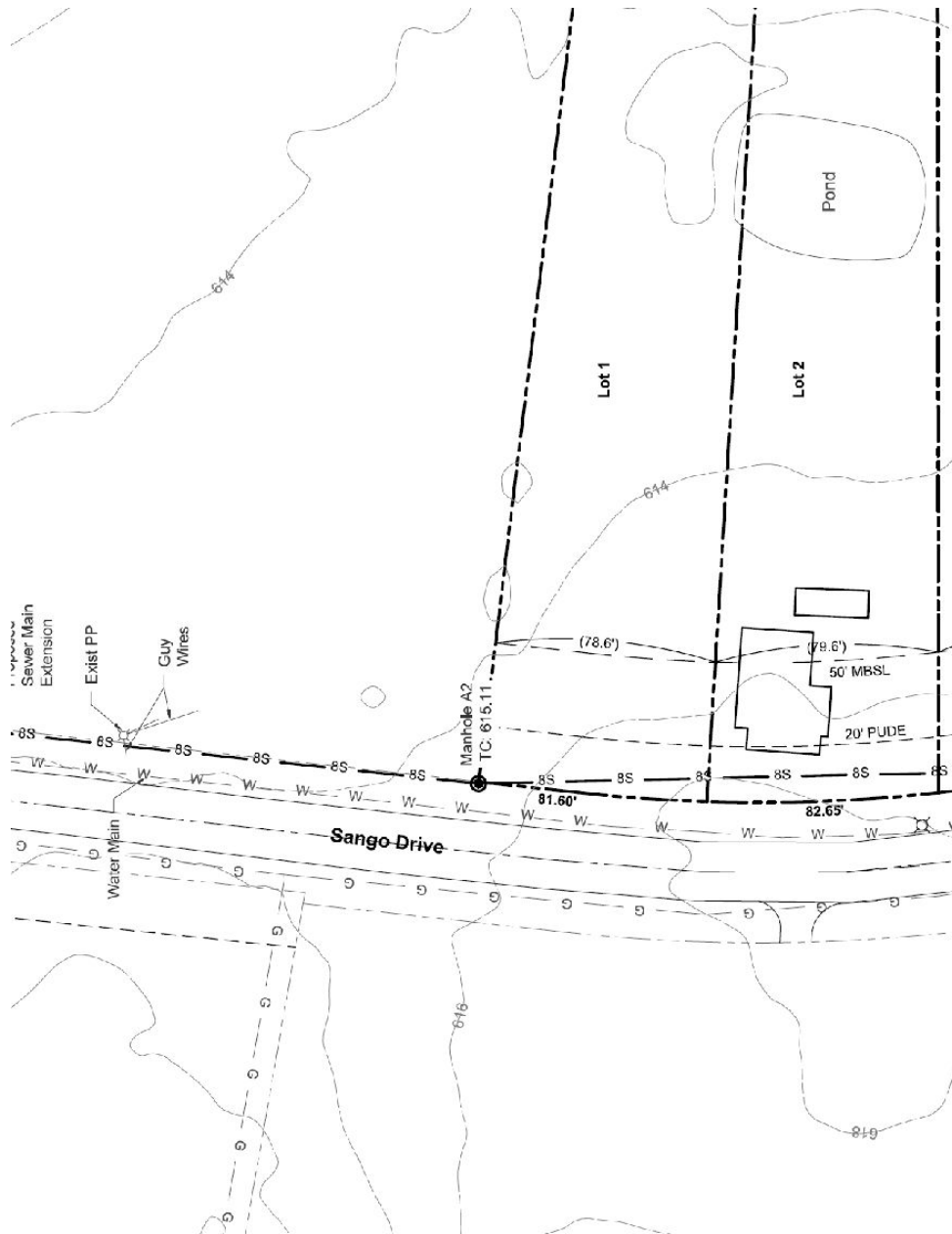
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 82, Parcel 124 with the property address of Sango Drive outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

*FIRST READING:* September 6, 2018

*SECOND READING:*

*EFFECTIVE DATE*

# EXHIBIT A





ORDINANCE 16-2018-19

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE [TITLE 3, CHAPTER 1, SECTION 3-109] RELATIVE TO KEEPING BACKYARD CHICKENS

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

That the Official Code of the City of Clarksville, Tennessee, Title 3, “Animals and Fowl,” Chapter 1, “Animals,” Section 3-109, “Keeping of cattle, horses, sheep, goats, swine or poultry in residential areas,” Paragraph (b), “Exceptions pertaining to poultry,” Subparagraph (4), is hereby amended by deleting “twelve thousand (12,000) square feet,” and by substituting instead “nine thousand (9,000) square feet.”

*FIRST READING:* September 6, 2018

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 17-2018-19

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

*WHEREAS,* the City of Clarksville, for the benefit of the Gas & Water Department, owns certain property located at 2215 Madison Street, being Map & Parcel Number 81-55.01.

*WHEREAS,* the Tennessee Department of Transportation (hereinafter, "TDOT") requires a temporary construction easement as well as a conveyance in fee simple of certain acreage on the above-described property for the purpose of certain road improvement projects at and/or near the intersection of SR-76/SR-112 (U.S. Hwy 41A), as described on Exhibit A, attached hereto,

*WHEREAS,* the City of Clarksville has agreed to sell the required easement and fee simple acreage to TDOT for the sum of One Hundred Thirteen Thousand Eight Hundred and 00/100 Dollars (\$113,800.00), and other good and valuable consideration;

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

That the Clarksville City Council hereby authorizes the sale and transfer of a temporary construction easement, and fee simple acreage, as more particularly described in Exhibit A, attached hereto, to TDOT, for the sum of One Hundred Thirteen Thousand Eight Hundred and 00/100 Dollars (\$113,800.00).

*FIRST READING:* September 6, 2018

*SECOND READING:*

*EFFECTIVE DATE:*

## **EXHIBIT A**

MONTGOMERY COUNTY

Fed Project: HSIP-112(34)

State Project: 63021-2222-94

**CITY OF CLARKSVILLE**

Tract 168

Map 81; Parcel 55.01

Beginning at a point on the present north right of way of State Route 112, said point being 59.57 feet right of proposed centerline station 584+99.96; thence with said right of way N 72° 59' 34" W 64.04 feet to a point being 45.00 feet left of Access Road "D" proposed centerline station 70+59.57; thence with the proposed right of way as follows: 1) N 62° 00' 33" E 28.29 feet, 2) N 17° 00' 33" E 162.53 feet, 3) along a 62.00 feet radius curve right and northeasterly, having a chord bearing N 61° 52' 53" E and a length of 97.11 feet, 4) S 73° 15' 09" E 97.84 feet to a point being 20.00 feet left of proposed centerline station 74+02.87; thence with the west boundary of the Space for Lease property (State Project 63021-2222-94, Tract 162) S 7° 56' 34" W 45.54 feet to a point being 25.00 feet right of proposed centerline station 74+09.84; thence with the north boundary of the Kayla Investments, LLC property (State Project 63021-2222-94, Tract 166) N 73° 15' 09" W 122.58 feet; thence with the west boundary of said property S 17° 02' 33" W 199.45 feet to the point of beginning, containing 0.356 acre.

The above described property is hereby conveyed in fee simple.

Beginning at a point on the west boundary of the Space for Lease property (State Project 63021-2222-94, Tract 162), said point being 20.00 feet left of Access Road "D" proposed centerline station 74+02.87; thence with the proposed right of way as follows: 1) N 73° 15' 09" W 97.84 feet, 2) along a 62.00 feet radius curve left and southwesterly, having a chord bearing S 61° 52' 53" W and a length of 97.11 feet, 3) S 17° 00' 33" W 162.53 feet, 4) S 62° 00' 33" W 16 feet, more or less; thence with the herein described easement as follows: 1) northerly 24 feet, more or less, 2) westerly 15 feet, more or less, 3) northerly 21 feet, more or less, 4) westerly 11 feet, more or less, 5) northerly 200 feet, more or less, 6) easterly 32 feet, more or less, 7) northerly 16 feet, more or less, 8) easterly 58 feet, more or less, 9) southerly 13 feet, more or less, 10) easterly 103 feet, more or less; thence with the west boundary of the Space for Lease property (State Project 63021-2222-94, Tract 162) S 7° 56' 50" W 10 feet, more or less, to the point of beginning, containing 0.248 acre.

The above described property is hereby conveyed as an easement for the construction of a working area and erosion control outside of the proposed right of way line. The title to the above described land remains vested in the Grantor(s), and is to be used by the State of Tennessee, its contractors or assigns for a period of 3 years, from and after the commencement of construction.

Reference

Book V588, Page 1700 in Register's Office of Montgomery County, Tennessee.

Property Address:

2215 Madison Street Clarksville, TN 37043

RESOLUTION 22-2018-19

A RESOLUTION APPROVING APPOINTMENTS TO THE ARTS & HERITAGE  
DEVELOPMENT COUNCIL

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

That the Clarksville City Council hereby approves the following appointments:

Arts & Heritage Development Council:

Shelia Bryant, Chris Crow, Jim Diehr, Kathy Heuston, Ellen Taylor - July 2018  
through June 2021; Fred Landiss - October 2018 through June 2021; Robert  
Putnam - October 2018 through June 2019

*ADOPTED:*



**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
SEPTEMBER 6, 2018**

**MINUTES**

**PUBLIC COMMENTS**

Jeffrey Stewart had requested to speak to the City Council regarding the Mayor's attentiveness to constituent but was not present.

**CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, September 6, 2018, in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Rev. Gwanho Kim, New Eden Presbyterian Church, Guest of Councilman Ron Erb. The Pledge of Allegiance as led by Councilman Jeff Henley.

**ATTENDANCE**

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

**ABSENT:** David Allen (Ward 8)

**SPECIAL RECOGNITIONS**

There were no special recognitions.

## CMCSS UPDATE

Millard House, Director of Clarksville-Montgomery County School System, updated the City Council on the status of the local school system. Mr. House said 600 new students were recently enrolled and he expected more would be added throughout the current school year. He said the mission was to graduate all students career or college ready and shared information on free resources available for students with social and emotional needs.

## PLANNING COMMISSION PUBLIC HEARING

### **RESOLUTION 18-2018-19** Amending the Clarksville-Montgomery County Growth Plan

Councilman Grubbs made a motion to conduct a public hearing regarding the proposed growth plan amendments. The motion was seconded by Councilwoman McLaughlin. There was no objection.

No one spoke for or against this resolution. Councilman Grubbs made a motion to revert to regular session. The motion was seconded by Councilman Garrett. There was no objection.

The recommendation of the Regional Planning Staff and Commission was for approval. Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Burkhardt. The following vote was recorded:

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

NAY: Erb, McLaughlin, Smith

The motion to adopt this resolution passed.

## CONSENT AGENDA

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

1. **ORDINANCE 6-2018-19** (Second Reading) Amending the Official Code relative to adoption of the 2017 National Electric Code
2. **ORDINANCE 7-2018-19** (Second Reading) Amending ORDINANCE 3-2017-18 authorizing purchase of certain property near Inglewood Drive and Cherokee Trail for the purpose of a city park

3. **ORDINANCE 8-2018-19** (Second Reading) Authorizing extension of utilities to property on West Gratton Road; request of River Chase Marine Terminal
4. **ORDINANCE 9-2018-19** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Paul Landrum for zone change on property located at the intersection of Memorial Drive and Landrum Place from O-1 Office, Medical, Institutional and Civic District to R-4 Multiple Family Residential District
5. **ORDINANCE 10-2018-19** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of David Stiltner, J. Chris Fielder/DBS & Associates-Agent, for zone change on property located at the intersection of Martin Luther King, Jr., Parkway and South Gateway Plaza from C-4 Highway Interchange District to C-2 General Commercial District
6. **RESOLUTION 13-2018-19** Approving renewal of a Certificate of Compliance for sale of wine at Silver Dollar Grocery, 2700 Trenton Road
7. Adoption of Minutes: August 2nd

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

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

The motion to adopt the Consent Agenda as presented passed.

#### FINANCE COMMITTEE

*Jeff Burkhart, Chair*

**ORDINANCE 14-2018-19** (First Reading) Amending the FY19 General Fund Operating Budget relating to hotel/motel tax

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

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

The motion to adopt this ordinance on first reading passed.

**RESOLUTION 12-2018-19** Authorizing an interlocal agreement with the Montgomery County 911 Emergency Communications District

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

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

The motion to adopt this resolution passed.

**RESOLUTION 14-2018-19** Authorizing an interlocal agreement between the City of Clarksville and Montgomery County pertaining to division, administration and use of 2018 Byrne Justice Assistance Grant funds

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

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

The motion to adopt this resolution passed.

**RESOLUTION 15-2018-19** Authorizing incurrence of indebtedness not to exceed \$18,000,000 by execution with a Public Building Authority (TMBF) loan agreement to provide funding for certain public works projects, and to fund the incidental and necessary expenses related thereto

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

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

The motion to adopt this resolution passed.

**RESOLUTION 16-2018-19** Authorizing a loan pursuant to a loan agreement between the City of Clarksville in the principal amount not to exceed \$18,000,000, authorizing executive and delivery of such loan agreement, and other documents relating to said loan, approving issuance of a bond by such Public Building Authority (TMBF); providing for application of proceeds of said loan and payment of such indebtedness, consenting to assignment of the City's obligation under such loan agreement, and certain other matters

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

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

The motion to adopt this resolution passed.



**ORDINANCE 17-2018-19** (First Reading) Authorizing sale of permanent and temporary easements to TDOT on property at 2215 Madison Street

The recommendation of the Finance Committee was for approval. 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, Burkhart, Chandler, Erb, Garrett, Grubbs, Guzman, Henley, McLaughlin, Powers, Smith

The motion to adopt this ordinance on first reading passed.

**RESOLUTION 19-2018-19** Authorizing right of entry to TDOT on to property at 2215 Madison Street

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

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

The motion to adopt this resolution passed.

#### **GAS & WATER COMMITTEE**

*Bill Powers, Chair*

Councilman Powers made a motion to consolidate the vote on the following ordinances. The motion was seconded by Councilwoman Smith. A voice vote was taken; the motion passed.

Councilman Powers made a motion to adopt the following ordinances on first reading. The motion was seconded by Councilman Alexander.

**ORDINANCE 11-2018-19** (First Reading) Authorizing extension of utilities to 2924 Dunlop Lane; request of David Smith

**ORDINANCE 12-2018-19** (First Reading) Authorizing extension of utilities to property on Sango Road; request of Mary Cocke

**ORDINANCE 13-2018-19** (First Reading) Authorizing extension of utilities to property on McAdoo Creek Road; request of Clinton Barger

**ORDINANCE 15-2018-19** (First Reading) Authorizing extension of utilities to property on Sango Drive; request of Brad Weakley

The following vote was recorded:

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

The motion to adopt **ORDINANCE 11-2018-18-19, ORDINANCE 12-2018-19, ORDINANCE 13-2018-19**, and **ORDINANCE 15-2018-19** on first reading passed.

Councilman Powers shared the following monthly department statistics: Service Department - 5,600 work orders, 364 after-hours calls, 97,000 meters read; Billing Department - 68,290 bills and notices mailed; Gas Division - 49 natural gas-order responses; Water Treatment Plant - 583 million gallons (67% capacity) of treated water pumped; Wastewater Treatment Plant - 342 million gallons (44% capacity).

#### HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

*Ron Erb*

On behalf of Councilman Allen, Councilman Erb said due to the withdrawal of Buffalo Valley as the sponsor for the City's Shelter Plus Care Grant as of September 1, 2018, the Office of Housing & Community Development began providing support for 19 residents receiving services. He said Housing & Urban Development approved changing the grant from a sponsorship to a permanent support for housing rent, health care, mental health treatment, alcohol and other substance abuse services, child care, case management, counseling, education, and/or job training.

#### PARKS & RECREATION COMMITTEE

*Valerie Guzman, Chair*

Councilwoman Guzman invited the public to the annual RiverFest event at McGregor Park and Sleeping Under the Stars. She said the department had recently opened a new B-Cycle station at Austin Peay State University

#### PUBLIC SAFETY COMMITTEE

*Geno Grubbs, Chair*

Councilman Grubbs shared the following monthly department statistics: Building & Codes Construction Division - 2,146 inspections, Code Enforcement Division - 523 cases, Administration - 37 single-family permits, Abatement Division - 81 work orders; Fire & Rescue - 1,171 emergency runs; Police - 14,874 responses.

#### STREETS & GARAGE COMMITTEE

*Mike Alexander, Chair*

Councilman Alexander shared the following monthly department statistics: Street Department - 265 work orders, paving of Peachers Mill Court, North Magnolia, Buckeye Lane, Aberdeen Court, McIntosh, and Aspen Subdivision; Garage - 422 work orders, unleaded gasoline at \$2.20 per gallon and diesel fuel at \$2.36 per gallon

## TRANSPORTATION COMMITTEE

*Deanna McLaughlin, Chair*

Councilwoman McLaughlin shared the following monthly department Statistics: Clarksville Transit System - 60,876 passengers including 7,668 Senior Citizen passengers and 669 wheelchair passengers, 3,046 Lift passengers, 3,779 APSU passengers.

Councilwoman McLaughlin announced winners of the annual Bus Rodeo: Bus Division 1st Place - Justin Jones, Bus Division 2nd Place - Kieran Arnoe, Van 1st Place - Delwin Gass, Van 2nd Place - Steven Hester.

Councilwoman McLaughlin said repairs were being made to the Legion Street Transfer Station including roof and outside clock replacement and repairs to interior walls and floor.

## BOARD APPOINTMENTS

**RESOLUTION 11-2018-19** Approving appointments to the Ethics Commission, Parking Commission, Power Board, Residential Development Commission, Senior Citizens Board, and Tree Board

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

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

The motion to adopt this resolution passed.

## NEW BUSINESS

### BACKYARD CHICKENS

**ORDINANCE 16-2018-19** (First Reading) Amending the Official Code relative to keeping of backyard chickens

Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. Councilman Garrett said he had a request from a constituent to lower the space requirement for keeping domesticated hens to allow his special needs daughter to raise chickens. He made a motion to amend this ordinance by substituting instead the following language to mirror the Nashville code:

*Be it ordained that Sec. 3-109, Paragraph (b), Subparagraph (4), is further amended by deleting "A maximum of six (6) chickens may be permitted on any parcel or tract of property," and by substituting instead the following:*

*A maximum of 2 hens for parcels 0 to 5,009 square feet/ 0 to .11 acres, 4 hens for parcels 5,010 to 10,236 square feet/.12 to .23 acres, and 6 hens for parcels 10,237 or more square feet/.24 acres or more may be permitted.*

The motion was seconded by Councilman Chandler. There was no objection to hearing comments from Building & Codes Director Mike Baker. Mr. Baker said this change would allow keeping of chickens in any subdivision of the City and enforcement would be difficult. In response to Councilman Burkhart's question whether chickens could be kept on a vacant lot, Mr. Baker said lots must be platted with a principal structure. There was no objection to reverting to regular session. The following vote was recorded:

AYE: Burkhart, Chandler, Garrett, Henley, Powers

NAY: Alexander, Erb, Grubbs, Guzman, McLaughlin, McMillan, Smith

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

AYE: Alexander, Burkhart, Chandler, Garrett, Guzman, Henley, Powers

NAY: Erb, Grubbs, McLaughlin, Smith

The motion to adopt this ordinance on first reading, no amendment, passed.

#### HANNUM STREET ABANDONMENT

**RESOLUTION 17-2018-19** Amending RESOLUTION 32-2018-19 relative to abandonment of public rights-of-way located north of Marion Street and south of Farris Drive

Councilman Alexander made a motion to consider this resolution. The motion was seconded by Councilman Burkhart. A voice vote was taken; the motion passed without objection.

Councilwoman McLaughlin made a motion to adopt this resolution. The motion was seconded by Councilman Alexander. There was no objection to hearing comments from Traffic Engineer Chris Cowan. Mr. Cowan said the previous resolution identified Drane Street instead of Hannum Street and this resolution would correct the error. There was no objection to reverting to regular session. The following vote was recorded:

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

NAY: Chandler

The motion to adopt this resolution passed.

#### MAYOR AND STAFF REPORTS

There were no Mayor or Staff reports.

#### ADJOURNMENT

The meeting was adjourned at 8:31 p.mn.

ORDINANCE 18-2018-19

AN ORDINANCE AMENDING CITY CODE SECTION 12-904 PERTAINING TO THE DISTRICT MANAGEMENT CORPORATION FOR THE CENTRAL BUSINESS IMPROVEMENT DISTRICT TO PROVIDE FOR BUDGET REVIEW AND SPECIAL ASSESSMENT INCLUDING REIMBURSEMENT OF EXPENSES

*WHEREAS*, ORDINANCE 41-2017-18 amending Clarksville City Code Section 12-904 to provide for budget approval and assessment was approved by the Clarksville City Council and was codified effective March 1, 2018; and

*WHEREAS*, City Code Section 12-904(b)(1) provides for previously appropriated funds to be available through the end of fiscal year 2017-18. These funds are held by the City in a trust bank account for the benefit of Two Rivers Company; and

*WHEREAS*, Two Rivers Company and the City of Clarksville agree to have previously incurred expenses reimbursed after January 1, 2019.

*NOW, THEREFORE, 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 9, "Central Business Improvement District," Section 12-904, "Budget review process and levy of special assessment," Paragraph (b)(1), is hereby amended by deleting the following language:

"for the remainder of the fiscal year 2017-18."

*BE IT FURTHER ORDAINED* that the same is further amended by adding the following language at the end of the Paragraph (b)(1):

"until such time as funds held in the trust account for the benefit of Two Rivers Company have been fully extinguished."

*BE IT FURTHER ORDAINED* there is no additional funding necessary; the trust bank account will be closed upon the final distribution of funds to the Two Rivers Company.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

**CURRENT LANGUAGE SHOWING CHANGES:**

Section 12-904 (b)(1) The funds previously appropriated by the city council for the benefit of the district management corporation ("Two Rivers Company") shall continue to be available for reimbursement of qualified expenses of the Two Rivers Company in administering and managing the activities of the district ~~for the remainder of the fiscal year 2017-18.~~ until such time as funds held in the trust account for the benefit of Two Rivers Company have been fully extinguished.

RESOLUTION 20-2018-19

A RESOLUTION APPROVING ABANDONMENT OF PERMANENT AND TEMPORARY EASEMENTS LOCATED ON THE GARY HARMON PROPERTY [LIBERTY PARKWAY/JOJO'S PUMP STATION]

*WHEREAS*, request was made by Gary Harmon Property (Donna Harmon, owner/agent) for abandonment of permanent and temporary easements, originally granted to the City of Clarksville for the benefit of the Gas & Water Department, as described more particularly in Exhibit A (Agreement for Dedication of Easement) and Exhibit B (Agreement for Dedication of Temporary Construction Easement), attached hereto, said easements encumbering property owned by Gary Harmon Property, identified as Map 80A, Group C, Parcel 03.00, and recorded in Deed Book Volume 721, Page 59. Parcel 03.00;

*WHEREAS*, the above-referenced easements were originally granted for the purpose of installing a 10-inch sewer main for the Liberty Parkway and JoJo's Pump Station Elimination project; and

*WHEREAS*, the City Council finds that the City of Clarksville does not desire to complete the Liberty Parkway and JoJo's Pump Station Elimination project; therefore, said easements being of no service to the City of Clarksville;

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

That the easements described in Exhibit A and Exhibit B, attached hereto, are hereby abandoned.

*ADOPTED:*



EXHIBIT A

This instrument was prepared by  
Clarksville Gas and Water Department  
Clarksville, Tennessee 37043

Gary Harmon Property  
ORV. 721, Page 59 ROMCT  
Map 80A, Group C, Parcels 02.00 and 03.00

AGREEMENT FOR DEDICATION OF EASEMENT

For and in consideration of the mutual benefits that will accrue by reason of the hereinafter described improvements I/we do hereby grant, bargain, sell, transfer and convey unto the City of Clarksville, a Tennessee Municipal Corporation, its successors and assigns forever, permanent easements and/or right-of-way for the purpose of sanitary sewer, water, and/or natural gas utilities.

**Easement 1**

A 10-foot wide permanent utility easement, the centerline of which is more precisely described as follows:

Commencing at an iron pin in the southern boundary of property owned by the City of Clarksville, said pin being the northeast corner of the Gary Harmon property as described in Deed Book Volume 721 Page 59 Parcel 02.00, and being the northwest corner of the Gary Harmon property as described in Deed Book Volume 721 Page 59 Parcel 03.00; thence South 30 degrees 33 minutes 51 seconds West 65.0 feet to a point; thence North 59 degrees 10 minutes 51 seconds West 5.0 feet to the true point of beginning;

thence South 30 degrees 49 minutes 09 seconds West 182.5 feet to a point,

thence North 72 degrees 10 minutes 15 seconds West 83.8 feet to the point of terminus, containing 2656.22 sq ft or 0.061 acre more or less.

Included in this agreement is a temporary construction easement 10 feet in width and being adjacent and parallel to either side of said permanent easement where applicable.

**Easement 2**

Being a 10-foot wide permanent utility easement, running adjacent and parallel to the western property line of the Gary Harmon property as described in Deed Book Volume 721 Page 59 Parcel 03.00, the centerline of said easement being more precisely described as follows:

Commencing at an iron pin in the southern boundary of property owned by the City of Clarksville, said pin being the northeast corner of the Gary Harmon property as described in Deed Book Volume 721 Page 59 Parcel 02.00, and being the northwest corner of the Gary Harmon property as described in Deed Book Volume 721 Page 59 Parcel 03.00; thence following the southern property line of the property owned by the City of Clarksville, South 59 degrees 11 minutes 15 seconds East 5.0 feet to the true point of beginning;

thence South 30 degrees 49 minutes 09 seconds West 72.7 feet to the point of terminus, containing 733.14 sq ft or 0.017 acre more or less.

Included in this agreement is a temporary construction easement 10 feet in width and being adjacent and parallel to either side of said permanent easement where applicable.

To have and to hold said easement or right-of-way to the City of Clarksville, its successors and assigns forever. I/we do hereby covenant with said City of Clarksville that I am/we are lawfully seized and possessed of said land in fee simple and have a good right to make this conveyance.

Connie W. Bell, Register	
Montgomery County Tennessee	
Rec #: 219647	Instrument #: 869445
Rec'd: 15.00	Recorded
State: 0.00	9/23/2010 at 1:16 PM
Clerk: 0.00	in Volume
PDF: 2.00	1352
Total: 17.00	Pgs 1159-1161

I/we do further covenant with said City of Clarksville, that said portion or parcel of land as aforescribed is to remain the property of the undersigned and may be used for any lawful purpose or purposes desired after the construction of all of the aforesaid improvements, provided it does not weaken or damage the above mentioned improvements or interfere with the operation or maintenance thereof. The City of Clarksville hereby covenants that upon completion of construction it will restore the herein above described property to its original condition, or as near thereto as is reasonably possible.

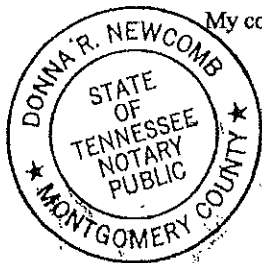
Signed, this 12 day of July, 2010

Donna R. Newcomb  
Donna J. Harmon

STATE OF TENNESSEE  
Montgomery County

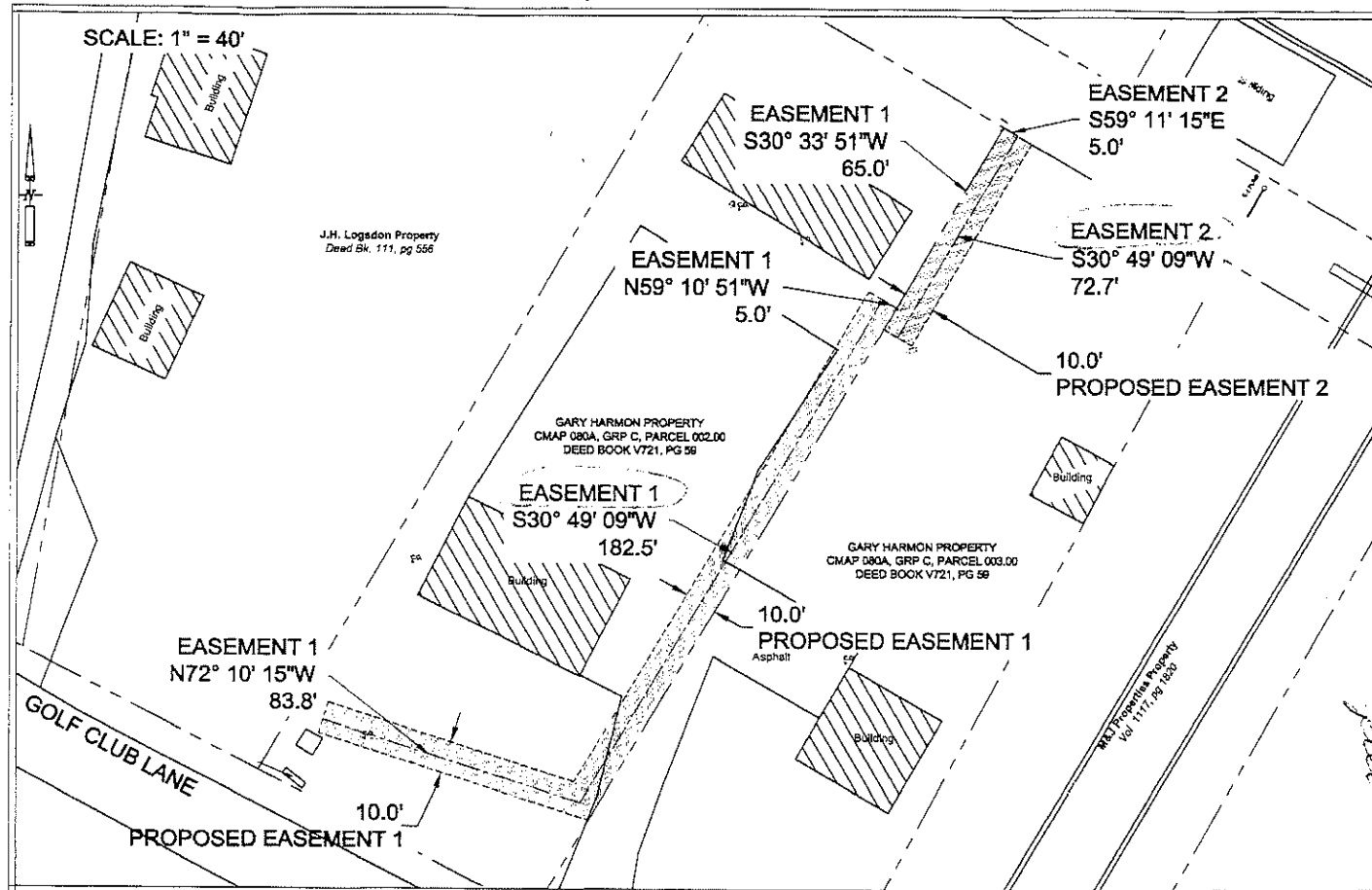
Personally appeared before me, the undersigned, Donna R. Newcomb  
a Notary Public in and for said State and County, the within named Garry + Donna J. Harmon (2)  
Garry + Donna J. Harmon, the bargainer, with whom I am personally acquainted, and who acknowledged  
that they executed the within instrument for the purposes therein contained.  
Witness my hand and seal at Clarksville, Tennessee, this 12 day of July, 2010.

My commission expires: 6-16-2013



Donna R. Newcomb Notary Public

Permanent utility Esmt.



Detail No. ES-07

Date: MAY 2010

Revision: 0

GARY HARMON PROPERTY  
1503 GOLF CLUB LANE  
CMAP 080A, GRP C  
PARCEL 002.00 & 003.00  
DEED BOOK V721, PG 59

2215 MADISON ST.

P.O. BOX 387

CLARKSVILLE, TN 37040

931-645-7418 FAX: 931-648-5983



EXHIBIT B

TCE #1

This instrument was prepared by  
Clarksville Gas and Water Department  
Clarksville, Tennessee 37043

Gary Harmon Property  
ORV. 721, Page 59 ROMCT  
Map 80A, Group C, Parcel 03.00  
1507 Golf Club Lane

AGREEMENT FOR DEDICATION OF TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the mutual benefits that will accrue by reason of the hereinafter described improvements I/we do hereby grant and convey unto the City of Clarksville, a Tennessee Municipal Corporation, its successors and assigns for a period not to exceed one calendar year, to begin on the date of Notice to Proceed, a temporary construction easement for the purpose of, but not limited to, a construction lay down area and ingress/egress to the Liberty Parkway and JoJo's Pump Station Eliminations project involving the installation of a 10-inch sewer main.

Being a temporary construction easement containing the Gary Harmon Property that is located in Montgomery County, Tennessee, said easement is generally located adjacent and parallel to property owned by the City of Clarksville, said property is identified as Map 80A Group C Parcel 03.00, as recorded in ORV 721, Page 59 Registers Office for Montgomery County, Tennessee (ROMCT), and being more particularly described as follows:

Beginning at an iron pin in the southern boundary of property owned by the City of Clarksville, said pin being the northeast corner of the Gary Harmon property as described in Deed Book Volume 721 Page 59 Parcel 02.00, and being the northwest corner of the Gary Harmon property as described in Deed Book Volume 721 Page 59 Parcel 03.00; thence South 59 degrees 24 minutes 15 seconds East 80.0 feet to a point; thence South 28 degrees 24 minutes 06 seconds West 156.2 feet to a point; thence North 61 degrees 37 minutes 44 seconds West 86.8 feet to a point; thence North 30 degrees 45 minutes 17 seconds East 159.5 feet to the point of terminus, containing 13,161.53 sq ft or 0.302 acre more or less.

To have and to hold said temporary construction easement to the City of Clarksville, its successors and assigns for a period not to exceed one calendar year to begin on the date of Notice to Proceed. I/we do hereby covenant with said City of Clarksville that I am/we are lawfully seized and possessed of said land in fee simple and have a good right to make this conveyance.

I/we do further covenant with said City of Clarksville, that said portion or parcel of land as aforescribed is to remain the property of the undersigned and may be used for any lawful purpose or purposes desired after the construction of all of the aforesaid improvements, provided, in the opinion of the City of Clarksville, said use or uses do not destroy, weaken, or damage the above mentioned improvements or interfere with the operation or maintenance thereof. The City of Clarksville hereby covenants that upon completion of construction it will restore the herein above described property to its original condition, or as near thereto as is reasonably possible.

Signed, this 12 day of July, 20 10

Mary D. Harmon  
Donna R. Newcomb

STATE OF TENNESSEE  
Montgomery County

Personally appeared before me, the undersigned, Donna R. Newcomb  
a Notary Public in and for said State and County, the within named Gary + Donna J. Harmon  
the bargainer, with whom I am personally acquainted, and who acknowledged  
that they executed the within instrument for the purposes therein contained.

RESOLUTION 21-2018-19

A RESOLUTION REPEALING RESOLUTION 20-2017-18 AND APPROVING A NEW PARTICIPATING EMPLOYER AGREEMENT AND ADOPTING A NEW PLAN DOCUMENT FOR THE STATE OF TENNESSEE DEFERRED COMPENSATION PLAN

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

That RESOLUTION 20-2017-18 is hereby repealed.

*BE IT FURTHER RESOLVED* that the attached Participating Employer Agreement and Plan Document for the Tennessee Deferred Compensation Plan are hereby adopted.

*ADOPTED:*

**TENNESSEE STATE**  
**EMPLOYEES DEFERRED COMPENSATION**  
**PLAN AND TRUST**  
**- 457(b) –**  
**RESOLUTION AND**  
**PARTICIPATING EMPLOYER AGREEMENT**

---

**[Participating Employer]**

**Administered by: Treasurer, State of  
Tennessee  
502 Deaderick Street, 15<sup>th</sup> Floor  
Andrew Jackson State Office Building  
Nashville, Tennessee 37243  
Telephone: 615-532-2347**

## RESOLUTION

WHEREAS, \_\_\_\_\_, Tennessee (hereinafter referred to as the "Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a governmental 457(b) deferred compensation plan, funded by employee deferrals and, if elected pursuant to Section I and/or K of the Participating Employer Agreement, employer contributions;

WHEREAS, Tennessee Code Annotated, Section 8-25-111(a) allows a Tennessee local governmental entity to participate in the State of Tennessee's 457(b) deferred compensation plan subject to the approval of the Chair of the Tennessee Consolidated Retirement System (hereinafter referred to as the "Chair");

WHEREAS, the liability for participation and the costs of administration shall be the sole responsibility of the Employer and/or its employees, and not the State of Tennessee;

WHEREAS, the Employer has also determined that it wishes to encourage employees' saving for retirement;

WHEREAS, the Employer has reviewed the Tennessee State Employees Deferred Compensation Plan and Trust Adoption Agreement for a Section 457(b) Eligible Deferred Compensation Plan for Governmental Employers, as adopted by the State of Tennessee, as amended and restated effective December 22, 2010, and as amended by Amendment Number One signed December 22, 2010, and Amendment Number Two signed February 8, 2012, as well as the Section 457(b) Eligible Deferred Compensation Plan for Governmental Employer Basic Plan Document (collectively known as the "Plan" or "Plan Document");

WHEREAS, the Employer wishes to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Employer is eligible to become a Participating Employer in the Plan, pursuant to Article XVII of the Plan Document;

WHEREAS, the Employer is concurrently executing a Participating Employer Agreement for the Plan; and

WHEREAS, the \_\_\_\_\_ ("Governing Authority") of the Employer is authorized by law to adopt this resolution approving the Participating Employer Agreement on behalf of the Employer;

NOW, THEREFORE, the Governing Authority of the Employer hereby resolves:

1. The Employer adopts the Plan Document for its Employees; provided, however, that for the purpose of the Plan, the Employer shall be deemed to have designated irrevocably the Chair as its agent, except as otherwise specifically provided herein or in the Participating Employer Agreement.

2. The Employer acknowledges that the Plan does not cover, and the Trustees of the Plan ("Trustees") have no responsibility for, other employee benefit plans maintained by the Employer.
3. The Employer acknowledges that it may not provide employer contributions to the Plan on behalf of any of its employees that exceed three percent (3%) of the respective employees' salary if the employees are members of the Tennessee Consolidated Retirement System ("TCRS") or of any other retirement program financed from public funds whereby such employees obtain or accrue pensions or retirement benefits based upon the same period of service to the Employer, unless such employees are members of TCRS' local government hybrid plan established under Tennessee Code Annotated, Section 8-35-256 or TCRS' State hybrid plan established under Tennessee Code Annotated, Title 8, Chapter 36, Part 9. If such employees participate in either of the hybrid plans, the total combined amount of employer contributions to the Plan and to any one or more additional defined contribution plans may not exceed seven percent (7%) of the respective employee's salary. In no instance shall the total combined employer contributions to all defined contribution plans on behalf of a single employee exceed the maximum allowed under the Internal Revenue Code ("Code"), and shall conform to all applicable laws, rules and regulations of the Internal Revenue Service ("IRS") governing profit sharing and/or salary reduction plans for governmental employees.
4. The Employer hereby adopts the terms of the Participating Employer Agreement, which is attached hereto and made a part of this resolution. The Participating Employer Agreement (a) permits all employees of the respective entity to make elective deferrals; (b) sets forth the Employees to be covered pursuant to Section I and/or K of the Participating Employer Agreement for employer contributions, if any; (c) outlines the benefits to be provided by the Participating Employer under the Plan; and, (d) states any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participating Employer Agreement, so long as the amendment is not inconsistent with the Plan, the Code, Tennessee law, or other applicable law and is approved by the Chair.
5. The Chair may amend the Plan on behalf of all Employers, including those Employers who have adopted the Plan prior to a restatement or amendment of the Plan, for changes in the Code, the regulations thereunder, Tennessee law, revenue rulings, other statements published by the Internal Revenue Service ("IRS"), including model, sample, or other required good faith amendments, and for other reasons that are deemed at the Chair's sole discretion to be in the interest of the Plan. These amendments shall be automatically applicable to all Employers.
6. The Chair will maintain, or will have maintained, a record of the Employers and will make reasonable and diligent efforts to ensure that Employers have received all Plan amendments.
7. The Employer shall abide by the terms of the Plan, including amendments to the Plan and Trust made by the Chair, all investment, administrative, and other service agreements of the Plan, and all applicable provisions of the Code, Tennessee law, and other applicable law.



8. The Employer accepts the administrative services to be provided by the Tennessee Treasury Department and any services provided by Plan vendors. The Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts and/or charged to the Employer.
9. Subject to the provisions of Section 17.06 of the Plan, the Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements pursuant to the Plan, if it takes the following actions:
  - a. A resolution must be adopted by the Governing Authority of the Employer terminating the Employer's participation in the Plan.
  - b. The resolution must specify the proposed date when the participation will end, which must be at least six calendar months after notice to the Chair and the Employer's employees.
  - c. The Chair shall (i) determine whether the resolution complies with the Plan, and all applicable federal and state laws, (ii) determine an appropriate effective date, and (iii) provide appropriate forms to terminate ongoing participation. Distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan Document.
  - d. Once the Chair determines the appropriate effective date, the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof.
  - e. The Chair can, in the Chair's sole discretion, reduce the six month notice and withdrawal period to a shorter period if the Employer so requests, but in no event shall the period be less than three months.
10. The Employer acknowledges that the Plan Document contains provisions for Plan termination by the Trustees, subject to applicable Tennessee law.
11. The Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be timely transferred by the Employer to the Trust Fund pursuant to and in the manner provided by the Chair. The Employer acknowledges that if the Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the Employer shall immediately notify all its employees

participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and contributions to the Plan and that neither the State, the Chair, the Trustees, its employees, or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

12. The Employer agrees to offer and enroll only those persons, whether appointed, elected, or under contract, wherein an employee-employer relationship is established, providing service to the Employer for which compensation is paid by the Employer.
13. The Employer understands that IRS rules and Tennessee law limit participation in the Plan to governmental entities and their respective employees. The Employer will notify the Chair in writing within ten (10) calendar days if it ceases to be a governmental entity under applicable federal or Tennessee law, and/or if it discovers that it is transferring or having transferred employee deferrals and/or employer contributions to the Plan on behalf of an individual who does not meet the requirements in Paragraph 12 above.
14. The Employer acknowledges that the Chair and other Trustees are the fiduciaries of the Plan and have sole and exclusive authority to interpret the Plan and decide all claims and appeals for Plan benefits. The Employer agrees to abide by the Chair's decisions on all matters involving the Plan.
15. This resolution and the Participating Employer Agreement shall be submitted to the Chair for approval. The Chair shall determine whether the resolution and the Agreement comply with the Plan, and, if they do, shall provide appropriate forms to the Employer to implement participation in the Plan. The Chair may refuse to approve a Participating Employer Agreement executed by an Employer that, in the Chair's sole discretion, does not qualify to participate in the Plan.
16. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Participating Employer Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Governing Authority on \_\_\_\_\_, \_\_\_\_\_, in accordance with applicable law.

By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

[Governing Authority must assure that applicable law is followed in the adoption and execution of this resolution.]

**TENNESSEE STATE**

**EMPLOYEES DEFERRED COMPENSATION PLAN AND TRUST - 457(b)**

**PARTICIPATING EMPLOYER AGREEMENT**

**A. PARTICIPATING EMPLOYER INFORMATION**

Name: \_\_\_\_\_

**NOTE: A Participating Employer Agreement must be completed for each employer. For example, if a city has separate legal entities for the city and a utility company – each would need to complete their own Participating Employer Agreement in order to participate. However, divisions of the same employer (e.g., finance, HR, departments, etc.) do not need to complete and should not complete separate agreements.**

**(1) GOVERNING AUTHORITY**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Person Authorized to receive Official Notices from the Plan or Administrator:

\_\_\_\_\_

**(2) PARTICIPATING EMPLOYER TAX ID NUMBER: \_\_\_\_\_**

**(3) DISCLOSURE OF RETIREMENT PLAN(S) [INCLUDING, IF APPLICABLE, PARTICIPATION IN THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM (“TCRS”)]**

This Participating Employer \_\_\_\_\_ does or \_\_\_\_\_ does not have an existing deferred compensation or retirement plan. If the Participating Employer does have one or more deferred compensation plans or retirement plans (including TCRS), the Governing Authority must provide in the space below the plan name, name and telephone number of the provider, and such other information requested by the Administrator.

\_\_\_\_\_  
\_\_\_\_\_

**B. TYPE OF ADOPTION AND EFFECTIVE DATE**

NOTE: This Participating Employer Agreement ("Agreement"), with the accompanying Plan, is designed to comply with Internal Revenue Code ("Code") Section 457(b), as applicable to a governmental plan. By adopting this Participating Employer Agreement, with its accompanying Resolution, the Participating Employer is adopting a Plan Document intended to comply with Code Section 457(b).

This Agreement is for the following purpose: *(Check and complete box 1 OR box 2 OR box 3.)*

1. This is a new 457(b) deferred compensation plan adopted by the Participating Employer for its Employees effective \_\_\_\_\_, \_\_\_\_\_ **(insert effective date of this Agreement).**
2. This is an amendment to be effective as of \_\_\_\_\_, \_\_\_\_\_, to the current Agreement previously adopted by the Participating Employer, which was originally effective \_\_\_\_\_, \_\_\_\_\_, as follows **(please specify type below):**
  - a. This is an amendment to change one or more of the Participating Employer's contribution elections in the existing Participating Employer Agreement.
  - b. Other **(must specify elective provisions in this Agreement that are being changed):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. This is an amendment and restatement of another 457(b) deferred compensation plan of the Participating Employer, the effective date of which shall be \_\_\_\_\_, \_\_\_\_\_ **(insert effective date of this Agreement).** This Agreement is intended to replace and serve as an amendment and restatement of the Participating Employer's preexisting plan, which became effective on \_\_\_\_\_, \_\_\_\_\_ **(insert original effective date of preexisting plan).** The Participating Employer understands that it is the Participating Employer's responsibility to ensure that the preexisting plan met all applicable state and federal requirements.

**C. PLAN YEAR.** Plan Year shall mean the calendar year.

**D. CUSTODY OF ASSETS.** Code § 457(g) shall be satisfied by setting aside Plan assets for the exclusive benefit of Participants and Beneficiaries, in a Trust pursuant to the provisions of Article VII of the Plan. The Trustees for the Plan are also the Trustees for the separate accounts for each participating employer.

**E. ELIGIBLE EMPLOYEES.**

1. "Employee" shall mean, for purposes of making **Elective Deferrals**, any person, whether appointed, elected or under contract wherein an employee-employer relationship is established, providing services to the Participating Employer for which Compensation is paid by the Participating Employer. Any other individual who is a subcontractor, contractor, or employed by a subcontractor or contractor, or is under any other similar arrangement wherein an employer-employee relationship is not established will not be treated as an Employee. An Employee is immediately eligible to make Elective Deferrals under the Plan.

2. a. "Employee" shall mean for purposes of **Matching Contributions as described in Section I of this Agreement:** *(Check and complete each box that applies. If no Matching Contributions will be made, do not complete.)*

- i. any full-time employee, which is an employee who renders \_\_\_\_\_ or more Hours of Service per week, as defined in Section G below
- ii. any permanent part-time employee, which is an employee who is not a full-time employee and who renders \_\_\_\_\_ or more Hours of Service per week, as defined in Section G below
- iii. any seasonal, temporary or similar part-time employee
- iv. any elected or appointed official
- v. any employee in the following class(es) of employees:

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who meets the definition in Section E.1 above, regardless of the Employee's age or the number of years of service the Employee has rendered to the Employer. All Matching Contributions made on behalf of such Employees are 100% vested immediately, except as provided in Section F.2.b below.

b. "Employee" shall mean for purposes of **Non-Matching Contributions as described in Section K of this Agreement:** *(Check and complete each box that applies. If no Non-Matching Contributions will be made, do not complete.)*

- i. any full-time employee, which is an employee who renders \_\_\_\_\_ or more Hours of Service per week, as defined in Section G below

- ii. any permanent part-time employee, which is an employee who is not a full-time employee and who renders \_\_\_\_\_ or more Hours of Service per week, as defined in Section G below
- iii. any seasonal, temporary or similar part-time employee
- iv. any elected or appointed official
- v. any employee in the following class(es) of employees:

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vi. any employee listed or otherwise described in Schedule 1 attached to this Agreement who meets the definition in Section E.1 above, regardless of the employee's age or the number of years of service the Employee has rendered to the Employer. All Non-Matching Contributions made on behalf of such Employees are 100% vested immediately.

**F. AUTOMATIC ENROLLMENT. (*Check and complete box 1 OR box 2.*)**

1. The Participating Employer DOES NOT elect automatic enrollment.
2. The Participating Employer DOES elect automatic enrollment, which will be effective for Plan Years beginning on and after January 1, \_\_\_\_\_ as follows:
  - a. Employees covered under the automatic enrollment are: (*If this Section F (Automatic Enrollment) is elected, check one option below. Otherwise, do not complete.*)
    - i. All Employees.
    - ii. All Employees who become Employees on or after the date set forth in Section F.2. above and who do not have an affirmative election in effect.
  - b. The default percentage contributed to the Plan on behalf of the Participant will be a deferral of 2% of the Participant's Compensation. The 2% default percentage will be subject to a percentage annual increase thereafter if provided for in the Plan Document. Any deferral percentage increase will take effect annually on the first day of the Plan Year. Participants' default deferrals will remain at the same percentage for at least twelve (12) months before their automatic deferral percentages will be increased automatically.

The automatic deferrals will be contributed on a pre-tax basis and will continue until the Participant affirmatively elects otherwise.

An Employee who affirmatively declines coverage after the first automatic enrollment contribution was made, may make an election to withdraw his or her entire automatic enrollment contribution. This election must be submitted no later than 90 days after the payroll date in which the first automatic enrollment contribution is made on behalf of the Participant. The amount of the distribution will be the value of the automatic enrollment contributions plus or minus investment gains or losses as of the date the distribution is processed. Automatic enrollment contributions made after such date remain in the Plan and are subject to the Plan's regular distribution rules. Further, an Employee who has made an election to withdraw who leaves employment and is then rehired by the Participating Employer before a 12-continuous-month absence may not make another election to withdraw his or her automatic enrollment contribution. Any Employer Matching Contributions attributable to the distribution of the automatic enrollment contributions will be forfeited and used for the purposes set forth in Section O below.

- c. An Employee who leaves employment and is rehired by the Participating Employer before a 12-continuous-month absence has occurred will be treated as subject to the automatic contribution schedule. An Employee who leaves employment and is rehired by the Participating Employer after a 12-continuous-month absence: *(Check one option below.)*

- i. will be treated as a new Employee, or
- ii. will not be treated as a new Employee

for purposes of determining the Employee's contribution rate in Section F.2.b above.

**G. HOURS OF SERVICE.** Hours of Service shall be determined on the actual hours for which an Employee is paid or entitled to payment.

**H. COMPENSATION DEFINITION.** Compensation means all cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses and overtime pay, that is includible in the Employee's gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Employee's gross income for the calendar year but for a compensation reduction election under Code §§ 125, 132(f), 401(k), 403(b), or 457(b) (including an election to defer compensation under Article III of the Plan). If elected below and to the extent permitted by the Treasury regulations or other similar guidance (including, without limitation, the requirements contained in Treasury Regulations §§ 1.457-4(d)(1) and 1.415-2(e)(3)(i)), "compensation" also means accrued bona fide sick, vacation or other leave payable after severance from employment so long as the Participant would have been able to use the leave if employment had continued and it is paid within the longer of two and one-half (2½) months after the Participant severs employment with the Employer or the end of the calendar year in which the Participant severs employment with the Employer.



The Participating Employer:

1. SHALL allow the deferral of leave provision described above.
2. SHALL NOT allow the deferral of leave provision described above.

**I. MATCHING CONTRIBUTIONS.** *(Check and complete box 1 OR box 2 OR box 3 OR box 4.)* [NOTE: Any Matching Contribution will reduce, dollar for dollar, the amount a Participant can contribute.]

The Participating Employer shall:

1. NOT make Matching Contributions.
2. match \_\_\_\_% of Participant elective deferrals of up to \_\_\_\_% of Compensation.
3. match \_\_\_\_% of the first \$\_\_\_\_ of Participant elective deferrals.
4. match the percentage of Participant elective deferrals that the Employer determines in its discretion for the respective Plan Year.

If the Participating Employer elects Automatic Enrollment under Section F.2., Matching Contributions related to the distributed permissible withdrawal election will be placed in a forfeiture account and used in the manner provided in Section O below. Matching Contributions will not be made if a permissible withdrawal is taken before the date the Matching Contribution is allocated.

**J. ALLOCATION OF MATCHING CONTRIBUTIONS.** If Matching Contributions will be made, allocations will be made to each Participant who satisfies the requirements of Section E.2.a. of this Participating Employer Agreement.

**K. NON-MATCHING CONTRIBUTIONS.** *(If non-matching contributions will be made, check box 1 OR box 2.)* [NOTE: Any Non-Matching Contribution will reduce, dollar for dollar, the amount a Participant can contribute.]

1. The Participating Employer shall NOT make Non-Matching Contributions.
2. The Participating Employer shall contribute: (Check and complete one box.)
  - a. an amount fixed by appropriate action of the Employer.
  - b. \_\_\_\_\_% of Compensation of Participants for the Plan Year.
  - c. \$\_\_\_\_\_ per Participant.
  - d. an amount pursuant to Schedule 1 attached to this Agreement and which is referenced in Section E.2.b above.
  - e. a contribution matching the Participant's contribution to the Employer's § 457(b) plan as follows: (Specify rate of match and time of allocation, e.g., payroll by payroll, monthly, last day of Plan Year.)  
  
\_\_\_\_\_  
  
\_\_\_\_\_

**L. ALLOCATION OF NON-MATCHING CONTRIBUTIONS.** If Non-Matching Contributions will be made, allocations will be made to each Participant who satisfies the requirements of Section E.2.b of this Participating Employer Agreement.

**M. ROTH CONTRIBUTIONS.** Participant Roth Contributions SHALL NOT BE allowed.

**N. AFTER-TAX CONTRIBUTIONS.** Participant After-tax Contributions are not permitted in a 457(b) Plan and, accordingly, SHALL NOT BE allowed.

**O. FORFEITURES.** Forfeitures of Matching Contributions, as provided in Section F.2.b, will be used first to reduce the Employer's Matching Contributions (if any), then to reduce the Non-Matching Contributions (if any), and then to offset Plan expenses.

**P. NORMAL RETIREMENT AGE.** Normal Retirement Age shall mean age 70½.

**Q. ROLLOVERS.** Rollovers from eligible Code § 457(b) plans, qualified plans under Code §§ 401(a), 403(a) and 403(b), Individual Retirement Accounts and Annuities described in Code §§ 408(a) and (b) SHALL BE allowed pursuant to Section 6.01 of the Plan. However, a direct rollover from an eligible plan under Code § 457(b), 401(k) or 403(b) shall exclude any portion of a designated Roth account. A rollover contribution that is a Participant rollover from an eligible plan under Code Section 457(b), 401(k), or 403(b) shall exclude distributions of a designated Roth account.

**R. TRANSFERS.** Transfers from other 457(b) plans SHALL BE allowed. If a Participant is also a participant in a tax-qualified defined benefit governmental plan (as defined in Code § 414(d)) that provides for the acceptance of plan-to-plan transfers with respect to the Participant, then the Participant may elect to have any portion of the Participant's Account Balance transferred to the defined benefit governmental plan. A transfer under this Section R may be made before the Participant has had a Severance from Employment as defined in Section W below.

A transfer may be made under this Section if the transfer is either for the purchase of permissive service credit (as defined in Code § 415(n)(3)(A)) under the receiving defined benefit governmental plan or a repayment to which Code § 415 does not apply by reason of Code § 415(k)(3) or as otherwise allowed by the IRS

**S. UNFORESEEABLE EMERGENCY WITHDRAWALS.** In the case of an unforeseeable emergency, the Administrator SHALL allow distributions in accordance with Section 5.05 of the Plan. An unforeseeable emergency is a severe financial hardship resulting from a sudden illness, disability or accidental property loss, subject to strict IRS guidelines.

**T. PARTICIPANT LOANS.** The Administrator has directed the Trustee NOT to make Participant loans in accordance with Article IV of the Plan.

**U. QUALIFIED DOMESTIC RELATIONS ORDERS.** The Plan shall accept qualified domestic relations orders as provided in Section 13.02 of the Plan.

**V. PAYMENT OPTIONS.** The forms of payment that will be allowed under the Plan, to the extent consistent with the limitations of Code § 401(a)(9) and proposed or final Treasury regulations thereunder, include a single lump-sum payment; installment payments for a period of years; partial lump-sum payment of a designated amount, with the balance payable in installment payments for a period of years; annuity payments (payable on a monthly, quarterly, or annual basis) for the lifetime of the Participant or for the lifetimes of the Participant and Beneficiary; and such other forms of installment payments as may be approved by the Administrator, which is not inconsistent with the Plan.

**W. DISTRIBUTIONS.** A Participant may request distributions as follows:

1. A Participant may request a distribution at any time upon Severance from Employment. "Severance from Employment" means the complete severance of the employer/employee relationship with any and all employers participating in the Plan, including retirement or death. Thus, a Severance from Employment would not occur if a Participant transfers employment (i) from one local government that participates in the Plan to another local government that participates in the Plan, or (ii) from the State to a local government that participates in the Plan, or (iii) from a local government that participates in the Plan to the State.
2. A Participant may request a distribution prior to Severance from Employment during the calendar year in which he or she reaches age 70½ or, thereafter, or, if earlier, upon death.

A Participant may also request a distribution prior to Severance from Employment upon incurring an approved Unforeseeable Emergency.

3. A Participant may request a distribution from a Rollover Contribution Account at any time.

## **X. ADMINISTRATIVE INFORMATION.**

The Participating Employer further understands and acknowledges that:

- This Participating Employer Agreement has not been approved by the Internal Revenue Service. Obtaining such approval, if desired by the Employer, is solely the responsibility of the Employer.
- The Chair of the Tennessee Consolidated Retirement System ("Chair") and the Participating Employers are not responsible for providing tax or legal advice to Participants.
- The Participating Employer has consulted, to the extent necessary, with its own legal and tax advisors.
- All capitalized terms which are used herein but not defined herein shall have the meanings set forth in the Plan Document.
- The Participating Employer will electronically remit in a timely manner, all employee and employer contributions to the Plan in a manner acceptable with the Plan's Third Party Administrator. The Employer's payroll administrator is responsible for reconciliation of all contributions to the Plan and shall provide the Plan Administrator with required contribution reconciliation reports. Each Employer is required to use the Plan Service Center to administer their employee contributions, indicative data, and enrollment information. If the Participating Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and contributions to the Plan and that neither the State, the Chair, the Trustees, its employees or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done.
- Participating Employers are required to use the investment options made available under the Plan. From time to time those investment options may be changed. If an investment option is eliminated, the Administrator may automatically reinvest the money in the eliminated investment option into a new investment option. After any

appropriate black-out period, the affected Participants may re-direct money in the new investment option to any other available investment option. The Participants shall have no right to require the Administrator to select or retain any investment option. Any change with respect to investment options made by the Plan (on the Plan level) or a Participant (on the individual level), however, shall be subject to the terms and conditions (including any rules or procedural requirements) of the affected investment options.

This Participating Employer Agreement is duly executed on behalf of the Participating Employer by the undersigned authorized signatories.

**PARTICIPATING EMPLOYER'S AUTHORIZED SIGNATORIES:**

By: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**ACCEPTANCE OF PARTICIPATING EMPLOYER'S PARTICIPATION IN THE TENNESSEE STATE DEFERRED COMPENSATION PLAN AND TRUST BY THE TREASURER, STATE OF TENNESSEE, CHAIR OF THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM.**

By: \_\_\_\_\_

Title: Treasurer, State of Tennessee, Chair of the Tennessee Consolidated Retirement System

Date: \_\_\_\_\_



**SCHEDULE 1**  
**TENNESSEE STATE**  
**DEFERRED COMPENSATION PLAN AND TRUST- 457(b)**  
**PARTICIPATING EMPLOYER AGREEMENT**

Participating Employer Name: \_\_\_\_\_

Classes of Eligible Employees	Contribution Amount
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

## RESOLUTION 23-2018-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE APPROVING AN ECONOMIC IMPACT PLAN FOR THE 7<sup>TH</sup> AND MAIN DEVELOPMENT AREA

*WHEREAS*, The Industrial Development Board of the County of Montgomery (the "Board") has submitted to the City of Clarksville, Tennessee (the "City") an economic impact plan (the "Economic Impact Plan") regarding the development of an area located at the intersection of 7th Street and Main Street, in Clarksville, known as the 7<sup>th</sup> and Main Development Area (the "Plan Area");

*WHEREAS*, the development of the Plan Area would include a moderate-income apartment project on the property (the "Project");

*WHEREAS*, the Economic Impact Plan would permit certain tax increment incentives ("Tax Increment Incentives") to be provided pursuant to *Chapter 53, Title 7 of the Tennessee Code Annotated* (the "Act"); and

*WHEREAS*, the Board has approved the submission to the City of the Economic Impact Plan at a meeting on September 19, 2018; and

*WHEREAS*, the proceeds of the Tax Increment Incentives would be used to pay or finance eligible costs under the Act (the "TIF Eligible Costs") relating to the development of the Plan Area; and

*WHEREAS*, certain incremental property tax revenues (the "TIF Revenues") that result from the development of the Plan Area under the Economic Impact Plan will be allocated to the Board as provided in the Economic Impact Plan to be used to assist in providing the Tax Increment Incentives; and

*WHEREAS*, a portion of the TIF Revenues will be applied to pay costs of maintaining the Project; and

*WHEREAS*, any financing of the Board secured by TIF Revenues shall not represent or constitute a debt or pledge of the faith and credit or the taxing power of the Board, the City or Montgomery County, Tennessee; and

*WHEREAS*, the Board of Directors of the Board has approved and submitted the Economic Impact Plan to the City Council of the City of Clarksville, Tennessee for approval in accordance with *Tennessee Code Annotated* § 7-53-312; and



*WHEREAS*, the Board of Directors of the Board held a public hearing related to the Economic Impact Plan, and a summary of that public hearing has been provided to the City Council of the City; and

*WHEREAS*, in connection with its approval of the Economic Impact Plan, the Board of Directors of the Board acknowledged its intent to apply the Policies and Procedures for tax increment incentives previously approved by the Board for the Civic Plaza Development Area (the "Civic Plaza Area Policies") to the extent appropriate to the administration of the Economic Impact Plan;

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

That (i) the Economic Impact Plan, in the form attached hereto as Exhibit A, being in the interests of the citizens of Clarksville, Tennessee, is hereby approved by the City Council, (ii) the application of the Civic Plaza Area Policies to the administration of the Economic Impact Plan to the extent appropriate is approved; and (iii) the officers of the City are authorized to take all appropriate action to carry out the terms of the Economic Impact Plan.

*ADOPTED:*

*EXHIBIT*

Economic Impact Plan

**THE INDUSTRIAL DEVELOPMENT BOARD OF  
MONTGOMERY, TENNESSEE**

**ECONOMIC IMPACT PLAN  
FOR  
7<sup>TH</sup> AND MAIN DEVELOPMENT AREA**

**I. Authority for Economic Impact Plan**

Industrial development corporations ("IDBs") are authorized under Tenn. Code Ann. § 7-53-312 to prepare and submit to cities and counties an economic impact plan with respect to an area that includes a project within the meaning of Tenn. Code Ann. § 7-53-101 and such other properties that the IDB determines will be directly improved or benefited due to the undertaking of a project. Tennessee Code Annotated § 7-53-312 also authorizes cities and counties to apply and pledge new incremental tax revenues, which arise from the area subject to the economic impact plan, to the IDB to promote economic development, to pay the cost of projects or to pay debt service on bonds or other obligations issued by the IDB to pay the costs of projects.

**II. The Project**

JPW LLC, an affiliate thereof or an assignee approved by the Board (collectively, the "Developer"), has proposed to purchase certain tracts of real property located at the intersection of 7<sup>th</sup> Street and Main Street, in Clarksville, Montgomery County, Tennessee. Such property consists of approximately 0.80 acres and is ideally situated for residential and commercial development. The Developer has proposed to develop a moderate-income apartment project on the property. This development is collectively referred to herein as the "Project." The Project is an eligible project within the meaning of Tenn. Code Ann. § 7-53-101(13).

In order to make the Project financially feasible, Developer has requested that Montgomery County, Tennessee (the "County") and the City of Clarksville, Tennessee (the "City") approve, as part of this Economic Impact Plan, a plan for tax increment financing through The Industrial Development Board of Montgomery County, Tennessee (the "Board") pursuant to Title 7, Chapter 53 of Tennessee Code Annotated to provide funds to pay a portion of the costs of the improvements that are needed to permit the construction and operation of the Project. The proceeds of the tax increment financing would be used to pay eligible costs, in accordance with the Tax Increment Act (as defined below), relating to the Project.

**III. Boundaries of Plan Area**

The Project is generally located at the intersection of 7<sup>th</sup> Street and Main Street, within the City and the County. The area that would be subject to this Economic Impact Plan, and to the tax increment financing provisions described below, includes only the property on which the Project will be located. The area that will be subject to this plan (the "Plan Area") is shown on Exhibit A attached hereto. A list of the parcels included in the Plan Area is also attached as part of Exhibit A. The Plan Area is hereby declared to be subject to this Economic Impact Plan, and the Project is hereby identified as the project that will be located within the Plan Area.

#### **IV. Financial Assistance to Project**

The Board will provide financial assistance to the Project by applying the proceeds of the tax increment financing described herein or by using tax increment revenues to pay a portion of certain costs that will be incurred in connection with the development of the Project. These costs include parking areas, road improvements, storm water drainage system improvements and any costs for which the Board receives a written determination from the Comptroller of the State of Tennessee (the "State") and the Commissioner of Economic and Community Development of the State as described below. The Board will pay and/or reimburse the Developer for all or a portion of the eligible cost of such improvements upon receipt of adequate documentation of such costs. In connection with any financial assistance, the Board and the Developer will enter into a development agreement specifying the scope and the cost of the improvements and fees to be reimbursed.

Tenn. Code Ann. § 9-23-108 does not permit the application of incremental tax revenues pursuant to this Economic Impact Plan to pay certain costs relating to privately-owned land without first receiving a written determination from the Comptroller of the State and the Commissioner of Economic and Community Development of the State that the use of tax increment revenues for such purposes is in the best interest of the State. The Board will not apply the proceeds of the tax increment financing authorized hereunder or tax increment revenues to pay costs as to which such a written determination is required without first obtaining such written determination.

#### **V. Expected Benefits to City and County**

Numerous benefits will accrue to the City and the County as a result of the development of the Plan Area. The development of moderate-income residential rental projects, such as the Project, in the center city of Clarksville, as the County seat and only incorporated city in the County, will assist the County, City and the Board in promoting economic development. When companies select locations for manufacturing, distribution and office facilities, a significant factor that is considered by site selection firms is the quality of life for the companies' employees in each community being considered as a possible location. By providing a vibrant center city area in the City with multiple residential housing options, the Project will assist the City and the Board with economic development recruiting and help expand the economic base of the City and County.

Both the City and the County are also expected to receive substantial additional taxes as a result of the development of the Plan Area. The ad valorem real property taxes for the Plan Area for the year 2017 were \$8,316.76 for the City and the County combined, which are the base taxes relating to the Plan Area. Development of the Plan Area will increase the value of the real property within the Plan Area, leading to an increase in ad valorem real property taxes. Following the reappraisal of the Project after construction is completed, the combined annual real property taxes payable to the City and the County are expected to be approximately \$45,210.80. Of this total, the base taxes described above plus approximately \$36,894.04 in taxes that are allocable to paying debt service on the City's and the County's general obligation debt will be allocated to the City and the County. These additional taxes will immediately benefit the City and the County. Once the tax increment incentive authorized herein is fully performed, the remaining incremental property tax revenues will be payable to the City and the County, and the City and the County will benefit from those incremental taxes at that point and for years to come. The City and the County will also benefit from additional personal property taxes.

## **VI. Distribution of Property Taxes and Tax Increment Financing**

a. Distribution of Taxes. Property taxes imposed on the real property located within the Plan Area shall be allocated and distributed as provided in this subsection. The taxes assessed by the County and the City on the real property within the Plan Area will be divided and distributed as follows in accordance with Tenn. Code Ann. § 7-53-312(c) and Title 9, Chapter 23 of the Tennessee Code Annotated, being the Uniformity in Tax Increment Financing Act of 2012 (the "Tax Increment Act"):

i. The portion of the real property taxes payable with respect to the Plan Area equal to the year prior to the date of approval of this Economic Impact Plan (the "Base Tax Amount") shall be allocated to and, as collected, paid to the County and the City as all other taxes levied by the County and the City on all other properties; provided, however, that in any year in which the taxes on the real property within the Plan Area are less than the Base Tax Amount, there shall be allocated and paid to the County and the City only the taxes actually imposed.

ii. An amount equal to all ad valorem real property taxes assessed annually in respect of the Plan Area, less (x) the Base Tax Amount, and, less (y) any portion of such incremental tax revenues designated by the City and the County to pay debt service on the City's and County's obligations that is required to be excluded from the TIF Revenues pursuant to Tenn. Code Ann. 7-53-312 and the Tax Increment Act (the "TIF Revenues") shall be allocated and, as collected, paid into a separate fund of the Board, created to hold such payments until the tax proceeds in the fund are to be applied to pay debt service on the obligations expected to be issued by the Board that are described to pay the costs of the eligible costs described above.

This allocation is subject to the provisions of Tenn. Code Ann. §7-53-312(j) and Tax Increment Act, which requires that taxes levied upon real property within the Plan Area for the payment of debt service of the County and the City shall not be allocated to the Board.

The Board is authorized to designate, by notice to the City and the County, that the allocation of TIF Revenues from the parcels in the Plan Area shall begin in any tax year within the next two tax years in order to match TIF Revenues with the application of TIF Revenues for the purposes provided herein, subject to the time limitation on allocations provided below. Allocations of TIF Revenues by the City and the County shall be made not later than the later of each May 1<sup>st</sup> following each tax year or sixty days from when such TIF Revenues are collected by the City or the County.

If any parcel in the Plan Area shall be subdivided, then the Board shall allocate the base taxes for such parcel among the resulting parcels on a per square foot basis. Once the Board has determined such allocation, the Board shall notify the City and the County of the portion of the base taxes allocated to each parcel resulting from the subdivided parcel.

b. Financing/Reimbursement. In order to pay for eligible costs relating to the Project, the Board may use the incremental tax revenues that it would receive as a result of the adoption of the Economic Impact Plan to pay debt service on obligations incurred to finance such costs. This tax increment financing, if issued, will be structured as follows:

i. The Board will borrow not to exceed \$799,000 through the issuance and sale of notes, bonds or other obligations of the Board. The Board shall pledge any and all TIF Revenues allocated to the Board pursuant to this Economic Impact Plan to the payment of such notes, bonds or other obligations, including, without limitation, principal and interest thereon. In no event will



the obligations issued by the Board be considered a debt or obligation of the County or the City in any manner whatsoever, and the source of the funds to satisfy the Board's payment obligations thereunder shall be limited solely to the TIF Revenues and are otherwise non-recourse to the Board.

ii. The proceeds of the notes, bonds or obligations shall be used to pay eligible costs relating to the Project as described above, costs of issuances relating to notes, bonds or obligations and capitalized interest on the notes, bonds or other obligations for a maximum period of two (2) years from the date of completion of the Project.

Alternatively, the Board may enter into a development agreement with the Developer to reimburse the Developer for eligible costs relating to the Project in an amount not in excess of \$799,000.

Any development agreement shall require the Developer to pay the Board such administrative fees and expenses, including any fees and expenses of the County and the City, as the Board requires pursuant to the development agreement.

c. Time Period. Taxes on the real property within the Plan Area will be divided and distributed as provided in this Section of the Economic Impact Plan for a period, as to the parcels in the Plan Area, not in excess of fifteen (15) tax years as to such parcels, but, in any event, such allocations shall cease when there are not eligible costs, including debt service, to be paid from the TIF Revenues.

d. Finding of Economic Benefit. The Board, the County and the City, by the adoption of this Plan, find that the use of the TIF Revenues as described herein, is in furtherance of promoting economic development in the City and County.

## **VII. Approval Process**

Pursuant to Tenn. Code Ann. § 7-53-312, the process for the approval of this Economic Impact Plan is as follows:

a. The Board holds a public hearing relating to the proposed Economic Impact Plan after publishing notice of such hearing in a newspaper of general circulation in the County and the City at least two (2) weeks prior to the date of the public hearing. The notice must include the time, place and purpose of the hearing as well as notice of how a map of the subject area may be viewed by the public. Following such public hearing, the Board may submit the Economic Impact Plan to the County and the City for their approval.

b. Subject to the provisions below, the governing bodies of the County and the City must approve the Economic Impact Plan. This Economic Impact Plan may be approved by resolution of the County Commission or the Board of Mayor and Aldermen, whether or not the local charter provisions of the governing bodies provide otherwise. If either the County or the City make any changes to this Economic Impact Plan in connection with the County's or the City's approval hereof, such changes must be approved by the Board and the governing body of the City or County that did not make such change.

c. Once the Economic Impact Plan has been approved by the governing bodies of the County and the City, or just by the County, as is provided below, the Plan and related documentation shall be filed with the local taxing officials and the Comptroller of the State as required by the Tax Increment Act and annual statements of incremental tax revenues allocated to the Board shall be filed with the State

Board of Equalization as required by the Tax Increment Act. The Board will also comply with all other procedural requirements of the Tax Increment Act and other applicable laws.

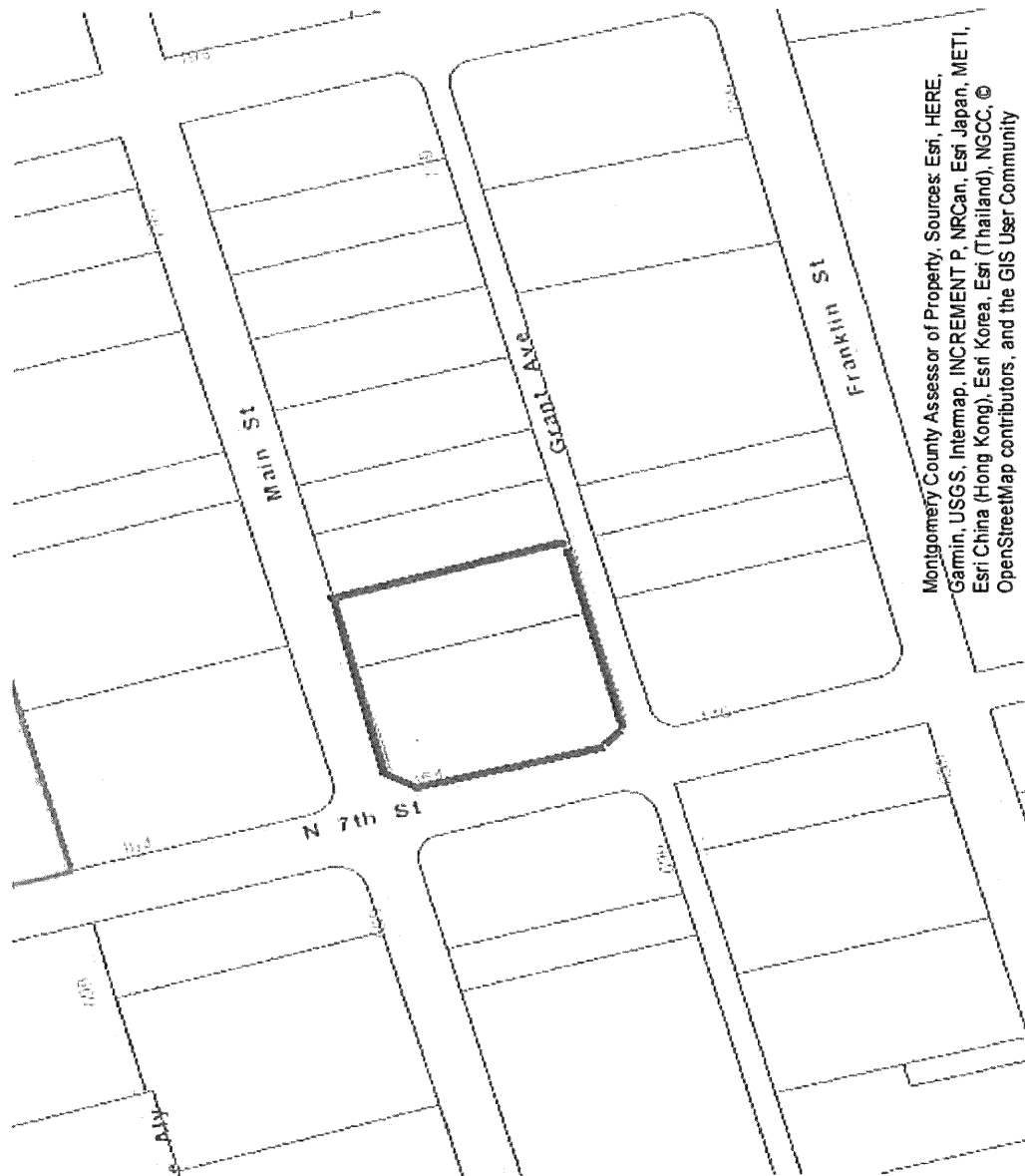
If the County approves this Economic Impact Plan, the County's approval shall be effective even if the City does not approve this Economic Impact Plan, and the City's disapproval of this Economic Impact Plan shall not require the resubmission of this Economic Impact Plan to the County. In such event, all references in this Economic Impact Plan to the City or the City's obligations hereunder shall not be effective. If the City approves this Economic Impact Plan but this Economic Impact Plan is not approved by the County, then this Economic Impact Plan shall not be effective and shall be deemed disapproved by both the City and the County.

**Exhibit A**  
(to Economic Impact Plan)

**Parcels within the Plan Area**

Parcels as shown on the map on the following page.

066F E 010.00  
066F E 010.01



Montgomery County Assessor of Property. Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

**A RESOLUTION OF THE INDUSTRIAL DEVELOPMENT BOARD OF THE  
COUNTY OF MONTGOMERY APPROVING AN ECONOMIC IMPACT PLAN  
FOR THE 7<sup>TH</sup> AND MAIN DEVELOPMENT AREA AND AUTHORIZING THE  
SUBMISSION OF SUCH PLAN TO MONTGOMERY COUNTY, TENNESSEE  
AND THE CITY OF CLARKSVILLE, TENNESSEE**

**WHEREAS**, The Industrial Development Board of the County of Montgomery (the "Board") has prepared an economic impact plan (the "Economic Impact Plan") regarding the development of an area located at the intersection of 7<sup>th</sup> Street and Main Street, in Clarksville, Montgomery County, Tennessee (the "Plan Area");

**WHEREAS**, the development of the Plan Area is expected to include a moderate-income apartment project (the "Project");

**WHEREAS**, the Economic Impact Plan would permit certain tax increment incentive, through financing or reimbursement (the "Tax Increment Incentive"), to be provided in accordance with the Economic Impact Plan in an amount not to exceed the maximum amount authorized by the Economic Impact Plan pursuant to Chapter 53, Title 7 of the Tennessee Code Annotated (the "Act"); and

**WHEREAS**, the Project is an eligible project within the meaning of the Act; and

**WHEREAS**, the proceeds of the Tax Increment Incentive would be used to pay the cost of public improvements (the "TIF Eligible Costs") relating to the development of the Project and costs relating to the Tax Increment Incentive; and

**WHEREAS**, upon adoption of the Economic Impact Plan, the incremental property tax revenues (the "TIF Revenues") that result from the development of the Plan Area under the Economic Impact Plan will be allocated to the Board to be used for the Tax Increment Incentive; and

**WHEREAS**, prior to the consideration of this Resolution, a public hearing has been conducted by the Board as required by, and in compliance with, applicable law, including the Act; and

**WHEREAS**, any financing undertaken under the Economic Impact Plan shall not represent or constitute a debt or pledge of the faith and credit or the taxing power of the Board, Montgomery County, Tennessee or the City of Clarksville, Tennessee.

**NOW, THEREFORE, BE IT RESOLVED** by The Industrial Development Board of the County of Montgomery as follows:

**RESOLVED**, that the Economic Impact Plan, in the form attached hereto as Exhibit A, is hereby approved by the Board and recommended to Montgomery County, Tennessee and the City of Clarksville, Tennessee; and further

**RESOLVED**, that the Board shall refer and submit the Economic Impact Plan to the City Council of the City of Clarksville, Tennessee for approval; and further

**RESOLVED**, that the Board shall refer and submit the Economic Impact Plan to the County Commission of Montgomery County, Tennessee for approval; and further

**RESOLVED**, that any and all other actions heretofore taken on behalf of the Board to prepare, refer and submit the Economic Impact Plan to the City Council of the City of Clarksville, Tennessee and the County Commission of Montgomery County, Tennessee are hereby approved, ratified and confirmed in all respects; and further

**RESOLVED**, that the officers of the Board are hereby authorized to take all appropriate action to carry out the terms of the Economic Impact Plan.

Adopted and approved this 19th day of September, 2018.



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Jeff Turner, Chairman

ATTEST:



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John Wallace Crow, Secretary



**EXHIBIT A**

**[Economic Impact Plan]**

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