



**CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
APRIL 25, 2019, 4:30 P.M.**

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

AGENDA

1) 2019 Revaluation *Erinne Hester, Assessor of Property*

2) PLANNING COMMISSION *RPC Director Jeff Tyndall*

PUBLIC HEARING

1. **ORDINANCE 65-2018-19** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ignacio Resendiz for zone change on property located at the east terminus of Belle Court from RM-1 Single Family Mobile Home Residential District to R-1 Single Family Residential District (*RPC: Approval/Approval*)

2. **ORDINANCE 66-2018-19** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Paramount Hospitality, Inc. for zone change on property located at the intersection of Warfield Boulevard and Bellamy Lane from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District (*RPC: Approval/Approval*)

3. **ORDINANCE 67-2018-19** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eugene Allen Sueiro Testamentary Trust c/o Cynthia J. Sueiro, Cynthia Sueiro-Agent, for zone change on property located at the intersection College Street and Hornberger Lane from M-2 General Industrial District to C-5 Highway & Arterial Commercial District (*RPC: Disapproval/Approval*)

4. **ORDINANCE 68-2018-19** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of NE Properties, Houston Smith-Agent, for zone change on property located at the east terminus of Tandy Drive, north of Airport Road, and west of Outlaw Field Road from M-2 General Industrial District to R-4 Multiple Family Residential District (*RPC: Approval/Approval*)

5. **RESOLUTION 55-2018-19** Adopting the First Plan of Services Progress Report for annexed territory east of Interstate 24, South of Rossvie Road, and north of Red River

3) CONSENT AGENDA *City Clerk*

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 47-2018-19** (Second Reading) Authorizing extension of City of Clarksville utility services to property on Excell Road; request of James Vick

2. **ORDINANCE 48-2018-19** (Second Reading) Repealing ORDINANCE 39-2017-18 and accepting donation of certain real property from Wesley Chapel Christian Methodist Episcopal Church for the purpose of City demolition and authorizing donation of one half of said property to Habitat For Humanity and one half back to the Church

3. **ORDINANCE 50-2018-19** (Second Reading) Accepting donation of property along the west fork of Red River from Aspire Clarksville Foundation for future development of the Clarksville Greenway

4. **ORDINANCE 51-2018-19** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Yvonne Rhodes, Mark Holleman-Agent, for zone change on property at the intersection of Madison Street and Tenth Street from R-4 Multiple Family Residential District/H-1 to R-2 Single Family Residential District/H-1

5. **ORDINANCE 52-2018-19** (Second Reading) Amending the Official Code relative to sale of beer at Downtown Commons

6. **RESOLUTION 59-2018-19** Approving appointments to After Hours Establishment Board, Beer Board, Community Action Agency, Community Health Foundation, Designations Committee, Museum Board, Parking Commission, and Public Art Commission

- *After Hours Establishment Board: Jeremy Bowles, Rhonda Davis (reappointments) - May 2019 through April 2021*
- *Beer Board: John Hunt (replace Jerry Greenwell-term expired) - April 2019 through March 2021*
- *Community Action Agency Board: Travis Holleman (replace Valerie Guzman) - Coterminous*
- *Community Health Foundation: Dr. David Denton, Rosalind Kurita, Joel Smith (reappointments) - June 2019 through May 2022*
- *Designations Committee: Sean Craft, Bill Harpel, Mary Fisher (reappointments) - May 2019 through April 2021*

- *Museum Board: Charles Booth, Brad Martin (reappointments) - January 2019 through December 2021; Stacey Streetman (replace Ron Erb) - May 2019 through December 2019*
- *Parking Commission: Ryan Bowie (fill unexpired term of Tom Cunningham) - May 2019 through August 2020*
- *Public Art Commission: Mike Fink, Linda Turner (reappointments) - June 2019 through May 2023; Wanda Smith (replace Geno Grubbs-term expired) - May 2019 through May 2020*

7. Adoption of Minutes: April 4

4) COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE *Chairman Allen*

1. Department Report

5) FINANCE COMMITTEE *Chairman Burkhart*

1. **ORDINANCE 54-2018-19** (First Reading) Accepting donation of certain real property on Pollard Road from Joseph L. Gendreau for Greenway Trailhead parking (*Finance Committee: Approval*)

2. **ORDINANCE 55-2018-19** (First Reading) Amending the Official Code pertaining to the designation of the District Management Corporation from the Two Rivers Company to the Economic Development Council (*Finance Committee: Approval*)

3. **ORDINANCE 56-2018-19** (First Reading) Accepting donation of certain real property from Progress Properties, LLC, for the Progress Drive Pump Station (*Finance Committee: Approval*)

4. **ORDINANCE 57-2018-19** (First Reading) Accepting donation of certain real property from Rossvie Farms, LLC, for the Victoria Ridge Pump Station (*Finance Committee: Approval*)

5. **ORDINANCE 58-2018-19** (First Reading) Accepting donation of certain real property from Holly Point, LLC, for the Easthaven Pump Station (*Finance Committee: Approval*)

6. **ORDINANCE 59-2018-19** (First Reading) Accepting donation of certain real property from Magnolia Drive Partnership for the Sango Mills Pump Station (*Finance Committee: Approval*)

7. **ORDINANCE 60-2018-19** (First Reading) Accepting donation of certain real property from Betty D. Maynard for the Ivy Bend Pump Station (*Finance Committee: Approval*)

8. **ORDINANCE 61-2018-19** (First Reading) Accepting donation of certain real property from C. D. Baggett Family Limited Partnership for the Brownsville Pump Station (*Finance Committee: Approval*)

9. **ORDINANCE 62-2018-19** (First Reading) Accepting donation of certain real property from CLC Hidden Springs for the Hidden Springs Pump Station (*Finance Committee: Approval*)

10. **ORDINANCE 63-2018-19** (First Reading) Approving an amendment to ORDINANCE 24-2017-18 regarding approval of a Clarksville Housing Authority Payment In Lieu Of Taxes Agreement for the South Central Village project (*Finance Committee: Approval*)

11. **RESOLUTION 56-2018-19** Approving an amendment to the Economic Impact Plan for the 7th & Main Development Area (*Finance Committee: Approval*)

12. **RESOLUTION 57-2018-19** Consenting for the Industrial Development Board to negotiate and accept Payment In Lieu of Ad Valorem Taxes [Montgomery Commons-Greenway, LP] (*Finance Committee: Approval*)

13. **RESOLUTION 58-2018-19** Authorizing the grant application and adopting the 2019-2020 Annual Action Plan and the 2019-2020 Budget for Community Development Block Grant and HOME Programs (*Finance Committee: Approval*)

6) GAS & WATER COMMITTEE *Chairman Powers*

1. **ORDINANCE 53-2018-19** (First Reading) Authorizing extension of utility services to 1621 Dunlop Lane; request of Ben Stanley

2. Department Reports

7) PARKS & RECREATION *Chairlady Guzman*

1. Department Report

8) PUBLIC SAFETY COMMITTEE *Chairman Henley*

1. Department Reports

9) STREETS & GARAGE COMMITTEE *Chairman Chandler*

1. Department Reports

10)TRANSPORTATION COMMITTEE *Chairlady Smith*

1. Department Reports

11)NEW BUSINESS

1. **ORDINANCE 64-2018-19** (First Reading) Amending the Official Code relative to Peddler Permits *(Councilman Burkhart)*

12) MAYOR AND STAFF REPORTS *Mayor Pitts*

13) PUBLIC COMMENTS

14) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: May 2, 2019. The public hearing will be held on: April 25, 2019.

CITY ORD. #: 65-2018-19 RPC CASE NUMBER: Z-6-2019
Applicant: IGNACIO RESENDIZ

Location: Parcel located at the east terminus of Belle Court
Ward #: 9
Request: RM-1 Single-Family Mobile Home Residential District
 to
 R-1 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 66-2018-19 RPC CASE NUMBER: Z-7-2019
Applicant: PARAMOUNT HOSPITALITY, INC

Location: Parcel fronting on the west frontage of Bellamy Lane 730 +/- feet northeast of the Warfield Blvd. & Bellamy Lane intersection
Ward #: 12
Request: R-1 Single-Family Residential District
 to
 C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 67-2018-19 RPC CASE NUMBER: Z-9-2019
Applicant: EUGENE ALLEN SUEIRO TESTAMENTARY TRUST C/O CYNTHIA J SUEIRO
Agent: Cynthia Sueiro
Location: Property fronting on the south frontage of College Street 465 +/- feet southwest of the College Street & Hornberger Lane intersection.
Ward #: 6
Request: M-2 General Industrial District
 to
 C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: DISAPPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 68-2018-19 RPC CASE NUMBER: Z-10-2019

Applicant: NE PROPERTIES

Agent: Houston Smith

Location: Property located at the east terminus of Tandy Drive, north of Airport Road & west of Outlaw Field Road.

Ward #: 1

Request: M-2 General Industrial District
 to
 R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE 4/24/2019

CASE NUMBER: Z - 6 - 2019

NAME OF APPLICANT Ignacio

Resendiz

AGENT:

GENERAL INFORMATION

TAX PLAT: 032P-C

PARCEL(S): 030.00

ACREAGE TO BE REZONED: 1.04

PRESENT ZONING: RM-1

PROPOSED ZONING: R-1

EXTENSION OF ZONING

CLASSIFICATION: YES

PROPERTY LOCATION: Parcel located at the east terminus of Belle Court

CITY COUNCIL WARD: 9

COUNTY COMMISSION DISTRICT: 17

CIVIL DISTRICT: 2

DESCRIPTION OF PROPERTY A former mobile home lot.

AND SURROUNDING USES:

APPLICANT'S STATEMENT To build conventional "stick built" home.

FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Trenton Road

PREVIOUS ZONING HISTORY:

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:

Sewer main crossing the middle of the lot.

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:

MIDDLE SCHOOL:

HIGH SCHOOL:

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: Belle Court

DRAINAGE COMMENTS: North

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

1

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

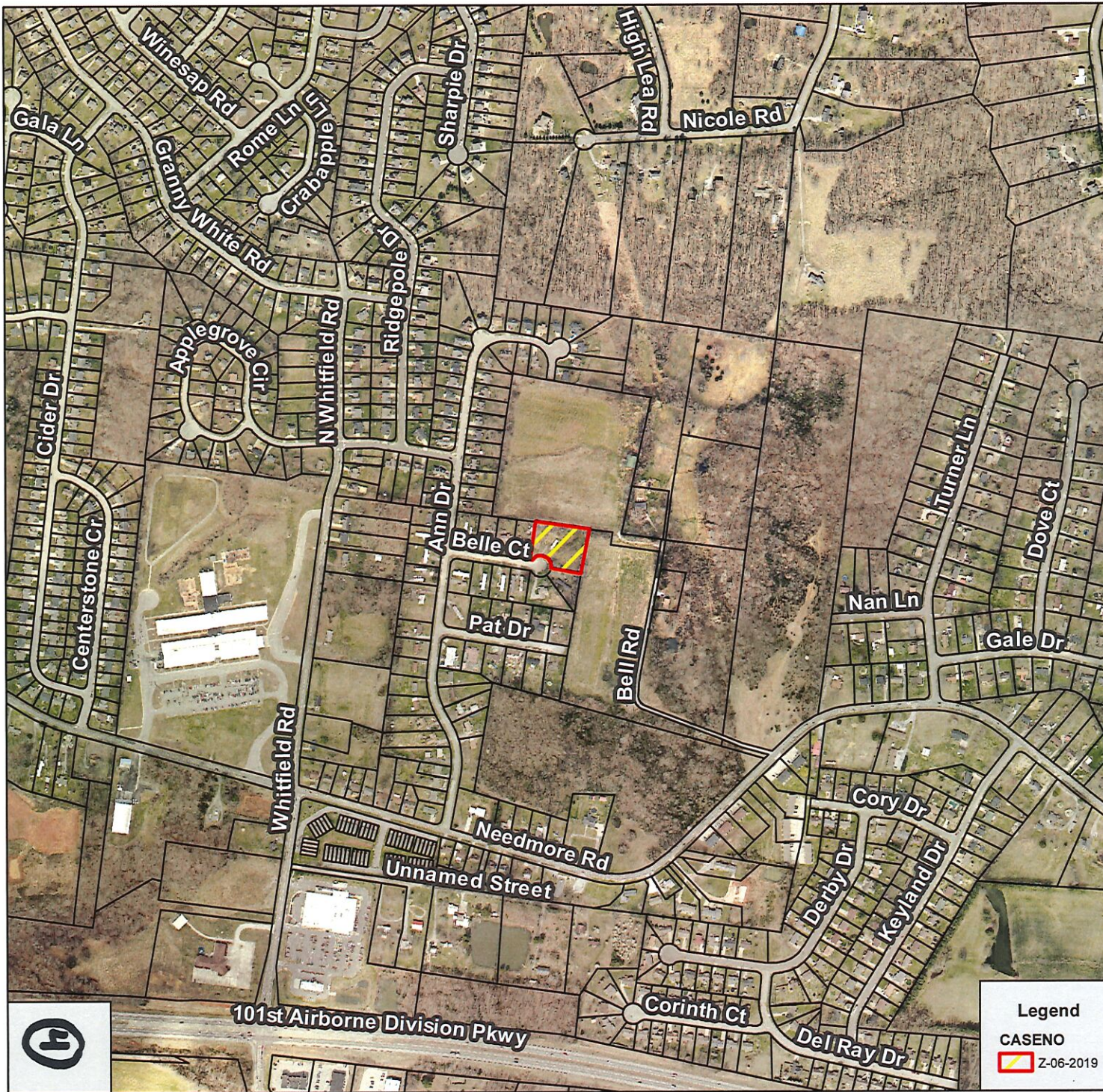
Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 1 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

STAFF RECOMMENDATION: APPROVAL

- 1. The proposed zoning request is consistent with the adopted Land Use Plan.**
- 2. The R-1 Zoning request is extension of the R-1 Zoning District to the north & south.**
- 3. The request will afford the applicant to build a conventional home on the parcel as indicated on the application.**
- 4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.**

5.

3

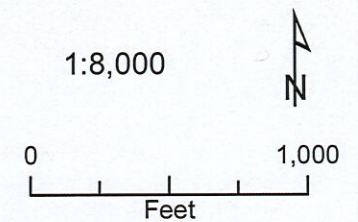


Z-06-2019

APPLICANT:
IGNACIO RESENDIZ

REQUEST:
RM-1 TO R-1
MAP AND PARCEL
032P C 03000

+/- ACRES
1.04



DATE: 04/24/2019

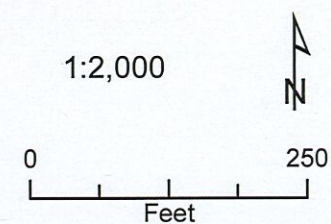


Z-06-2019

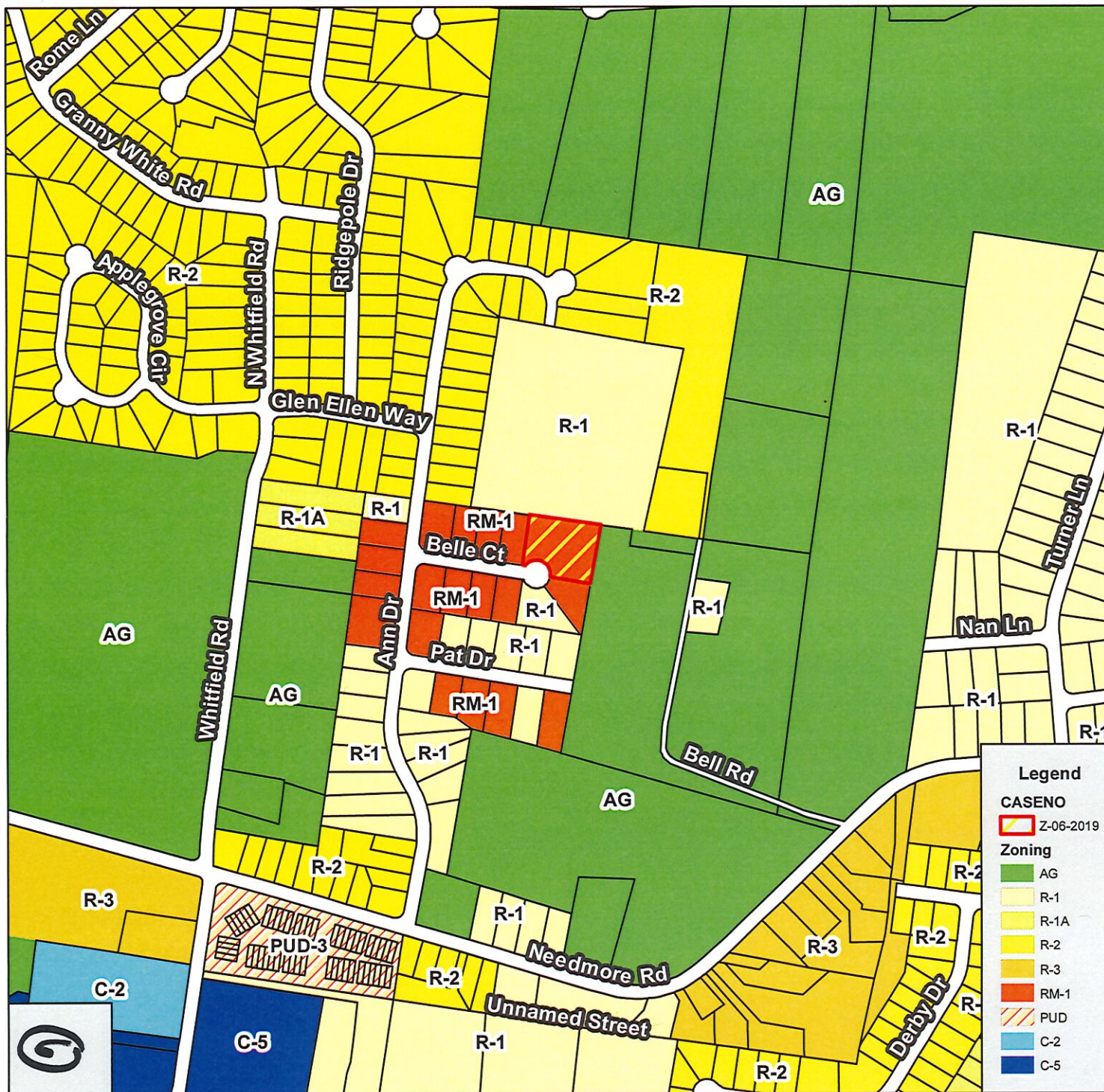
APPLICANT:
IGNACIO RESENDIZ

REQUEST:
RM-1 TO R-1
MAP AND PARCEL
032P C 03000

+/- ACRES
1.04



DATE: 04/24/2019

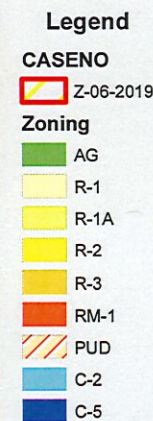


Z-06-2019

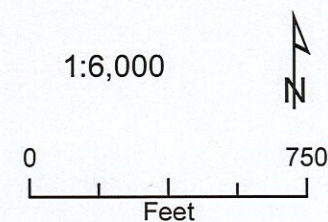
APPLICANT:
IGNACIO RESENDIZ

REQUEST:
RM-1 TO R-1
MAP AND PARCEL
032P C 03000

+/- ACRES
1.04



1:6,000



DATE: 04/24/2019

CASE NUMBER: Z 6 2019 **MEETING DATE** 4/24/2019

APPLICANT: Ignacio Resendiz

PRESENT ZONING RM-1 **PROPOSED ZONING** R-1

TAX PLAT # 032P-C **PARCEL** 030.00

GEN. LOCATION Parcel located at the east terminus of Belle Court

PUBLIC COMMENTS

None received as of 10:00 A.M. on 4/24/2019. (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 4/24/2019

CASE NUMBER: Z-7-2019

NAME OF APPLICANT Paramount

Hospitality, Inc

AGENT:

GENERAL INFORMATION

TAX PLAT: 040

PARCEL(S): 027.04

ACREAGE TO BE REZONED: 0.35

PRESENT ZONING: R-1

PROPOSED ZONING: C-5

EXTENSION OF ZONING

CLASSIFICATION: YES

PROPERTY LOCATION: Parcel fronting on the west frontage of Bellamy Lane 730 +/- feet northeast of the Warfield Blvd. & Bellamy Lane intersection

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

CIVIL DISTRICT: 6

DESCRIPTION OF PROPERTY Former single family home site.

AND SURROUNDING USES:

APPLICANT'S STATEMENT Re-zoning request to allow property to be used as part of adjoining assisted living facility
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Rossvie

PREVIOUS ZONING HISTORY:

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:

MIDDLE SCHOOL:

HIGH SCHOOL:

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: Bellamy Lane

DRAINAGE COMMENTS: South

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

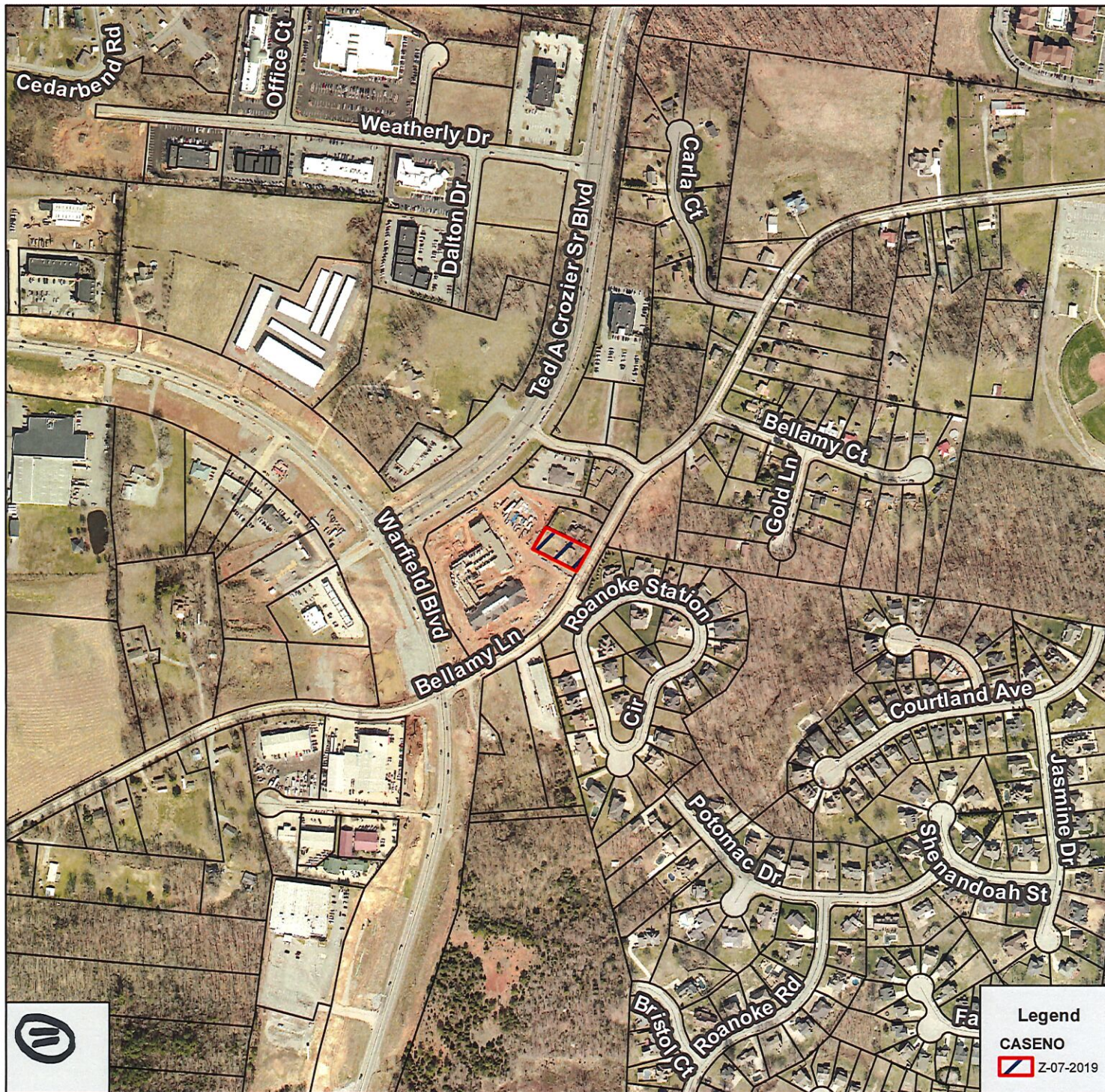
HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

Rossvie Road Planning Area - One of the most diversified areas of the county in terms of land use. It has the best remaining agricultural land. One of the fastest growing sectors of Montgomery County, Factors affecting growth all average to above average. The Industrial Park is also located in the this planning area.

STAFF RECOMMENDATION: APPROVAL

- 1. The proposed zoning request is consistent with the adopted Land Use Plan.**
- 2. The C-5 Zoning request is extension of the C-5 Zoning District to the south & west.**
- 3. The property's proximity to Warfield Blvd. & existing commercial development lends itself to future commercial development.**
- 4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.**
- 5.**



Z-07-2019

APPLICANT:

**PARAMOUNT
HOSPITALITY, INC**

REQUEST:

R-1 TO C-5

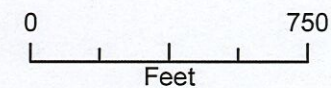
MAP AND PARCEL

040 02704

+/- ACRES

0.35

1:6,000



DATE: 04/24/2019



Z-07-2019

APPLICANT:

**PARAMOUNT
HOSPITALITY, INC**

REQUEST:

R-1 TO C-5

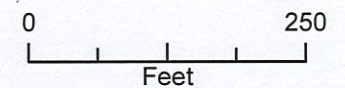
MAP AND PARCEL

040 02704

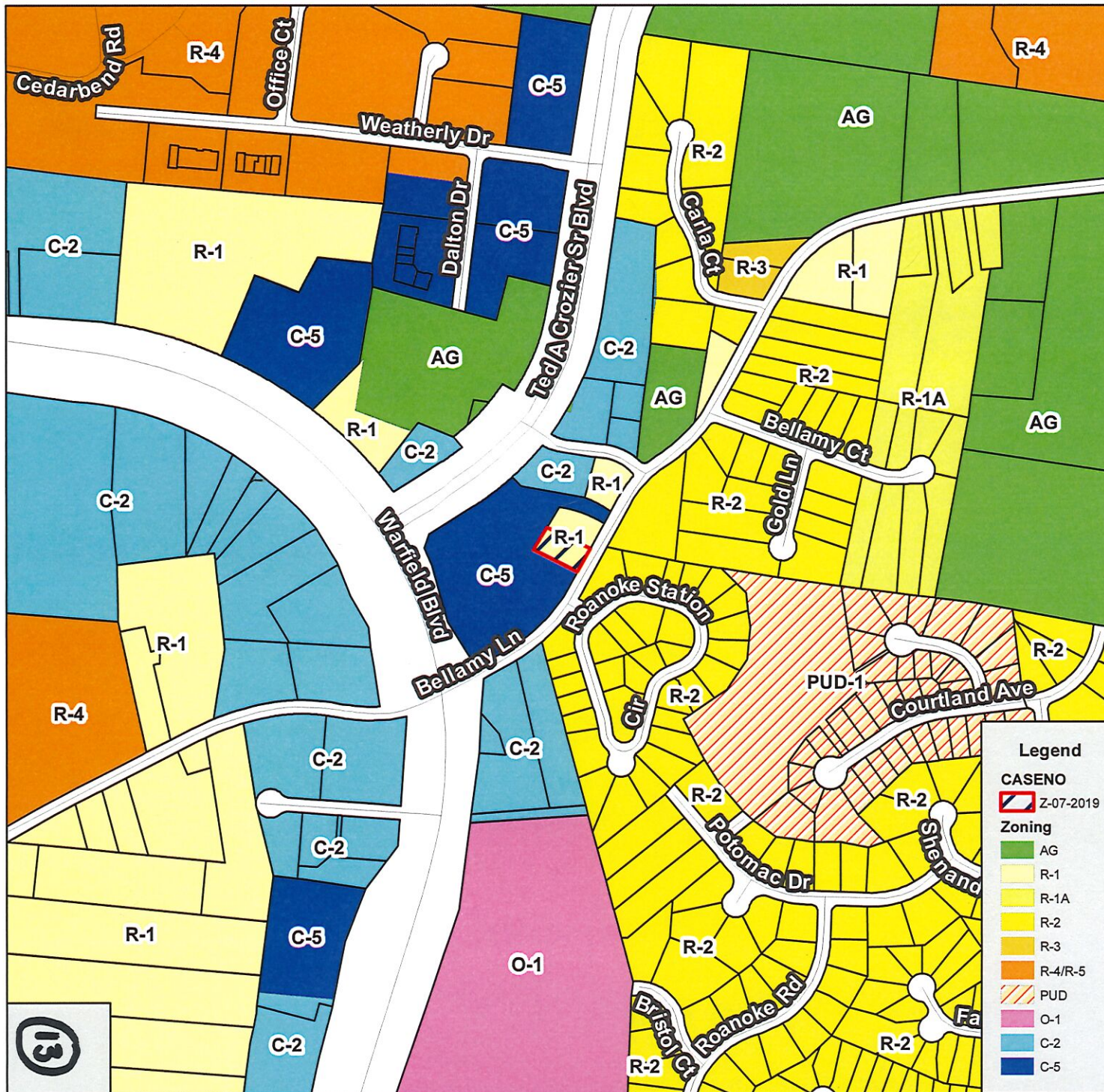
+/- ACRES

0.35

1:2,000



DATE: 04/24/2019



Z-07-2019

APPLICANT:

**PARAMOUNT
HOSPITALITY, INC**

REQUEST:

R-1 TO C-5

MAP AND PARCEL

040 02704

+/- ACRES

0.35

Legend

CASENO

Z-07-2019

Zoning

AG
 R-1
 R-1A
 R-2
 R-3
 R-4/R-5
 PUD
 O-1
 C-2
 C-5

1:6,000

0 750
Feet

DATE: 04/24/2019

CASE NUMBER: Z 7 2019 **MEETING DATE** 4/24/2019

APPLICANT: Paramount Hospitality, Inc

PRESENT ZONING R-1 **PROPOSED ZONING** C-5

TAX PLAT # 040 **PARCEL** 027.04

GEN. LOCATION Parcel fronting on the west frontage of Bellamy Lane 730 +/- feet northeast of the Warfield Blvd. & Bellamy Lane intersection

PUBLIC COMMENTS

None received as of 10:00 A.M. on 4/24/2019. (A.L.)



CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 4/24/2019

CASE NUMBER: Z - 9 - 2019

NAME OF APPLICANT Eugene Allen Sueiro

Trust C/o Cynthia J Sueiro

AGENT: Cynthia

Sueiro

GENERAL INFORMATION

TAX PLAT: 055M-C

PARCEL(S): 016.00

ACREAGE TO BE REZONED: 0.70

PRESENT ZONING: M-2

PROPOSED ZONING: C-5

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the south frontage of College Street 465 +/- feet southwest of the College Street & Hornberger Lane intersection.

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 13

CIVIL DISTRICT: 12

DESCRIPTION OF PROPERTY Former restaurant & bar facility.

AND SURROUNDING USES:

APPLICANT'S STATEMENT Request for rental car business to lease property. National chain company who requires C

FOR PROPOSED USE: -5 from corporate office to do business. Several different zonings in our area as well as existing C-5.

GROWTH PLAN AREA: CITY

PLANNING AREA: Red River

PREVIOUS ZONING HISTORY:



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:

MIDDLE SCHOOL:

HIGH SCHOOL:

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: College Street

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

Red River Planning Area- This planning area is home to the APSU campus. This is a mixed use area with primarily older housing stock neighborhoods sandwiched in between light industrial and commercial districts. This planning area is also targeted for redevelopment.

STAFF RECOMMENDATION: DISAPPROVAL

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan as it relates to the present zoning classification of M-2 no longer being consistent with the long range development potential & character of the area.
- 2.** This property lies within an area that has been identified by the RPC Staff as a location that warrants an area wide rezoning. The RPC Staff agrees that the M-2 General Industrial is not the correct zoning for this property & many surrounding properties.
- 3.** The Applicant was advised prior to applying that C-2 General Commercial District is the appropriate zone for the parcel. This area has been identified for future development potential as mixed used commercial & residential with pedestrian oriented uses.
- 4.** The applicants request of C-5 Highway & Arterial Commercial is not the most appropriate Classification for property as it caters to Motor Vehicle Oriented Trade & uses that generally require larger setbacks & frequently not ideal for pedestrians.
- 5.**



Z-09-2019

APPLICANT:

**EUGENE ALLEN SUEIRO
TESTAMENTARY TRUST**

REQUEST:

M-2 TO C-5

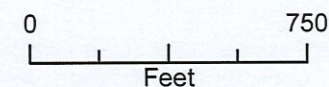
MAP AND PARCEL

055M C 01600

+/- ACRES

0.7

1:6,000



DATE: 04/24/2019



Z-09-2019

APPLICANT:

**EUGENE ALLEN SUEIRO
TESTAMENTARY TRUST**

REQUEST:

M-2 TO C-5

MAP AND PARCEL

055M C 01600

+/- ACRES

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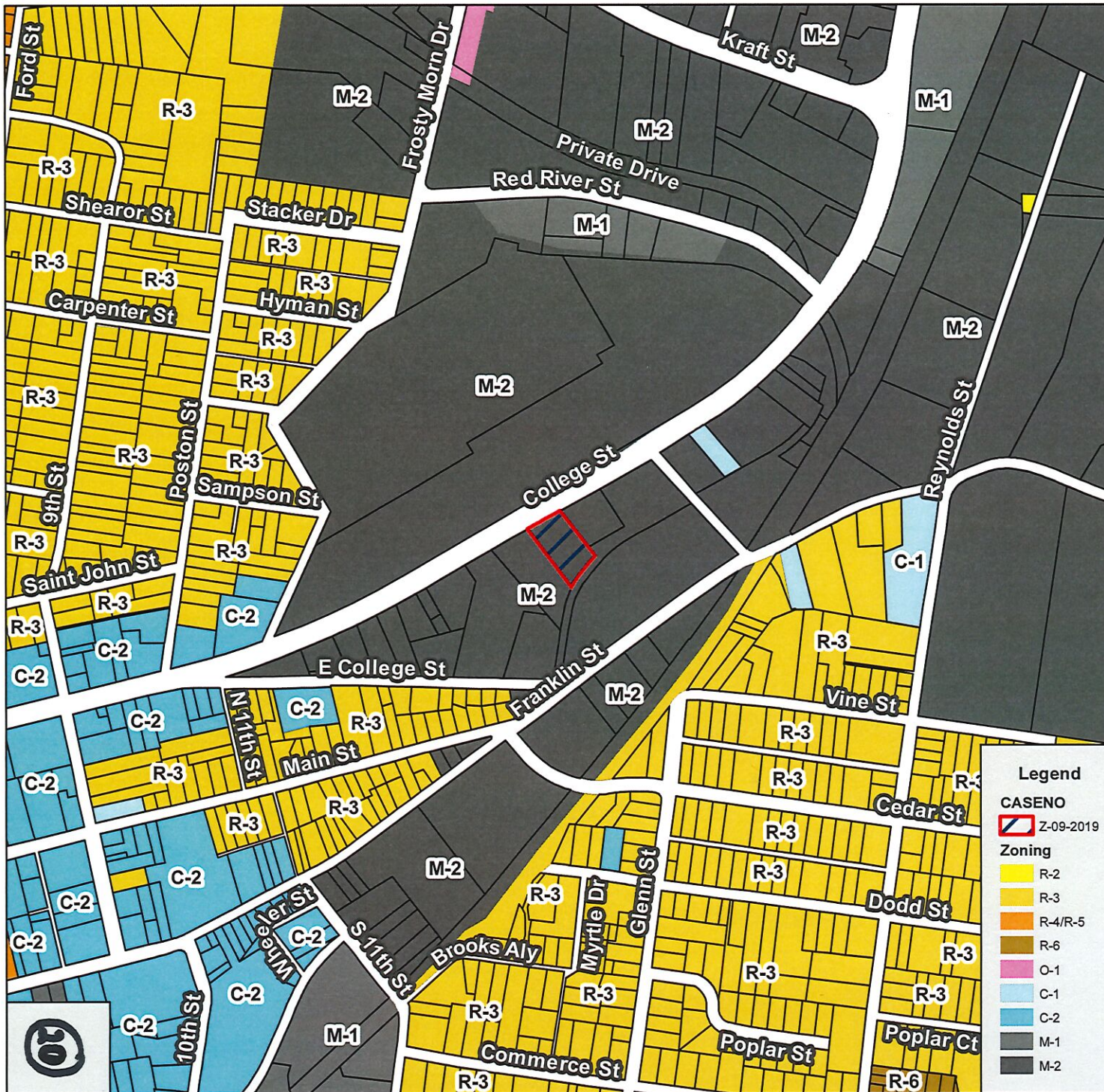
0 250
Feet

DATE: 04/24/2019

Legend

CASINO

 Z-09-2019



Z-09-2019

APPLICANT:

**EUGENE ALLEN SUEIRO
TESTAMENTARY TRUST**

REQUEST:

M-2 TO C-5

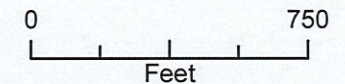
MAP AND PARCEL

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+/- ACRES

0.7

1:6,000



DATE: 04/24/2019

CASE NUMBER: Z 9 2019 **MEETING DATE** 4/24/2019

APPLICANT: Eugene Allen Sueiro Testamentary Trust C/o Cynthia J Sueiro

PRESENT ZONING M-2

PROPOSED ZONING C-5

TAX PLAT # 055M-C

PARCEL 016.00

GEN. LOCATION Property fronting on the south frontage of College Street 465 +/- feet southwest of the College Street & Hornberger Lane intersection.

PUBLIC COMMENTS

None received as of 10:00 A.M. on 4/24/2019. (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE 4/24/2019

CASE NUMBER: Z - 10 - 2019

NAME OF APPLICANT Ne

Properties

AGENT: Houston

Smith

GENERAL INFORMATION

TAX PLAT: 019A-B

PARCEL(S): 002.00 p/o,
004.00

ACREAGE TO BE REZONED: 8.37

PRESENT ZONING: M-2

PROPOSED ZONING: R-4

EXTENSION OF ZONING

CLASSIFICATION: YES

PROPERTY LOCATION: Property located at the east terminus of Tandy Drive, north of Airport Road & west of Outlaw Field Road.

CITY COUNCIL WARD: 1

COUNTY COMMISSION DISTRICT: 9

CIVIL DISTRICT: 3

DESCRIPTION OF PROPERTY Level rectangular shaped maintained grass field.
AND SURROUNDING USES:

APPLICANT'S STATEMENT Develop an apartment complex
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Airport

PREVIOUS ZONING HISTORY:

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:**

Traffic assessment required. Traffic assessment reviewed by the Clks. Street Dept. deemed acceptable and shows a very small impact for traffic in the area.

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:

No Comment(s) Received

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

Comments received from department and they had no concerns.

8. SCHOOL SYSTEM:

No Comment(s) Received

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

9. FT. CAMPBELL:

10. OTHER COMMENTS:

John Patterson, Outlaw Field Airport Manager: Areas of light industrial are encouraged around the airport for ancillary use such as "just in time" shipment companies, parking, etc. Property should maintain current zoning.



CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Reduction in the intensity of uses from Industrial to Multi-Family Residential

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Airport Road

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS: 100

POPULATION: 270

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. The existing M-2 zoning, which may meet future needs of airport tenants and users, is currently vacant. Although the airport would like to see the property reserved for industrial uses, many M-2 uses are not compatible with the surrounding higher density residential neighborhood.
3. The surrounding land uses are single family, duplex & triplex residential units, the introduction of additional multi-family residential units would complement the neighborhood.
4. Multi-family residential or most industrial operations would not have an impact on airport operations.
5. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.



Z-10-2019

APPLICANT:

**JOHN BRUCE WILSON
SEPARATE PROPERTY
TRUST & NE
PROPERTIES**

REQUEST:

M-2 TO R-4

MAP AND PARCEL

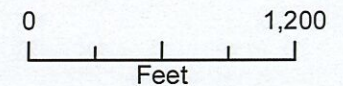
019A B 00200 (P)

019A B 00400

+/- ACRES

8.37

1:10,000



DATE: 04/24/2019



Z-10-2019

APPLICANT:

**JOHN BRUCE WILSON
SEPARATE PROPERTY
TRUST & NE
PROPERTIES**

REQUEST:

M-2 TO R-4

MAP AND PARCEL

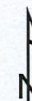
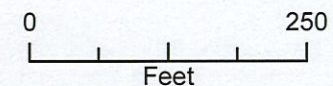
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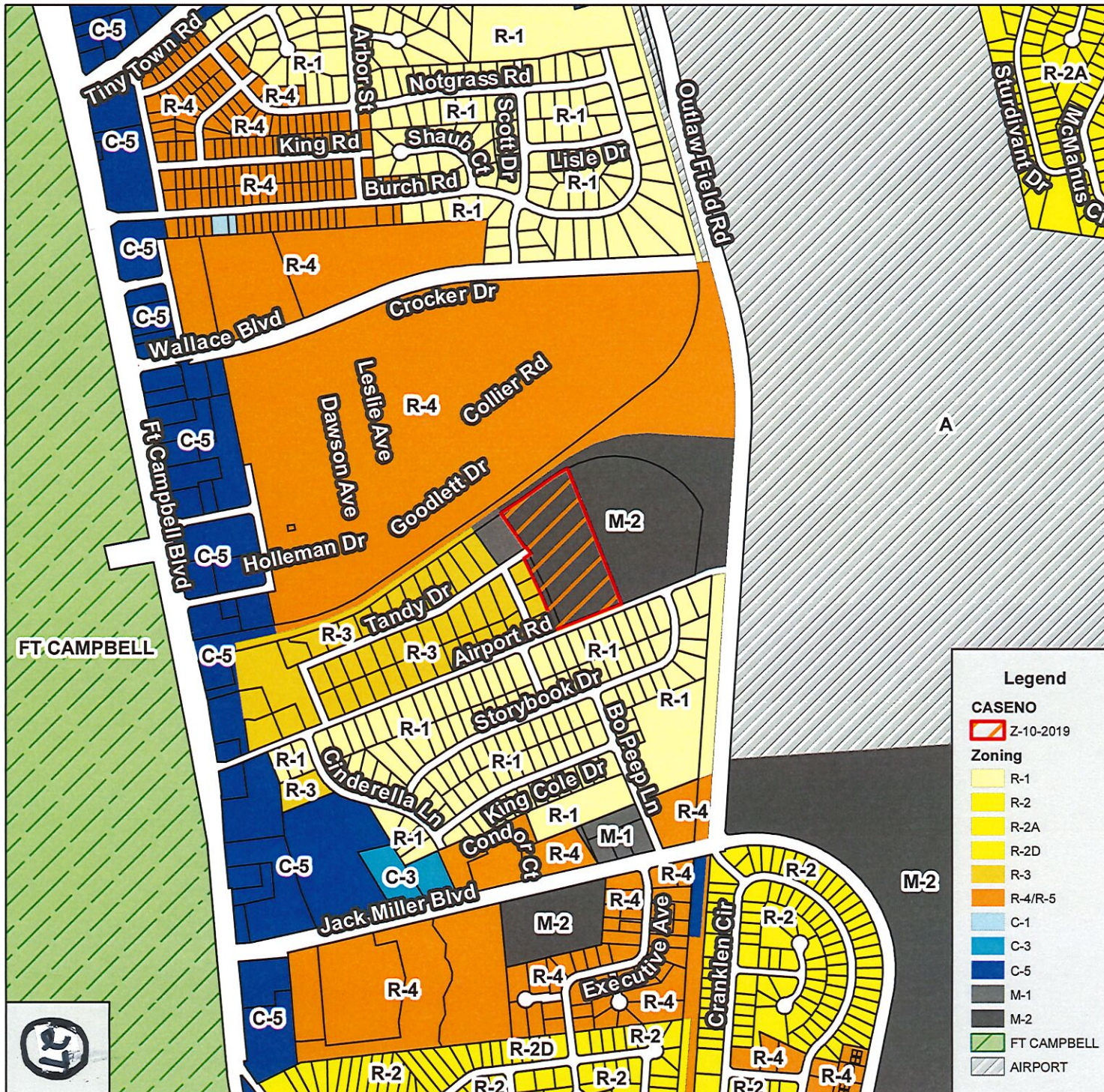
+/- ACRES

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1:2,000



DATE: 04/24/2019



Z-10-2019

APPLICANT:

JOHN BRUCE WILSON
SEPARATE PROPERTY
TRUST & NE
PROPERTIES

REQUEST:

M-2 TO R-4

MAP AND PARCEL

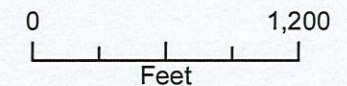
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+/- ACRES

8.37

1:10,000



DATE: 04/24/2019

CASE NUMBER: Z 10 2019 MEETING DATE 4/24/2019

APPLICANT: Ne Properties

PRESENT ZONING M-2 PROPOSED ZONING R-4

TAX PLAT # 019A-B PARCEL 002.00 p/o, 004.00

GEN. LOCATION Property located at the east terminus of Tandy Drive, north of Airport Road & west of Outlaw Field Road.

PUBLIC COMMENTS

None received as of 10:00 A.M. on 4/24/2019. (A.L.)

ORDINANCE 65-2018-19

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF IGNACIO RESENDIZ FOR ZONE CHANGE ON PROPERTY LOCATED AT THE EAST TERMINUS OF BELLE COURT

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 401 +/- feet in an easterly direction from the centerline of the Ann Drive & Belle Court intersection, said point further identified as the southeast corner of the Paul & Elizabeth Allen property, thence in a northerly direction 185 +/- feet with the eastern boundary of the Allen property to a point, said point being in the southern boundary of the John Wesley Gold property, thence 262 +/- feet in an easterly direction with the southern boundary of the Gold property to a point, said point being the northwest corner of the Nannie W. Bell Living Trust property, thence in a southerly direction 218 +/- feet with the western boundary of the Nannie W. Bell Living Trust property to a point, said point being the northeast corner of the Marsha K. Farley property, thence in a westerly direction 148 +/- feet with the northern boundary of the Farley property to a point, said point being in the right of way margin in the eastern terminus of Belle Court, thence in a northerly and westerly direction 150 +/- feet with the eastern & northern right of way margin of Belle Court to the point of beginning, Said herein described parcel containing 1.04 +/- acres, further identified as Tax Map 32-P-C, Parcel 30.00

ORDINANCE 66 -2018-19

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF PARAMOUNT HOSPITALITY, INC., FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF WARFIELD BOULEVARD AND BELLAMY LANE

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin located in the northwest right of way of Bellamy Lane, said iron also being Highway 374 (0.63 miles more or less, northeast of Rossvie Road), as measured along the Northwest right of way of Bellamy lane; thence leaving said right of way North 60 degrees 00 minutes 00 seconds West 173.34 feet to an iron pin; thence north 31 degrees 02 minutes 00 seconds East 90.00 feet to an iron pin; thence South 60 degrees 18 minutes 00 seconds East 172.37 feet to an iron pin located in the Northwest right of way of bellamy Lane; thence with the right of way of the same South 30 degrees 22 minutes 00 seconds West 91.00 feet to the point of beginning, said tract containing 0.35 +/- acres, further identified as Tax Map 40, Parcel 27.04

ORDINANCE 67 -2018-19

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF EUGENE ALLEN SUEIRO TESTAMENTARY TRUST % CYNTHIA J. SUEIRO, CYNTHIA SUEIRO-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF COLLEGE STREET AND HORNBERGER LANE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned M-2 General Industrial District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin, the Southeastern right of way of College Street, said iron pin being located at the northwest corner of the property leased to Robert M. Bennett; thence with the right of way line of said street North 48 degrees 13 minutes East 138.0 feet to an iron pin; thence leaving the right of way line of said street South 49 degrees 47 minutes East 199 feet, more or less, to an iron pin located 15 feet from the centerline of the Tennessee Central (now Illinois Central) Railroad spur track; thence with the margin of the right of way line of said railroad in a southerly direction to an iron pin located at the Southeast corner of the property leased to Robert M. Bennett; thence leaving the right of way line of said railroad, along the common line of the property leased to Mr. Robert M. Bennett North 52 degrees 15 minutes West 257 feet more or less to the point of beginning, said herein described tract containing 0.70 +/- acres, further identified as Tax Map 55-M-C, Parcel 16.00

ORDINANCE 68-2018-19

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF NE PROPERTIES, HOUSTON SMITH-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE EAST TERMINUS OF TANDY DRIVE, NORTH OF AIRPORT ROAD, AND WEST OF OUTLAW FIELD ROAD

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned M-2 General Industrial District, as R-4 Multiple Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing iron pin in the north right of way of Airport Road (60' public right of way), said pin being the southeast corner of the Brady Trainor property as recorded in ORV. 1115, Pg. 2411; said pin also being located North 55°58' 26" West 139.77 feet from the centerline intersection of Tandy Drive and Airport Road; Thence leaving said Airport Road and with said Trainor property, the Brady Trainor property as recorded in ORV. 1137, Pg. 400 and the VCG Fort Campbell Holdings LLC property as recorded in ORV. 1784, Pg.1344 ROMCT, North 21°45'35" West 460.81 feet to an existing ¾" iron pin capped "Weakley" in the south right of way of Tandy Road; Thence leaving said VCG Fort Campbell Holdings LLC and with the south right of way of Tandy Road, North 55°50'54" East 41.00 feet to an existing ¾" iron pin capped "Weakley" at the terminus of Tandy Road; Thence with the terminus of Tandy Road and the east boundary line of the Aaron Chamberlain property as recorded in ORV.1512, Pg. 2740 ROMCT, North 36°53'26" West 300.70 feet to an existing iron pin capped "DBS" in the south right of way of the R.J. Corman railroad, said pin being the northeast corner of said Chamberlain property; Thence leaving said Chamberlain property and with the south right of way of R.J. Corman railroad the next two (2) calls, North 53°19'21" East 359.27 feet to an existing iron pin; Thence along a curve to the right, having a radius of 877.89 feet, an arc length of 140.81feet and a chord of North 57°51'47" East 140.66 feet to an existing iron pin; Thence leaving said south right of way of the R.J. Corman railroad on a new severance line, South 21°31'58" East 880.09 feet to a new iron pin in the north right of way of Airport Road; Thence leaving said new severance line and with said north right of way of Airport Road, South 68°32'51" West 403.54 feet to an existing iron pin capped "Weakley"; Thence continuing with said north right of way of Airport Road, South 68°32'53" West 40.04 feet to the point of beginning, containing 369,185.23 sq. ft. or 8.48 acres more or less.

RESOLUTION 55-2018-19

A RESOLUTION ADOPTING THE FIRST PLAN OF SERVICES PROGRESS REPORT FOR ANNEXED TERRITORY EAST OF INTERSTATE 24, SOUTH OF ROSSVIEW ROAD AND NORTH OF RED RIVER

WHEREAS, the Clarksville City Council has determined it to be necessary for the welfare of the residents and property owners, and of the city as a whole, to annex territory east of Interstate 24, south of Rossvie Road, and North of the Red River; and

WHEREAS, annexation of said territory was approved by the adoption of RESOLUTION 24-2018-19 on November 1, 2018, with an effective date of said annexation designated as December 1, 2018; and

WHEREAS, by of adoption of RESOLUTION 25-2018-19, the Clarksville City Council approved the Plan of Services for said territory on November 1, 2018; and

WHEREAS, with the exception of Clarksville Department of Electricity (CDE) all Plan of Service requirements for the following areas have been met and were completed within the first six months of annexation including: Police, Fire, Water, Sewer, Solid Waste Disposal, Streets, Building and Codes (Inspection Services), Planning and Zoning, Street Lighting, Recreation, and Transit.

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

That the Clarksville City Council hereby adopts the following Plan of Services Progress Report for annexed territory east of Interstate 24, south of Rossvie Road, and north of Red River:

Progress toward other elements of the Plan of Service is as noted below:

DEPARTMENT OF ELECTRICITY

Original Plan of Service: It is estimated that CDE would be able to provide electrical service to this area approximately 12 months after an agreement is reached with CEMC to allow CDE to acquire the service rights and facilities. Purchase of facilities and reintegration of lines will be accomplished approximately 12 months after an agreement is reached with CEMC, and customers will then be charged applicable Department of Electricity rates.

Plan of Service Update: CDE is currently working with CEMC engineers to develop a plan to serve the newly annexed area. Work is progressing and CDE anticipates serving this area within 12 to 18 months.

PUBLIC HEARING:

ADOPTED:

ORDINANCE 47-2018-19

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF JAMES VICK FOR PROPERTY LOCATED ON EXCELL ROAD

WHEREAS, proper application has been made by Vernon Weakley, PE on behalf of James Vick for extensions of City utility service to property located at Cmap 88, Parcel 39.00 with the property address of Excell 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:

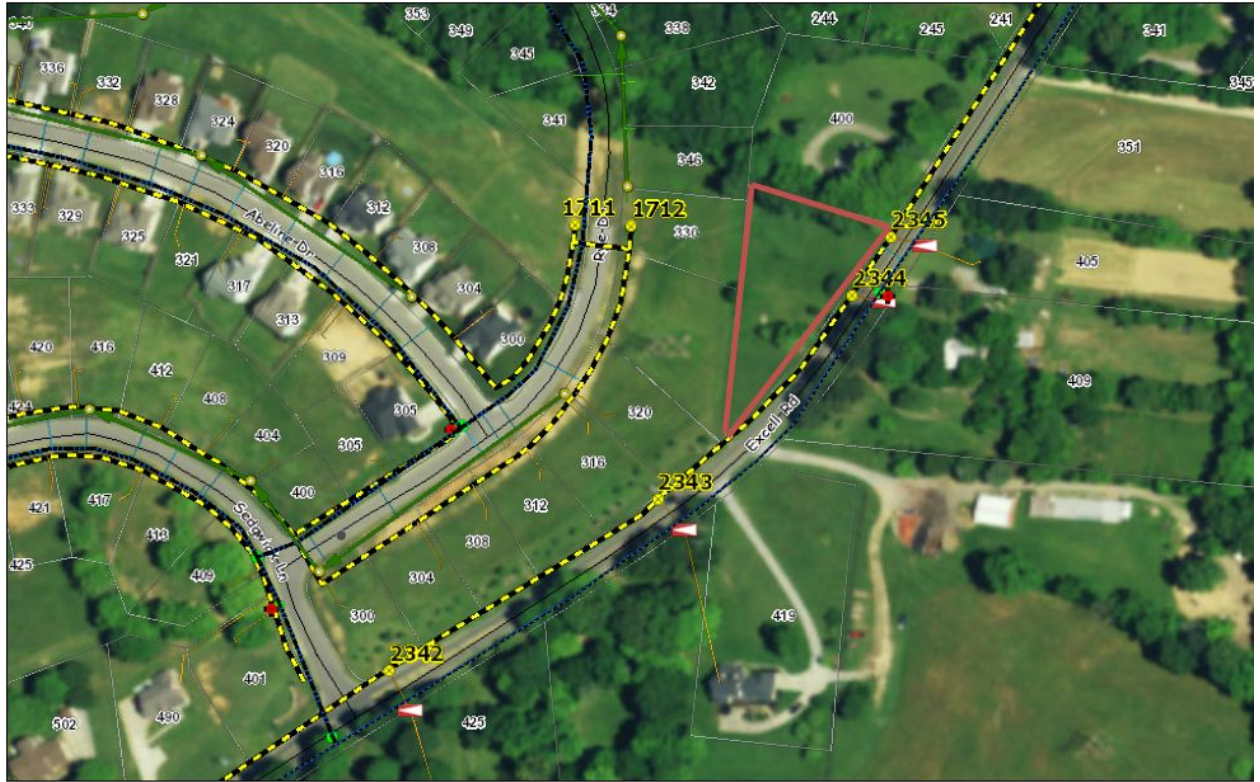
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 88, Parcel 39.00 with the property address of Excell Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING: April 4, 2019

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A



ORDINANCE 48-2018-19

AN ORDINANCE REPEALING ORDINANCE 39-2017-18 AND APPROVING A REVISED NEW ORDINANCE PERTAINING TO THE CITY ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM WESLEY CHAPEL CHRISTIAN METHODIST EPISCOPAL CHURCH FOR THE PURPOSE OF CITY DEMOLITION OF AN UNSAFE STRUCTURE UPON SAID PROPERTY AND THE DONATION OF ONE HALF OF SAID PROPERTY TO HABITAT FOR HUMANITY (1026 WASHINGTON STREET) AND ONE HALF OF SAID PROPERTY BACK TO THE CHURCH

WHEREAS, Wesley Chapel Christian Methodist Episcopal Church (hereinafter “Church”) owns certain real property located at 1026 Washington Street, being Map and Parcel 66K-K-7.00 and of record at Official Record Book Volume 228, Page 604, in the Register’s Office for Montgomery County, Tennessee (hereafter referred to as the “**Property / Tract A**”) and being more particularly described in “**Exhibit A**” attached hereto and incorporated herein; and

WHEREAS, a dilapidated, unused, and unsafe structure is currently located on the **Property / Tract A**, which has been condemned by the City; and

WHEREAS, Citizens Savings Bank & Trust Co. (hereafter “Bank”) currently has a mortgage / deed of trust on the **Property / Tract A** with an outstanding loan balance owed by the Church to the Bank; and

WHEREAS, the City and the Church have agreed upon mutual terms to resolve this situation, pursuant to which the Church would donate the **Property / Tract A**, in fee simple absolute, by way of Quit Claim Deed, to the City, and the City would accept said donation, and thereafter, the City will demolish, or cause to be demolished, the unused and unsafe structure on the **Property / Tract A**, and utilize Community Development Block Grant (hereinafter, “CDBG”) funds to accomplish demolition of the unused and unsafe structure, and thereafter the City shall take all necessary steps to sub-divide, or caused to be sub-divided, the **Property / Tract A** into two separate parcels consisting of approximately 0.419 acres each, plus or minus (+ / -), denominated herein as **Tract 1** (and being more particularly described in “**Exhibit B**” attached hereto and incorporated herein), and **Tract 2** (being more particularly described in “**Exhibit C**” attached hereto and incorporated herein), and thereafter, the City shall retain **Tract 1** temporarily, and donate **Tract 2** back to the Church, in fee simple absolute, by Quit Claim Deed, and thereafter, the City, upon mutually agreed upon terms, shall donate, in fee simple absolute, by Quit Claim Deed, **Tract 1** to the non-profit organization Habitat for Humanity, for the purpose of building a low income housing unit for use by or to be owned by a qualifying individual, head of household, or family; and

WHEREAS, the Church’s property cannot be divided into two parcels in its’ current one single parcel / tract condition because of the location of the unused and unsafe building on the **Property / Tract A**, given the City’s zoning code and sub-division regulations pertaining to set back lines, and thus the sub-division of the **Property / Tract A** cannot occur until after the unused and unsafe structure is demolished; and

WHEREAS, the Bank and the Church have agreed to execute an amendment to their mortgage / deed of trust and loan agreement, whereby the Bank will approve the sub-division of the **Property / Tract A** into two separate parcels (**Tract 1** and **Tract 2**) and release its' mortgage / deed of trust on **Tract 1** which is to be retained by the City initially and ultimately donated to Habitat for Humanity, but the Bank shall retain and maintain its mortgage / deed of trust on and with regard to **Tract 2**; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents to accept the donation of the **Property / Tract A** from the Church, and that the forgoing terms be approved, carried out, implemented, and effectuated as set forth herein.

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

1. The City hereby accepts the donation of certain real property from Wesley Chapel Church, being a portion of property conveyed to the Church by deed of record in Deed Book 228, page 604, in the Register's Office for Montgomery County, Tennessee, referred to herein as the **Property / Tract A**, and being more particularly described in "**Exhibit A**" attached hereto, said acceptance being conditioned upon and subject to Citizens Savings Bank & Trust Co. executing a partial release, or agreeing to execute a partial release, of its mortgage / deed of trust on the future subdivided **Tract 1** (as more particularly described in "**Exhibit B**," attached hereto and incorporated herein), and upon the following terms:

The Church will donate the **Property / Tract A**, in fee simple absolute, by way of Quit Claim Deed, to the City, and the City will accept said donation, and thereafter, the City will demolish, or cause to be demolished, the unused and unsafe structure on the **Property / Tract A**, and utilize Community Development Block Grant (hereinafter, "CDBG") funds to accomplish demolition of the unused and unsafe structure, and thereafter the City shall take all necessary steps to sub-divide, or caused to be sub-divided, the **Property / Tract A** into two separate parcels consisting of approximately 0.419 acres each, plus or minus (+ / -), denominated herein as **Tract 1** (being more particularly described in **Exhibit B** attached hereto and incorporated herein) and **Tract 2** (being more particularly described in **Exhibit C** attached hereto and incorporated herein), and thereafter, the City shall retain **Tract 1** temporarily, and donate **Tract 2** back to the Church, in fee simple absolute, by Quit Claim Deed, and thereafter, the City, upon mutually agreed upon terms with the non-profit Habitat for Humanity, shall donate, in fee simple absolute, by Quit Claim Deed, **Tract 1** to Habitat for Humanity (Clarksville branch), for the purpose of building a low income housing unit for use by a qualifying individual, head of household, or family.

2. The City Council hereby authorizes and approves the City Mayor, Joe Pitts, to enter into and to execute any and all contracts, agreements, forms, or deeds necessary to facilitate, carry out, implement or effectuate the transactions described herein, including but not limited to a contract between Citizens Savings Bank & Trust Co., Wesley Chapel Church and the City pertaining to the partial release of any mortgage / deed of trust or other security interest with regard to **Tract 1**.

FIRST READING:

April 4, 2019

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A
**Property Description of
The Wesley Chapel CME Church Property
Tax Map 066K, Group K, Parcel 007.00
O.R.V. 228, Page 604, R.O.M.C.T.**

Being a Tract of land situated in the 12th Civil District of Montgomery County, Tennessee, said Tract being 0.66 miles, more or less, southeast of downtown Clarksville and being generally located north of Crossland Avenue, south of, and adjacent to Washington Street, east of Martin Street, and west of Greenwood Avenue, said Tract being more particularly described as follows:

Beginning at an existing pk nail in the southern right-of-way of Washington Street, said pk nail being 200 feet, more or less, west of Greenwood Avenue, as measured along the southern right-of-way of Washington Street, said pk nail also being the northwestern corner of the Andrew Jessop property, as recorded in O.R.V. 1556, Page 2160, R.O.M.C.T.;

Thence leaving the southern right-of-way of Washington Street, and with the western line of the said Jessop property, and with the western line of the Shaun M. Robertson property, as recorded in O.R.V. 1338, Page 1877, R.O.M.C.T., South 02 degrees 36 minutes 16 seconds East 169.50 feet to an existing ½" iron pin, cap #1780, said iron pin being in the northeastern corner of another piece of property owned by Shaun M. Robertson, and also recorded in O.R.V. 1338, Page 1877, R.O.M.C.T.;

Thence with the northern line of the said Robertson property, South 87 degrees 04 minutes 25 seconds West 143.54 feet to an existing ½" iron pin;

Thence continuing with the northern line of the said Robertson property, North 86 degrees 30 minutes 58 seconds West 16.24 feet to an existing axle, said axle being the northeastern corner of the Harold W. Weakley property, as recorded in O.R.V. 1236, Page 375, R.O.M.C.T.;

Thence with the northern line of the said Weakley property, North 86 degrees 32 minutes 35 seconds West 66.17 feet to an existing ½" iron pin, uncapped, said iron pin being the southeastern corner of the Gregory R. Zieren property, as recorded in O.R.V. 483, Page 2341, R.O.M.C.T.;

Thence with the eastern line of the said Zieren property, North 06 degrees 10 minutes 12 seconds East 174.26 feet to an existing ½" iron pin, cap #1780, said iron pin being in the southern right-of-way of Washington Street;

Thence with the southern right-of-way of Washington Street for the next 3 courses as follows: South 85 degrees 54 minutes 27 seconds East 64.98 feet to an existing pk nail; Thence South 85 degrees 54 minutes 27 seconds East 16.89 feet to an existing ½" iron pin, cap #2019; Thence North 87 degrees 55 minutes 12 seconds East 117.60 feet to the point of beginning.

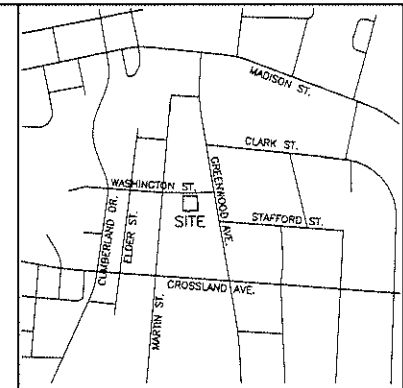
Said Tract contains 0.838 Acres (36,519.5 sq. ft.) more or less.

Property is subject to all easements, rights-of-way, covenants, and restrictions of record.

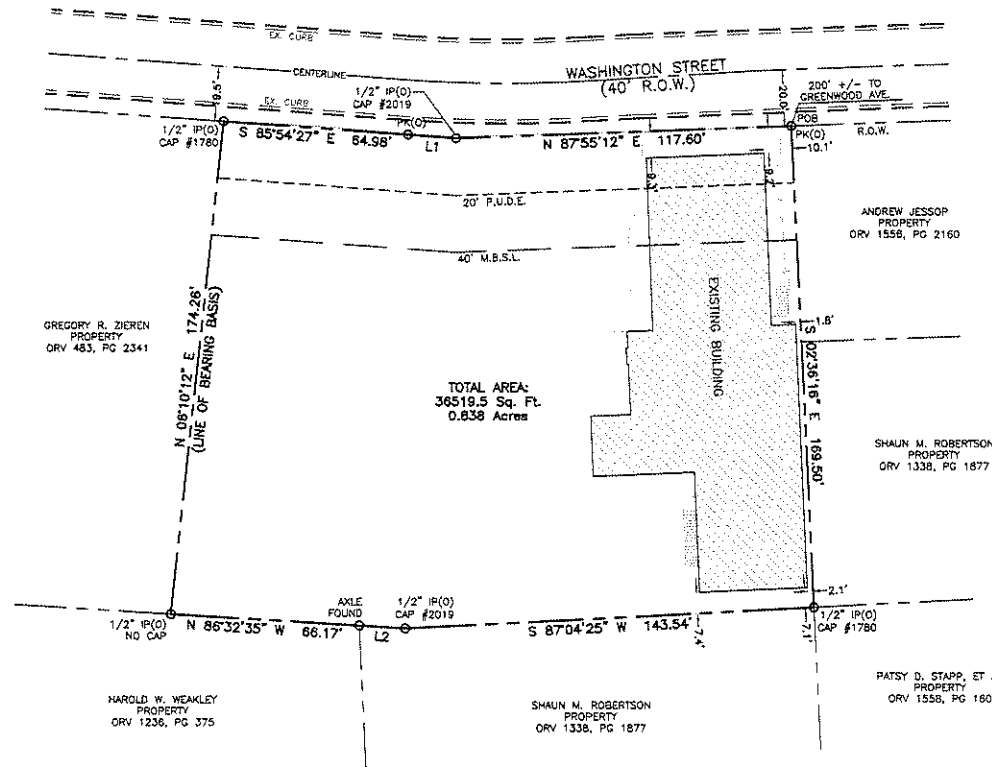
Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on November 17, 2017.

All new iron pins set are ½" x 18" rebar with plastic cap stamped "SUITER 1837".

**BOUNDARY SURVEY OF
WESLEY CHAPEL CME CHURCH PROPERTY**
TAX MAP 066K, GROUP K, PARCEL 007.00
PLAT BOOK F, PAGE 1081, R.O.M.C.T.
O.R.V. 228, PAGE 604, R.O.M.C.T.
TWELFTH CIVIL DISTRICT
MONTGOMERY COUNTY, TENNESSEE
DATE: MARCH 28, 2019
SCALE: 1" = 30'
TOTAL AREA: 0.838 ACRES



VICINITY MAP



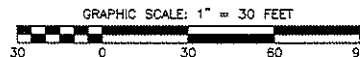
LEGEND:
IP(O) = IRON PIN (OLD) FOUND
IP(N) = 1/2" IRON PIN (NEW) SET CAP NO. 1837
R.O.W. = RIGHT OF WAY
M.B.S.L. = MINIMUM BUILDING SETBACK LINE
P.U.D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT
EASEMENT LINE:
M.B.S.L.:
CENTERLINE:
BOUNDARY LINE:
PROPERTY LINE:
FENCE:

The survey shown hereon was made in accordance with Chapter 0820-3-07, Standards of Practice, as adopted by the State of Tennessee Board of Examiners for Land Surveyors.

I hereby certify to the hereon named parties that this is a Category 1 survey and that the closure of the unadjusted traverse is greater than 1:10,000. That I am not liable for anything that is changed, that these lines are based upon the latest recorded plat or deed as well as other data that is available to me at this time. This survey is correct to the best of my knowledge, belief, and professional opinion.

Said property is subject to all easements, rights-of-way, conveyances, and restrictions of record.

NOTE: This survey is subject to change contingent upon receipt of a current abstract or title policy covering the property shown hereon.



NORTH AS PER
PD F, PG 1081
R.O.M.C.T.



Sutter Surveying & Land Planning
CIVIL ENGINEERING & LAND SURVEYING
P.O. Box 30271
1805A Alpine Drive
Clarksville, TN, 37040
ph. # (931) 920-1750
Fax # (931) 920-8490

Exhibit B

Tract 1

Beginning at an existing pk nail in the southern right-of-way of Washington Street, said pk nail being 200 feet, more or less, west of Greenwood Avenue, as measured along the southern right-of-way of Washington Street, said pk nail also being the northwestern corner of the Andrew Jessop property, as recorded in O.R.V. 1556, Page 2160, R.O.M.C.T.;

Thence leaving the southern right-of-way of Washington Street, and with the western line of the said Jessop property, and the western line of the Shaun M. Robertson property, as recorded in O.R.V. 1338, Page 1877, R.O.M.C.T., South 02 degrees 36 minutes 16 seconds East 169.50 feet to an existing ½" iron pin, cap #1780, said iron pin being in the northeastern corner of another piece of property owned by Shaun M. Robertson, and also recorded in O.R.V. 1338, Page 1877, R.O.M.C.T.;

Thence with the northern line of the said Robertson property, South 87 degrees 04 minutes 25 seconds West 107.25 feet to an iron pin (new);

Thence on a new severance line, North 02 degrees 36 minutes 16 seconds West 171.08 feet to an iron pin (new), said iron pin being in the southern right-of-way of Washington Street;

Thence with the southern right-of-way of Washington Street, North 87 degrees 55 minutes 12 seconds East 107.26 feet to the point of beginning.

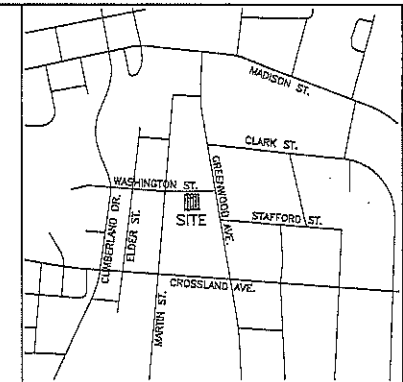
Said Tract 1 contains 0.419 Acres (18,264.4 sq. ft.) more or less.

Property is subject to all easements, rights-of-way, covenants, and restrictions of record.

Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on November 17, 2017.

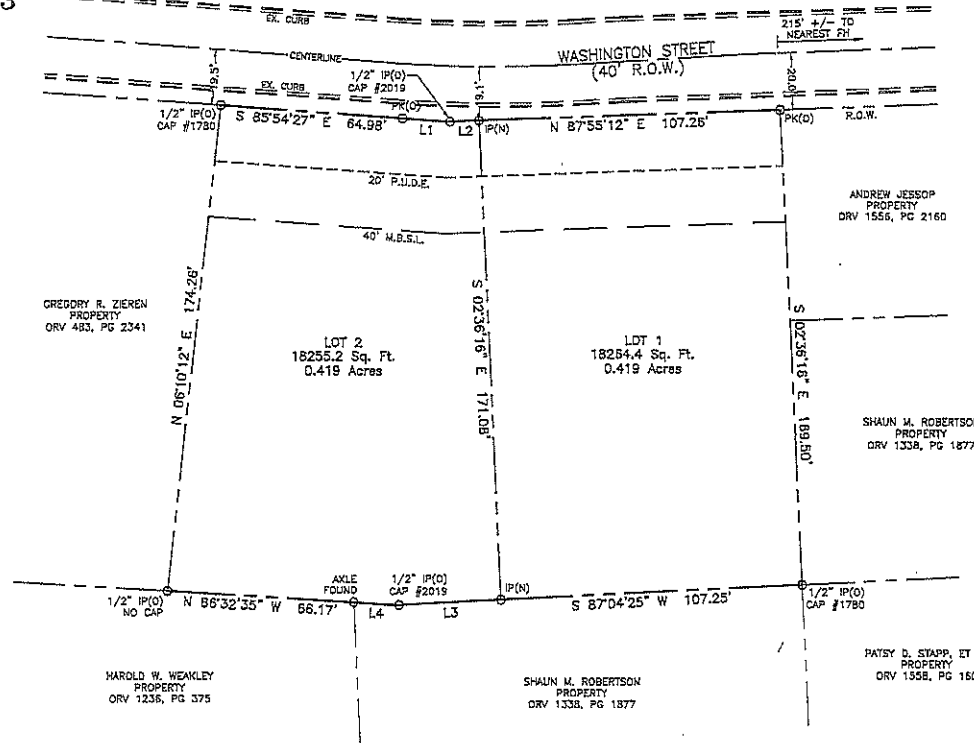
All new iron pins set are ½" x 18" rebar with plastic cap stamped "SUITER 1837".

REPLAT
WESLEY CHAPEL CME CHURCH PROPERTY
TAX MAP 066K, GROUP K, PARCEL 007.00
PLAT BOOK F, PAGE 1081, R.O.M.C.T.
O.R.V. 228, PAGE 604, R.O.M.C.T.
TWELFTH CIVIL DISTRICT
MONTGOMERY COUNTY, TENNESSEE
DATE: OCTOBER 19, 2017
SCALE: 1" = 30'
ZONING: R-3



VICINITY MAP

LINE DATA		
LINE	BEARING	DISTANCE
L1	S 85°54'27" E	16.89'
L2	N 87°55'12" E	10.34'
L3	S 87°04'25" W	36.28'
L4	N 88°30'58" W	16.24'



LEGEND

IP(O) = IRON PIN (OLD) FOUND
 IP(N) = 1/2" x 18" IRON PIN (NEW) SET CAP # 1837
 H = FIRE HYDRANT
 R.O.W. = RIGHT-OF-WAY
 M.B.S.L. = MINIMUM BUILDING SETBACK LINE
 P.U.D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT
 CENTERLINE
 BOUNDARY LINE
 RIGHT-OF-WAY
 FENCE LINE

NOTES:
 1) All Easements Shown May Be Used For Power, Telephone, Gas, Sanitary Sewer, Storm Sewer, Water And Surface Drainage, as well as the designed use.
 2) A minimum of five feet along the inside of all side lot lines and ten feet along the inside of all rear lot lines is reserved as a utility corridor (Drainage Easement).
 3) Bearings and Distances shown take precedence over scale.
 4) All front and side street setbacks shall be as shown.
 5) All driveway culverts shall be 18" x 20" minimum.
 6) Any lot in this subdivision may be re-platted with the approval of the Clarksville-Montgomery County Regional Planning Commission.
 7) It will be the responsibility of the subdivider or the owner to include the above referenced statements as an integral part of the subdivision in such a manner that said areas will be viewed and maintained by the present owner or by a prospective owner.
 8) This Plat does not require any public improvements or the dedication of any land to the public.

REASON FOR REPLAT:
TO DIVIDE THE LOT INTO 2 LOTS

Sutler Surveying & Land Planning, Inc.
 P.O. Box 30271
 1805-A Alpine Drive
 Clarksville, TN 37040
 Ph. # (931) 920-1750
 Fax # (931) 920-8490

CERTIFICATE OF OWNERSHIP AND DEDICATION I, HEREBY CERTIFY THAT I AM/WE ARE THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT THE PROPERTY ADAPT THIS PLAN OF SUBDIVISION WITH ACCORD HERETO EXISTING ESTABLISHED THE MINIMUM BUILDING SETBACK LINES AND CORNER ALL STREETS, ROADS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN. OWNER(S) _____ DATE _____	NOTARIZATION STATE OF TENNESSEE, MONTGOMERY COUNTY. I, _____, Notary Public in and for said State and County, do hereby certify that the within named signatories, with whom I am personally acquainted and who acknowledged that they executed the within described instrument. MY COMMISSION EXPIRES: _____ NOTARY PUBLIC _____ DATE _____	CERTIFICATE OF APPROVAL OF UTILITIES I, HEREBY CERTIFY THAT ALL WATER, SEWER, AND GAS LINES HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY / COUNTY DISTRICT SPECIFICATIONS OR THAT SAKK IRREVOCABLE LETTER OF CREDIT ON A SURETY BOND IN THE AMOUNT OF \$ _____ TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT. CITY ENGINEER OR UTILITY DIST. OFFICIAL _____ DATE _____	CERTIFICATE OF ACCURACY I, HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE CLARKVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION AND THAT THE MEASUREMENTS HAVE BEEN PLACED AS SHOWN HEREON. BILLY RAY SUTLER, PLS 1837 _____ DATE _____	CERTIFICATE OF APPROVAL OF STREETS/ROADS I, HEREBY CERTIFY THAT ALL STREETS/ROADS AND DRAINAGE STRUCTURES HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE CITY OF CLARKVILLE SPECIFICATIONS OR THAT A SURETY BOND IN THE AMOUNT OF \$ _____ TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT. SUPER. CITY STREETS OR CO. HIGH. SUPER _____ DATE _____	CERTIFICATE OF APPROVAL FOR RECORDING I, HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON COMPLETES WITH ALL SUBDIVISION REGULATIONS FOR MONTGOMERY COUNTY, TENNESSEE WITH THE EXCEPTION OF SUCH MEASUREMENTS AS MAY BE NOTED IN JUDGES OF THE COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE MONTGOMERY COUNTY REGISTER. DIRECTOR CLARKVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION _____ DATE _____	DATE: 10-17-2017 TOTAL ACRES: 0.838 OWNER: WESLEY CHAPEL CME CHURCH ADDRESS: 1026 WASHINGTON ST. CLARKSVILLE, TN 37040 TOTAL LOTS: 2 CIVIL DISTRICT: 12th TAX MAP & PARCEL: MAP DECK-K, PARCEL 007.00 PROPERTY ADDRESS: LOT 1: 1026 WASHINGTON ST. LOT 2: WASHINGTON ST. GRAPHIC SCALE: 1" = 30' 0 30 60 90
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Exhibit B
 pg 2

Exhibit C

Tract 2

Beginning at an existing $\frac{1}{2}$ " iron pin, cap #1780, in the southern right-of-way of Washington Street, said iron pin being 399.5 feet, more or less, west of Greenwood Avenue, as measured along the southern right-of-way of Washington Street, said iron pin also being the northeastern corner of the Gregory R. Zieren property, as recorded in O.R.V. 483, Page 2341, R.O.M.C.T.;

Thence with the southern right-of-way of Washington Street for the next 3 courses as follows: South 85 degrees 54 minutes 27 seconds East 64.98 feet to an existing pk nail; Thence South 85 degrees 54 minutes 27 seconds East 16.89 feet to an existing $\frac{1}{2}$ " iron pin, cap #2019; Thence North 87 degrees 55 minutes 12 seconds East 10.34 feet to an iron pin (new);

Thence leaving the southern right-of-way of Washington Street, and on a new severance line, South 02 degrees 36 minutes 16 seconds East 171.08 feet to an iron pin (new), said iron pin being in the northern line of the Shaun M. Robertson property, as recorded in O.R.V. 1338, Page 1877, R.O.M.C.T.;

Thence with the northern line of the said Robertson property, South 87 degrees 04 minutes 25 seconds West 36.29 feet to an existing $\frac{1}{2}$ " iron pin, cap #2019;

Thence continuing with the northern line of the said Robertson property, North 86 degrees 30 minutes 58 seconds West 16.24 feet to an existing axle, said axle being the northeastern corner of the Harold W. Weakley property, as recorded in O.R.V. 1236, Page 375, R.O.M.C.T.;

Thence with the northern line of the said Weakley property, North 86 degrees 32 minutes 35 seconds West 66.17 feet to an existing $\frac{1}{2}$ " iron pin, uncapped, said iron pin being the southeastern corner of the said Zieren property;

Thence with the eastern line of the said Zieren property, North 06 degrees 10 minutes 12 seconds East 174.26 feet to the point of beginning.

Said Tract 2 contains 0.419 Acres (18,255.2 sq. ft.) more or less.

Property is subject to all easements, rights-of-way, covenants, and restrictions of record.

Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on November 17, 2017.

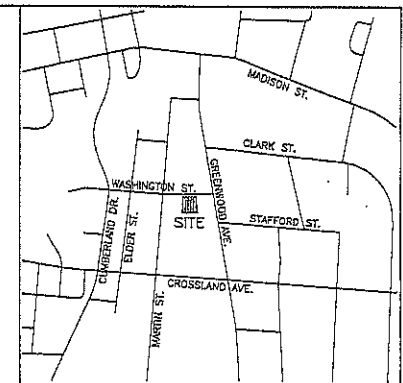
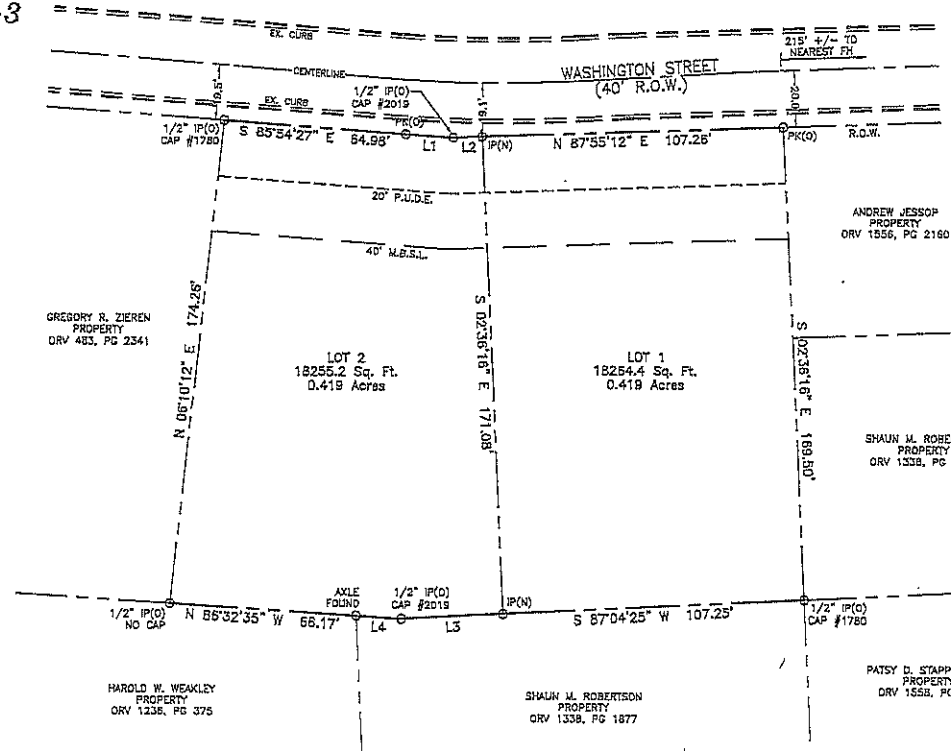
All new iron pins set are $\frac{1}{2}$ " x 18" rebar with plastic cap stamped "SUITER 1837".

REPLAT
WESLEY CHAPEL CME CHURCH PROPERTY
TAX MAP 066K, GROUP K, PARCEL 007.00
PLAT BOOK F, PAGE 1081, R.O.M.C.T.
O.R.V. 228, PAGE 604, R.O.M.C.T.
TWELFTH CIVIL DISTRICT
MONTGOMERY COUNTY, TENNESSEE
DATE: OCTOBER 19, 2017
SCALE: 1" = 30'
ZONING: R-3

LINE DATA		
LINE	BEARING	DISTANCE
L1	S 85°54'27" E	16.88'
L2	N 87°55'12" E	10.34'
L3	S 87°04'25" W	36.29'
L4	N 85°30'58" W	16.24'

LEGEND
 1/2" IP(O) = IRON PIN (OLD) FOUND
 1/2" IP(N) = 1/2" IRON PIN (NEW) SET CAP # 1837
 EX. CURB = EXISTING CURB
 R.O.W. = RIGHT-OF-WAY
 M.B.S.L. = MINIMUM BUILDING SETBACK LINE
 P.U.D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT
 M.B.S.L. = MINIMUM BUILDING SETBACK LINE
 CENTERLINE = CENTERLINE
 BOUNDARY LINE = BOUNDARY LINE
 RIGHT-OF-WAY LINE = RIGHT-OF-WAY LINE
 FENCE LINE = FENCE LINE

NOTES:
 1) All Easements Shown May Be Used For Power, Telephone, Gas, Sanitary Sewer, Storm Sewer, Water And Surface Drainage, as well as the designed use.
 2) A minimum of five feet along the inside of all side lot lines and ten feet along the inside of rear lot lines is reserved as a utility and/or drainage easement.
 3) Bearings and Distances shown take precedence over scale.
 4) All front and side street setbacks shall be as shown.
 5) All driveway culverts shall be 18" x 20" minimum.
 6) Any lot in this subdivision may be re-platted with the approval of the Clarksville-Montgomery County Regional Planning Commission.
 7) It will be the responsibility of the subdivider or the owner to include the above referenced easements as an integral part of the subdivision, in such a manner that said areas will be owned and maintained by the present owner or by a prospective owner.
 8) This plat does not require any public improvements or the dedication of any land to the public.



VICINITY MAP



REASON FOR REPLAT:
TO DIVIDE THE LOT INTO 2 LOTS

Suiter Surveying & Land Planning, Inc.
 P.O. Box 30271
 1805-A Alpina Drive
 Clarksville, TN 37040
 Ph. # (931) 820-1750
 Fax # (931) 820-8490

CERTIFICATE OF OWNERSHIP AND DEDICATION I, HEREBY CERTIFY THAT I, ALPHEA ANN THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT THE RIGHT SHOWN AND DESCRIBED HEREON AND THAT I/WE HAVE COME TO THIS CONSENT ESTABLISHING THE BOUNDARY LINES AND CORNERS OF ALL LOTS, ALLEYS, EASEMENTS, RIGHTS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN.	NOTARIZATION STATE OF TENNESSEE, MONTGOMERY COUNTY I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT I AM PERSONALLY ACQUAINTED AND HAVE ADEQUATELY KNOWN THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS INSTRUMENT AND THAT THEY EXECUTED THE INSTRUMENT DESCRIBED HEREON.	CERTIFICATE OF APPROVAL OF UTILITIES I, HEREBY CERTIFY THAT ALL WATER, SEWER AND GAS LINES HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY / UTILITY DISTRICT REQUIREMENTS, OR THAT SUCH A RESPONSIBLE ENTITY OF CREDIT OF A SURETY HAS BEEN POSTED WITH THIS OFFICE TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.	CERTIFICATE OF ACCURACY I, HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE CLARKVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION AND THAT THE INSTRUMENTS HAVE BEEN PLACED AS SHOWN HEREON.	CERTIFICATE OF APPROVAL OF STREETS/ROADS I, HEREBY CERTIFY THAT ALL STREETS/ROADS AND DRAINAGE STRUCTURES HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE CITY OF CLARKVILLE, TENNESSEE, OR THAT A SURETY FUND HAS BEEN POSTED IN THE OFFICE OF THE CLARKVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.	CERTIFICATE OF APPROVAL FOR RECORDING I, HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON COMPLIES WITH ALL SUBDIVISION REGULATIONS FOR MONTGOMERY COUNTY, TENNESSEE, IF ANY, AS NOTED IN MEMORANDUM OF THE COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE MONTGOMERY COUNTY RECORDER.
OWNER(S) _____ DATE _____	NOTARY PUBLIC _____ DATE _____	CITY ENGINEER OR UTILITY DIST. OFFICIAL _____ DATE _____	BILLY RAY SUITER, PLS 1837 _____ DATE _____	SUPRA, CITY STREETS OR CO. HIGH. SUPER _____ DATE _____	DIRECTOR CLARKVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION _____ DATE _____

DATE: 10-17-2017
 TOTAL ACRES: 0.838
 OWNER: WESLEY CHAPEL CME CHURCH
 ADDRESS: 1026 WASHINGTON ST. CLARKSVILLE, TN 37040
 TOTAL LOTS: 2
 CIVIL DISTRICT: 12th
 TAX MAP & PARCEL: MAP 066K-K, PARCEL 007.00
 PROPERTY ADDRESS: LOT 1: 1026 WASHINGTON ST. LOT 2: WASHINGTON ST.
 GRAPHIC SCALE: 1" = 30'
 0 30 60 90

Exhibit C
 pg 2

AN ORDINANCE ACCEPTING THE DONATION OF REAL PROPERTY FROM THE ASPIRE CLARKSVILLE FOUNDATION TO THE CITY FOR FURTHER DEVELOPMENT OF THE CLARKSVILLE GREENWAY.

WHEREAS, the Aspire Clarksville Foundation desires to grow the local economy through exceptional project recruitment which is enhanced with the existence of a workforce that possesses a high quality of life, and

WHEREAS, a mature Greenway system makes many positive contributions to an increased quality of life for the Community's workforce, and

WHEREAS, the CMC Community Health Foundation, being in agreement as to the positive impact that a mature Greenway system has on a community's health, has made possible the purchase of prospective Greenway land through a generous grant of funds, and

WHEREAS, the Aspire Clarksville Foundation has approved the purchase of 15.86+- acres of land along the West Fork of the Red River (ORV 1150, Page 1263) from J&N Enterprises in accordance with the Board's action at the January 29, 2019 meeting, as is evidenced by Exhibit A attached hereto and incorporated herein, and

WHEREAS, Aspire Clarksville Foundation, through appropriate Board action, has approved the donation of the aforesaid land to the City of Clarksville for the purpose of further development of the Clarksville Greenway within ten (10) years, with the restriction that upon failure of the City to action to use the property for the purpose of and in furtherance of development of the Clarksville Greenway, then said property shall revert back to Clarksville Aspire Foundation ownership, all in accordance with the provisions of Exhibit A.

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

The City of Clarksville, acting through the Clarksville City Council, hereby approves and accepts the donation of certain real property from the Clarksville Aspire Foundation, being 15.86+- acres of land along the West Fork of the Red River (ORV 1150, Page 1263) acquired by Aspire from J&N Enterprises, for the purpose of further development of the Clarksville Greenway within ten (10) years, with the restriction that upon failure of the City to action to use the property for the purpose of and in furtherance of development of the Clarksville Greenway, then said property shall revert back to Clarksville Aspire Foundation ownership, all in accordance with the provisions of Exhibit A, and the Mayor is hereby authorized to execute any and all documents, to include any quit claim or general warranty deed, necessary to effectuate said transfer of land from Aspire to the City for the purposes described herein.

FIRST READING: April 4, 2019

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 51-2018-19

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF YVONNE RHODES, MARK HOLLEMAN-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF MADISON STREET AND TENTH 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-4 Single Family Residential District/H-1, as R-2 Single Family Residential District/H-1.

PUBLIC HEARING: April 4, 2019

FIRST READING: April 4, 2019

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 98 +/- feet southwest of the centerline of the Madison Street & 10th Street intersection, said point also being the northwest corner of the Cecil & Carlene Rhodes property, thence in a southerly direction 140 +/- feet with the western boundary of the Cecil & Carlene Rhodes property to a point, thence in a westerly direction 66 +/- feet along a new zone line to a point, said point being the southeast corner of the William H. Poland property, thence in a northerly direction 141 +/- feet to a point, said point being the northwest corner of the William H. Poland property and located in the southern right of way margin of Madison Street, thence in a easterly direction 64 +/- feet to the point of beginning, said tract containing 0.21 +/- acres further identified as Tax Map 66-K-M. Parcel 6.00 p/o

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES), TITLE 2 (ALCOHOLIC BEVERAGES), CHAPTER 1 (BEER) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE RELATIVE TO BEER PERMITS [DOWNTOWN COMMONS]

WHEREAS, the City Council has determined that it is appropriate to amend the Official Code of Ordinances of the City of Clarksville pertaining to beer.

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

(1) That **Section 2-105**, pertaining to beer “classes of permits,” is amended by adding a new sub-section six (6) as follows:

Section 2-105. Classes of permits.

- (6) With regard to any “on sale,” “special event,” or “caterer” beer permit application, or such beer permit issued, in connection with any event to be held or located at the “Downtown Commons,” the definition of “premises” (or permit “location”) shall mean and include any closed and blocked off or barricaded street contiguous to the Downtown Commons, as well as the boundaries of the Downtown Commons (said Downtown Commons property being owned by Montgomery County, which has exclusive authority and jurisdiction pursuant to state law of general application to issue, suspend, revoke beer permits and to otherwise regulate the sale, distribution, manufacture, storage, and possession of beer, as defined in state law of general application, within the real property boundaries of the Downtown Commons). It is the intent of this sub-section that “beer trucks,” “beer trailers,” and “beer tent” owners, sellers, and distributors, that are located within any closed and blocked off or barricaded street contiguous to the Downtown Commons, during an event being held at the Downtown Commons, after having paid the applicable fee and being issued the appropriate permit, shall not be subject to revocation, suspension, or civil penalty, due to lawful consumers possessing, consuming, or carrying open containers of beer from the aforesaid beer trucks, trailers or tents, into and onto the Downtown Commons. Any such application and / or issued permit shall specify the street name, and whether the permit is for a beer truck, trailer or tent, in addition to all other application and / or permit information otherwise required by state law of general application, this Chapter of the City Code, or by the Beer Board.

FIRST READING: April 4, 2019

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 59-2018-19

A RESOLUTION APPROVING APPOINTMENTS TO AFTER HOURS ESTABLISHMENT BOARD, BEER BOARD, COMMUNITY ACTION AGENCY BOARD, COMMUNITY HEALTH FOUNDATION, DESIGNATIONS COMMITTEE, MUSEUM BOARD, PARKING COMMISSION, AND PUBLIC ART COMMISSION

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

That the Clarksville City Council hereby approves the following appointments:

After Hours Establishment Board: Jeremy Bowles, Rhonda Davis - May 2019 through April 2021

Beer Board: John Hunt - April 2019 through March 2021

Community Action Agency Board: Travis Holleman - Coterminous

Community Health Foundation: Dr. David Denton, Rosalind Kurita, Joel Smith - June 2019 through May 2022

Designations Committee: Sean Craft, Bill Harpel, Mary Fisher - May 2019 through April 2021

Museum Board: Charles Booth, Brad Martin - January 2019 through December 2021; Stacey Streetman - May 2019 through December 2019

Parking Commission: Ryan Bowie - May 2019 through August 2020

Public Art Commission: Mike Fink, Linda Turner- June 2019 through May 2023; Wanda Smith - May 2019 through May 2020

ADOPTED:



CLARKSVILLE CITY COUNCIL REGULAR SESSION APRIL 4, 2019 MINUTES

PUBLIC COMMENTS

Prior to the meeting, Maurey Bland, Director of Player Personnel at Austin Peay State University, invited the Mayor and City Council to the football team's "Community Leaders Practice" on April 9th at Fortera Stadium.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, April 4, 2019, at 7:00 p.m. in City Council Chambers, 1 Public Square, Clarksville, Tennessee.

A prayer was offered by Pastor Katherine Walker, New Jerusalem 5 Fold Ministries, guest of Councilman Garrett; the Pledge of Allegiance was led by Miss Black Clarksville Scholarship Recipients Ajayla Rasin (Miss Black Clarksville), Shapell Queen (Junior Miss), Amaiya Stacker (Little Miss), and Caiyah Ann Ricks (Mini Miss).

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Vondell Richmond (Ward 2), Ron Erb (Ward 3), Tim Chandler (Ward 4) Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), Jeff Henley (Ward 9), Stacey Streetman (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (12)

ABSENT: David Allen, Mayor Pro Tem (Ward 8; Excused)

SPECIAL RECOGNITIONS

Mayor Pitts, along with Council Lady Smith, presented Certificates of Recognition to Chris Williams, Building & Codes Enforcement Officer, and to Scott Bibb, Street Department Assistant Director, for outstanding support for Ward 6 and dedication to the City of Clarksville.

Mayor Pitts presented a Certificate of Recognition to Mandy Phillips, Gas & Water Administrative Support Specialist, for saving the life of her mother, Shirley Williams, Street Department Administrative Support Specialist, during a medical crisis on February 23.

Mayor Pitts proclaimed April as the “Month of the Military Child” in the City of Clarksville and presented the proclamation to Deanna McLaughlin, member of the Interstate Compact for Military Children and former member of the City Council.

Mayor Pitts presented Certificates of Recognition to Emergency Medical Responder Willie Sims, Engineer Jason Philips, Engineer Willie Bailey, Engineer Glenn Stewart, Captain, Stuart Telfer, Engineer Bryan Hardwick, Engineer Steve Delle, Emergency Medical Responder Michael Long, Firefighter Chase Clinard, Captain Chris Ireland, Assistant Chief Jim Cain for their quick and professional action during two successive days of fires at the Frosty Morn building.

PLANNING COMMISSION PUBLIC HEARING

Councilman Garrett made a motion to conduct a public hearing. There was no objection.

ORDINANCE 51-2018-19 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Yvonne Rhodes, Mark Holleman-Agent, for zone change on property at the intersection of Madison Street and Tenth Street from R-4 Multiple Family Residential District/H-1 to R-2 Single Family Residential District/H-1

No one spoke for or against this request.

Councilman Garrett made a motion to revert to regular session. There was no objection.

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 51-2018-19**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhardt. Councilman Holleman stated his intent to abstain because of his family relationship with the agent. The following vote was recorded:

AYE: Burkhardt, Chandler, Erb, Garrett, Guzman, Henley, Pitts, Powers, Richmond, Smith, Streetman

ABSTAIN: Holleman

The motion to adopt this ordinance on first reading passed.

CONSENT AGENDA

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

1. **ORDINANCE 45-2018-19** (Second Reading) Amending the FY19 Operating Budget to increase appropriations and expenses for the Internal Service Fund
2. **ORDINANCE 46-2018-19** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William Belew for zone change on property at the intersection of Needmore Road and East Boy Scout Road from AG Agricultural District to R-1 Single Family Residential District
3. **RESOLUTION 53-2018-19** Approving a Certificate of Compliance for operation of University Package Store, 11 Jefferson Street
4. **RESOLUTION 54-2018-19** Approving a Certificate of Compliance for operation of University Package Store, 502-B Providence Boulevard
5. Adoption of Minutes: March 7

Councilman Burkhart made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Garrett. Councilman Chander and Councilman Erb registered a “nay” vote on Item #2, **ORDINANCE 46-2018-19**. The following vote was recorded:

AYE: Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Pitts, Powers, Richmond, Smith, Streetman

The motion to adopt the Consent Agenda as noted passed.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE *Councillady Stacey Streetman*

In the absence of Chairman David Allen, Councillady Streetman announced Triple S Construction had been awarded a contract in the amount of \$270,331.84 for a new stand-alone ADA-compliant restroom at Lettie Kendall Park. April 22-26 had been designated as CDBG Appreciation Week during which the Office of Community & Economic Development planned to host a breakfast for the area’s homeless service providers.

FINANCE COMMITTEE *Chairman Jeff Burkhart*

ORDINANCE 48-2018-19 (First Reading) Repealing ORDINANCE 39-2017-18 and accepting donation of certain real property from Wesley Chapel Christian Methodist Episcopal Church for the purpose of City demolition and authorizing donation of one half of said property to Habitat For Humanity and one half back to the Church

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 Garrett. There was no discussion. The following vote was recorded:

AYE: Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Pitts, Powers, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

ORDINANCE 49-2018-19 (First Reading) Authorizing purchase of property located at 2289 Cardinal Lane for SR374/Rossvie Road widening project

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. Mayor Pitts said since publication of this ordinance, the Clarksville Montgomery County School Board had agreed to donate this property. The motion and second were withdrawn.

Councilman Burkhart made another motion to adopt this ordinance on first reading, but the motion was not seconded. This motion failed due to lack of a second.

RESOLUTION 52-2018-19 Authorizing retirement of a patrol service dog “Solo” from the Clarksville Police K-9 Unit and donation to Police Officer Scruggs

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

AYE: Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Pitts, Powers, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

GAS & WATER COMMITTEE *Chairman Bill Powers*

ORDINANCE 47-2018-19 (First Reading) Authorizing extension of City of Clarksville utility services to property on Excell Road; request of James Vick

Councilman Powers made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. Councilman Powers said this property already had water and gas service and this would be an extension of sewer. The following vote was recorded:

AYE: Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Pitts, Powers, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

Councilman Powers shared the following monthly department statistics: 679 million gallons treated wastewater (96% capacity), 467 million gallons treated water (59% capacity).

PARKS & RECREATION *Chairlady Valerie Guzman*

Councillady Guzman mentioned upcoming events including City Employee Golf Scramble, Father-Daughter Date Night, Wettest Egg Hunt, and Family Spring Fling,

PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

Councilman Henley shared the following monthly department statistics: Building & Codes - 1,016 inspections, 263 enforcement cases, 89 single family permits, 15 abatement work orders; Fire Rescue - 659 calls, one new fire truck, one baby delivery; Police - 12,953 calls, 14 cadet graduations, one juvenile apprehension,

STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

Councilman Chandler shared the following monthly department statistics: Garage - 356 work orders, 737 manhours, regular gas \$2.07/gallon, diesel fuel \$2.12/gallon; Streets - 278 work orders, paving of Twelve Oaks Boulevard, Peachtree, Abrams, Buchannan, Filmore, Garfield, Harding, and McKinney, with Stone Crossing, Parkway Place, and Verkler next.

The Street Department's spring debris pickup was beginning. The department would be seeking public input regarding revisions to the existing sidewalk matrix.

Councilman Chandler said a good turnout of citizens attended a public meeting regarding intersection improvements at Whitfield Road & Needmore Road.

TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councillady Smith shared the following monthly department statistics: 57,046 passengers including 6,900 senior citizens and 3,334 Para-Transit/Lift passengers,

NEW BUSINESS

ORDINANCE 50-2018-19 (First Reading) Accepting donation of property along the west fork of Red River from Aspire Clarksville Foundation for future development of the Clarksville Greenway

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

AYE: Burkhart, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Pitts, Powers, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

ORDINANCE 52-2018-19 (First Reading) Amending the Official Code relative to sale of beer at Downtown Commons

Because this ordinance was not on the March 28th Executive Session agenda, Councilwoman Smith made a motion to consider this ordinance on first reading. The motion was seconded by Councilman Powers. The following vote was recorded:

AYE: Burkhardt, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Pitts, Powers, Richmond, Smith, Streetman

The motion to consider passed. Councilman Henley made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Powers. City Attorney Lance Baker said this amendment was necessary to allow sale and consumption of beer on streets that are closed for special events at the Downtown Commons park. The following vote was recorded:

AYE: Burkhardt, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Pitts, Powers, Smith, Streetman

NAY: Richmond

The motion to adopt this ordinance on first reading passed.

MAYOR AND STAFF REPORTS

Mayor Pitts recognized Michelle Newell, Montgomery County Communications Director, and her husband, Marc Harris, former member of the City Council.

ADJOURNMENT

The meeting was adjourned at 7:49 p.m.

ORDINANCE 54-2018-19

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM JOSEPH L. GENDREAU TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF CONSTRUCTING ADDITIONAL PARKING AT THE POLLARD RD GREENWAY TRAILHEAD.

WHEREAS, Joseph L. Gendreau owns certain real property located at 1100 Pollard Rd. being Map and Parcel 42-17.00 and of record at Official Record Book Volume 515, Page 1582, in the Register's Office for Montgomery County, Tennessee;

WHEREAS, the City plans to utilize the donated property to construct additional parking for the Pollard Rd. Greenway Trailhead;

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation of said real property from Joseph L. Gendreau be accepted with appreciation.

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

1. The City hereby accepts the donation of certain real property from Joseph L. Gendreau, being a portion of property recorded in Official Record Book Volume 515, Page 1582, in the Register's Office for Montgomery County, Tennessee; and more particularly described in "Exhibit A" attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said real property for the purposes of constructing additional Greenway parking.
3. That this ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

PROPERTY DESCRIPTION OF A PORTION OF THE JOSEPH GENDREAU, ET UX
PROPERTY

A tract of land located in the Third Civil District of Montgomery County, Tennessee, and being located at the eastern terminus of Pollard Road. Said tract is a portion of the Joseph Gendreau, et ux property as described in O.R.V. 515, Page 1582 R.O.M.C.T. and is more fully described as follows:

Beginning at a new iron pin being in the east margin of the City of Clarksville property as described in O.R.V. 630, Page 1476 R.O.M.C.T., said point being located 0.62 miles from the centerline intersection of Pollard Road and Lennox Road; said point having Tennessee State Plane coordinates North 817447.39, East 1570974.31.

Thence along the eastern line of said City of Clarksville property on a curve to the left, said curve having a radius of 1004.93', arc length of 318.11' and being subtended by a chord having a bearing of North 12° 07' 16" West for a distance of 316.78' to a new iron pin;

Thence on a new line North 67° 40' 16" East for a distance of 236.09' to an iron pin set;

Thence on a new line South 64° 09' 47" East for a distance of 25.00' to an iron pin set;

Thence on a new line South 05° 03' 05" East for a distance of 139.64' to an iron pin set;

Thence on a new line South 08° 49' 18" West for a distance of 150.35' to an iron pin set;

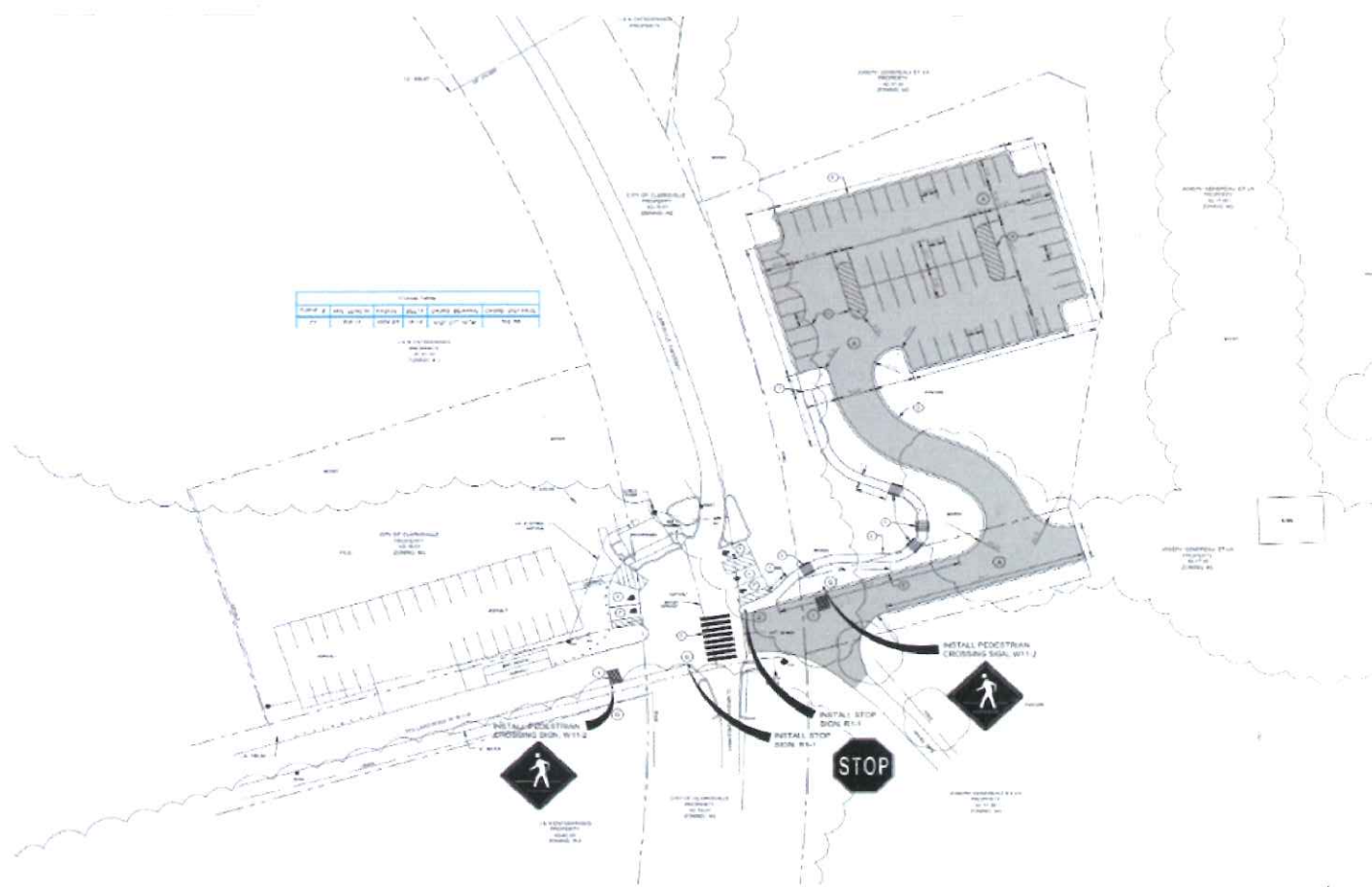
Thence on a new line South 16° 34' 15" East for a distance of 50.00' to an iron pin set;

Thence on a new line South 73° 25' 45" West for a distance of 185.57' to the point of beginning.

All iron pins are ½" X 18" rebar with plastic cap stamped "Suiter 1837".

Said property contains 1.598 acres, more or less.

Said property is subject to all covenants, easements, restrictions, and right-of-ways of record.



ORDINANCE 55-2018-19

AN ORDINANCE AMENDING THE OFFICIAL CODE PERTAINING TO THE DESIGNATION OF THE DISTRICT MANAGEMENT CORPORATION FROM THE TWO RIVERS COMPANY (NON-PROFIT CORPORATION) TO THE ECONOMIC DEVELOPMENT COUNCIL

WHEREAS, pursuant to Tennessee Code Annotated Section 7-84-501 et. seq., and Ordinance 1-1997-98 (approved on second reading by the City Council on October 2, 1997 and published (and effective) on October 9, 1997), the City previously created a “central business improvement district” (*see* Tenn. Code Ann. Section 7-84-510), and further, *inter alia*, said ordinance specified the district boundaries (by specifying specific parcels fronting on a portion of Franklin Street in downtown Clarksville), specified that all properties within the boundaries of the district shall be subject to the levy of a special assessment, and specified the initial improvements, services, and projects authorized to be constructed, installed or provided within and for the district (known as the “Franklin Street Sidewalk Improvements”), specified the rate of levy of the special assessment (how it was to be paid, how it was to be calculated, and by whom the levy of assessment was to be paid), and further, said ordinance authorized the creation, appointment and incorporation of a “district management corporation,” (to be known as the “Clarksville CBID Management Corporation”) as provided for by Tenn. Code Ann. §7-84-501 et. seq., and further specified the organizational makeup of the board of directors of said district management corporation (and specifically named the first board of directors); and

WHEREAS, pursuant to Tenn. Code Ann. §7-84-501 et. seq., and Ordinance 41-1998-99 (adopted April 1, 1999, and codified at City Code of Ordinances, Title 12 (Streets and Other Public Ways and Places), Chapter 9 (Central Business Improvement District), Section 12-902. Boundaries.), the City created, or continued to maintain, a “central business improvement district” (*see* Tenn. Code Ann. §7-84-510), and specified the boundaries thereof (enlarged from the previous boundaries specified in Ordinance 1-1997-98); and

WHEREAS, pursuant to Ordinance 41-1998-99, the City authorized (and in effect appointed) a “district management corporation to be chartered pursuant to the provisions of the Tennessee Nonprofit Corporation Act for the purpose of administering the activities for and within the district, the making of improvements within and for the district, and the provision of services within and for the district,” said district management corporation was to be formally known as the “Clarksville CBID District Management Corporation of 1999,” (which formerly did business as, and was known as, the “Downtown District Partnership,” which d/b/a name was later changed to the “Two Rivers Company” or “TRC”), and which further specified the organizational makeup of the board of directors of the district management corporation (and which organizational makeup has since been amended several times); and

WHEREAS, Tenn. Code Ann. Section 7-84-502 sets forth the purpose of the General Assembly in enacting the “Central Business Improvement Act of 1990” (Tenn. Code Ann. Section 7-84-501 et. seq.) and provides *inter alia* that “the General Assembly finds that (1) Municipalities should be encouraged to create self-financing central business improvement districts and designate district management corporations to execute self-help programs to enhance their local business climates” (emphasis added); and

WHEREAS, Tenn. Code Ann. Section 7-84-505 provides, *inter alia*, that Tenn. Code Ann. Title 7 (Consolidated Governments and Local Governmental Functions and Entities), Chapter 84 (Central Business Improvement District Act of 1971), Part 5 (Central Business Improvement District Act of 1990), “shall constitute full authority for the making of improvements, creation of central business improvement districts, [and] levy of assessments ...”; and

WHEREAS, Tenn. Code Ann. Section 7-84-519 pertains to the creation or appointment of an “advisory board” as a “district management corporation” and provides in pertinent part as follows:

TCA 7-84-519. District management corporation.

- (a) The governing body of the municipality, in the establishment ordinance *or any other ordinance of the municipality, may create an advisory board, or appoint an existing organization, to act as an advisory board for the purpose of making recommendations for the use of special assessment revenues* and for the purpose of administering activities within and for the district, the making of improvements within and for the district, and the provision of services and projects within and for the district.
- (b) Such newly created board or existing organization so created or appointed shall be known and referred to in this part as the district management corporation.
- (c) The governing body may contract with the district management corporation for the services to be provided by such corporation. *Such district management corporation must comply with all applicable law, including this part, with all city resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.*
- (d) ... [provision pertaining to appointment of Speaker of the Senate and Speaker of House of Representatives serving as ex officio members on board of directors for district management corporation]
- (e) *The district management corporation **shall** submit an annual budget for review and approval by the governing body. This budget **shall** include a statement of the improvements to be made, the services to be provided and the projects and activities to be conducted during the ensuing fiscal year, the proposed program budget, and a statement of the assessment rates for financing the proposed budget.*

(emphasis added); and

WHEREAS, the Officers and Board of Directors of the Two Rivers Company, and the Officers and Board of Directors of the Economic Development Council (hereafter “EDC”), have requested that the City repeal the designation of the Two Rivers Company as the “district management corporation” and designate instead the EDC as the “district management corporation,” within the meaning of Tenn. Code Ann. §7-84-501, et. seq.; and

WHEREAS, the City Council finds it to be in the best interest of the City to repeal the designation of the Two Rivers Company as the “district management corporation” for the “central business improvement district,” and to designate instead the EDC as the “district management corporation,” for “the purpose of making recommendations for the use of special assessment revenues and for the purpose of administering activities within and for the district, the making of improvements within and for the district, and the provision of services and

projects within and for the district,” within the meaning of Tenn. Code Ann. §7-84-501, et. seq.; and

WHEREAS, pursuant to the current governing documents for the EDC, the City Mayor, as well as a ward City Council member, serve on the EDC board; and

WHEREAS, in view of the City’s intent to appoint the EDC as the “district management corporation,” which confers and delegates significant municipal powers upon the EDC, the City Council further finds it desirable that the City Mayor, and a member of the City Council, appointed by the Mayor and approved by majority vote of the City Council, should continue to serve as a voting member of the EDC Board of Directors for at least so long as the EDC is designated as the “district management corporation,” and that should the EDC fail or cease to maintain and provide through its Charter and / or by-laws as may be applicable, for the membership of the City Mayor and a ward member of the City Council as a member of the EDC board, the designation of the EDC as the “district management corporation” should be void and of no effect.

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

- (1) That the Official Code of the City of Clarksville, Title 12 (Streets and Other Public Ways and Places), Chapter 9 (Central Business Improvement District), Section 12-905 (District management corporation), which, inter alia, designated the “Two Rivers Company” as the “district management corporation” for the “central business improvement district,” is hereby repealed, and said City Code section is hereby amended by deleting same in its entirety, and substituting therefore the following new Section 12-905:

Section 12-905. District management corporation.

The Economic Development Council (EDC) is hereby designated as the “district management corporation” within the meaning of Tenn. Code Ann. §7-84-501, et. seq., and specifically in accordance with Tenn. Code Ann. §7-84-519, for the “central business improvement district.” Said “district management corporation” shall have all powers, duties, and obligations as is provided for within Tenn. Code Ann. §7-84-501, et. seq., and the provisions of City Code, Title 12 (Streets and Other Public Ways and Places), Chapter 9 (Central Business Improvement District).

- (2) The provisions of this ordinance, and the designation of the EDC as the “district management corporation,” is contingent upon the EDC continuing to maintain the City Mayor, and a member of the City Council, appointed by the Mayor and approved by majority vote of the City Council, continuing to serve as a voting member of the EDC Board of Directors for at least so long as the EDC is designated as the “district management corporation,” and should the EDC fail or cease to maintain and provide through its Charter and / or by-laws as may be applicable, for the membership of the City Mayor and a ward member of the City Council as a member of the EDC board, the designation of the EDC as the “district management corporation” should be void and of no effect.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 56-2018-19

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM PROGRESS PROPERTIES, LLC TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF A SANITARY SEWER PUMP STATION KNOWN AS THE PROGRESS DRIVE PUMP STATION

WHEREAS, PROGRESS PROPERTIES, LLC have agreed to donate certain real property to the City of Clarksville for the placement and operation of a sanitary sewer pump station within Progress Properties Industrial Park, known as the Progress Drive Pump Station; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from PROGRESS PROPERTIES, LLC be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from the PROGRESS PROPERTIES, LLC, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 995, Page 2212, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Progress Properties, LLC property
1066 Progress Drive
0.065 acres

Map 033J, Group A, Parcel 010.00
Recorded in Volume 995, Page 2212 R.O.M.C.T.
Civil District 6th

Being the parcel joining Lots 9 and 10 on the recorded final plat of Progress Properties Industrial Park, in Plat Book F, Pages 284-285 ROMCT shown as “City of Clarksville Property.”

Also described as follows:

Beginning at an iron pin lying on the right-of-way of Progress Drive, said pin being the northeast corner of the Progress Properties, LLC property, and being a western corner of Lot 9 of Progress Properties Industrial Park as recorded in Plat Book F, Pages 284-285;

Thence, leaving the right-of-way of Progress Drive and along the common property line of the Progress Properties, LLC property and Lot 9 for the next two calls, **South 18 degrees 27 minutes 35 seconds East** 120.12 feet to a point;

Thence, **South 71 degrees 32 minutes 25 seconds West** 10.00 feet to a point;

Thence, leaving Lot 9 and along the common property line of the Progress Properties, LLC property and Lot 10 of Progress Properties Industrial Park as recorded in Plat Book F, Pages 284-285 for the next four calls, **South 71 degrees 32 minutes 25 seconds West** 25.00 feet to a point;

Thence, **North 18 degrees 27 minutes 35 seconds West** 30.00 feet to a point;

Thence, **North 71 degrees 32 minutes 25 Seconds East** 15.00 feet to a point;

Thence, **North 18 degrees 27 minutes 35 Seconds West** 90.12 feet to a point, said point lying on the right-of-way of Progress Drive and being the northwest corner of the Progress Properties, LLC property and the northeast corner of Lot 10;

Thence, leaving Lot 10 and along the right-of-way of Progress Drive, along a curve, concave northwesterly having a radius of 50.00 feet, an arc length of 20.14 feet, and a chord bearing **North 71 degrees 32 minutes 25 seconds East** 20.00 feet back to the point of beginning, containing 0.065 acres more or less.

ORDINANCE 57-2018-19

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM ROSSVIEW FARMS LLC TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF A SANITARY SEWER PUMP STATION KNOWN AS THE VICTORIA RIDGE PUMP STATION

WHEREAS, ROSSVIEW FARMS LLC have agreed to donate certain real property to the City of Clarksville for the placement and operation of a sanitary sewer pump station within Farmington Section Three, known as the Victoria Ridge Pump Station; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from ROSSVIEW FARMS LLC be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from the ROSSVIEW FARMS LLC, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 1329, Page 565, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Rossview Farms LLC property
319 Retriever Court
0.32acres

Map 039O, Group B, Parcel 038.00
Recorded in Volume 1329, Page 565 R.O.M.C.T.
Civil District 1st

Being the parcel joining Lots 245, 246 and dedicated Open Space shown on the recorded final plat of Farmington Section Three, in Plat Book F, Pages 805-806 ROMCT shown as “City of Clarksville Property.”

Also described as follows:

Beginning at an iron pin lying on the northern right-of-way of Retriever Court, said pin being the southwest corner of the Rossview Farms LLC property, and being a southern corner of the dedicated Open Space shown on the recorded final plat of Farmington Section Three in Plat Book F, Pages 805-806;

Thence, leaving the right-of-way of Retriever Court and along the common property line of the Rossview Farms LLC property and dedicated Open Space for the next two calls, **North 08 degrees 18 minutes 57 seconds East** 187.34 feet to a point;

Thence, **South 81 degrees 41 minutes 03 seconds East** 260.00 feet to a point;

Thence, leaving the dedicated Open Space and along the common property line of the Rossview Farms LLC property and the Meta Silvey Family Limited Partnership property as recorded in Volume 614, Page 1692 ROMCT, **South 08 degrees 18 minutes 57 seconds West** 40.00 feet to a point;

Thence, leaving the Meta Silvey Family Limited Partnership property and along the common property line of the Rossview Farms LLC property and Lot 246 of Farmington Section Three as recorded in Plat Book F, Pages 805-806, **North 81 degrees 41 minutes 03 seconds West** 128.70 feet to a point;

Thence, leaving Lot 246 and along the common property line of the Rossview Farms LLC property and Lot 245 of Farmington Section Three as recorded in Plat Book F, Pages 805-806 for the next two calls, **North 81 degrees 41 minutes 03 seconds West** 106.30 feet;

Thence, **South 08 degrees 18 minutes 57 seconds West** 147.34 feet to a point, said point lying on the right-of-way of Retriever Court and being the southeast corner of the Rossview Farms LLC property and the southwest corner of Lot 245;

Thence, leaving Lot 245 and along the right-of-way of Retriever Court, **North 81 degrees 41 minutes 03 seconds West** 25.00 feet back to the point of beginning, containing 0.32 acres more or less.

ORDINANCE 58-2018-19

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM HOLLY POINT, LLC TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF A SANITARY SEWER PUMP STATION KNOWN AS THE EASTHAVEN PUMP STATION

WHEREAS, HOLLY POINT, LLC have agreed to donate certain real property to the City of Clarksville for the placement and operation of a sanitary sewer pump station within Easthaven Section 1 Cluster, known as the Easthaven Pump Station; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from HOLLY POINT, LLC be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from HOLLY POINT, LLC, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 1372, Page 2093, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Holly Point, LLC property
3945 Hwy 41-A S
0.58 acres

Map 087, Parcel 033.05
Recorded in Volume 1372, Page 2093 R.O.M.C.T.
Civil District 10th

Being the parcel joining Lots 19, 20 and 21 on the recorded final plat of Easthaven Section 1 Cluster, in Plat Book G, Page 239 ROMCT shown as “City of Clarksville Property” and joining Lot 57 on the recorded final plat of Easthaven Section 2B (Cluster), in Plat Book I, Page 219 ROMCT.

Also described as follows:

Beginning at an iron pin lying on the right-of-way of Hwy 41-A S, said pin being the southwest corner of the Holly Point, LLC property, and being a southern corner of Lot 19 of Easthaven Section 1 Cluster as recorded in Plat Book G, Page 239;

Thence, leaving the right-of-way of Hwy 41-A S and along the common property line of the Holly Point, LLC property and Lot 19 for the next two calls, **North 17 degrees 36 minutes 07 seconds East** 67.50 feet to a point;

Thence, **North 89 degrees 01 minutes 57 seconds East** 48.07 feet to a point;

Thence, leaving Lot 19 and along the common property line of the Holly Point, LLC property and Lot 20 of Easthaven Section 1 Cluster as recorded in Plat Book G, Page 239, **North 89 degrees 01 minutes 57 seconds East** 87.42 feet to a point;

Thence, leaving Lot 20 and along the common property line of the Holly Point, LLC property and Lot 21 of Easthaven Section 1 Cluster as recorded in Plat Book G, Page 239, **North 89 degrees 01 minutes 57 seconds East** 13.32 feet to a point;

Thence, leaving Lot 21 and along the common property line of the Holly Point, LLC property and Lot 57 of Easthaven Section 2B (Cluster) as recorded in Plat Book I, Page 219, **South 51 degrees 32 minutes 22 seconds East** 168.23 feet to a point, said point lying on the right-of-way of Easthaven Drive;

Thence, leaving Lot 57 and along the right-of-way of Easthaven Drive for the next two calls, along a curve, concave northwesterly having a radius of 205.00 feet, an arc length of 32.80 feet, and a chord bearing **South 32 degrees 27 minutes 36 seconds West** 32.77 feet to a point;

Thence, along a curve, concave northwesterly having a radius of 25.00 feet, an arc length of 34.52 feet, and a chord bearing **South 67 degrees 26 minutes 19 seconds West** 31.85 feet to a point, said point lying on the right-of-way of Hwy 41-A S;

Thence, leaving the right-of-way of Easthaven Drive and along the right-of-way of Hwy 41-A S, **North 72 degrees 59 minutes 55 Seconds West** 265.55 feet back to the point of beginning, containing 0.58 acres more or less.

ORDINANCE 59-2018-19

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM MAGNOLIA DRIVE PARTNERSHIP TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF A SANITARY SEWER PUMP STATION KNOWN AS THE SANGO MILLS PUMP STATION

WHEREAS, MAGNOLIA DRIVE PARTNERSHIP have agreed to donate certain real property to the City of Clarksville for the placement and operation of a sanitary sewer pump station within Sango Mills Section 1B (Cluster), known as the Sango Mills Pump Station; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from MAGNOLIA DRIVE PARTNERSHIP be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from the MAGNOLIA DRIVE PARTNERSHIP, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 1684, Page 487, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Magnolia Drive Partnership property
112 Brumfield Court
0.13 acres

Map 087C, Group A, Parcel 004.01
Recorded in Volume 1684, Page 487 R.O.M.C.T.
Civil District 11th

Being the parcel joining Lots 4, 5 and dedicated Open Space on the recorded final plat of Sango Mills Section 1B (Cluster), in Plat Book J, Page 103 ROMCT shown as “City of Clarksville.”

Also described as follows:

Beginning at an iron pin lying on the right-of-way of Brumfield Court, said pin being the westernmost corner of the Magnolia Drive Partnership property, and being the northeastern corner of Lot 4 of Sango Mills Section 1B (Cluster) as recorded in Plat Book J, Page 103;

Thence, leaving Lot 4 and along the right-of-way of Brumfield Court, along a curve turning to the left through an angle of 30 degrees 00 minutes 00 seconds, having a radius of 50.00 feet, an arc length of 26.18 feet, and whose long chord bears **North 32 degrees 36 minutes 57 seconds East 25.88 feet** to a point, said point being a western corner of Lot 5 Sango Mills Section 1B (Cluster) as recorded in Plat Book J, Page 103;

Thence, leaving the right-of-way of Brumfield Court and along the common property line of the Magnolia Drive Partnership property and Lot 5 for the next three calls, **South 42 degrees 23 minutes 03 seconds East 162.79 feet** to a point;

Thence, **North 47 degrees 36 minutes 57 seconds East 15.00 feet** to a point;

Thence, **South 42 degrees 23 minutes 03 Seconds East 29.50 feet** to a point;

Thence, leaving Lot 5 and along the common property line of the Magnolia Drive Partnership property and dedicated Open Space shown on Sango Mills Section 1B (Cluster) as recorded in Plat Book J, Page 103 for the next two calls, **South 42 degrees 23 minutes 03 seconds East 19.77 feet** to a point;

Thence, **South 47 degrees 36 minutes 57 seconds West 40.00 feet** to a point, said point being the southeast corner of Lot 4 of Sango Mills Section 1B (Cluster) as recorded in Plat Book J, Page 103;

Thence, leaving dedicated Open Space and along the common property line of the Magnolia Drive Partnership property and Lot 4, **North 42 degrees 23 minutes 03 seconds West 205.36 feet** back to the point of beginning, containing 5,927 square feet or 0.13 acres more or less.

ORDINANCE 60-2018-19

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM BETTY D. MAYNARD TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF A SANITARY SEWER PUMP STATION KNOWN AS THE IVY BEND PUMP STATION

WHEREAS, BETTY D. MAYNARD has agreed to donate certain real property to the City of Clarksville for the placement and operation of a sanitary sewer pump station within Ivy Bend Section 1 Cluster, known as the Ivy Bend Pump Station; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from BETTY D. MAYNARD be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from BETTY D. MAYNARD, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 856, Page 1661, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Betty D. Maynard property
295 Ivy Bend Circle
0.36 acres

Map 087F, Group A, Parcel 017.00
Recorded in Volume 856, Page 1661 R.O.M.C.T.
Civil District 10th

Being the parcel joining Lots 13, 14 and 15 shown on the recorded final plat of Ivy Bend Section 1 Cluster, in Plat Book F, Page 903 ROMCT shown as “City of Clarksville Property.”

Also described as follows:

Beginning at an iron pin lying on the western right-of-way of Ivy Bend Circle, said pin being the northeast corner of the Betty D. Maynard property, and being the southeastern corner of Lot 13 on the recorded final plat of Ivy Bend Section 1 Cluster in Plat Book F, Page 903;

Thence, leaving the right-of-way of Ivy Bend Circle and along the common property line of the Betty D. Maynard property and Lot 13 for the next three calls, **North 80 degrees 50 minutes 09 seconds West** 55.00 feet to a point;

Thence, **North 77 degrees 03 minutes 45 seconds West** 127.69 feet to a point;

Thence, **South 54 degrees 41 minutes 59 seconds West** 200.21 feet to a point;

Thence, leaving Lot 13 and along the common property line of the Betty D. Maynard property and the Austin Peay State University Foundation property as recorded in Volume 1364, Page 2401 ROMCT for the next seven calls, **South 56 degrees 58 minutes 37 seconds West** 142.60 feet to a point;

Thence, **North 33 degrees 01 minutes 23 seconds West** 12.99 feet to a point;

Thence, **South 56 degrees 58 minutes 37 seconds West** 64.53 feet to a point;

Thence, **South 33 degrees 01 minutes 23 seconds East** 52.00 feet to a point;

Thence, **North 56 degrees 58 minutes 37 seconds East** 66.53 feet to a point;

Thence, **North 33 degrees 01 minutes 23 seconds West** 14.51 feet to a point;

Thence, **North 55 degrees 48 minutes 44 seconds East** 122.99 feet to a point;

Thence, leaving the Austin Peay State University Foundation property and along the common property line of the Betty D. Maynard property and Lot 15 of Ivy Bend Section 1 Cluster as recorded in Plat Book F, Page 903, **North 56 degrees 58 minutes 37 seconds East** 89.33 feet to a point;

Thence, leaving Lot 15 and along the common property line of the Betty D. Maynard property and Lot 14 of Ivy Bend Section 1 Cluster as recorded in Plat Book F, Page 903 for the next two calls, **North 56 degrees 58 minutes 37 seconds East** 119.13 feet to a point;

Thence, **South 80 degrees 50 minutes 09 seconds East** 169.15 feet to a point, said point lying on the right-of-way of Ivy Bend Circle and being the northeast corner of Lot 14;

Thence, leaving Lot 14 and along the right-of-way of Ivy Bend Circle, **North 09 degrees 09 minutes 51 seconds East** 20.00 feet back to the point of beginning, containing 0.36 acres more or less.

ORDINANCE 61-2018-19

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM C.D. BAGGETT FAMILY LIMITED PARTNERSHIP TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF A SANITARY SEWER PUMP STATION KNOWN AS THE BROWNSVILLE PUMP STATION

WHEREAS, C.D. BAGGETT FAMILY LIMITED PARTNERSHIP have agreed to donate certain real property to the City of Clarksville for the placement and operation of a sanitary sewer pump station within Clover Hills Section 3B, known as the Brownsville Pump Station; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from C.D. BAGGETT FAMILY LIMITED PARTNERSHIP be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from the C.D. BAGGETT FAMILY LIMITED PARTNERSHIP, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 959, Page 2593, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

C.D. Baggett Family Limited Partnership property
704 B Superior Lane
0.14 acres

Map 063K, Group A, Parcel 040.00
Recorded in Volume 959, Page 2593 R.O.M.C.T.
Civil District 11th

Being the parcel joining Lots 228 and 229 on the recorded final plat of Clover Hills Section 3B, in Plat Book E, Page 1132 ROMCT shown as “City of Clarksville Property.”

Also described as follows:

Beginning at an iron pin lying on the right-of-way of Superior Lane, said pin being the southwest corner of the C.D. Baggett Family Limited Partnership property, and being the southeast corner of Lot 229 of Clover Hills Section 3B as recorded in Plat Book E, Page 1132;

Thence, leaving the right-of-way of Superior Lane and along the common property line of the C.D. Baggett Family Limited Partnership property and Lot 229, **North 28 degrees 01 minutes 22 seconds East** 222.26 feet to a point;

Thence, leaving Lot 229 and along the common property line of the C.D. Baggett Family Limited Partnership property and the Bristol Ridge Apartments, LLC property as recorded in Volume 1851, Page 2594 ROMCT, **South 87 degrees 20 minutes 01 seconds East** 44.77 feet to a point;

Thence, leaving the Bristol Ridge Apartments, LLC property and along the common property line of the C.D. Baggett Family Limited Partnership property and Lot 228 of Clover Hills Section 3B as recorded in Plat Book E, Page 1132 for the next three calls, **South 28 degrees 01 minutes 22 seconds West** 87.87 feet to a point;

Thence, **South 59 degrees 33 minutes 29 seconds West** 48.68 feet to a point;

Thence, **South 28 degrees 01 minutes 22 seconds West** 112.54 feet to a point, said point lying on the right-of-way of Superior Lane and being the southeast corner of the C.D. Baggett Family Limited Partnership property and the southwest corner of Lot 228;

Thence, leaving Lot 228 and along the right-of-way of Superior Lane, along a curve, concave southwesterly having a radius of 240.00 feet and an arc length of 15.01 feet, back to the point of beginning, containing 0.14 acres more or less.

ORDINANCE 62-2018-19

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM CLC HIDDEN SPRINGS TO THE CITY OF CLARKSVILLE FOR THE PURPOSE OF A SANITARY SEWER PUMP STATION KNOWN AS THE HIDDEN SPRINGS PUMP STATION

WHEREAS, CLC HIDDEN SPRINGS, a Tennessee Limited Partnership, have agreed to donate certain real property to the City of Clarksville for the placement and operation of a sanitary sewer pump station within Hidden Springs, known as the Hidden Springs Pump Station; and

WHEREAS, the Clarksville City Council has determined that it is in the best interests of the City and its residents that the donation from CLC HIDDEN SPRINGS be accepted with appreciation;

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

1. That the City of Clarksville hereby accepts the donation of certain real property from CLC HIDDEN SPRINGS, being a portion of the property conveyed to donor, by deed of record in Official Record Book Volume 1385, Page 2965, in the Register's Office for Montgomery County, Tennessee, and being more particularly described in "Exhibit A," attached hereto.
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

**CLC Hidden Springs property
1311 Morstead Drive
0.098 acres**

Map 029K, Group A, Parcel 048.00
Recorded in Volume 1385, Page 2965 R.O.M.C.T.
Civil District 3rd

Being the parcel joining Lots 36 and 37 on the recorded final plat of Hidden Springs Section 1A Cluster, in Plat Book F, Pages 1124-1125 ROMCT shown as “City of Clarksville Property.”

Also described as follows:

Beginning at an iron pin lying on the right-of-way of Morstead Drive, said pin being the northwest corner of the CLC Hidden Springs property, and being a southern corner of Lot 36 of Hidden Springs Section 1A Cluster as recorded in Plat Book F, Pages 1124-1125;

Thence, leaving the right-of-way of Morstead Drive and along the common property line of the CLC Hidden Springs property and Lot 36 for the next four calls, **North 68 degrees 56 minutes 43 seconds East** 114.33 feet to a point;

Thence, **North 21 degrees 03 minutes 17 seconds West** 20.00 feet to a point;

Thence, **North 68 degrees 56 minutes 43 seconds East** 51.26 feet to a point;

Thence, South 21 degrees 03 minutes 17 Seconds East 40.00 feet to a point;

Thence, leaving Lot 36 and along the common property line of the CLC Hidden Springs property and Lot 37 of Hidden Springs Section 1A Cluster as recorded in Plat Book F, Pages 1124-1125, **South 68 degrees 56 minutes 43 seconds West** 161.42 feet to a point, said point lying on the right-of-way of Morstead Drive and being the southwest corner of the CLC Hidden Springs property and the northwest corner of Lot 36;

Thence, leaving Lot 36 and along the right-of-way of Morstead Drive, along a curve, concave westerly having a radius of 50.00 feet, an arc length of 20.58 feet, and a chord bearing **North 32 degrees 50 minutes 38 seconds West** 20.43 feet back to the point of beginning, containing 0.098 acres more or less.

ORDINANCE 63-2018-19

AN ORDINANCE APPROVING AN AMENDMENT TO ORDINANCE 24-2017-18 REGARDING THE APPROVAL OF A CLARKSVILLE HOUSING AUTHORITY PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT FOR THE “SOUTH CENTRAL VILLAGE” PROJECT, A LOW INCOME HOUSING TAX CREDIT DEVELOPMENT

WHEREAS, the City has previously adopted Ordinance 24-2017018, on December 17, 2017, that approved a Clarksville Housing Authority (“CHA”) payment in lieu of taxes (PILOT) agreement for the “South Central Village,” a low income housing tax credit development (“LIHTC”); and

WHEREAS, Ordinance 24-2017-18 incorporated by reference Exhibit A (PILOT Agreement between CHA and LSA Grier South Central Village of Clarksville, LLC) and Exhibit B (Cooperation Agreement between CHA and City); and

WHEREAS, Exhibit B (Cooperation Agreement between CHA and City) needs to be amended to mirror the Cooperation Agreement entered into between the CHA and Montgomery County, which differs in some respects; and

WHEREAS, the City Council finds that the prior City Ordinance 24-2017-18 should be amended by substituting the version of the Cooperation Agreement executed by Montgomery County for the version attached as Exhibit B to the previously approved City Ordinance 24-2017-18.

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

1. That Ordinance 24-2017-18, previously adopted on December 7, 2017, is hereby amended by deleting Exhibit B (Cooperation Agreement between CHA and City) thereto, and substituting and inserting therefore a new Exhibit B (Cooperation Agreement between CHA and City), attached hereto and incorporated herein, and said new Exhibit B to have the same force and effect as if it were adopted and approved as of December 7, 2017-18, the effective date of the original Ordinance 24-2017-18, all pertaining to the Clarksville Housing Authority (“CHA”) payment in lieu of taxes (PILOT) agreement for the “South Central Village,” a low income housing tax credit development (“LIHTC”), located at 1420 Paradise Hill Road, Clarksville, Montgomery County, Tennessee.
2. That the Mayor, and the City Attorney, are hereby authorized to execute any and all documentation necessary to effectuate the intent and purposes of Ordinance 24-2017-18 and this Ordinance amending same.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Exhibit B

COOPERATION AGREEMENT (Clarksville Housing Authority)

THIS COOPERATION AGREEMENT (the "Agreement") entered into as of this ____ day of _____, 2017, by and between CLARKSVILLE HOUSING AUTHORITY (herein called the "Local Authority") and the CITY OF CLARKSVILLE and COUNTY OF MONTGOMERY (herein collectively called the "Municipality"), witnesseth:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this Agreement:
 - a. The term Project shall mean LSA Grier South Central Village of Clarksville, LLC ("Lessee"), a residential rental affordable housing development that is restricted under government regulations pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, which is located on real property leased from the Local Authority pursuant to a ground lease that complies with, among other things, the applicable Qualified Allocation Plan of the Tennessee Housing Development Agency; such Project having been determined by the Local Authority to be in furtherance of its public purposes.
 - b. The term Taxing Body shall mean the State or any political subdivision or taxing unit thereof in which the Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to the Project if it were not exempt from taxation.
 - c. The term PILOT Payment shall mean the Base Rent. The Base Rent shall be equal to the sum of (A) \$12,624.14 (or the \$94.21 per unit) for the City of Clarksville, and (B) \$45,158.00 (or the \$337.00 per unit) for the County of Montgomery, Tennessee. Commencing in 2019, the Base Rent shall be increased by the annual adjustment factor applicable to the Project published by the Department of Housing and Urban Development as provided by Section 8 of the U.S. Housing Act of 1937.

2. The Local Authority shall endeavor to confirm the funding from low income housing tax credits or equivalent governmental financing from the Tennessee Housing Development Agency covering a portion of the rehabilitation of the Project.

3.
 - a. Under the constitution and statutes of the State of Tennessee, the Project is exempt from all real and personal property taxes and special assessments levied or imposed by any Taxing Body. With respect to the Project, so long as either (i) the Project is leased or owned by the Local Authority, or (ii) any contract between the Local Authority and the United States Government or the State of Tennessee, or any agencies thereof (the "Government") for loans or annual contributions, or both, in connection with the Project remains in force and effect, whichever period is the longest, the Municipality agrees that it will not levy or impose any real or personal property taxes or special assessments upon the Project or upon the Local Authority with respect thereto. During such period, the Lessee shall make annual payments (herein called Payments in Lieu of Taxes) in lieu of such taxes and special assessments and in payment for the public services and facilities furnished from time to time without other cost or charge for or with respect to the Project.
 - b. Each such annual Payment in Lieu of Taxes shall be made on or before February 28 of each year of the Project, and shall be in an amount equal to the PILOT Payment.
 - c. No payment for any year shall be made to the Municipality in excess of the amount of the real property taxes which would have been paid to the Municipality for such year if the Project were not exempt from taxation.
 - d. Upon failure of the Lessee to make any Payment in Lieu of Taxes, no lien against the Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.
 - e. Upon failure of the Lessee to make any Payment in Lieu of Taxes when due, the Municipality shall provide notice to the Local Authority and the Lessee. In the event that Lessee fails to cure the nonpayment default within ten (10) days, the Local Authority shall declare a default in the PILOT Lease Agreement, terminate said PILOT Lease Agreement, and re-convey the project to Lessee. Lessee hereby agrees to and does accept the conveyance of any quitclaim deed made in the event of a termination of the PILOT Lease Agreement on the grounds of default.
4. During the period commencing with the date of the acquisition of any part of the site or sites of the Project and continuing so long as either (i) the Project is leased or owned by a public body of a governmental agency and is used for low or moderate income housing purposes, or (ii) any contract between the Local Authority and the Government for loans, or both, in connection with the Project, remains in force and effect, whichever period

is the longest, the City of Clarksville without cost or charge to the Local Authority or the tenants of the Project (other than the Payments in Lieu of Taxes) shall:

- a. Furnish or cause to be furnished to the Local Authority and the tenants of the Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Municipality;
 - b. Vacate such streets, road, and alleys within the area of the Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the Municipality may have in such vacated area; and, in so far as it is lawfully able to do so without cost or expense to the Local Authority or to the Municipality, cause to be removed from such vacated areas, in so far as it may be necessary, all public or private utility lines and equipment;
 - c. In so far as the Municipality may lawfully do so, (i) grant such deviations from the building code of the Municipality as are reasonable and necessary to promote economy and efficiency in the development and administration of the Project, and at the same time safeguard health and safety, and (ii) make such changes in any zoning of the site and surrounding territory of the Project as are reasonable and necessary for the development and protection of the Project and the surrounding territory;
 - d. Accept grants or easements, if necessary for the development of the Project; and,
 - e. Cooperate with the Local Authority by such other lawful action or ways as the Municipality and the Local Authority may find necessary in connection with the new development and administration of the Project.
5. [Intentionally omitted]
6. If by reason of the City of Clarksville's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the Local Authority or to the tenants of the Project, the Local Authority incurs any expense to obtain such services or facilities then the Local Authority may deduct the amount of such expense from any Payments in Lieu of Taxes due or to become due to the City of Clarksville in respect to the Project or any other low-rent housing projects owned or operated by the Local Authority.

7. No Cooperation Agreement heretofore entered into between the Municipality and the Local Authority shall be construed to apply to the Project covered by this Agreement.
8. No member of the governing body of the Municipality or any other public official of the Municipality who exercises any responsibilities or functions with respect to the Project during his tenure or for *one* year thereafter shall have any interest, direct or indirect, in the Project or any property included or planned to be included in the Project, or any contracts in connection with the Projects or property. If any such governing body member or such other public official of the Municipality involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, he shall immediately disclose such interest to the Local Authority.
9. So long as any contract between the Local Authority and the Government for loans (including preliminary loans) or annual contributions, or both, in connection with the Project remains in force and effect, this Agreement shall not be abrogated, changed, or modified without the consent of the Government. The privileges and obligations of the Municipality hereunder shall remain in full force and effect with respect to the Project so long as the beneficial title to the Project is held by the Local Authority or by any other public body or governmental agency, including the Government, authorized by law to engage in the development or administration of low rent housing project. If at any time beneficial title to, or possession of, the Project is held by such other public body or governmental agency, including the Government, the provisions hereof shall inure to the benefit of and may be enforced by such other public body or governmental agency, including the Government.

(Signatures appear on the following page)

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written,

CITY OF CLARKSVILLE

By: _____
Mayor

MONTGOMERY COUNTY

By: J. D. Smith
Mayor

APPROVED AS TO LEGALITY OF
FORM AND COMPOSITION:

Attorney

CLARKSVILLE HOUSING AUTHORITY

By: Joanne Blanchard
Chair

Attest:

Secretary

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written,

CITY OF CLARKSVILLE

By: _____
Mayor

MONTGOMERY COUNTY

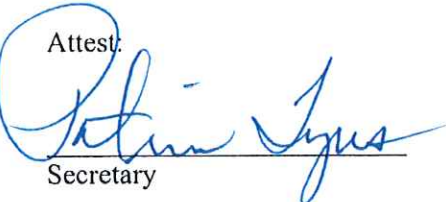
By: _____
Mayor

APPROVED AS TO LEGALITY OF
FORM AND COMPOSITION:

Attorney

CLARKSVILLE HOUSING AUTHORITY

By: _____
Chair

Attest:

Secretary

RESOLUTION 56-2018-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE APPROVING AN AMENDMENT TO THE ECONOMIC IMPACT PLAN FOR THE 7TH AND MAIN DEVELOPMENT AREA

WHEREAS, The Industrial Development Board of the County of Montgomery (the "Board") has previously 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 7th and Main Development Area (the "Plan Area"); and

WHEREAS, the City Council of the City of Clarksville, Tennessee approved the Economic Impact Plan at its meeting held on October 4, 2018; and

WHEREAS, JPW LLC (the "Developer") has requested that the Board amend the Economic Impact Plan to extend the allocation period of the tax increment financing revenues to twenty (20) years to allow the Developer adequate time to realize its eligible costs; and

WHEREAS, the Amendment to the Economic Development Plan will assist with the development of the moderate-income apartment project for the benefit of the City; and

WHEREAS, the Board has approved the submission to the City of the Amendment to the Economic Impact Plan at a meeting on _____, 2019; and

WHEREAS, any financing of the Board secured by incremental property tax 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 Amendment to 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 Amendment to the Economic Impact Plan, and a summary of that public hearing has been provided to the City Council of the City; and

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

That (i) the Amendment to 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 and (ii) the officers of the City are authorized to take all appropriate action to carry out the terms of the Amendment to the Economic Impact Plan.

ADOPTED:

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

WHEREAS, The Industrial Development Board of the County of Montgomery (the "Board") previously approved and adopted that certain Economic Impact Plan presented to the Board on September 19, 2018 (the "Economic Impact Plan") regarding the development of a moderate-income apartment project (the "Project") located at the intersection of 7th Street and Main Street, in Clarksville, Montgomery County, Tennessee (the "Plan Area");

WHEREAS, on October 4, 2018, the City of Clarksville, Tennessee (the "City") approved the Economic Impact Plan by resolution of the City Council of the City of Clarksville, Tennessee (the "City Council");

WHEREAS, on October 8, 2018, Montgomery County, Tennessee (the "County") approved the Economic Impact Plan by resolution of the County Commission of Montgomery County, Tennessee (the "County Commission");

WHEREAS, JPW LLC (the "Developer") has requested that the Board amend the Economic Impact Plan to extend the allocation period of the tax increment financing revenues to twenty (20) years to allow the Developer adequate time to realize its eligible costs; and

WHEREAS, the form of the proposed amendment has been presented to the Board (the "Amendment"), which Amendment would increase the allocation period from fifteen (15) years to twenty (20) years; 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 Amendment to 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 Amendment to 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 Amendment to 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 Amendment to 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 Amendment to the Economic Impact Plan.

Adopted and approved this 5th day of March, 2019.



Suzanne Langford, Vice-Chairman

ATTEST:



John Wallace Crow, Secretary

EXHIBIT A

[Amendment to the Economic Impact Plan]

26024809.1

**THE INDUSTRIAL DEVELOPMENT BOARD OF THE
COUNTY OF MONTGOMERY**

**AMENDMENT TO THE ECONOMIC IMPACT PLAN FOR
7TH AND MAIN DEVELOPMENT AREA**

I. Background

The Industrial Development Board of the County of Montgomery (the "Board") has previously submitted to Montgomery County, Tennessee (the "County") and the City of Clarksville, Tennessee (the "City") an economic impact plan (the "Plan") relating to the 7th and Main Development Area (the "Plan Area") pursuant to Tenn. Code Ann. § 7-53-312. The Plan was approved by the County Commissioners of Montgomery County, Tennessee on October 8, 2018 and by the City Council of the City on October 4, 2018. JPW LLC (the "Developer") determined it is not financially feasible to realize its eligible costs within the allocation period of fifteen (15) years as currently set forth in the Plan. The Developer requests the Board extend the allocation period to twenty (20) years. The total amount that the Developer may receive as reimbursement for eligible costs is not changed by this Amendment.

II. Amendment

Section "c" of Article VI is revised to change the time period from fifteen (15) years to twenty (20) years.

III. Approval Process

This Amendment shall be subject to approval by the Board, the County and the City in the same manner as the original Plan.

RESOLUTION 57-2018-19

RESOLUTION CONSENTING TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF MONTGOMERY NEGOTIATING AND ACCEPTING PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A CERTAIN PROJECT IN THE CITY OF CLARKSVILLE, MONTGOMERY COUNTY, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 7-53-305 [MONTGOMERY COMMONS-GREENWAY, L.P.]

WHEREAS, the City Council (the “Governing Body”) of the City of Clarksville, Tennessee (the “City”) has met pursuant to proper notice; and

WHEREAS, the County of Montgomery, Tennessee has previously authorized the incorporation of The Industrial Development Board of the County of Montgomery (the “Board”) as an industrial development board duly organized and existing under the provisions of Title 53 of Chapter 7, Tennessee Code Annotated; and

WHEREAS, the City has been informed that Montgomery Commons-Greenway, L.P., a Tennessee limited partnership, or an affiliate thereof (the “Developer”), intends to cause the acquisition and construction of a multifamily housing facility for low and moderate-income citizens known as Montgomery Commons Apartments (collectively, the “Project”) located in the City (the “Property”); and

WHEREAS, the Developer has requested the Board to hold ownership of the Property; and

WHEREAS, the Developer has furthermore requested the Board to lease the Project to the Developer and to permit the Developer to make payments in lieu of ad valorem taxes; and

WHEREAS, Tenn. Code Ann. § 7-53-305(b) authorizes the City to delegate to the Board the authority to negotiate and accept from the lessees of the Board payments in lieu of ad valorem tax upon the finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in said Code Section.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clarksville, Tennessee, as follows:

1. The Governing Body (City Council) hereby finds that the negotiation and acceptance by the Board of payments in lieu of ad valorem taxes consistent with this resolution are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 7-53-305, and the Governing Body hereby consents and delegates to the Board the right to negotiate and accept such payments from the Developer.

2. The terms of the agreement between the Board and the Developer concerning payments in lieu of ad valorem taxes shall be determined by the Board; provided, however (i) the term of such agreement shall not exceed ten (10) years, (ii) the amount of the annual payment in lieu of taxes shall not be less than \$39,000 per year to be apportioned between the City and County in accordance with their respective tax rates.

3. The Board's agreements concerning payments in lieu of ad valorem taxes relating to the Facility may contain such administrative provisions not inconsistent with this resolution as the Board deems appropriate.

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

ADOPTED:

RESOLUTION 58-2018-19

A RESOLUTION AUTHORIZING THE GRANT APPLICATION AND ADOPTING THE 2019-2020 ANNUAL ACTION PLAN AND THE 2019-2020 BUDGET FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS

WHEREAS, the Citizens' Advisory Task Force was established by the Mayor and City Council to identify community needs and to recommend a program for community development and;

WHEREAS, the Citizens' Advisory Task Force has adopted a budget and program of expenditures for the City of Clarksville's Community Development Block Grant Program and HOME Program and;

WHEREAS, the Annual Action Plan has been developed to guide the development of program activities and implementation.

WHEREAS, the Community Development Block Grant, the HOME Program and the Community Outreach fund are multiyear funds. Unexpended prior year funds will roll over to the 2019-2020 "Budget and Program of Expenditures".

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

That the 2019-2020 Annual Action Plan and the 2019-2020 "Budget and Program of Expenditures" is hereby adopted.

BE IT FURTHER RESOLVED that the Mayor, as the official representative of the City of Clarksville, is hereby authorized to submit an application, including all understandings and assurances therein, to act in connection with the application, and to provide any such additional information as may be required.

ADOPTED:

**2019-2020 HOUSING AND COMMUNITY DEVELOPMENT
BUDGET AND PROGRAM OF EXPENDITURES**

ACTIVITY	BUDGET
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CDBG

Public Service	CAP 15%
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Salvation Army	\$ 25,000.00
Manna Cafe	\$ 24,000.00
Radical Mission Ministres	\$ 20,000.00
Urban Ministries – Safe House	\$ 15,000.00
Urban Ministries – Safe Place	\$ 13,800.00
Urban Ministries – Grace Assist	\$ 13,000.00
Flourishing Families	\$ 13,000.00
Community Action Agency	\$ 10,000.00
Serenity House	\$ 8,200.00

Rehabilitation	\$177,236.00
Infrastructure	\$110,000.00
Neighborhood Public Facilities	\$220,000.00
Demolition and Clearance	\$200,000.00

Administration	CAP 20%
General Administration	\$197,309.00
Planning	\$ 10,000.00
Fair Housing	<u>\$ 5,000.00</u>

Total CDBG	<u>\$1,061,545.00</u>
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HOME

Rehabilitation	\$315,842.00
CHDO Set Aside	\$ 67,168.00
Homebuyers Assistance	\$ 20,000.00
Administration	<u>\$ 44,779.00</u>

Total HOME	<u>\$447,789.00</u>
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EMERGENCY SOLUTIONS GRANT (STATE)

Community Action Agency	\$ 30,000.00
Flourishing Families	\$ 30,000.00
United Methodist Urban Ministries	\$ 30,000.00
Serenity House	\$ 30,000.00
Salvation Army	\$ 30,000.00
Administration	<u>\$ 11,250.00</u>

Total Emergency Solutions Grant	<u>\$161,250.00</u>
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SHELTER PLUS CARE GRANT

Rental Assistance	\$112,752.00
Administration	<u>\$ 6,044.00</u>

Total Shelter Plus Care Grant	<u>\$118,796.00</u>
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PROGRAM INCOME

CDBG 3% Loan Repayments	\$125,000.00	To be used for rehabilitation
HOME Loan Repayments	\$125,000.00	To be used for rehabilitation
Community Outreach Loan Repayments	\$ 15,000.00	To be used for housing activities
MADC Loan Pool	<u>\$ 15,000.00</u>	To be retained in the loan pool

Total Program Income	<u>\$280,000.00</u>
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Total Grant Resources	<u>\$2,069,380.00</u>
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ORDINANCE 53-2018-19

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF BEN STANLEY FOR PROPERTY LOCATED AT 1621 DUNLOP LANE

WHEREAS, proper application has been made by Chris Goodman on behalf of Ben Stanley for extensions of City utility service to property located at Cmap 40, Parcel 11.00 with the property address of 1621 Dunlop Lane outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

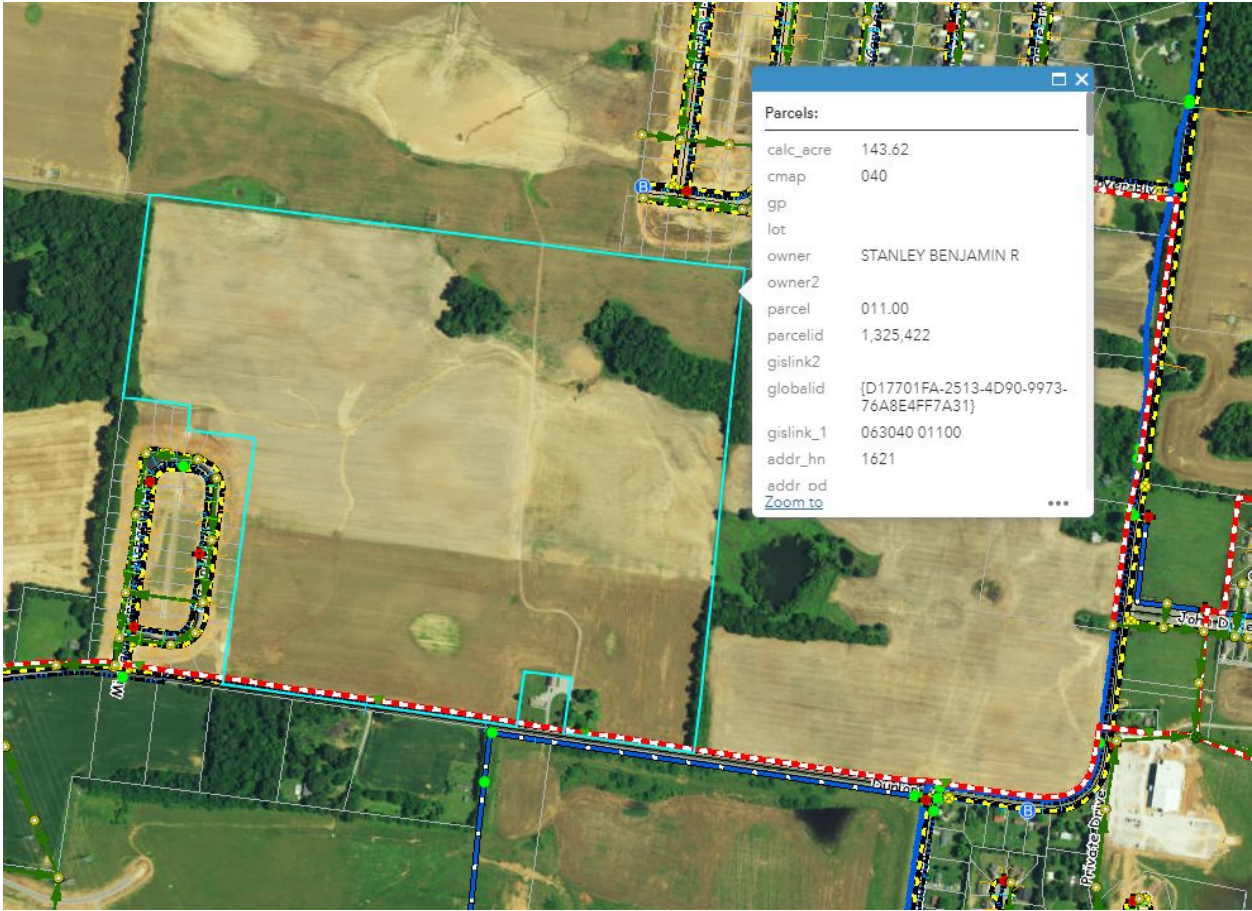
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 40, Parcel 11.00 with the property address of 1621 Dunlop Lane outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING:

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE,
TENNESSEE, RELATIVE TO PEDDLERS

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

That the Official Code of the City of Clarksville, Tennessee, Title 5, “Business, Professions, and Occupations,” Chapter 2, “Peddlers,” is hereby amended deleting the chapter in its entirety and substituting instead the following:

Chapter 2 PEDDLERS

Sec. 5-201. Definitions.

"Peddler" as used herein shall mean any person who goes from dwelling to dwelling, business to business, place to place or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale. Connotes one who makes sales and delivery of merchandise or services concurrently and on-the-spot to a residential or commercial customer. The word "peddler" also includes solicitors, and itinerant merchants. "Itinerant merchant" shall mean any person who engages in the giving away, the selling or offering for sale of goods, wares or merchandise, or who solicits patronage for any person, business or service by word of mouth, or gesture or by use of electrical, mechanical or sound-making devices to entice or persuade anyone to buy, sell or accept goods, wares or merchandise within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location.

Sec. 5-202. Permit required.

It shall be unlawful for any person to engage in the business of peddler within the city without obtaining a peddler's permit in accordance with the provisions of this chapter.

Sec. 5-202.5 Exemption

The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in a regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations.

Sec. 5-203. Application for permit; accompanying documents.

Each applicant for a permit under this chapter must file with the Commissioner of Finance and Revenue, *or designee*, a sworn application, in writing on a form to be furnished by the Department of Finance and Revenue, which gives the following information:

- 1) Name, description. Name and description of the applicant.
- 2) Address. Address (legal and local).

- 3) Description of business. A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.
- 4) Name of employer, if any. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- 5) Duration of business. The length of time for which the right to do business is desired.
- 6) Description of vehicle. If a vehicle is to be used, a description of it, together with its license number and other means of identification.
- 7) Photograph. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which is two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- 8) A copy of the contract used in obtaining orders or making sales.
- 9) A copy of their criminal history obtained from the Tennessee Bureau Investigation.

<https://www.tbibackgrounds.com/toris/>

- 10) Administration Fee. At the time of filing, the applicant shall pay a non-refundable administrative processing fee of \$40.00 shall be paid to the City, for each permit requested to cover the cost of investigating the facts stated therein, application review and approval/disapproval.
- 11) Permit Fee. Each application shall include a one hundred dollar (\$100) permit fee. If the permit is denied, the applicant will receive a refund of the permit fee paid. The City shall retain the forty dollar (\$40) administrative processing fee.

Sec. 5-204. Review of Application

- 1) Review of Application. Upon receipt of an application for a peddler's permit, the original shall be referred to the Chief of Police, or designee, who shall review the application and to provide reasonable assurance that the applicant presents no danger to the public.

Applicants who do not reside in Montgomery County must attach a background from Tennessee Bureau of Investigation for Tennessee Residents and for Non-Tennessee Residents a background from the Federal Bureau of Investigation.

<https://www.tn.gov/tbi/divisions/cjis-division/background-checks.html>

- 2) Disapproval of Application. If after reviewing the application it is found to be unsatisfactory, the Chief of Police, or designee, shall endorse on the application disapproval to include the reason for denial, and return the application to the Finance & Revenue Department, who shall notify the applicant that their application is disapproved and no permit will be issued.

- 3) Approval of application. If found to be satisfactory, the Chief of Police, or designee, shall endorse the application as approved and return it to the Finance & Revenue Department.

Sec. 5-205. Issuance and form of permit; record.

When the Chief of Police, or designee, has approved an application for a peddler's permit, the Finance & Revenue Department, shall upon payment of any lawful privilege tax due the city, issue to the applicant a peddler's permit. The permit shall bear the signature of the Commissioner of Finance, or designee, and shall show the name, address, and photograph of the permittee; the kind of goods to be sold thereunder; the amount of privilege tax, if any, paid; the date of issuance; and the expiration date of the permit. The City shall keep a permanent record of all permits issued.

Sec. 5-206. License.

The Commissioner of Finance, or designee, shall issue to each peddler, at the time of delivery of the permit, a license to be used during the time engaged in peddling.

Sec. 5-206.5. Enforcement.

It shall be the duty of the police department and codes department to see that the provisions of this chapter are enforced.

Sec. 5-207. Exhibit of permit required.

Any person who has obtained a permit under this article shall display such permit on their person at all times when making a sale, obtaining an order from any person, or engaging in commercial solicitation in any manner, and shall exhibit such permit to any police officer whenever requested by such officer.

Sec. 5-208. Transfer of permit or license prohibited.

No peddler's permit or license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

Sec. 5-209. Loud noises to attract attention prohibited.

No peddler, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises in violation of the city's noise ordinance.

Sec. 5-210. Conduct of business in public ways restricted.

No peddler shall have any exclusive right to any location in the public streets, nor shall any peddler be permitted a stationary location, nor shall be permitted to operate in any congested area where their operations might impede or inconvenience the public. For the purpose of this section the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Sec. 5-211. Revocation of permit.

- 1) Grounds. Peddlers' permits may be revoked by the City after notice and hearing for any of the following causes:
 - a) Fraud, misrepresentation, or false statement contained in the application for the permit.
 - b) Fraud, misrepresentation, or false statement made in the course of carrying on his business as a peddler.
 - c) Any violation of this chapter.
 - d) Conviction of any crime involving fraud or could deem the applicant a threat to the public.
 - e) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- 2) Notice of hearing. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the peddler at their last known address at least five (5) days prior to the date set for hearing.
- 3) When the Chief of Police, or designee, determines it is reasonably necessary and in the public interest, may immediately suspend a permit pending the revocation hearing.

Sec. 5-212. Appeal from denial or revocation of permit.

Any person aggrieved by the action of the Chief of Police, or designee, in denying or revoking a peddler's permit shall have the right of appeal to the City Council. The appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be mailed, postage prepaid, to the appellant's last known address at least five (5) days prior to the date for hearing. The decision and order of the council on the appeal shall be final and conclusive.

Sec. 5-213. Expiration and renewal of permits and licenses.

All permits and licenses issued under the provisions of this chapter shall expire on the thirty-first of December in the year for which issued, but may be renewed by the Commissioner of Finance, or designee, at any time within thirty (30) days before or after such expiration date without a new investigation. When applying for a renewal, the peddler shall be required to fill out only such portions of the application blank that reflect changed conditions since the filing of the original application.

Applicants who do not reside in Montgomery County must attach a background from Tennessee Bureau of Investigation for Tennessee Residents and for Non-Tennessee Residents a background from the Federal Bureau of Investigation.

<https://www.tn.gov/tbi/divisions/cjis-division/background-checks.html>

No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation.

Sec. 5-214. Hours in which business may be conducted; trespassing.

- 1) No permittee shall conduct any solicitations or sales except between the hours of 9:00 A.M. and 7:00 P.M. (8:00 P.M. during daylight savings time) on Monday through Saturday, it being the intent that door-to-door sales occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors.
- 2) Trespass. It shall be unlawful and deemed to be a trespass for any permittee acting under this section that fails to leave promptly the private premises of any person who requests or directs the permittee to leave or has posted a sign that indicates solicitors are not welcome.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Chapter 2 PEDDLERS

Sec. 5-201. **Definitions.**

Sec. 5-202. Permit required.

Sec. 5-202.5 Exemption

Sec. 5-203. Application for permit; accompanying documents.

Sec. 5-204. ~~Investigation.~~ **Review of Application.**

Sec. 5-205. Issuance and form of permit; record.

Sec. 5-206. License.

Sec. 5-206.5. Enforcement.

Sec. 5-207. Exhibit of permit required.

Sec. 5-208. Transfer of permit or license prohibited.

Sec. 5-209. Loud noises to attract attention prohibited.

Sec. 5-210. Conduct of business in public ways restricted.

Sec. 5-211. Revocation of permit.

Sec. 5-212. Appeal from denial or revocation of permit.

Sec. 5-213. Expiration and renewal of permits and licenses.

Sec. 5-214. Hours in which business may be conducted; trespassing.

Sec. 5-215. State Law - 39-14-405. Criminal trespass.

Sec. 5-201. Definitions.

The word "peddler" as used herein shall mean any person who goes from dwelling to dwelling, business to business, place to place or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale. Connotes one who makes sales and delivery of merchandise or services concurrently and on-the-spot to a residential or commercial customer. ~~includes any person, whether a resident of the city or not, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or~~

~~from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, or farm products or provisions who offers and exposes them for sale, or who makes sales and delivers articles to purchasers. The word "peddler" also includes solicitors, and itinerant merchants. any person who, without traveling from place to place, sells or offers the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall include the words "hawker" and "huckster," but shall not be deemed to include "charity solicitors" and "subscription solicitors" who are regulated herein.~~

Itinerant merchant shall mean any person who engages in the giving away, the selling or offering for sale of goods, wares or merchandise, or who solicits patronage for any person, business or service by word of mouth, or gesture or by use of electrical, mechanical or sound-making devices to entice or persuade anyone to buy, sell or accept goods, wares or merchandise within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location.

(1963 Code, § 22-16)

Sec. 5-202. Permit required.

It shall be unlawful for any person to engage in the business of peddler within the city without obtaining a peddler's permit in accordance with the provisions of this chapter.

(1963 Code, § 22-17)

Sec. 5-202.5 Exemption

The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in a regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations.

Sec. 5-203. Application for permit; accompanying documents.

Each applicant for a permit under this chapter must file with the Commissioner of Finance and Revenue, *or designee*, a sworn application, in writing on a form to be furnished by ~~the~~ **Commissioner of Finance and Revenue**, which gives the following information:

- 1) Name, description. Name and description of the applicant.
- 2) Address. Address (legal and local).
- 3) Description of business. A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.

- 4) Name of employer, if any. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- 5) Duration of business. The length of time for which the right to do business is desired.
- 6) Description of vehicle. If a vehicle is to be used, a description of it, together with its license number and other means of identification.
- 7) Photograph. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which is two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- 8) A copy of the contract used in obtaining orders or making sales.
- ~~9) Fingerprints, references. The fingerprints of the applicant and the names of at least two (2) reliable property owners of the County of Montgomery, Tennessee, who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant that will enable an investigator properly to evaluate the character and business responsibility.~~
- ~~10) Previous convictions. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, and, if so, the nature of the offense and the punishment or penalty assessed therefor.~~
- ~~11) Medical certificate. Applicant shall file with his application a statement by a reputable physician of the city, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable disease.~~
- 12) A copy of their criminal history obtained from the Tennessee Bureau Investigation.

<https://www.tbibackgrounds.com/toris/>
- 13) Administration Fee. At the time of filing a non-refundable ~~the administrative~~, a fee of ~~two dollars (\$2.00)~~ \$40.00 shall be paid, for each permit requested to ~~person who shall solicit within the City of Clarksville, to the Commissior of Finance and Revenue~~ to cover cost of investigating the facts stated therein, application review and approval/disapproval. ~~investigation.~~
- 14) Permit Fee. Each application shall include a one hundred dollar (\$100) permit fee. If the permit is denied, the applicant will receive a refund of the permit fee paid. The City shall retain the forty dollar (\$40) administrative processing fee.

(1963 Code, § 22-18)

Sec. 5-204. ~~Investigation.~~ Review of Application

- 1) ~~Conduct of investigation.~~ **Review of Application.** Upon receipt of an application for a peddler's permit, the original shall be referred to the Chief of Police, **or designee**, who shall ~~cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good~~ **review the application and to provide reasonable assurance that the applicant presents no danger to the public.**

Applicants who do not reside in Montgomery County must attach a background from Tennessee Bureau of Investigation for Tennessee Residents and for Non-Tennessee Residents a background from the Federal Bureau of Investigation.

<https://www.tn.gov/tbi/divisions/cjis-division/background-checks.html>

- 2) Disapproval of Application. ~~If, as a result of the investigation,~~ If after reviewing the **applicant's** application ~~character or business responsibility~~ **it** is found to be unsatisfactory, the Chief of Police, **or designee**, shall endorse on the application **his** disapproval **to include his reason for denial therefor**, and return the application to the **City Clerk Finance & Revenue Department**, who shall notify the applicant that ~~his~~ **their** application is disapproved and ~~that~~ no permit will be issued.
- 3) Approval of application. ~~If, as a result of the investigation, the character and business responsibility of the applicant are~~ **If** found to be satisfactory, the Chief of Police, **or designee**, shall endorse ~~on~~ the application **his as approved** and return it to the **City Clerk Finance & Revenue Department**.

(1963 Code, § 22-19)

Sec. 5-205. Issuance and form of permit; record.

When the Chief of Police, **or designee**, has approved an application for a peddler's permit, the **City Clerk Finance & Revenue Department**, shall upon payment of any lawful privilege tax due the city, issue to the applicant a peddler's permit. The permit shall bear the signature of the **City Clerk, Commissioner of Finance, or designee**, and shall show the name, address, and photograph of the permittee; the kind of goods to be sold thereunder; the amount of privilege tax, if any, paid; the date of issuance; and the expiration date of the permit. The ~~clerk~~ **City** shall keep a permanent record of all permits issued.

(1963 Code, § 22-20)

Sec. 5-206. License.

The **City Clerk Commissioner of Finance, or designee**, shall issue to each peddler, at the time of delivery of ~~his~~ permit, a license to be used during the time ~~he is~~ engaged in peddling.

(1963 Code, § 22-21)

Sec. 5-206.5. Enforcement.

It shall be the duty of the police department and codes department to see that the provisions of this chapter are enforced.

Sec. 5-207. Exhibit of permit required.

Any person who has obtained a permit under this article shall display such permit on their person at all times when making a sale, obtaining an order from any person, or engaging in commercial solicitation in any manner, and shall exhibit such permit to any police officer whenever requested by such officer. ~~Peddlers are required to exhibit their permits at the request of any citizen.~~

(1963 Code, § 22-22)

Sec. 5-208. Transfer of permit or license prohibited.

No peddler's permit or license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

(1963 Code, § 22-23)

Sec. 5-209. Loud noises to attract attention prohibited.

~~No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, parks, or other public places for the purpose of attracting attention to any goods, wares, or merchandise which the peddler proposes to sell.~~

No peddler, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises in violation of the city's noise ordinance.

(1963 Code, § 22-24)

Cross reference— Noise regulated, §§ 10-301, et seq.

Sec. 5-210. Conduct of business in public ways restricted.

No peddler shall have any exclusive right to any location in the public streets, nor shall any peddler be permitted a stationary location, nor shall ~~he~~ be permitted to operate in any congested

area where ~~his~~ operations might impede or inconvenience the public. For the purpose of this section the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(1963 Code, § 22-25)

Cross reference— Soliciting business from vehicle, § 9-610; obstructing public ways, § 12-111.

Sec. 5-211. Revocation of permit.

- 1) Grounds. Peddlers' permits may be revoked by the City ~~Clerk,~~ after notice and hearing for any of the following causes:
 - a) Fraud, misrepresentation, or false statement contained in the application for the permit.
 - b) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler.
 - c) Any violation of this chapter.
 - d) Conviction of any crime ~~or misdemeanor involving moral turpitude~~ **involving fraud or could deem the applicant a threat to the public.**
 - e) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- 2) Notice of hearing. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the peddler at ~~his~~ **the** last known address at least five (5) days prior to the date set for hearing.
- 3) **When the Chief of Police, or designee, determines it is reasonably necessary and in the public interest, may immediately suspend a permit pending the revocation hearing.**

(1963 Code, § 22-26)

Sec. 5-212. Appeal from denial or revocation of permit.

Any person aggrieved by the action of the Chief of Police, **or designee,** in denying or revoking a peddler's permit shall have the right of appeal to the City Council. The appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be mailed, postage prepaid, to the appellant's last known address at

least five (5) days prior to the date for hearing. The decision and order of the council on the appeal shall be final and conclusive.

(1963 Code, § 22-27)

Sec. 5-213. Expiration and renewal of permits and licenses.

All permits and licenses issued under the provisions of this chapter shall expire on the thirty-first of December in the year for which issued, but may be renewed by ~~the Commissioner of Finance~~ ~~the City Clerk~~, or ~~designee~~, at any time within thirty (30) days before or after such expiration date without a new investigation. When applying for a renewal, the peddler shall be required to fill out only such portions of the application blank that reflect changed conditions since the filing of the original application.

~~Applicants who do not reside in Montgomery County must attach a background from Tennessee Bureau of Investigation for Tennessee Residents and for Non-Tennessee Residents a background from the Federal Bureau of Investigation.~~

~~<https://www.tn.gov/tbi/divisions/cjis-division/background-checks.html>~~

(1963 Code, § 22-28)

No permittee whose ~~se~~ permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation.

Sec. 5-214. Hours in which business may be conducted; trespassing.

- ~~1) No permittee shall conduct any solicitations or sales except between the hours of 9:00 A.M. and 7:00 P.M. (8:00 P.M. during daylight savings time) on Monday through Saturday, it being the intent that door-to-door sales occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors.~~
- ~~2) Trespass. It shall be unlawful and deemed to be a trespass for any permittee acting under this section that fails to leave promptly the private premises of any person who requests or directs the permittee to leave or has posted a sign that indicates solicitors are not welcome.~~

(Ord. No.)

Section 5-215. State Law - 39-14-405. Criminal trespass.

~~(a) A person commits criminal trespass if the person enters or remains on property, or any portion of property, without the consent of the owner. Consent may be inferred in the case of property that is used for commercial activity available to the general public or in the case of other property when the owner has communicated the owner's intent that the property be open to the general public.~~

(b) It is a defense to prosecution under this section that:

(1) A person entered or remained on property that the person reasonably believed to be property for which the owner's consent to enter had been granted;

(2) The person's conduct did not substantially interfere with the owner's use of the property; and

(3) The person immediately left the property upon request.

(c) The defenses to prosecution set out in subsection (b) shall not be applicable to a person violating this section if the property owner posts the property with signs that are visible at all major points of ingress to the property being posted and the signs are reasonably likely to come to the attention of a person entering the property.

(d) For purposes of this section, "enter" means intrusion of the entire body or when a person causes an unmanned aircraft to enter that portion of the airspace above the owner's land not regulated as navigable airspace by the federal aviation administration.

(e) Entering or remaining on railroad or utility right-of-way property by an adjoining landowner for usual and customary activities of the type defined in §§ 1-3-105(2)(A)(i) and (ii), (B) and (C) and 43-1-113(a), (b)(1)(A) and (B), (b)(2) and (b)(3) shall not be considered trespass under this section. This subsection (e) shall not apply if the railroad or utility right-of-way owner, by a personal communication or posting at the site by someone with either actual authority or apparent authority to act for the railroad or utility right-of-way owner, has communicated to the adjoining landowner that the activity is not permitted.

(f) (1) The secretary of state shall establish a no trespass public notice list identifying employers in this state who have requested established private property rights to be recognized and recorded against a trespasser under subsection (a).

(2) To be included on the list, an employer shall provide to the secretary of state copies of appropriate documents that establish the employer's private property rights, including the address and legal description of the property to which it has legal control. An employer that records its private property rights shall pay a recording fee as determined by the secretary of state.

(3) Beginning January 15, 2015, and every January 15 and July 15 thereafter, the secretary of state shall:

(A) Make the list available to the public in the office of the secretary of state and publish the list on the web site maintained by the secretary of state; and

(B) Distribute the no trespass public notice list to every law enforcement agency in this state.

(4) Publication of the no trespass public notice list as prescribed in subdivision (f)(3) establishes a presumption that members of the general public have notice of the establishment of

private property rights of all employers and properties listed.

(5) Each law enforcement agency in this state shall maintain the most recent no trespass public notice list received from the secretary of state for its use in responding to complaints of criminal trespass under subsection (a). If a property is identified on the list, the responding law enforcement officer:

(A) Is not required to further establish an employer's property rights before taking action against a person committing criminal trespass; and

(B) May take appropriate and lawful action against a person committing criminal trespass to have such person leave the property or cease blocking ingress to or egress from the property.

(6) If the employer's property is listed on the no trespass public notice list, an owner may seek an expedited injunction to restrain repeated or continuing trespass.

(7) This subsection (f) shall not affect or limit any existing rights of an owner whose property is not included on the no trespass public notice list.

(g) Criminal trespass is a Class C misdemeanor.