



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 5, 2019, 7:00 P.M.**

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

AGENDA

- 1) CALL TO ORDER *Mayor Joe Pitts*
- 2) PRAYER *Aron Maberry, Next Steps Pastor of The Tabernacle Church
Guest of Councilman Vondell Richmond*
- 3) PLEDGE OF ALLEGIANCE *Councilman Travis Holleman*
- 4) ATTENDANCE *City Clerk*
- 5) SPECIAL RECOGNITIONS *Mayor Joe Pitts*
- 6) CENSUS UPDATE *RPC Director Jeff Tyndall*
- 7) CMCSS UPDATE *Director Millard House*
- 8) PLANNING COMMISSION *Councilman Richard Garrett*

PUBLIC HEARING

1. **ORDINANCE 23-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Habitat For Humanity, Syd Hedrick-Agent, for zone change on property east of Wall Street, west of Richardson Street, and south of Daniel Street from R-2A Single Family Residential District to R-6 Single Family Residential District *RPC: Approval/Approval*

2. **ORDINANCE 24-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Corenthians M. Fletcher and James L. Buchanan, III, for zone change on property located at the intersection of Evans Road and Britton Springs Road from RM-1 Single Family Mobile Home Residential District to R-3 Three Family Residential District *RPC: Approval/Approval*

3. **ORDINANCE 25-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mack Phillips for zone change on property located at the northwest corner of Peterson Lane and Old Trenton Road from AG Agricultural District to R-2 Single Family Residential District *RPC: Approval/Approval*

4. **RESOLUTION 18-2019-20** Adopting the Final Plan of Service Report for annexed territory east of Swift Fox Drive and north of Tylertown Road

9) **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 9-2019-20** (Second Reading) Amending the FY20 General Fund Operating Budget to increase operating budgets for departments/entities for the purpose of paying for items planned in FY19 but will necessitate funding in FY20

2. **ORDINANCE 11-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Michael Connerth for zone change on property located at the intersection of Martin Luther King Parkway (SR76) and Vaughan Road from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

3. **ORDINANCE 12-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Shirley A. Stewart Revocable Living Trust for zone change on property located at the intersection of Old Ashland City Road and Proctor Drive from O-1 Office District to M-1 Light Industrial District

4. **ORDINANCE 13-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jim Flake, Vernon Weakley-Agent, for zone change on property located at the intersection of Tracy Lane and Whitfield Road from R-1 Single Family Residential District to R-4 Multiple Family Residential District

5. **ORDINANCE 14-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eagles Bluff Partnership for zone change on property located west of Wilma Rudolph Boulevard, east of Old Trenton Road, and south of Wylma Van Allen Place from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

6. **ORDINANCE 15-2019-20** (Second Reading) Authorizing negotiations and agreements for purchase of easements and/or rights of way and/or condemnation through use of eminent domain for acquisition of property for the TDOT Rossview Road widening project

7. **RESOLUTION 15-2019-20** Approving appointments to the Clarksville Housing Authority and the Natural Gas Acquisition Board

- *Clarksville Housing Authority: Betty Burchett (replace Sherry Pickering-term expired) - October 2019 through September 2024*
- *Natural Gas Acquisition Board: Mark Riggins (fill unexpired term of Pat Hickey) - September 2019 through December 2022*

8. Adoption of Minutes: July 25, August 1

10) **FINANCE COMMITTEE** *Chairman Jeff Burkhart*

1. **ORDINANCE 16-2019-20** (First Reading) Authorizing transfer of property on South Second Street to Bikers Who Care *Finance Committee: Approval*

2. **ORDINANCE 17-2019-20** (First Reading) Accepting donation of property on Franklin Street from Fifth Ward Missionary Baptist Church *Finance Committee: Approval*

3. **ORDINANCE 18-2019-20** (First Reading) Accepting donation of certain real property located at 520 Roselawn Drive from Edward Burchett *Finance Committee: Approval*

4. **ORDINANCE 19-2019-20** (First Reading) Amending the Official Code relative to peddler permits *Finance Committee: Approval*

5. **ORDINANCE 20-2019-20** (First Reading) Amending the Official Code relative to withdrawal of applications for zone change *Finance Committee: Approval*

6. **ORDINANCE 21-2019-20** (First Reading) Amending the FY20 Operating and Capital Budget in the amount of \$1,818,233 for a grant to construct the Red River Pedestrian Bridge *Finance Committee: Approval*

7. **RESOLUTION 16-2019-20** Authorizing an interlocal agreement with Austin Peay State University for fire services *Public Safety Committee and Finance Committee: Approval*

8. **RESOLUTION 17-2019-20** Authorizing assignment of a portion of Fund Balance from insurance proceeds for Clarksville Transit System *Finance Committee: Approval*

11 GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

1. Department Reports

12) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

1. Department Report

13) PARKS & RECREATION *Chairlady Valerie Guzman*

1. Department Report

14) PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

1. Department Reports

15) STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

1. **ORDINANCE 22-2019-20** (First Reading) Amending the Official Code pertaining to drainage, land disturbance, and development activities and stormwater management *Street Committee: Approval*
2. Department Reports

16) TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

1. Department Reports

17) NEW BUSINESS

1. **RESOLUTION 19-2019-20** Approving the City of Clarksville's Legislative Agenda for consideration by the Tennessee General Assembly *Mayor Joe Pitts*

18) MAYOR AND COUNCIL MEMBER REPORTS *Mayor Joe Pitts*

19) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: September 5, 2019. The public hearing will be held on: August 29, 2019.

CITY ORD. #: 23-2019-20 RPC CASE NUMBER: Z-20-2019

Applicant: HABITAT FOR HUMANITY MONTGOMERY COUNTY TN

Agent: Syd Hedrick

Location: Property fronting on the east frontage of Wall Street & the west frontage of Richardson Street, 250 +/- feet south of Daniel Street

Ward #: 6

Request: R-2A Single-Family Residential District
to
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 24-2019-20 RPC CASE NUMBER: Z-21-2019

Applicant: CORENTHIANS M FLETCHER JAMES L BUCHANAN III

Agent:

Location: Property fronting on the west frontage of Evans Road, 850 +/- feet south of the intersection of Britton Springs Road & Evans Road.

Ward #: 3

Request: RM-1 Single-Family Mobile Home Residential District
to
R-3 Three Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 25-2019-20 RPC CASE NUMBER: Z-22-2019

Applicant: MACK PHILLIPS

Agent:

Location: Property located at the northwest corner of Peterson Lane & Old Trenton Road.

Ward #: 9

Request: AG Agricultural District
to
R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE 8/28/2019

CASE NUMBER: Z - 20 - 2019

NAME OF APPLICANT Habitat For Humanity Montgomery County Tn

AGENT: Syd

Hedrick

GENERAL INFORMATION

TAX PLAT: 079-D-K

PARCEL(S): 003.01

ACREAGE TO BE REZONED: 0.88

PRESENT ZONING: R-2A

PROPOSED ZONING: R-6

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the east frontage of Wall Street & the west frontage of Richardson Street, 250 +/- feet south of Daniel Street

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 5

CIVIL DISTRICT: 12

DESCRIPTION OF PROPERTY Vacant grass lot.

AND SURROUNDING USES:

APPLICANT'S STATEMENT At Habitat for Humanity we aim to be the best stewards with our resources. We believe

FOR PROPOSED USE: the R-6 zoning will help us to increase our density on this project to better serve our families.

GROWTH PLAN AREA: CITY

PLANNING AREA: South Clarksville

PREVIOUS ZONING HISTORY: Z-3-2015 (R-3 to R-2A)



CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ 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:

Barksdale Elementary School is currently at 96% capacity, Richview Middle School is currently at 99% capacity, Clarksville High is currently at 92% capacity. This continued student growth necessitates additional action to address building capacity and bus needs in Montgomery County.

ELEMENTARY: BARKSDALE

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: CLARKSVILLE

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 SURROUNDING DEVELOPMENT: Increased residential density with minimal infrastructure impact.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Wall Street & Richardson Street

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

6

POPULATION:

16

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

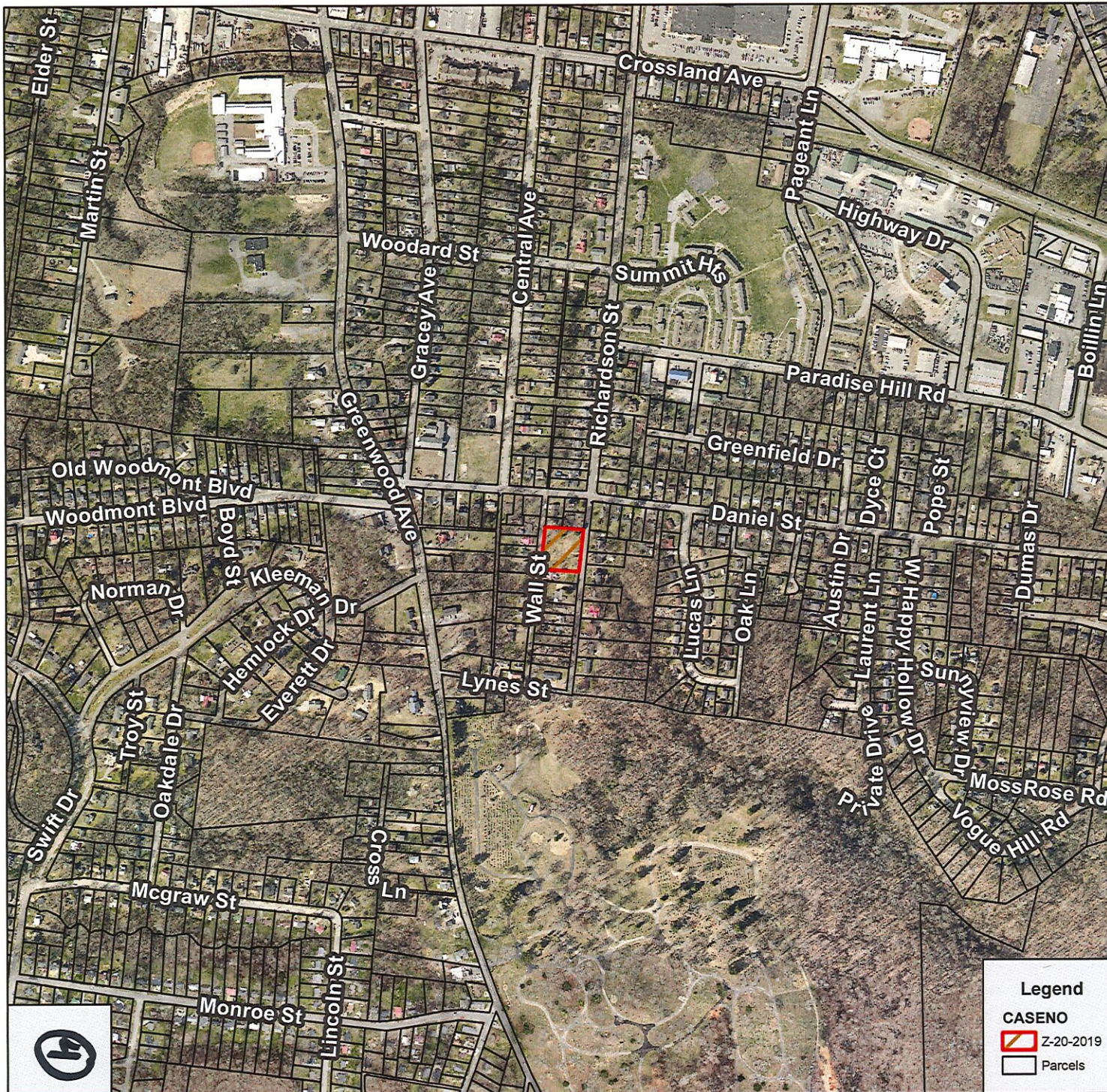
APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
- 3.** No adverse environmental issues were identified relative to this request.
- 4.**
- 5.**





Z-20-2019

APPLICANT:

**HABITAT FOR HUMANITY
MONTGOMERY**

REQUEST:

R-2A TO R-6

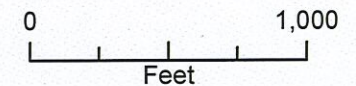
MAP AND PARCEL

079D K 00300

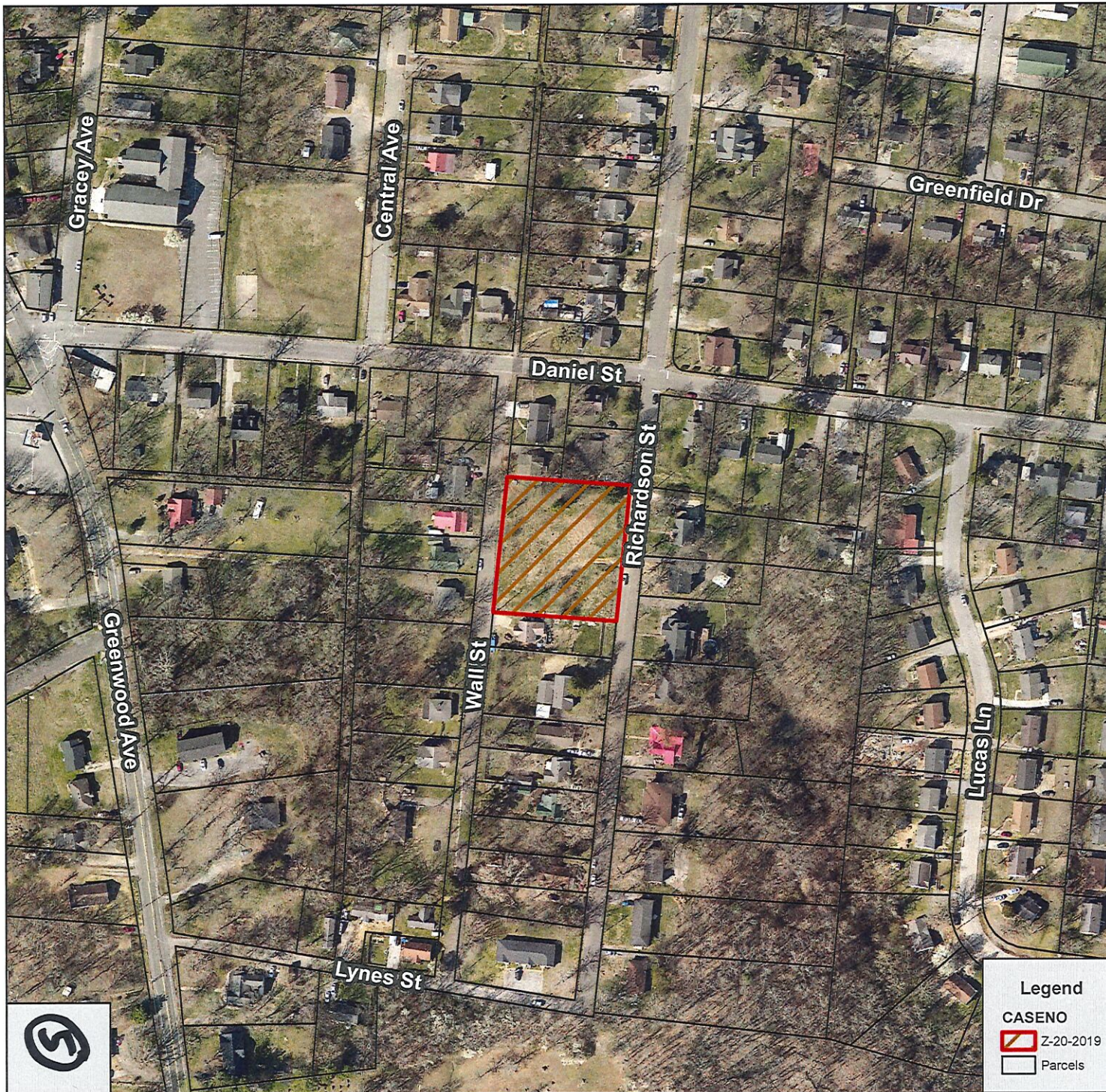
+/- ACRES

0.88

1:8,000



8/28/2019



Z-20-2019

APPLICANT:

**HABITAT FOR HUMANITY
MONTGOMERY**

REQUEST:

R-2A TO R-6

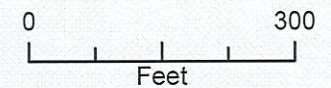
MAP AND PARCEL

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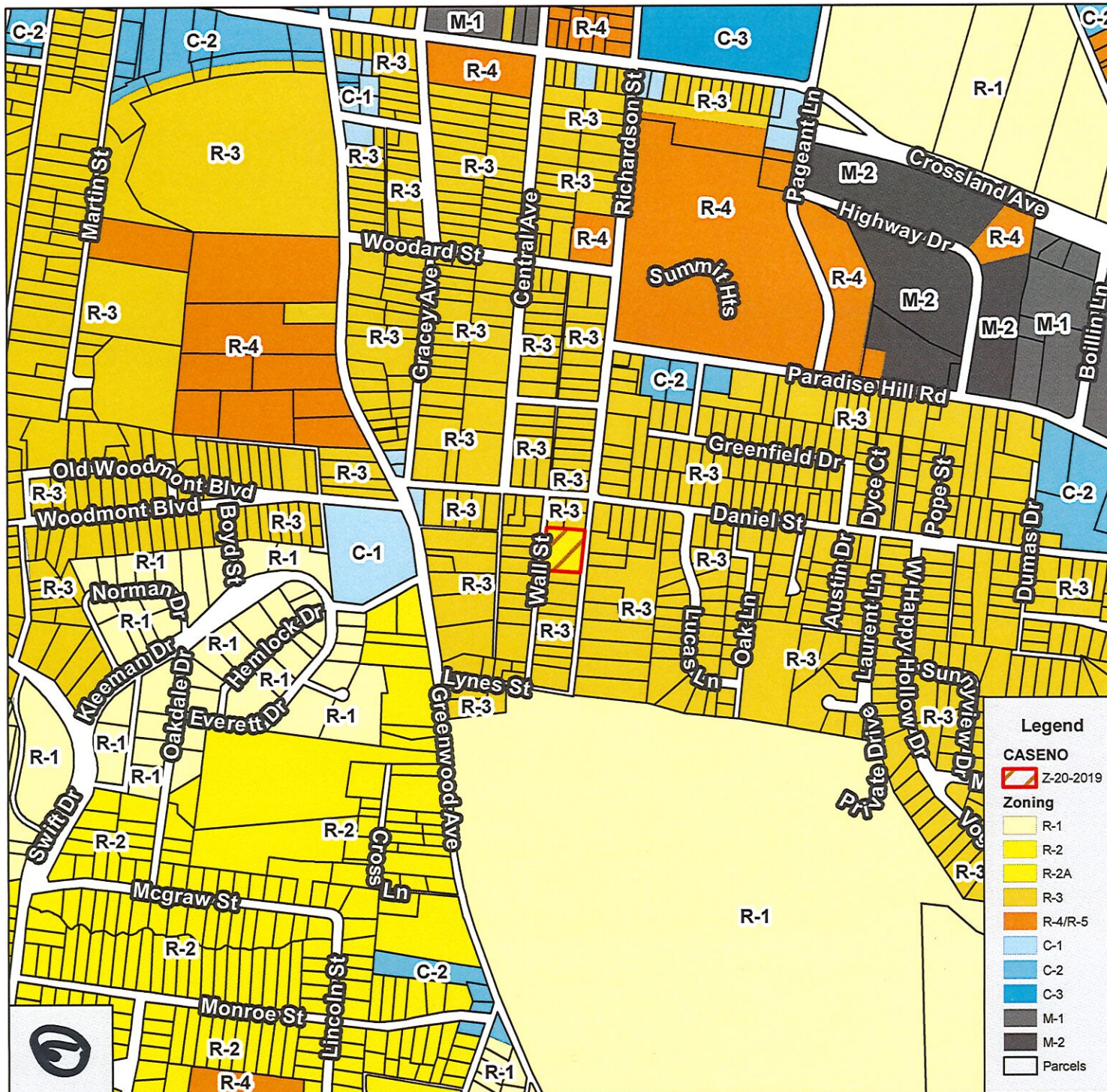
+/- ACRES

0.88

1:2,500



8/28/2019



Z-20-2019

APPLICANT:

**HABITAT FOR HUMANITY
MONTGOMERY**

REQUEST:

R-2A TO R-6

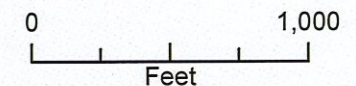
MAP AND PARCEL

079D K 00300

+/- ACRES

0.88

1:8,000



8/28/2019

CASE NUMBER: Z 20 2019

MEETING DATE 8/28/2019

APPLICANT: Habitat For Humanity

Montgomery County Tn

PRESENT ZONING R-2A

PROPOSED ZONING R-6

TAX PLAT # 079-D-K

PARCEL 003.01

GEN. LOCATION Property fronting on the east frontage of Wall Street & the west frontage of
Richardson Street, 250 +/- feet south of Daniel Street

PUBLIC COMMENTS

None received as of 10:00 A.M. on 8/28/2019 (A.L.)



CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 8/28/2019

CASE NUMBER: Z - 21 - 2019

NAME OF APPLICANT: Corenthians M Fletcher James L Buchanan Iii

AGENT:

GENERAL INFORMATION

TAX PLAT: 029-L-C

PARCEL(S): 020.00

ACREAGE TO BE REZONED: 0.37

PRESENT ZONING: RM-1

PROPOSED ZONING: R-3

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the west frontage of Evans Road, 850 +/- feet south of the intersection of Britton Springs Road & Evans Road.

CITY COUNCIL WARD: 3

COUNTY COMMISSION DISTRICT: 10

CIVIL DISTRICT: 3

DESCRIPTION OF PROPERTY Existing mobile home lot with varying steep topography.
AND SURROUNDING USES:

APPLICANT'S STATEMENT To build a triplex for rental property.
FOR PROPOSED USE:

GROWTH PLAN AREA:

CITY

PLANNING AREA: Lafayette Planning Area

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
- ☒ 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: New Providence Middle School is currently at 99% capacity and has 1 portable classroom. This continued student growth necessitates additional action to address building capacity and bus needs in Montgomery County.

ELEMENTARY: MINGLEWOOD

MIDDLE SCHOOL: NEW PROVIDENCE

HIGH SCHOOL: NORTHWEST

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 SURROUNDING DEVELOPMENT: Increased residential density with minimal infrastructure impact.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY:

DRAINAGE COMMENTS: East

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

1 triplex

POPULATION:

8

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

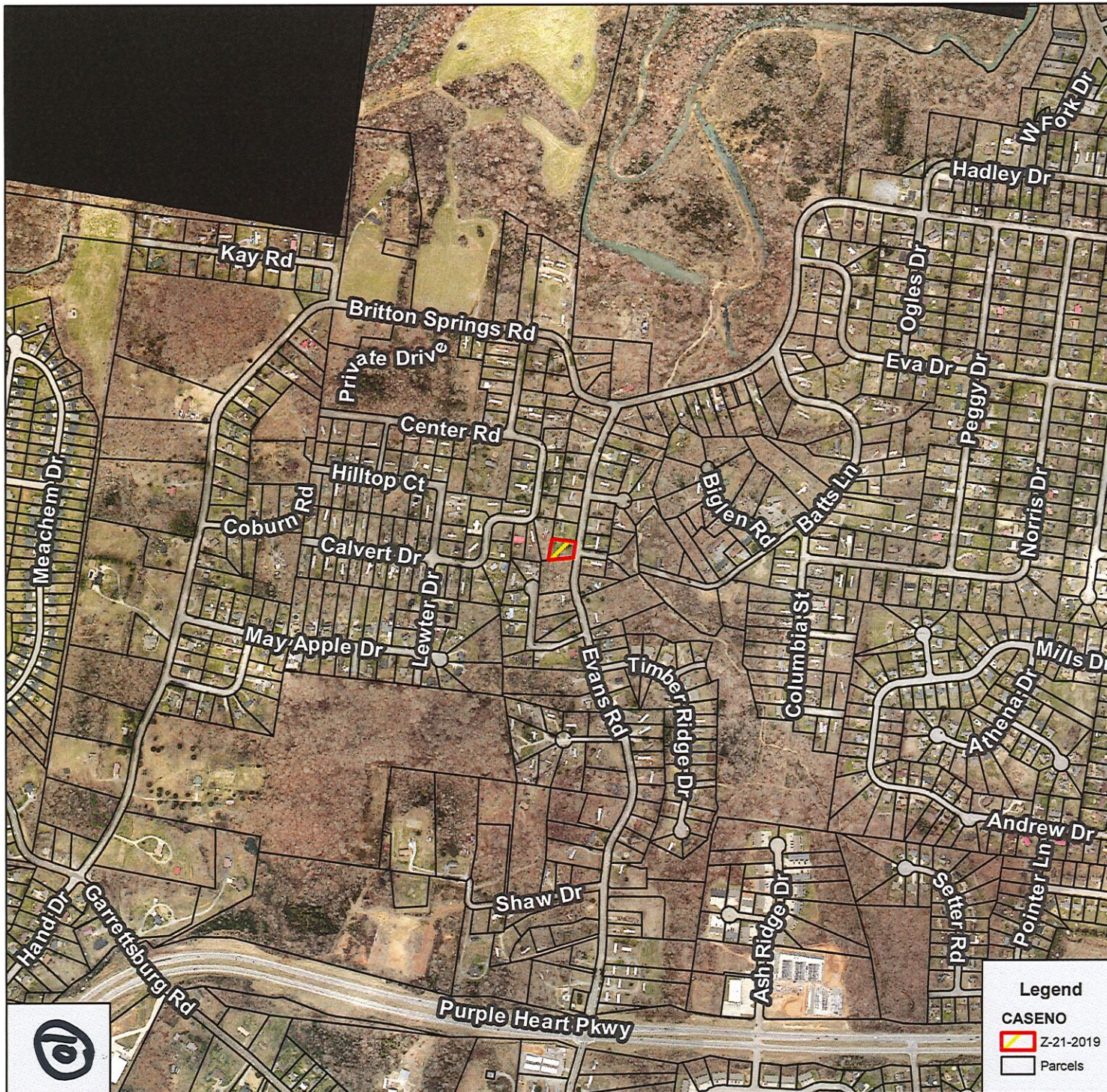
HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

Lafayette Planning Area- This area experienced considerable residential growth in the decade of the 90's. There is room for expansion along the SR 374 corridor.

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. R-3 zoning permits the development of a triplex residential structure on individual lots. It is encouraged to maintain a desirable mixture of housing types throughout the community.
3. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
4. Market changes relative to the mobile home industry has limited the viability of RM-1 zoned property.
- 5.



Z-21-2019

APPLICANT:

CORENTHIANS M.
FLETCHER & JAMES L.
BUCHANAN III

REQUEST:

RM-1 TO R-3

MAP AND PARCEL

029L C 02000

+/- ACRES

0.37



Z-21-2019

APPLICANT:

CORENTHIANS M.
FLETCHER & JAMES L.
BUCHANAN III

REQUEST:

RM-1 TO R-3

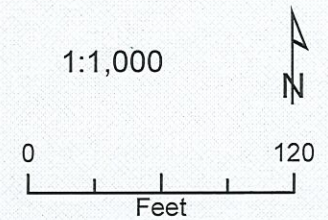
MAP AND PARCEL

029L C 02000

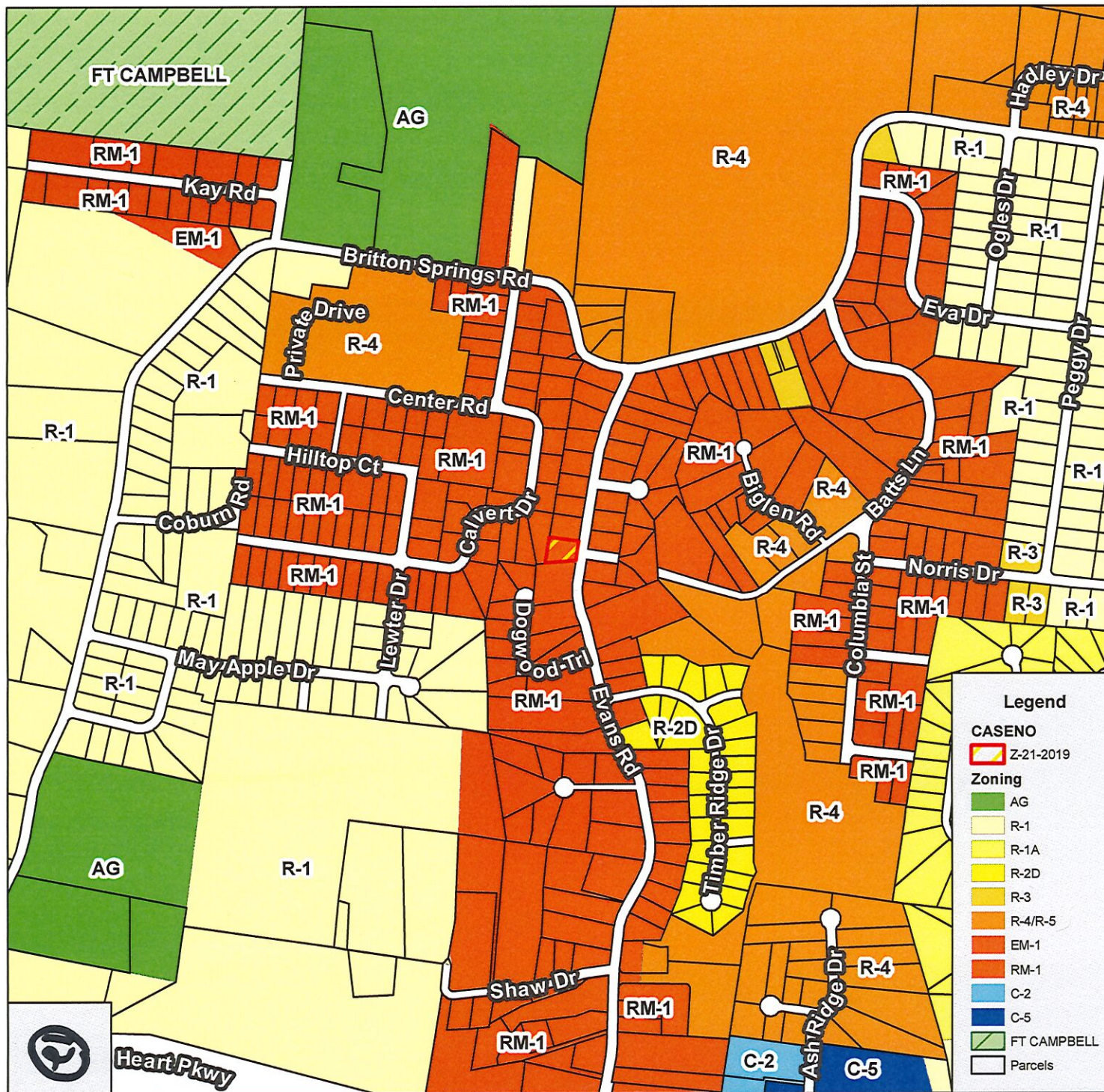
+/- ACRES

0.37

1:1,000



8/28/2019



Z-21-2019

APPLICANT:

CORENTHIANS M.
FLETCHER & JAMES L.
BUCHANAN III

REQUEST:

RM-1 TO R-3

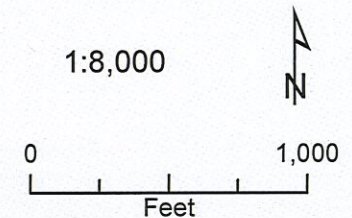
MAP AND PARCEL

029L C 02000

+/- ACRES

0.37

1:8,000



8/28/2019

CASE NUMBER: Z 21 2019 **MEETING DATE** 8/28/2019

APPLICANT: Corenthians M Fletcher James L Buchanan Iii

PRESENT ZONING RM-1 **PROPOSED ZONING** R-3

TAX PLAT # 029-L-C **PARCEL** 020.00

GEN. LOCATION Property fronting on the west frontage of Evans Road, 850 +/- feet south of the intersection of Britton Springs Road & Evans Road.

PUBLIC COMMENTS

None received as of 10:00 A.M. on 8/28/2019 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 8/28/2019

CASE NUMBER: Z - 22 - 2019

NAME OF APPLICANT Mack

Phillips

AGENT:

GENERAL INFORMATION

TAX PLAT: 056

PARCEL(S): 001.02

ACREAGE TO BE REZONED: 3.50

PRESENT ZONING: AG

PROPOSED ZONING: R-2

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property located at the northwest corner of Peterson Lane & Old Trenton Road.

CITY COUNCIL WARD: 9

COUNTY COMMISSION DISTRICT: 14

CIVIL DISTRICT: 12

DESCRIPTION OF PROPERTY Vacant cleared tract of land.

AND SURROUNDING USES:

APPLICANT'S STATEMENT Best use of property is single-family residential

FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Trenton Planning Area

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
- ☒ 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:

No sewer on the property.

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

Peterson Lane & Old Trenton Road are collector streets and driveways access must meet the access ordinance.

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:

No Comment(s) Received

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 SURROUNDING DEVELOPMENT: Increased residential density with minimal infrastructure impact.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Peterson Lane & Old Trenton Road

DRAINAGE COMMENTS: Varies.

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

9

POPULATION:

24

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

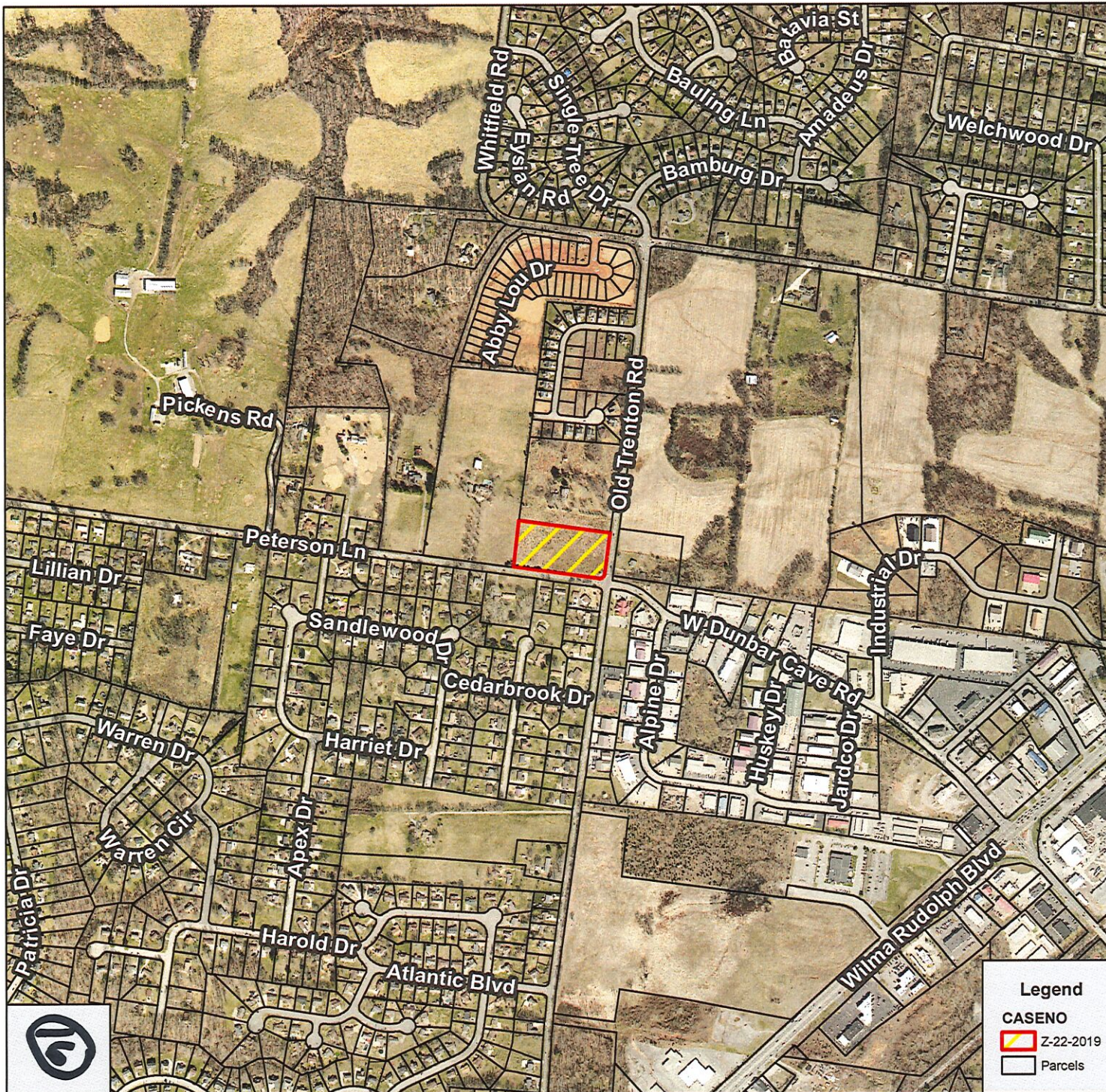
HIGH SCHOOL STUDENTS:

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 proposed R-2 Single-Family Zoning Classification is not out of character with the surrounding area.
3. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 4.
- 5.



Z-22-2019

APPLICANT:

MACK PHILLIPS

REQUEST:

AG TO R-2

MAP AND PARCEL

056 00102

+/- ACRES

3.5

1:10,000

0 1,200
Feet

8/28/2019



Z-22-2019

APPLICANT:

MACK PHILLIPS

REQUEST:

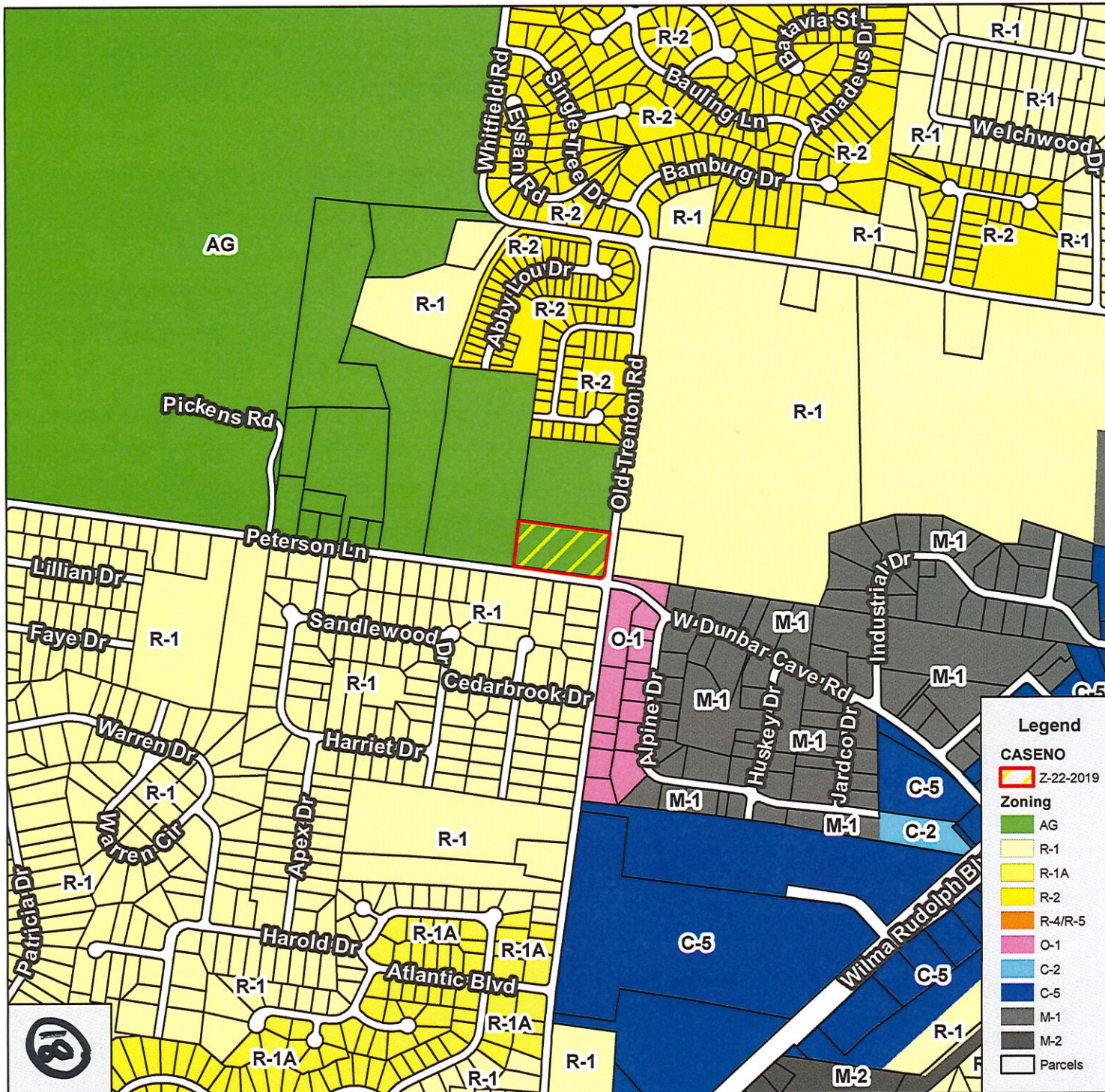
AG TO R-2

MAP AND PARCEL

056 00102

+/- ACRES

3.5



Z-22-2019

APPLICANT:

MACK PHILLIPS

REQUEST:

AG TO R-2

MAP AND PARCEL

056 00102

+/- ACRES

3.5

1:10,000

0 1,200
Feet

8/28/2019

CASE NUMBER: Z 22 2019 MEETING DATE 8/28/2019

APPLICANT: Mack Phillips

PRESENT ZONING AG PROPOSED ZONING R-2

TAX PLAT # 056 PARCEL 001.02

GEN. LOCATION Property located at the northwest corner of Peterson Lane & Old Trenton Road.

PUBLIC COMMENTS

None received as of 10:00 A.M. on 8/28/2019 (A.L.)

ORDINANCE 23-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HABITAT FOR HUMANITY, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY EAST OF WALL STREET, WEST OF RICHARDSON STREET, AND SOUTH OF DANIEL 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-2A Single Family Residential District, as R-6 Single Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at the existing axle located in the eastern right of way margin of Wall Street, said axle being located South 07 degrees 09 minutes 07 seconds East 173.05 feet from the intersection of Wall Street & Daniel Street; thence leaving said right of way margin of Wall Street, North 89 degrees 14 minutes 27 seconds East 86.65 feet to an existing axle; thence South 89 degrees 05 minutes 42 seconds East 99.87 feet to an existing axle in the westerly right of way of Richardson Street; thence as measured along the said right of way of Richardson Street South 00 degrees 15 minutes 15 seconds west 203.81 feet to a new iron pin; thence leaving said right of way margin Richardson Street North 89 degrees 02 minutes 19 seconds West 182.30 feet to a new iron pin in the easterly right of way margin of Wall Street. thence as measured along the said right of way margin of Wall Street North 00 degrees 56 minutes 42 seconds West 201.20 feet to the point of beginning containing 0.88 +/- acres

ORDINANCE 24-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CORENTHIANS M. FLETCHER AND JAMES L. BUCHANAN, III, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF EVANS ROAD AND BRITTON SPRINGS 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 RM-1 Single Family Mobile Home Residential District, as R-3 Three Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin in the western margin of Evans Road, said point being 848 feet from the intersection of the centerline of Evans Road and Britton Springs Road as measured along the western margin of the said Evans Road; thence with the said right of way South 5 degrees 30 minutes West 101.07 feet to an iron pipe; thence South 81 degrees 05 minutes West 146.46 feet to an iron pin; thence North 05 degrees 30 minutes East 137.61 feet to an iron pin; thence South 84 degrees 30 minutes East 137.61 feet to an iron pin; thence South 84 degrees 34 minutes East 142 feet to the point of beginning, said herein described tract containing 0.37 +/- acre

ORDINANCE 25-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MACK PHILLIPS FOR ZONE CHANGE ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF PETERSON LANE AND OLD TRENTON ROAD

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin being the intersection of the north margin of Peterson Lane and the west margin of Old Trenton Road. Thence along the right-of-way of Peterson Lane North 82 degrees 15 minutes 37 seconds West for a distance of 539.96 feet to an iron pin; Thence leaving said right-of-way North 07 degrees 21 minutes 45 seconds East for a distance of 281.08 feet to an iron pin; Thence South 82 degrees 15 minutes 37 seconds East for a distance of 544.90 feet to an iron pin in the west margin of Old Trenton Road; Thence along right-of-way of Old Trenton Road South 08 degrees 22 minutes 15 seconds West for a distance of 281.09 feet to the point of beginning. Said property contains 3.50 +/- acres.

RESOLUTION 18-2019-20

A RESOLUTION ADOPTING A FINAL PLAN OF SERVICES PROGRESS REPORT FOR ANNEXED TERRITORY EAST OF SWIFT FOX DRIVE AND NORTH OF TYLERTOWN ROAD

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 east Swift Fox Drive and North of Tylertown Road;

WHEREAS, annexation of said territory was approved by the adoption of Resolution 33-2018-19 on December 6, 2018 with an effective date of said annexation designated as January 5, 2019; and

WHEREAS, by of adoption of RESOLUTION 34-2018-19, the Clarksville City Council approved the Plan of Services for said territory on December 6, 2018; and

WHEREAS, T.C.A 6-51-108 (c) requires municipalities to report on and hold a public hearing on the progress made in the preceding year toward the extension of services according to the adopted Plan of Service; and

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

That all Plan of Service elements for annexed territory east of Swift Fox Drive and north of Tylertown Road have been met and were completed within the first six months of annexation including the provisions of Police, Fire, Electricity, Water, Sewer, Solid Waste Disposal, Streets, Building and Codes (Inspection Services), Planning and Zoning, Street Lighting, Recreation, and Transit where applicable.

PUBLIC HEARING:

ADOPTED:

ORDINANCE 9-2019-20

AN ORDINANCE AMENDING THE 2019-20 GENERAL FUND OPERATING BUDGET (ORDINANCE 76-2018-19) AUTHORIZING THE CITY OF CLARKSVILLE INCREASE OPERATING BUDGETS FOR DEPARTMENTS/ ENTITIES FOR THE PURPOSE OF PAYING FOR ITEMS PLANNED IN FY2018-19 BUT WILL NECESSITATE FUNDING IN FY2019-20 [PARKS, GARAGE, AIRPORT]

WHEREAS, FY2018-19 budgeted funds and appropriations expired at June 30th. At fiscal year end all unexpended appropriations roll to unassigned fund balance of the general fund.

WHEREAS, Due to various reasons, delay in manufacturing, contract delays and/or back order three (3) departments/entities are requesting to roll funds forward from FY2018-19 to FY2019-20.

WHEREAS, At the close of FY2018-19 any unexpended funds become part of the fund balance, available for appropriation.

WHEREAS, The departments/entity need to appropriate/budget the funds for FY2019-20 to cover expenditures that will occur in FY2019-20.

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

That the following Amendment be made:

General Fund

Parks and Recreation:

10451004-4742 – F450 previously delivered	Increase	\$53,689
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Garage:

10419603-4650 – Replace laptop computer	Increase	1,800
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Airport:

10462003-4860 –Capital Projects	Increase	\$455,892
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BE IT FURTHER ORDAINED that the source of funding for this \$511,381 shall be from the fund balance of the General Fund.

FIRST READING: August 1, 2019

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 11-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MICHAEL CONNERETH FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF MARTIN LUTHER KING PARKWAY (SR76) AND VAUGHAN 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 C-5 Highway & Arterial Commercial District, as C-2 General Commercial District.

PUBLIC HEARING: August 1, 2019

FIRST READING: August 1, 2019

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing concrete marker located in the northerly right of way line of Highway 76 Connector Road (Westbound Lane), said point of beginning being Dillow's southeast corner, thence leaving said right of way line of Highway 76 Connector Road and with a fence line at Dillow's east line North 9 degrees 37 minutes 48 seconds east 421.78 feet to an iron pin; thence with Dillow's south line North 79 degrees 57 minutes 53 seconds east 50.87 feet to an iron pin; said iron pin being Elliott's southwest corner; thence with Elliott's South line North 84 degrees 20 minutes 54 seconds East 250.07 feet to an iron pin; thence leaving Elliott's South line South 00 degrees 28 minutes 25 seconds East 358.40 feet to an iron pin located in the said Northerly right of way line of said Highway 76 Connector Road (Westbound Lane); thence with the westbound lane of Highway 76 Connector Road South 89 degrees 3 minutes 17 seconds West 38.00 feet to a concrete marker; thence south 74 degrees 53 minutes 19 seconds West 346.45 feet to the point of beginning, said tract containing 2.9 +/- acres, further identified as Tax Map 64, Parcel 62.03

ORDINANCE 12-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SHIRLEY A. STEWART REVOCABLE LIVING TRUST FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF OLD ASHLAND CITY ROAD AND PROCTOR DRIVE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned O-1 Office District, as M-1 Light Industrial District.

PUBLIC HEARING: August 1, 2019
FIRST READING: August 1, 2019
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 340 +/- feet east of the Old Ashland City Road & Proctor Drive intersection, said point being the northeast corner of the Thomas Development property and the northwest corner of the herein described tract, said point also being in the southern right of way margin of Old Ashland City Road, thence in a southeasterly direction 265 +/- feet with the southern right of way margin of Old Ashland City Road to a point, said point being the northwest corner of the James L. Powell, Jr. property, thence in a southerly direction 392 +/- feet with the eastern boundary of the Powell property to a point, said point being in the northern boundary of the Thomas Development property, thence in a westerly direction with the 256 +/- feet with the northern boundaries of the Thomas Development properties to a point, said point being the southeast corner of the Thomas Development property, thence in a northerly direction 480 +/- feet to the point of being, said tract containing 2.5 +/- acres, further identified as Tax Map 80-F-A, Parcel 3.00

ORDINANCE 13 -2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JIM FLAKE, VERNON WEAKLEY-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF TRACY LANE AND WHITFIELD ROAD

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

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

PUBLIC HEARING: August 1, 2019

FIRST READING: August 1, 2019

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing iron pin in the south margin of Tracy Lane, said point being the northwest corner of Lot 1, Stone Terrace Apartments (Plat Book G, Page 204); thence leaving margin of said road South 07 Degrees 59 Minutes 39 Seconds West 151.93 feet to an existing iron pin; thence South 07 Degrees 10 Minutes 18 Seconds West 924.01 feet to an existing iron pin; thence North 82 Degrees 51 Minutes 18 Seconds West 231.00 feet to a point; thence South 07 Degrees 04 Minutes 29 Seconds West 1151.72 feet to a point; thence North 81 Degrees 08 Minutes 17 Seconds West 418.50 feet to a point; thence North 06 Degrees 50 Minutes 38 Seconds East 726.29 feet to a point; thence North 02 Degrees 40 Minutes 35 Seconds West 461.91 feet to a point; thence North 40 Degrees 55 Minutes 28 Seconds East 66.00 feet to a point; North 24 Degrees 24 Minutes 58 Seconds East 464.85 feet to a point; thence North 34 Degrees 15 Minutes 40 Seconds East 492.82 feet to a point; thence North 10 Degrees 01 Minutes 43 Seconds East 112.97 feet to a point; thence South 79 Degrees 58 Minutes 17 Seconds East 328.60 feet to the point of beginning and containing an area of 22.62 acres.

ORDINANCE 14-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF EAGLES BLUFF PARTNERSHIP FOR ZONE CHANGE ON PROPERTY LOCATED WEST OF WILMA RUDOLPH BOULEVARD, EAST OF OLD TRENTON ROAD, AND SOUTH OF WYLMA VAN ALLEN PLACE

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

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

PUBLIC HEARING: August 1, 2019
FIRST READING: August 1, 2019
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing iron pin in the east margin of Old Trenton Road, said iron pin being North 03 Degrees 30 Minutes 53 Seconds West 135.20 feet from the centerline intersection of Old Trenton Road and Atlantic Blvd; thence along margin of said road North 07 Degrees 51 Minutes 29 Seconds East 1264.49 feet to an existing iron pin, said iron pin being the southwest corner of the State of Tennessee Property (ORV 1429, Page 509); thence leaving margin of said road along said property South 80 Degrees 41 Minutes 26 Seconds East 286.69 feet to an existing iron pin; thence South 07 Degrees 49 Minutes 50 Seconds West 354.81 feet to an existing iron pin; thence South 81 Degrees 17 Minutes 13 Seconds East 1003.95 feet to a new iron pin at the southwest terminus of Wilma Van Allen Place; thence along south margin of said road South 81 Degrees 27 Minutes 56 Seconds East 358.10 feet to a new iron pin; thence with a curve turning to the right with an arc length of 69.15 feet, with a radius of 100.00 feet, with a chord of South 61 Degrees 21 Minutes 57 Seconds East 67.78 feet to a new iron pin; thence South 41 Degrees 52 Minutes 58 Seconds East 191.29 feet to a new iron pin in the north margin of Wilma Rudolph Blvd, aka US Highway 79, aka State Route 13; thence along margin of said road South 47 Degrees 51 Minutes 24 Seconds West 400.53 feet to a new iron pin; thence South 16 Degrees 09 Minutes 25 Seconds West 59.84 feet to a new iron pin; thence South 47 Degrees 07 Minutes 15 Seconds West 270.00 feet to a new iron pin; thence South 80 Degrees 26 Minutes 30 Seconds West 21.15 feet to a new iron pin; thence leaving margin of said road along the north line of the H.A.R.E. LLC Property (ORV 948, Page 49) North 78 Degrees 43 Minutes 13 Seconds West 622.20 feet to an existing iron pin; thence along the north line of the H.A.R.E. LLC Property (ORV 1232, Page 1056) North 81 Degrees 18 Minutes 06 Seconds West 406.76 feet to an existing iron pin; thence South 08 Degrees 38 Minutes 33 Seconds West 198.15 feet to a new iron

pin; thence North 82 Degrees 00 Minutes 00 Seconds West 370.36 feet to the point of beginning and containing an area of 31.24 +/- acres.

ORDINANCE 15-2019-20

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO CONDUCT NEGOTIATIONS AND TO ENTER AN AGREEMENT FOR PURCHASE OF EASEMENTS AND/OR RIGHTS OF WAY, OR SHOULD NEGOTIATIONS FAIL, TO PURSUE CONDEMNATION THROUGH USE OF EMINENT DOMAIN FOR ACQUISITION OF PROPERTY FOR A PUBLIC PURPOSE FOR THE TDOT ROSSVIEW ROAD WIDENING PROJECT (FROM I-24 TO CARDINAL LANE / TDOT PROJECT #63LPLM-F2-029, PIN 112874.00)

WHEREAS, the City of Clarksville finds that improvements to roads and intersections within the City are a vital component to the proper function of the transportation system and enhanced quality of life for city residents; and

WHEREAS, the Clarksville City Council finds it to be in the public interest to acquire easements and/or right of way rights for the purpose of constructing improvements to Rossview Road.

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

That the Mayor, acting through the City Attorney or his designee, may negotiate and enter into an agreement for the purchase of any necessary property rights from affected property owners for the TDOT Rossview Road Widening Project (From I-24 To Cardinal Lane / TDOT Project #63LPLM-F2-029, Pin 112874.00) and further, that if agreement cannot be reached on a reasonable purchase price in a timely manner, then the Mayor, acting through the City Attorney or his designee, and on behalf of the City of Clarksville, is hereby authorized to exercise the right of eminent domain and institute a condemnation action in the appropriate court for acquisition of any necessary property rights from affected property owners for the TDOT Rossview Road Widening Project (From I-24 To Cardinal Lane / TDOT Project #63LPLM-F2-029, Pin 112874.00), and said negotiations, acquisitions, and/or exercise of the right of eminent domain should be performed in compliance with Tennessee Department of Transportation policies and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.

FIRST READING: August 1, 2019

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 15-2019-20

A RESOLUTION APPROVING BOARD APPOINTMENTS TO THE CLARKSVILLE HOUSING AUTHORITY AND THE NATURAL GAS ACQUISITION BOARD

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

That the Clarksville City Council hereby approves the following board appointments:

Clarksville Housing Authority: Betty Burchett - October 2019 through September 2024

Natural Gas Acquisition Board: Mark Riggins - September 2019 through December 2022

ADOPTED:



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JULY 25, 2019**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, July 25, 2019, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilwoman Wanda Smith; the Pledge of Allegiance was led by Councilman Gary Norris.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Vondell Richmond (Ward 2), Ron Erb (Ward 3), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), David Allen, Mayor Pro Tem (Ward 8), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (12)

ABSENT: Tim Chandler (Ward 4) Jeff Henley (Ward 9)

FY20 TAX RATE

ORDINANCE 10-2019-20 (First Reading) Establishing the FY20 Tax Rate (Tax Year 2019)

Mayor Pitts said this ordinance would establish the current year tax rate at \$1.026. Mayor Pitts made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Garrett. In response to Councilwoman Smith's question, Mayor Pitts said the previous year tax rate of \$1.24 was being reduced due to the recent reappraisal and revaluation. The following vote was recorded:

AYE: Allen, Burkhart, Erb, Garrett, Guzman, Holleman, Norris, Pitts,
Richmond, Smith, Streetman

NOT VOTING: Chandler, Henley

ADJOURNMENT

The meeting was adjourned at 4:34 p.m., immediately followed by Executive Session.



CLARKSVILLE CITY COUNCIL REGULAR SESSION AUGUST 1, 2019 MINUTES

PUBLIC COMMENTS

Prior to the meeting, Louis Marshall said the local justice system was unfair and shared his printed statement regarding an incident during a local protest in 2014.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, August 1, 2019, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Mayor Pro Tem David Allen; the Pledge of Allegiance was led by Councilwoman Valerie Guzman.

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), David Allen, Mayor Pro Tem (Ward 8), Jeff Henley (Ward 9), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (12)

SPECIAL RECOGNITIONS

There were no special recognitions.

PUBLIC HEARING

Councilman Garrett made a motion to conduct a public hearing to receive comments regarding annexation, redistricting, and requests for zone change. The motion was seconded by Councilman Henley. There was no objection.

RESOLUTION 12-2019-20 Annexing territory south of Hankook Road and east of Interstate 24

Dan Newville, representing the applicant, C & H Properties, offered to answer questions; no questions were asked. There was no expressed opposition.

RESOLUTION 13-2019-20 Adopting a Plan of Services for annexed territory south of Hankook Road and east of Interstate 24

No one spoke for or against this proposed plan.

ORDINANCE 5-2019-20 (Second Reading) Reapportioning annexed territory on Gratton Road, on Highway 76 at I-24, and on Hankook Road east of I-24

No one spoke for or against the proposed redistricting of the annexed territory on Hankook Road east of Interstate 24.

ORDINANCE 11-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Michael Connerth for zone change on property located at the intersection of Martin Luther King Parkway (SR76) and Vaughan Road from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

No one spoke for or against this request.

ORDINANCE 12-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Shirley A. Stewart Revocable Living Trust for zone change on property located at the intersection of Old Ashland City Road and Proctor Drive from O-1 Office District to M-1 Light Industrial District

Vernon Weakley, Weakley Brothers Engineering, said Thomas Lumber Company was hoping to expand their operations if this property if rezoned. There was no expressed opposition.

ORDINANCE 13-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jim Flake, Vernon Weakley-Agent, for zone change on property located at the intersection of Tracy Lane and Whitfield Road from R-1 Single Family Residential District to R-4 Multiple Family Residential District

Vernon Weakley, Weakley Brothers Engineering, offered to answer questions; no questions were asked. No one expressed opposition.

ORDINANCE 14-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eagles Bluff Partnership for zone change on property located west of Wilma Rudolph Boulevard, east of Old Trenton Road, and south of Wylma Van Allen Place from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

Vernon Weakley, Weakley Brothers Engineering, asked for support of this change. In response to Councilman Henley's question, Mr. Weakley said connecting roads and sidewalks would be addressed during the site review. There was no expressed opposition.

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

ADOPTION OF ANNEXATION

Councilman Garrett made a motion to adopt **RESOLUTION 12-2019-20**. The motion was seconded by Councilman Burkhart. In response to Councilman Erb's question, Mayor Pitts said the City would not maintain the cemetery. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

Councilman Garrett made a motion to adopt **RESOLUTION 13-2019-20**. The motion was seconded by Councilman Allen. There was no discussion. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

ADOPTION OF REDISTRICTING

Councilman Garrett made a motion to adopt **ORDINANCE 5-2019-20** on second reading. The motion was seconded by Councilman Burkhart. Councilman Allen made a motion to amend this ordinance to include the annexed territory on Hankook Road east of Interstate 24. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

The amendment unanimously passed. The following vote on the ordinance as amended was recorded:

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

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

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 11-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

The motion to adopt this ordinance on first reading unanimously passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 12-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. The following vote was recorded:

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

The motion to adopt this ordinance on first reading unanimously passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 13-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. Councilman Burkhart stated his intent to abstain from voting because he was a buying partner. The following vote was recorded:

AYE: Allen, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 14-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris. Councilman Burkhart stated his intent to abstain from voting because he was an owner of the property. The following vote was recorded:

AYE: Allen, Chandler, Erb, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

CONSENT AGENDA

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

1. **ORDINANCE 1-2019-20** (Second Reading) Accepting donation of certain real property from the Industrial Development Board for the purpose of a water storage tank
2. **ORDINANCE 2-2019-20** (Second Reading) Authorizing purchase of property at 111 Cunningham Lane for the Gas & Water North Service Center
3. **ORDINANCE 3-2019-20** (Second Reading) Authorizing purchase of property for the Gas & Water new Meadowbrook Sewer Pump Station Equalization Basin
4. **ORDINANCE 4-2019-20** (Second Reading) Authorizing exercise of right of eminent domain to acquire easements and/or rights-of-way for the Trenton Road and Meriwether Road Project, the Tylertown-Oakland Road Improvements Project, and the Whitfield Road Improvements Project
5. **ORDINANCE 6-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eric Huneycutt for zone change on property located at the intersection of Charlotte Street and Blackman Street from R-3 Three Family Residential District to R-6 Single Family Residential District
6. **ORDINANCE 7-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reber Kennedy for zone change on property located at the north terminus of Lancelot Lane, the west terminus of Winesap Road, and the west terminus of Core Drive from AG Agricultural District to R-1 Single Family Residential District
7. **ORDINANCE 8-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of CVHC3, LLC, C&E Partners-Agent, for zone change on property located at the intersection of 41-A Bypass/Ashland City Road and Riverwood Place C-5 Highway & Arterial Commercial District and R-4 Multiple Family Residential District to C-2 General Commercial District
8. **RESOLUTION 8-2019-20** Approving a Certificate of Compliance for sale of wine at Dollar General (1945 Madison Street)
9. **RESOLUTION 9-2019-20** Approving a Certificate of Compliance for retail liquor sales at Elite Wine & Spirits (1875 Madison Street)
10. **RESOLUTION 14-2019-20** Approving appointments to the Human Relations Commission, Parking Commission, Senior Citizens Board

- *Human Relations Commission: Ronald Dayley (fill unexpired term of Mark Kelly-resigned) - August 2019 through June 2022*
- *Parking Commission: Morgan Knight (replace Linda Shepard-term expired) - September 2019 through August 2021*
- *Senior Citizens Board: Norma Deal (reappointment) - March 2019 through April 2022, Mary New (replace Daniel Dell-resigned), Jimmy Parker (replace Glenda Warren-resigned) - August 2019 through April 2022*

11. Adoption of Minutes: July 2

Councilman Burkhart made a motion to adopt the Consent Agenda. The motion was seconded by Council Lady Guzman. Councilman Burkhart noted his intent to abstain from voting on Item 4, **ORDINANCE 4-2019-20**. The following vote was recorded:

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

The motion to adopt the Consent Agenda with one notation passed.

FINANCE COMMITTEE *Chairman Jeff Burkhart*

ORDINANCE 9-2019-20 (First Reading) Amending the FY20 General Fund Operating Budget to increase operating budgets for departments/entities for the purpose of paying for items planned in FY19 but will necessitate funding in FY20

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 Council Lady Streetman. The following vote was recorded:

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

The motion to adopt this ordinance on first reading unanimously passed.

RESOLUTION 10-2019-20 Authorizing a mutual aid/interlocal agreement between the City of Clarksville and Austin Peay State University for police services

The recommendations of the Public Safety Committee and Finance Committee were for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Norris. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

RESOLUTION 11-2019-20 Declaring the City’s intent to reimburse itself not to exceed \$15,620,000.00 for certain project expenditures with proceeds of general obligation bonds, notes, or other debt obligations

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

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

The motion to adopt this resolution unanimously passed.

GAS & WATER COMMITTEE *Councilady Valerie Guzman*

Councilady Guzman shared the following monthly department statistics: 539 million gallons [reported as 5 million] of treated water, 392 million gallons of treated sewage, 11,000 calls, 13 new gas services, 54 natural gas odor calls, 28 water leak repairs, 326 hydrant flushes, and 1,700 backflow tests.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

Councilman Allen said the low bid for demolition of the Wesley Chapel Church building was \$190,000 and Pettus Park concession demolition was completed on July 31st. A “key” ceremony was recently held at 844 Glendale Drive and another was scheduled for 1317 Cedar Street.

PARKS & RECREATION *Chairlady Valerie Guzman*

Councilady Guzman mentioned upcoming events including the Downtown Market, Wonder Kids Triathlon, Back To School Splash, and Food Truck Rallys. Councilady Streetman expressed appreciation to Mayor Pitts, Parks Staff, Police, and other city employees for successful Mayor’s Summer Lights events held twice weekly during June and July.

PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

Councilman Henley shared the following monthly department statistics: Building & Codes - 1,840 inspections, 446 enforcement cases, 39 single-family permits, 85 abatement work orders; Fire Rescue - 697 calls; Police - 13,971 responses.

Councilman Henley noted CPD’s “Night Out Against Crime,” scheduled for August 5 and welcomed new Fire Chief Freddie Montgomery who had taken the oath of office earlier this day.

STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

Councilman Chandler said the Street Department worked 972 year-to-date man hours to complete 100 more work orders than in 2018 at a cost \$10,000 less than the previous year. Current work orders totaled 296 and including 1,226 debris pickups.

Councilman Chandler expressed appreciation to David Smith for assistance in remedying various issues in Ward 4 and Ward 6.

TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councillady Smith said Clarksville Transit System transported 51,326 passengers during July, including 7,028 senior citizens, 2,048 youths-ride-free, and 1,128 passengers for the Independence Day celebration. The shelter at Walmart on 41-A North had been replaced with a shelter that has solar security lights. Councillady Smith said the Conwood property on Franklin Street was being considered as a new location for the transit center and a selection committee had been formed to search for a new transit director following the recent retirement of Arthur Bing.

NEW BUSINESS

CERTIFIED TAX RATE

ORDINANCE 10-2019-20 (Second Reading) Establishing the FY20 Certified Tax Rate at \$1.0296 (Tax Year 2019)

Mayor Pitts made a motion to adopt this ordinance on second reading. The motion was seconded by Councillady Guzman. The following vote was recorded:

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

The motion to adopt this ordinance on second reading unanimously passed.

ROSSVIEW ROAD WIDENING PROJECT

ORDINANCE 15-2019-20 (First Reading) Authorizing negotiations and agreements for purchase of easements and/or rights of way and/or condemnation through use of eminent domain for acquisition of property for the TDOT Rossview Road widening project

Because this ordinance was not presented during the July 25th Executive Session, Councillady Smith made a motion to consider this ordinance on first reading. The motion was seconded by Councilman Garrett. The following vote was recorded:

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

The motion to consider this ordinance on first reading unanimously passed with the required 3/4 majority vote approval. Councillady Guzman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Garrett. The following vote was recorded:

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

The motion to adopt this ordinance on first reading unanimously passed.

COMPREHENSIVE GROWTH PLAN

Regional Planning Director Jeff Tyndall summarized the proposed plan and noted the first public hearing was held during the City Council's Executive Session on July 25, 2019. Mayor Pitts opened the floor for the second of two required public hearings; there were no public comments.

MAYOR AND COUNCIL MEMBER REPORTS

Councillady Guzman invited the public to the United Way Campaign Kickoff at the Roxy Regional Theater on August 28th.

Councilman Richmond thanked Mayor Pitts for his support of the recent "Breaking Barriers, Building Bridges" small business luncheon held on July 24th.

ADJOURNMENT

The meeting was adjourned at 7:51 p.m.

ORDINANCE 16-2019-20

AN ORDINANCE AUTHORIZING TRANSFER OF SOUTH SECOND STREET PROPERTY INTERESTS TO BIKERS WHO CARE, INC., A TENNESSEE NON-PROFIT CORPORATION

- WHEREAS*, pursuant to Resolution 27-2002-03, the City Council of the City of Clarksville, Tennessee previously authorized the conveyance of certain real property located at South Second Street and having a map, group and parcel number of 66K-H-16.00 (said property hereinafter referred to as, the “Second Street Property”) to Bikers Who Care, Inc. (hereafter “BWC), a Tennessee non-profit corporation; and
- WHEREAS*, in accordance with said Resolution, the City of Clarksville did subsequently convey the Second Street Property to BWC via execution and delivery of a Warranty Deed (dated July 28, 2003, of record at Vol. Book 916, P. 2039, Register’s Office for Montgomery County, Tennessee) “subject to the condition subsequent that this realty conveyed be used for park purposes, generally similar to those described in the schematic representation of ‘Little Buddy Park’, prepared by Lyle-Cook-Martin Architects”; and
- WHEREAS*, in said Warranty Deed, the City of Clarksville expressly reserved, and now continues to hold, a right to re-enter the Second Street Property and re-take title thereto, in the event BWC ceases to use said property for such park purposes; and
- WHEREAS*, the City Council finds that the park has not been built, but that the City does not desire to retake possession or ownership of the Second Street Property, and has no use for the property, and finds it to be in the best interest of the City to convey any and all remaining rights or interests it has in the property, to BWC, for the purpose of allowing the BWC to sell or otherwise dispose of said property as that organization sees fit; and
- WHEREAS*, the City Council finds that said transfer of the City’s remaining rights or interest in the property should be without cost to the BWC, a local non-profit which has performed a tremendous amount of charitable work in the City, especially for underprivileged children; and
- WHEREAS*, the City of Clarksville now desires to convey unto Bikers Who Care, Inc., and to otherwise completely release and relinquish, any and all rights and interests the City presently holds in the Second Street Property, to include the City’s aforementioned right to re-enter the Second Street Property and re-take title thereto.

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

That the City of Clarksville is hereby authorized to transfer all of its remaining interests in the Second Street Property (said property having a map, group and parcel number of 66K-H-16.00) to Bikers Who Care, Inc. (BWC) and, more specifically, the City of Clarksville is authorized to execute and deliver a quitclaim deed or other such necessary instrument(s) conveying unto BWC, without any reservations whatsoever, all of the rights, title and interests the City of Clarksville presently holds in the Second Street Property, to include any right to re-enter and re-take title thereto, and that the Mayor, and the City Attorney and City Clerk, are authorized to execute any and all documents necessary to effectuate this purpose.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 27-2002-03

A RESOLUTION CONVEYING REAL PROPERTY TO BIKERS WHO CARE, INC.

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

That the Clarksville City Council expresses its intent to convey and does hereby authorize the conveyance of the city's ownership interest in property located on Second Street, Montgomery County Tax Parcel No. 66K H 16.00 to Bikers Who Care, Inc., a not-for-profit organization.

BE IT FURTHER RESOLVED that the conveyance shall be a fee simple conveyance subject to a condition subsequent. The City shall convey fee simple title to Bikers Who Care, Inc. and subject to the condition that the land be used for park purposes generally similar to those described in the schematic representation of "Little Buddy Park", prepared by Lyle-Cook-Martin Architects. If Bikers Who Care, Inc., or any successor in title should cease to use the property for those purposes, the City shall have the right, but not the obligation, to re-enter the land and retake title thereto.

BE IT FURTHER RESOLVED the city agrees to subordinate this condition, subsequent if necessary, for Bikers Who Care to obtain financing to facilitate construction of the park or its related facilities, and/or if necessary as a condition precedent to receipt of grants for such purposes.

BE IT FURTHER RESOLVED that the transfer may not occur less than ten days after the publication of this resolution.

PUBLICATION DATE: February 4, 2003

ADOPTED: March 6, 2003

627

This instrument was prepared by Jack M. Rudolph of the law firm of Rudolph, Ross, Fendley & Hogan,
107 North Third Street, Post Office Box 925, Clarksville, Tennessee 37041-0925.

MAIL TAX STATEMENTS TO:

Bikers Who Care, Inc.

P.O. 1253
Clarksville, Tennessee 37040

OWNER AND PROPERTY ADDRESS:

Bikers Who Care, Inc.

Second St.
Clarksville, Tennessee 37040

CITY OF CLARKSVILLE, A TENNESSEE MUNICIPAL CORPORATION

TO: WARRANTY DEED

BIKERS WHO CARE, INC., A TENNESSEE NON-PROFIT CORPORATION

PURSUANT TO RESOLUTION 27-2002-03 ADOPTED BY THE CITY COUNCIL FOR
THE CITY OF CLARKSVILLE ON MARCH 6, 2003, AND FOR A VALUABLE
CONSIDERATION, this day in hand paid, the receipt of which is acknowledged, CITY OF
CLARKSVILLE, A TENNESSEE MUNICIPAL CORPORATION, located in Montgomery County,
Tennessee, as Grantor and in this deed called the "Grantor", has this day bargained and sold and does
transfer and convey unto BIKERS WHO CARE, INC, A TENNESSEE NON-PROFIT
CORPORATION, Grantee and in this deed called the "Grantee", in fee simple absolute, Grantee's
successors and assigns forever, the following described real estate, together with any and all improvements
located on the real estate, situated in the Twelfth (12th) Civil District of Montgomery County, Tennessee,
to-wit:

BEGINNING at a point in the east margin of Second Street South, said point being the northwest
corner of Lot 43 of Valley Brook Subdivision, Section II; thence north 6 degrees 19 minutes east
244.2 feet along said east margin to a point; thence 164.24 feet along said east margin with a curve
to the left having a radius of 1020.0 feet to a point in the south margin of the L&N Railroad;
thence 288.86 feet along said south margin in a northeasterly direction with a curve to the left
having a radius of 3339.3 feet to a point; thence north 65 degrees 00 minutes east 107.81 feet
along said south margin to a point; thence south 2 degrees 49 minutes west, 33.91 feet to a point;
thence north 65 degrees 00 minutes east 221.35 feet along said south margin of the L&N Railroad
to a point; thence north 80 degrees 09 minutes west 30.22 feet to a point; thence north 65 degrees
00 minutes east 550.0 feet to a point; thence south 25 degrees 00 minutes east 50.0 feet to a point;
thence south 82 degrees 30 minutes east 186.0 feet to a point; thence south 2 degrees 34 minutes
west 96.1 feet to a point, said point being the northeast corner of Lot 1 of Valley Brook
Subdivision, Section I; thence south 75 degrees 10 minutes west 265.3 feet along the boundary of
said subdivision to a point; thence south 33 degrees 39 minutes west 162.5 feet along said
boundary to a point; thence south 1 degree 27 minutes west 184.7 feet along said boundary to a
point; thence south 48 degrees 03 minutes west 329.8 feet along said boundary to a point; thence
south 38 degrees 51 minutes east 146.0 feet along said boundary to a point; thence north 86
degrees 53 minutes west 181.0 feet along said boundary to a point; thence south 3 degrees 07
minutes west 2.0 feet to a point in the boundary of Valley Brook Subdivision, Section II; thence
north 86 degrees 47 minutes west 118.0 feet along said boundary to a point; thence north 47
degrees 16 minutes west 81.9 feet along said boundary to a point; thence north 83 degrees 55
minutes west 207.7 feet along said boundary to a point; thence south 55 degrees 26 minutes west
85.9 feet along said boundary to a point; thence north 83 degrees 41 minutes west 90.6 feet along
said boundary to the point of beginning, containing approximately 11.4 acres. This legal
description is taken from the previous deed of record..

This being a portion of the same real estate conveyed to the City of Clarksville, Tennessee
by deed of record in ORBV 158, Page 351, in the Register's Office for Montgomery,

Tennessee. The map, group and parcel number assigned to the above described real estate by the Assessor of Property for Montgomery County, Tennessee is 66K-H-16.00.

GRANTOR RESERVES PERMANENT EASEMENTS AND/OR RIGHT OF WAYS for the purpose of underground utilities as described below, said easements being 10 feet wide and having a centerline described as follows:

Easement #1

Beginning at the point in the eastern boundary of subject property, said point being 47'± southwesterly of the northern corner of lot #4 Valleybrook Subdivision;
thence, in a northwesterly direction 48'± to a point;
thence, at an angle 62°± to the left 426'± to a point, also known as point "A";
thence, at an angle 12°± to the right 197'± to a point;
thence, at an angle 2°± to the left 343'± to a point; in the easterly right-of-way of South Second Street, said point being 227'± north of northwest corner of lot #43 Valleybrook Subdivision.

Easement #2

Beginning at the point in the southerly boundary of subject property, said point being 2'± west of the northeastern corner of lot #37 Valleybrook Subdivision;
thence, in a northerly direction 84'± to a point;
thence, at the angle 35°± to the right 195'± to a point also known as point "B";
thence, at the angle 53°± to the left 84'± to a point;
thence, at the angle 20'± to the left 139'± to a point "A" being part of easement #1.

Easement #3

Beginning at the point in the southeasterly boundary of subject property, said point being 35'± southwesterly of the northern corner of lot #26 Valleybrook subdivision;
thence in a southwesterly direction 108'± to a point;
thence, at the angle 48°± to the right 72'± to a point "B" being part of easement #2.

TO HAVE AND TO HOLD said real estate together with any and all improvements thereon unto **Grantee**, in fee simple absolute, **Grantee's** successors and assigns forever.

SUBJECT TO THE CONDITION SUBSEQUENT that this realty conveyed be used for park purposes, generally similar to those described in the schematic representation of "Little Buddy Park", prepared by Lyle-Cook-Martin Architects, the City reserves the right, but shall have no obligation, to reenter the land and retake title thereto if Bikers Who Care, Inc., or any successor in title, shall cease to use the property for those purposes upon a proper resolution being duly passed by the City Council of Clarksville, Tennessee.

The City agrees to subordinate the foregoing condition subsequent, if necessary, to enable Bikers Who Care, Inc. to obtain financing to facilitate construction of the park or its related facilities, and/or if necessary as a condition precedent to receive grants for such purposes.

GRANTOR COVENANTS that **Grantor** is lawfully seized and possessed of said real estate; that **Grantor** has a good and lawful right to convey the same; that this real estate is unencumbered; and, that **Grantor** will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

POSSESSION will be given upon delivery of this deed.

THE REAL ESTATE AD VALOREM TAXES for the current year are assumed by the Grantee.

IN WITNESS WHEREOF, Grantor has affixed Grantor's signature on this the 28th ^{July} day of March, 2003.

GRANTOR:

CITY OF CLARKSVILLE

By: Donald W. Trotter
DONALD W. TROTTER, MAYOR

ATTEST:

By: Sylvia Skinner
SYLVIA SKINNER, CITY CLERK



GRANTEE:

BIKERS WHO CARE, INC.

By: Bill T. Langford
Title: Director of Bikers Who Care

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Personally appeared before me, the undersigned Notary Public in and for the State and County aforesaid, DONALD W. TROTTER and SYLVIA SKINNER, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument for the purposes therein contained, and who upon oath further acknowledged such person to be MAYOR AND CITY CLERK OF CITY OF CLARKSVILLE, A TENNESSEE MUNICIPAL CORPORATION, the within named bargainer, a municipal corporation, and that such officer, as such Mayor and City Clerk, executed the foregoing instrument for the purposes therein contained, by personally signing the name of the corporation as MAYOR AND CITY CLERK.

Witness my hand and seal, at office, this 28th ^{July} day of March, 2003.

Katherine S. Gasaway
NOTARY PUBLIC SEAL

My Commission Expires: 8-17-05



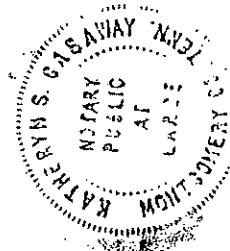
STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Personally appeared before me, the undersigned Notary Public in and for the State and County aforesaid, Bill T. Langford, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument for the purposes therein contained, and who upon oath further acknowledged such person to be Director of Bikers Who Care, the within named bargainer, a non-profit corporation, and that such officer, executed the foregoing instrument for the purposes therein contained, by personally signing the name of the corporation as Director.

Witness my hand and seal, at office, this 22nd ^{July} day of March, 2003.

Katherine S. Gasaway
NOTARY PUBLIC SEAL

My Commission Expires: 8-17-05



STATE OF TENNESSEE

COUNTY OF MONTGOMERY

As required by Tennessee Code Annotated Section 67-4-409 (a)(6)(A), the undersigned being Grantee, Grantee's agent or a trustee acting for Grantee, after first being duly sworn, makes oath that the actual consideration for this transfer or the value of the property transferred, whichever is greater, is \$ 5,000.00.

SWORN AND SUBSCRIBED TO before me on this the 11th day of

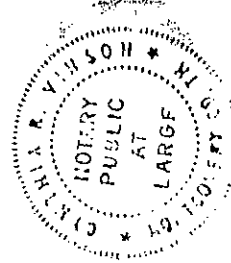
~~March~~, 2003.
August

Burt Long
AFFIANT

Michael Wilson
NOTARY PUBLIC

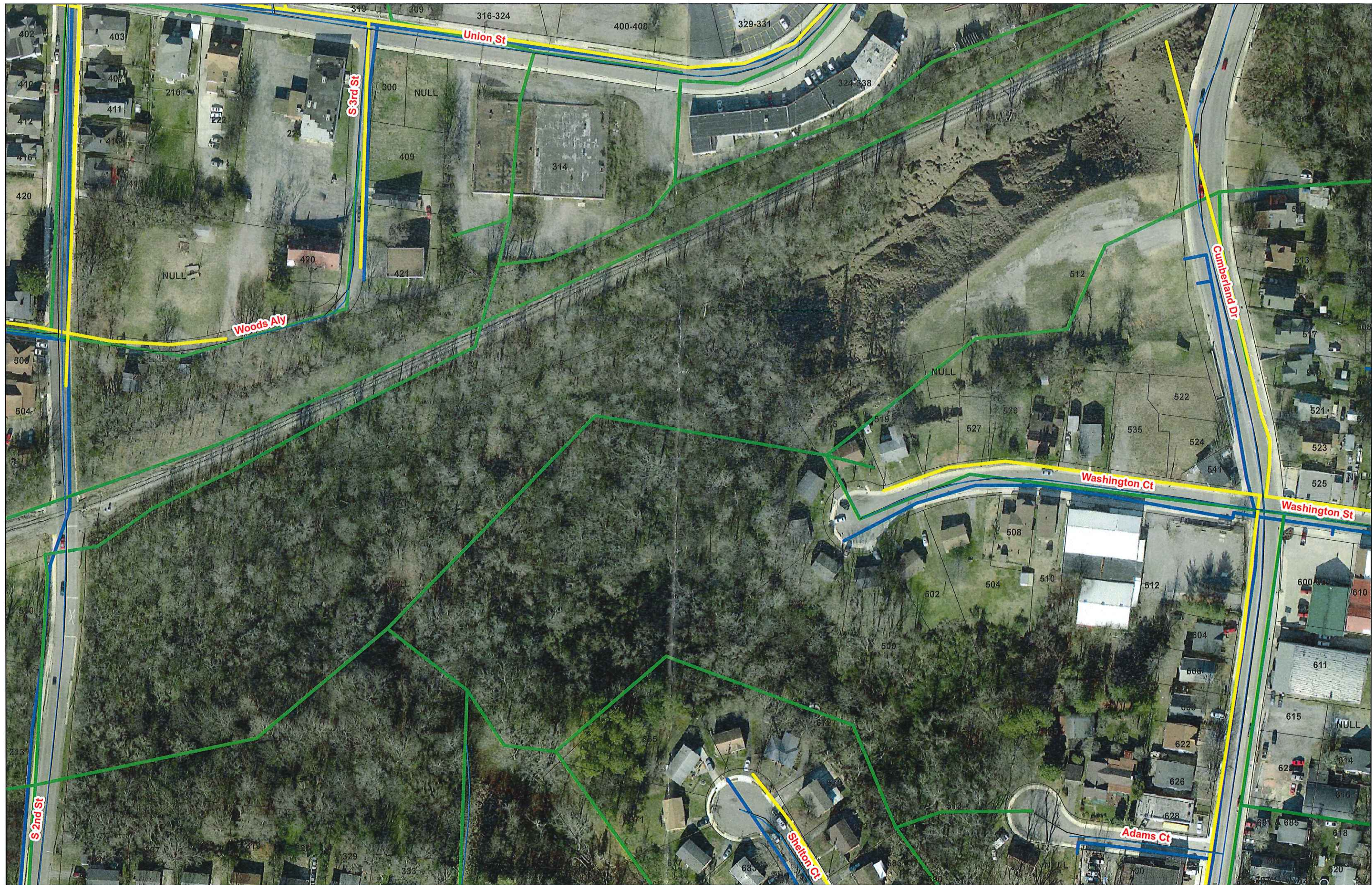
SEAL

Commission expires: 12/16/03



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Joyce B. Sawyer, Register
Montgomery County Tennessee
Rec'd: 62292 Instrument 584010
State: 20.00 Rbk: 6 Pg 753
Clerk: 18.50
EDP: 1.00 Recorded
Total: 41.50 8/15/2003 at 1:24 PM
in Volume
916 Pages 2039-2042



ORDINANCE 17-2019-20

AN ORDINANCE ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY FROM
FIFTH WARD MISSIONARY BAPTIST CHURCH

WHEREAS, James Halford, Jr., Donald Barker, James Guynn, Thomas Hutchins, Otis Sanders, and Derek Pressley, Trustees of the Fifth Ward Missionary Baptist Church, have agreed to donate certain real property to the City of Clarksville; and

WHEREAS, said property is situated on the south side of Franklin Street, bounded on the south and west by property of Sudie Cox, on the east by the house formerly occupied by Boyd Johnson, and on the north by Franklin Street; and

WHEREAS, the Clarksville City Council has determined that it is in the best interest of the City and its residents that the donation from Fifth Ward Missionary Baptist Church 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 Trustees of Fifth Ward Missionary Baptist Church, legal description of said property recorded in ORBV 1613, Page 1789, in the Register's Office for Montgomery County, Tennessee.
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:



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

ORDINANCE 18-2019-20

AN ORDINANCE ACCEPTING DONATION OF CERTAIN REAL PROPERTY LOCATED
AT 520 ROSELAWN DRIVE FROM EDWARD BURCHETT

WHEREAS, Edward Burchett has agreed to donate certain real property to the City of Clarksville, said property located at 520 Roselawn Drive, further identified as Montgomery County Tax Map 043P C 026; and

WHEREAS, the Clarksville City Council has been determined that it is in the best interest of the City and its residents that the donation of this property from Edward Burchett 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 Edward Burchett, said real property located at 520 Roselawn Drive, further identified as Montgomery County Tax Map 043P C 026, 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

PROPERTY DESCRIPTION
OF THE EDWARD C. BURCHETT PROPERTY
520 Roselawn Drive, Clarksville TN 37042

Being a tract of land in the 8th Civil District of Montgomery County Tennessee, said tract being recorded in Official Record Volume (ORV) 735, Page (Pg.) 1882, Registers Office of Montgomery County Tennessee (ROMCT) and being generally located north of Inver Lane, south of Woodale Drive, east of Donna Drive and west of Roselawn Drive, said tract being more particularly described as follows:

Beginning at an existing iron pin at Tennessee State Plane Coordinates (NAD 83): N=815220.96, E=1549230.72, said pin being the southwest corner of Lot 129 and the northwest corner of Lot 128 of Woodlawn Estates Section 8 as recorded in Plat Book (PB) 11, Pg.56 ROMCT, said pin also being the southeast corner of the Mario and Melissa Martinez property as recorded in ORV.570, Pg.2370 ROMCT:

Thence leaving said Lot 129 and with Lots 128 through 125 and the terminus of Spruce Drive(50' public right of way) all shown as per plat of Woodlawn Estates Section 8, South 07°53'45" West 442.84 feet to an existing iron pin in the south right of way at the terminus of said Spruce Drive;

Thence leaving said south right of way of Spruce Drive at it's Terminus and with the west boundary line of the Jeffrey Lee Irvine property as recorded in ORV. 1621, Pg. 2942 ROMCT, South 09°08'04" West 100.96 feet to an existing iron pin, said iron pin being the southwest corner of said Irvine property and the northwest corner of the Merry L. Morris property as recorded in ORV. 1522, Pg.608 ROMCT;

Thence leaving said Irvine property and with said Morris property, South 08°48'29" West 99.85 feet to an existing iron pin, said iron pin being the southwest corner of said Morris property and the Northwest corner of Lot 121 of Woodlawn Estates Sec 9 as recorded in PB. 11, Pg. 60 ROMCT;

Thence leaving said Morris property and with the said Lot 121 and Lot 120 of said Woodlawn Estates Section 9, South 08°58'02" West 150.00 feet to an iron pin set in the west boundary line of said Lot 120, Said pin also being the northeast corner of Lot 84 of Woodlawn Estates Sec. 9-A as recorded in PB. F, Pg. 247 ROMCT;

Thence leaving said Lot 120 and with the north boundary line of Lots 84 and 83 of said Woodlawn Section 9-A, North 81°37'20" West 177.55 feet to an iron pin set in the east boundary line of Lot 42 of Shelton Estates Section 2B as recorded in PB.13, Pg.145 ROMCT;

Thence leaving the north boundary line of said Lots 84 and 83 of Woodlawn Estates Sec. 9-A and with the east boundary line of Lots 42, 41 and 40 of said Shelton Estates Sec. 2B, North 08°22'51" East 169.16 feet to an iron pin set in the east boundary line of said Lot 40;

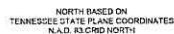
Thence continuing with said Lot 40 and the east boundary line of Lot 40, 39, the terminus of Spruce Drive (50' public right of way), and Lots 38,37 of Shelton Estates Section 2B as recorded in PB.13, Pg.145 ROMT, North 07°54'07" East 388.43 feet to an iron pin set in the east boundary line of said Lot 37;

Thence continuing with said Lot 37 of Shelton Estates Section 2B and Lots 313 through 316 of Woodlawn Estates Sec. 11-A as recorded in PB.12, Pg. 353 ROMCT; North 08°00'19" East 234.56 feet to an iron pin In the east boundary line of said Lot 316 of Woodlawn Estates Sec. 11-A, said pin also being the southwest corner of the Onesine Kkpessokro and Amegnoke C. Sossouki property as recorded in ORV. 1571, Pg. 2102 ROMCT;

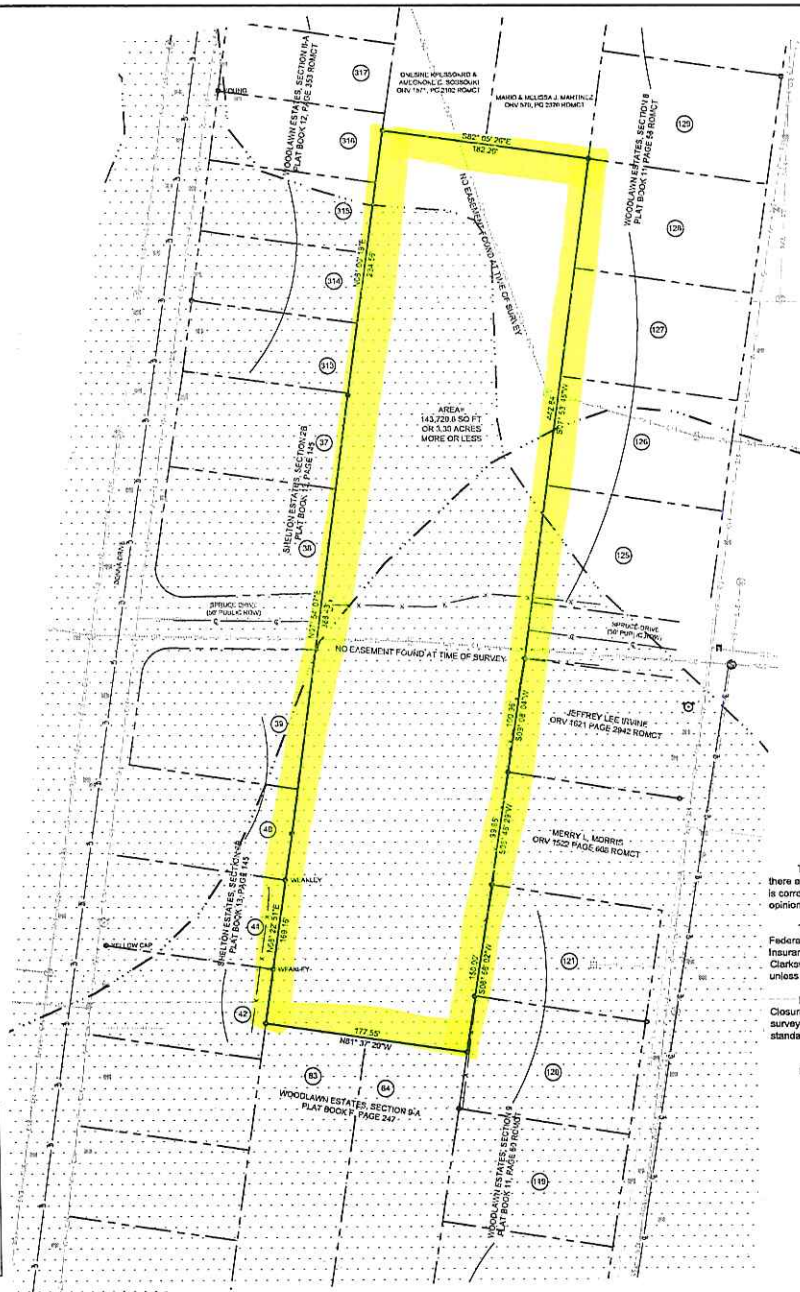
Thence with said south boundary line of said Onesine Kkpessokro and Amegnoke C. Sossouki property and said Martinez property, South 82°05'26" East 182.20 feet to the point of beginning, containing 143,720.6 square feet or 3.30 acres more or less.

Subject to any restrictions, conveyances, covenants, easements and right of ways both of and not of record.

Description is per a boundary survey of the property described by Joshua Meeks TN RLS# 2790 with DBS and Associates dated: 08-21-19.



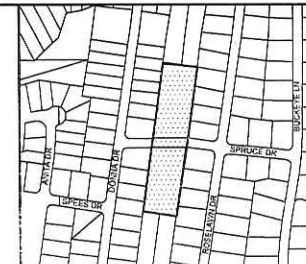
NORTH BASED ON
TENNESSEE STATE PLANE COORDINATES
N.A.D. 83 GRID NORTH



Bearing and distance shown take precedence over scale.



JOSHUA A. MEEKS TN RLS #2790
DBS & ASSOCIATES ENGINEERING

VICINITY MAP
(NOT TO SCALE)

SITE LEGEND

- BOUNDARY LINE
ADJOINING BOUNDARY LINE
WATER LINE UTILITY (PER GIS)
WATER SEWER (PER GIS)
GAS LINE (PER GIS)
CENTERLINE
APPROXIMATE 100 YEAR FLOOD LINE
APPROXIMATE BLUE LINE STREAM
- UTILITY POLE WITH LIGHT
GAS METER
WATER METER
WATER VALVE
SANITARY SEWER MANHOLE
FIRE HYDRANT
GAS VALVE
MOUND/FOUND IF REPAIR, UNLESS NOTED OTHERWISE
MOUND/SET IF REPAIR CAMPED WITH A GROUP
- PG-PAGE
PG-PLAN BOOK
PG-OFFICIAL RECORD VOLUME
N.A.G.S. - NORTH AMERICAN DATA SURVEY
REGISTERED LAND SURVEYOR
REGISTERED ENGINEER'S OFFICE OF MONTGOMERY COUNTY, TENNESSEE

SURVEYOR'S NOTES:

A TITLE COMMITMENT/ SEARCH WAS NOT FURNISHED AT TIME OF SURVEY, THEREFORE THIS SURVEY IS SUBJECT TO AN ACCURATE TITLE COMMITMENT/ SEARCH.

BEARINGS AND DISTANCES TAIL PRECEDENCE OVER SCALE

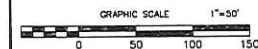
SETBACKS ARE AS PER ZONING. SURVEY DOES NOT ADDRESS CONTEXTUAL SETBACKS.

PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD AND NOT OF RECORD.

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER, AND DOES NOT EXTEND TO ANY UNNAMED PERSONS OR ENTITIES WITHOUT AN EXPRESSED RE-CLERIFICATION BY THE SURVEYOR WHOSE NAME APPEARS HEREON.

THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NON-EXISTENCE OF WETLANDS AREAS.


THE PROPERTY IS SUBJECT TO A BLUE LINE EASEMENT AS SHOWN ON SURVEY. BASED ON U.S.G.S. ONLINE MAPPING.



BOUNDARY SURVEY

BOUNDARY SURVEY
OF THE EDWARD C. BURCHETT PROPERTY
TOWNSHIP 36 NORTH, RANGE 12 EAST, SECTION 26

RECORDS SECTION
OF MONTGOMERY COUNTY, TENNESSEE
DATES: 8-21-2019

DBS  **Associates**
Engineering

330 North 2nd Street
P.O. Box 949
Clarksville, TN 37041-0949
P: (931) 647-6959 • F: (931) 647-7135
Web site: www.dbseng.com

— 15A —
Engineers • Surveyors • Planners

Engineers • Surveyors • Planners

[illegible]

ORDINANCE 19-2019-20

AN ORDINANCE TO AMEND THE CITY CODE PERTAINING TO PEDDLERS

WHEREAS, the City has previously enacted ORDINANCE 64-2018-19 on June 6, 2019, pertaining to peddlers; and

WHEREAS, the City Council finds that City residents often do not wish to be disturbed while in their homes, and especially so during the hours of darkness, while they are often eating their evening meals, discussing their daily lives with spouses, loved ones, and children, or reading, enjoying entertainment and hobbies, and / or during which time their children need uninterrupted quiet time for school work, and that many residents generally seek to have tranquility and peace for rest and relaxation purposes, without disturbance by peddlers; and

WHEREAS, the City Council finds that some criminal elements have and / or may take advantage of City residents by using the guise of being a peddler to commit crime, to include, but not limited to stealing, robbery, assault and other more serious crimes of violence, and burglary of their homes and vehicles; and

WHEREAS, the City Council finds that most peddlers are legitimate business people, who have a constitutional right to conduct their business in the manner of peddlers, subject to reasonable regulations; and

WHEREAS, the City Council finds that approving reasonable regulations do not inhibit or prohibit City residents from posting their property with “no solicitation” or “no trespassing” signs, or from refusing to answer to, or respond to, peddlers; and

WHEREAS, the City Council finds that amendments to the recently enacted ORDINANCE 64-2018-19 pertaining to peddlers are necessary because of constitutional rights legal issues.

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

1. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-202.5 (Exemption), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-202.5 as follows:

Section 5-202.5. Exemption.

The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to bona fide businesses who merely deliver goods in the regular course of business, nor to bona fide non-profit organizations registered as such with the State, including but not limited to educational, charitable, religious, patriotic, veteran, or philanthropic organizations, or public or private primary or secondary school organizations, groups, or clubs.

2. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-203 (Application for permit; accompanying documents), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-203 as follows:

Section 5-203. Application for permit; term of permit; application fee.

- (a) Permits shall only be issued to individual persons who seek to conduct peddler activities, and each individual person who seeks to conduct peddler activities shall be required to have a peddlers permit even though two or more such persons may be employed by, or acting on behalf of, the same business organization.
- (b) All peddler permits issued by the City shall be effective for a period of one calendar year from the date of issuance of the permit.
- (c) Each applicant shall submit an application for a peddlers permit in writing, under oath or affirmation attesting to the truthfulness of the information provided by the applicant therein, to the City Department of Finance and Revenue, on a form issued by said department, which shall contain the following information:
 - (1) *Name and date of birth.* The full name of the applicant, together with any alias or maiden name, and the date of birth of the applicant.
 - (2) *Address, and phone number.* The residential address of the applicant, together with a phone number, if any, by which the applicant may be contacted.
 - (3) *Name of employer, if any.* If employed, the name, address, and phone number for the applicant's employer.
 - (4) *Description of business.* A brief description of the nature or type of the applicant's business, or the applicant's employer's business, if any, and the goods or services to be sold by the applicant.
 - (5) *Copy of state or federal issued driver's license or other valid identification card.* The applicant shall submit a copy of a then currently valid state or federal issued driver's license or other identification card containing identifying information in order for the City to verify the identity of the applicant.
 - (6) *Vehicle description and license plate information.* A description by make, model, year, and color of any vehicle to be used by applicant in conducting peddler activities, together with the license plate state and number for such vehicle.

(7) *Recent Photograph.* A photograph of the applicant, taken within sixty (60) days immediately prior to the date of submitting the application, which is two (2) inches by two (2) inches in size, and showing the head and shoulders of the applicant in a clear and distinguishable manner.

(8) A copy of any contract or sales order form to be used by the peddler in the course of conducting peddler activities.

(9) *Registered Sex Offender or Subject to Court Issued Order of Protection.* A statement by the applicant that he / she is not a registered sex offender, and is not subject to any Court ordered restrictions, or Court issued orders of protection, which prevent, prohibit, or restrict the applicant from conducting peddler activities.

(d) At the time of submission of the application, the applicant shall pay to the City a non-refundable administrative processing fee of ONE HUNDRED AND SIXTY FIVE DOLLARS AND ZERO CENTS (\$165.00), or such other amount as may be approved from time to time by the Finance and Administration Committee of the City Council, for each yearly peddler permit application.

3. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-204 (Review of application), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-204 as follows:

Section 5-204. Review of application.

(a) *Review of application by Chief of Police or designee.* Upon receipt of an application for a peddler's permit by the Department of Finance, the original shall be referred to the chief of police, or designee, who shall review the application.

(b) *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 disapproved, and shall include the reason for denial, and return the application to the finance and revenue department, who shall notify the applicant that their application is disapproved and no permit will be issued.

(c) *Approval of application.* If found to be satisfactory, the chief of police, or designee, shall endorse the application as approved, and return the application to the finance and revenue department.

(d) *Time period for acting on the application.* The City shall either approve or deny the application on or before ten (10) business days after the day the applicant submits their application and pays the administrative processing fee.

(e) *Criteria for review.* In reviewing the application and making the determination as to whether the applicant's request for permit shall be approved, the Chief of Police, or designee, shall consider the following relevant factors:

(1) Whether the information provided by the applicant in the application is true and accurate. If not, the application may be denied, or may be returned to the applicant for correction or to supply missing information, in the discretion of the Chief of Police, or designee, in which case, the time in which the City shall render a decision shall be tolled until such time as the applicant provides the corrected or missing information, and thereafter a new ten (10) business days period for decision shall start from the day after submission by the applicant of the corrected or missing information.

(2) Whether the applicant is a registered sex offender, or is subject to any court or administrative tribunal or agency ordered restrictions, or court issued orders of protection, by a court or administrative tribunal or agency of competent jurisdiction, which prevent, prohibit, or restrict the applicant from conducting peddler activities. If so, the application shall be denied.

(3) If the applicant has indicated that they will use a vehicle in conducting peddler activities, whether the applicant has a currently valid driver's license. If not, the application may be denied, or the applicant may be approved for a peddlers permit but shall not drive while conducting peddler activities until such time as the peddler obtains a valid driver's license.

(4) Whether the applicant has been convicted within ten (10) years of the date of submission of the application by the applicant, of any felony crime whose elements involve violence or attempted violence to the person, or residential or vehicle burglary, or theft of property or fraud, in any federal or state court in the United States. If so, the permit shall be denied.

4. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-206.5 (Enforcement), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-206.5 as follows:

Section 5-206.5. Enforcement. The City Police Department shall have the authority and jurisdiction to enforce this chapter and to cite permittees to City Court for any violation of the provisions herein.

5. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-207 (Exhibit of permit required), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-207 as follows:

Section 5-207. Exhibit of permit required.

Any person who has obtained a peddler's permit under this chapter shall display such permit on their person at all times when peddler activities in any manner, and shall exhibit such permit to any law enforcement officer whenever requested to do so by such officer.

6. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-208 (Transfer of permit or license prohibited), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-208 as follows:

Section 5-208. Transfer of permit prohibited.

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

7. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-211 (Revocation of permit), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-211 as follows:

Section 5-211. Revocation of permit.

(a) Grounds. Peddlers' permits may be revoked by the City, by the Chief of Police, or his / her designee, after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for the permit.
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his / her business as a peddler.
- (3) Any violation of this chapter.
- (4) Conviction of any felony crime whose elements involve violence or attempted violence to the person, or residential or vehicle burglary, or theft of property or fraud, in any federal or state court in the United States.
- (5) 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.

(b) 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) calendar days prior to the date set for hearing. The hearing shall be held within ten (10) calendar days of the date the notice is sent, unless the peddler

requests additional time, in which case the hearing shall be held not less than twenty (20) calendar days from the date the notice is sent.

(c) When the Chief of Police, or designee, may immediately suspend a permit pending the revocation hearing, for a period not to exceed ten (10) calendar days, should he / she determine that a peddler poses an immediate threat to public safety.

8. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-213 (Expiration and renewal of permits and licenses), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-213 as follows:

Section 5-213. Expiration of permits.

(a) All permits issued under the provisions of this chapter shall expire one calendar year from the date issued. 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.

9. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-214 (Hours during which business may be conducted; trespassing), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-214 as follows:

Section 5-214. Hours in which peddler business may be conducted; trespassing; signage; refusal to leave a civil violation.

(a) *Hours for peddler activities.* No permittee shall conduct any peddler activity between and for the period from dusk of one day through dawn of the next day, for each such period, as established by the National Weather Service or other federal or state governmental weather agency, on Monday through Saturday, it being the intent that door-to-door sales occur during daylight hours.

(b) *Trespass; signage; refusal to leave a civil violation of this chapter.* It shall be unlawful, and deemed to be a trespass, and shall constitute a civil violation of this chapter, for any peddler permittee, conducting peddler activities, to refuse or to fail to leave promptly the private premises of any person who requests or directs the permittee to leave, or who conducts or attempts to conduct peddler activities on the private premises of one whom has posted a sign by a method or manner reasonably calculated to give notice to those who may come upon the property that peddlers, solicitors, or itinerant sales persons are not permitted to come upon the property for peddler, solicitation, or sales activities or purposes, by using the words “no peddling,” or “no solicitation,” or “no trespassing,” or words of similar import.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 19-2019-20 ***CHANGES***

AN ORDINANCE TO AMEND THE CITY CODE PERTAINING TO PEDDLERS

WHEREAS, the City has previously enacted ORDINANCE 64-2018-19 on June 6, 2019, pertaining to peddlers; and

WHEREAS, the City Council finds that City residents often do not wish to be disturbed while in their homes, and especially so during the hours of darkness, while they are often eating their evening meals, discussing their daily lives with spouses, loved ones, and children, or reading, enjoying entertainment and hobbies, and / or during which time their children need uninterrupted quiet time for school work, and that many residents generally seek to have tranquility and peace for rest and relaxation purposes, without disturbance by peddlers; and

WHEREAS, the City Council finds that some criminal elements have and / or may take advantage of City residents by using the guise of being a peddler to commit crime, to include, but not limited to stealing, robbery, assault and other more serious crimes of violence, and burglary of their homes and vehicles; and

WHEREAS, the City Council finds that most peddlers are legitimate business people, who have a constitutional right to conduct their business in the manner of peddlers, subject to reasonable regulations; and

WHEREAS, the City Council finds that approving reasonable regulations do not inhibit or prohibit City residents from posting their property with “no solicitation” or “no trespassing” signs, or from refusing to answer to, or respond to, peddlers; and

WHEREAS, the City Council finds that amendments to the recently enacted ORDINANCE 64-2018-19 pertaining to peddlers are necessary because of constitutional rights legal issues.

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

1. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-202.5 (Exemption), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-202.5 as follows:

Section 5-202.5. Exemption.

The ~~terms~~ **provisions** of this chapter shall not be applicable to persons selling at wholesale to dealers, ~~nor to newsboys~~, nor to bona fide ~~merchants~~ **businesses** who merely deliver goods in ~~a~~ **the** regular course of business, nor to bona fide **non-profit organizations registered as such with the State, including but not limited to educational, charitable, religious, patriotic, veteran, or philanthropic organizations, or public or private primary or secondary school organizations, groups, or clubs.**

2. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-203 (Application for permit; accompanying documents), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-203 as follows:

Section 5-203. Application for permit; ~~accompanying documents~~ term of permit; application fee.

- (a) ~~Permits shall only be issued to individual persons who seek to conduct peddler activities, and each individual person who seeks to conduct peddler activities shall be required to have a peddlers permit even though two or more such persons may be employed by, or acting on behalf of, the same business organization.~~
- (b) ~~All peddler permits issued by the City shall be effective for a period of one calendar year from the date of issuance of the permit.~~
- (c) ~~Each applicant for a permit under this chapter must shall file submit an application for a peddlers permit in writing, under oath or affirmation attesting to the truthfulness of the information provided by the applicant therein, with to the City chief financial officer, or designee, a sworn application, in writing Department of Finance and Revenue, on a form to be furnished by the department of finance and revenue issued by said department, which gives shall contain the following information:~~

~~(1) Name, description and date of birth. The full name and description of the applicant, together with any alias or maiden name, and the date of birth of the applicant.~~

~~(2) Address, and phone number. The residential address (legal and local) of the applicant, together with a phone number, if any, by which the applicant may be contacted.~~

~~(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, and phone number of for the applicant's employer, together with credentials establishing the exact relationship.~~

~~(5) Description of business. A brief description of the nature or type of the applicant's business, or the applicant's employer's business, if any, and the goods or services to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.~~

~~(6) Duration of business. Copy of state or federal issued driver's license or other valid identification card. The length of time for which the right to do business is desired. The applicant shall submit a copy of a then currently valid state or federal issued driver's license or other identification card containing identifying information in order for the City to verify the identity of the applicant.~~

~~(7) Description of Vehicle description and license plate information. If a vehicle is to be used, a description of it, together with its license number and other means of identification. A description by make, model, year, and color of any vehicle to~~

be used by applicant in conducting peddler activities, together with the license plate state and number for such vehicle.

(7) *Recent Photograph.* A photograph of the applicant, taken within sixty (60) days immediately prior to the date of ~~the filing of~~ submitting the application, which is two (2) inches by two (2) inches in size, and showing the head and shoulders of the applicant in a clear and ~~distinguishing~~ distinguishable manner.

(8) A copy of ~~the any~~ contract or sales order form to be used by the peddler in ~~obtaining orders or making sales~~ in the course of conducting peddler activities.

(9) ~~A copy of their criminal history obtained from the Tennessee Bureau Investigation.~~

~~<https://www.tbibackgrounds.com/toris/>~~ *Registered Sex Offender or Subject to Court Issued Order of Protection.* A statement by the applicant that he / she is not a registered sex offender, and is not subject to any Court ordered restrictions, or Court issued orders of protection, which prevent, prohibit, or restrict the applicant from conducting peddler activities.

~~(10) Administration fee. At the time of filing, the applicant shall pay a non-refundable administrative processing fee of forty dollars (\$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 (\$100.00) 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 (\$40.00) administrative processing fee.~~

(d) At the time of submission of the application, the applicant shall pay to the City a non-refundable administrative processing fee of ONE HUNDRED AND SIXTY FIVE DOLLARS AND ZERO CENTS (\$165.00), or such other amount as may be approved from time to time by the Finance and Administration Committee of the City Council, for each yearly peddler permit application.

3. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-204 (Review of application), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-204 as follows:

Section 5-204. Review of application.

~~(4a)~~ *Review of application by Chief of Police or designee.* Upon receipt of an application for a peddler's permit ~~by the Department of Finance~~, 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.~~

(2b) *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 disapproved, ~~to~~ and shall include the reason for denial, and return the application to the finance and revenue department, who shall notify the applicant that their application is disapproved and no permit will be issued.

(3c) *Approval of application.* If found to be satisfactory, the chief of police, or designee, shall endorse the application as approved, and return ~~it~~ the application to the finance and revenue department.

(d) *Time period for acting on the application.* The City shall either approve or deny the application on or before ten (10) business days after the day the applicant submits their application and pays the administrative processing fee.

(e) *Criteria for review.* In reviewing the application and making the determination as to whether the applicant's request for permit shall be approved, the Chief of Police, or designee, shall consider the following relevant factors:

- (1) Whether the information provided by the applicant in the application is true and accurate. If not, the application may be denied, or may be returned to the applicant for correction or to supply missing information, in the discretion of the Chief of Police, or designee, in which case, the time in which the City shall render a decision shall be tolled until such time as the applicant provides the corrected or missing information, and thereafter a new ten (10) business days period for decision shall start from the day after submission by the applicant of the corrected or missing information.
- (2) Whether the applicant is a registered sex offender, or is subject to any court or administrative tribunal or agency ordered restrictions, or court issued orders of protection, by a court or administrative tribunal or agency of competent jurisdiction, which prevent, prohibit, or restrict the applicant from conducting peddler activities. If so, the application shall be denied.
- (3) If the applicant has indicated that they will use a vehicle in conducting peddler activities, whether the applicant has a currently valid driver's license. If not, the application may be denied, or the applicant may be approved for a peddlers permit but shall not drive while conducting peddler activities until such time as the peddler obtains a valid driver's license.
- (4) Whether the applicant has been convicted within ten (10) years of the date of submission of the application by the applicant, of any felony crime whose elements involve violence or attempted violence to the person, or residential or vehicle burglary, or theft of property or fraud, in any federal or state court in the United States. If so, the permit shall be denied.

4. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-206.5 (Enforcement), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-206.5 as follows:

Section 5-206.5. Enforcement. ~~It shall be the duty of The City Police Department and codes department to see that the provisions of this chapter are enforced~~ shall have the authority and jurisdiction to enforce this chapter and to cite permittees to City Court for any violation of the provisions herein.

5. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-207 (Exhibit of permit required), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-207 as follows:

Section 5-207. Exhibit of permit required.

Any person who has obtained a peddler's permit under this ~~article~~ chapter 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~~ peddler activities in any manner, and shall exhibit such permit to any ~~police~~ law enforcement officer whenever requested to do so by such officer.

6. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-208 (Transfer of permit or license prohibited), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-208 as follows:

Section 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 is issued.

7. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-211 (Revocation of permit), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-211 as follows:

Section 5-211. Revocation of permit.

(~~4a~~) Grounds. Peddlers' permits may be revoked by the City, by the Chief of Police, or his / her designee, after notice and hearing for any of the following causes:

(~~a1~~) Fraud, misrepresentation, or false statement contained in the application for the permit.

(~~b2~~) Fraud, misrepresentation, or false statement made in the course of carrying on his / her business as a peddler.

(e3) Any violation of this chapter.

(d4) Conviction of any ~~crime involving fraud or could deem the applicant a threat to the public of any~~ felony crime whose elements involve violence or attempted violence to the person, or residential or vehicle burglary, or theft of property or fraud, in any federal or state court in the United States.

(e5) 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.

(2b) 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) ~~calendar~~ days prior to the date set for hearing. ~~The hearing shall be held within ten (10) calendar days of the date the notice is sent, unless the peddler requests additional time, in which case the hearing shall be held not less than twenty (20) calendar days from the date the notice is sent.~~

(3c) 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, ~~for a period not to exceed ten (10) calendar days, should he / she determine that a peddler poses an immediate threat to public safety.~~

8. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-213 (Expiration and renewal of permits and licenses), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-213 as follows:

Section 5-213. Expiration ~~and renewal~~ of permits ~~and licenses~~.

(a) All permits ~~and licenses~~ issued under the provisions of this chapter shall expire ~~on the 31st of December in the year for which~~ one calendar year from the date issued, ~~but may be renewed by the chief financial officer, 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>~~

(b) 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.

9. That Title 5 (Business, Professions, and Occupations), Chapter 2 (Peddlers), Section 5-214 (Hours during which business may be conducted; trespassing), of the Official City Code should be and is hereby amended by deleting said section in its entirety, and substituting therefore instead a new Section 5-214 as follows:

Section 5-214. Hours in which ~~peddler~~ business may be conducted; ~~trespassing~~; signage; refusal to leave a civil violation.

- (a) *Hours for peddler activities.* No permittee shall conduct any ~~solicitations or sales~~ peddler activity ~~except~~ between ~~the hours of 9:00 a.m. and 7:00 p.m. (8:00 p.m. during daylight savings time)~~ and for the period from dusk of one day through dawn of the next day, for each such period, as established by the National Weather Service or other federal or state governmental weather agency, 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.~~
- (2b) *Trespass; signage; refusal to leave a civil violation of this chapter.* It shall be unlawful, and deemed to be a trespass, and shall constitute a civil violation of this chapter, for any peddler permittee, ~~acting under this section that~~ conducting peddler activities, ~~to refuse or to fails~~ to leave promptly the private premises of any person who requests or directs the permittee to leave, or ~~who conducts or attempts to conduct peddler activities on the private premises of one whom~~ has posted a sign ~~that indicates solicitors are not welcome~~ by a method or manner reasonably calculated to give notice to those who may come upon the property that peddlers, solicitors, or itinerant sales persons are not permitted to come upon the property for peddler, solicitation, or sales activities or purposes, by using the words “no peddling,” or “no solicitation,” or “no trespassing,” or words of similar import.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 20-2019-20

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE, RELATIVE TO WITHDRAWAL OF APPLICATIONS FOR ZONE CHANGE

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

That the Official Code of the City of Clarksville, Tennessee, Title 1, "Administration, Officers, and Personnel," Chapter 2, "City Council," Section 1.204, "General rules of order," Paragraph (b), is hereby amended by adding the following language as the third subparagraph:

A request by an owner of property, and/or authorized agent, to withdraw their application for a zoning amendment from the city council agenda shall be made in writing to the office of the city clerk no less than seventy-two (72) hours prior to the meeting of the city council at which such amendment is to be considered. An application that is withdrawn shall not be considered by the city council within twelve (12) months of the date of application to the regional planning commission unless re-application is approved by resolution by a three-fourths (3/4) majority of city council members present in accordance with Chapter 11, Sec. 11.11, of the city zoning ordinance.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

CITY CODE SEC. 1-204

Current language:

No request by an owner of property to postpone council action on a zoning amendment shall be honored if such request is made less than seventy-two (72) hours prior to the meeting of the city council at which such amendment is to be considered. Any request for postponement of a zoning case must be made in writing to the office of the city clerk. Requests meeting the above deadline will be granted one automatic one-month postponement of the scheduled public hearing and scheduled council vote. If a request for postponement is not received prior to the above deadline, the scheduled public hearing will be held and appropriate action will be taken by the city council.

ORDINANCE 21-2019-20

AN ORDINANCE AMENDING THE 2019-20 OPERATING AND CAPITAL BUDGET (ORDINANCE 76-2018-19) FOR THE GOVERNMENTAL FUNDS IN THE AMOUNT OF \$1,818,233 FOR A GRANT TO CONSTRUCT THE RED RIVER PEDESTRIAN BRIDGE CAPITAL PROJECT

WHEREAS, a capital project has previously been created and approved for the Red River Pedestrian Bridge; and

WHEREAS, this is the final piece of the Greenway to connect from downtown to Tiny Town Road; and

WHEREAS, the City has received notification of award from the Tennessee Department of Transportation; and

WHEREAS, a formal award presentation is scheduled for September 16, 2019 at 10:30 am with the Governor and Commissioner of Transportation.

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

The following budget amendment be made:

Capital Projects Fund

Expense

40450003 4450 20501	Construction Services	Increase: \$1,818,233
---------------------	-----------------------	-----------------------

Revenue

4041000 33430 20501	State Grant Capital	Increase: \$1,818,233
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BE IT FURTHER ORDAINED There are no City funds necessary for the budget amendment.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 16-2019-20

A RESOLUTION AUTHORIZING A MUTUAL AID/INTERLOCAL AGREEMENT
BETWEEN THE CITY OF CLARKSVILLE AND AUSTIN PEAY STATE UNIVERSITY
FOR FIRE SERVICES

WHEREAS, the City of Clarksville and Austin Peay State University have discussed the feasibility of requesting assistance from each other in special situations involving danger to life or property; and

WHEREAS, both parties have agreed to outline the procedure to be followed in the event of a request for assistance by one of the parties.

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

That the Clarksville City Council hereby authorizes a Mutual Aid/Interlocal Agreement, attached hereto as Exhibit A, between the City of Clarksville and Austin Peay State University for fire services.

ADOPTED:

MUTUAL AID AGREEMENT

This Mutual Aid Agreement entered into by and between AUSTIN PEAY STATE UNIVERSITY, acting through its Chief of Police (APSU), and the CITY OF CLARKSVILLE, TENNESSEE, a fourth class Tennessee Municipal Corporation, acting through its Fire Chief (Clarksville), this 9th day of July, 2019.

WHEREAS, the parties have heretofore discussed the feasibility of requesting assistance from each other in special situations involving danger to life or property; and

WHEREAS, the parties desire to outline the procedure to be followed in the event of a request for assistance by one of the parties;

NOW, THEREFORE, in consideration of the mutual promises and considerations specified herein, the parties hereto agree as follows:

1. In the event an emergency occurs in the jurisdiction of the APSU Police Department, the Executive Authority (President or other designated person) of APSU, the APSU Chief of Police, or the highest-ranking APSU police officer present at the site of such emergency may request assistance from the Clarksville Fire and Rescue Department when the requesting person has established the need for additional manpower or equipment. Likewise, in the event an emergency occurs in the jurisdiction of the Clarksville Fire and Rescue Department, the Executive Authority (Mayor or other designated person) of the City of Clarksville, the Clarksville Fire Chief, or the highest-ranking Clarksville fire fighter present at the site of such emergency may request assistance from the APSU Police Department when the requesting person has established the need for additional manpower or equipment, and pursuant to TCA 49-7-118 (e) (1) and (e) (2).

2. In the event of such request, the executive authority of the responding agency, the Fire Chief of the responding agency, or the highest-ranking fire officer of the responding agency may, in his or her discretion, provide aid and assistance requested, when in his or her opinion, the manpower and equipment is available, and will not significantly impair the ability of the responding agency to provide for the safety and security within its jurisdiction.

3. If the responding agency agrees to provide mutual aid, all personnel of the responding agency shall report to and shall work under the direction and supervision of the highest-ranking officer of the responding agency who is present at the site of the emergency.

4. All personnel and equipment may be recalled by the highest-ranking on site officer of the responding agency when the officer determines that the emergency no longer exists, the situation is beyond the capabilities of the responding agency, or the personnel and equipment are needed by the responding agency to maintain the safety and security of citizens or property within its jurisdiction.

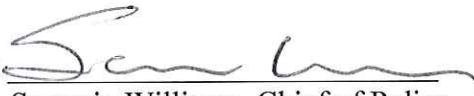
5. Reimbursement for services and equipment, if any, shall be determined based on the size and duration of the response.

6. Communications between agencies shall be conducted on the requesting agency's police radio frequency, if possible. Users of this frequency shall use "plain language" and identify themselves with agency name and unit number when contacting other agencies.

7. The Clarksville Fire and Rescue Department and the Austin Peay State University State Police Department shall each be liable for the actions of its employees as required by law, and the requesting party shall indemnify and hold harmless the responding party from and against any and all claims, suits, actions, debts, damages, costs, charges and expenses, including court costs and attorney fees, and against all liability, losses, and damages of any nature whatever, that the responding party shall or may at any time sustain or be put to by reason of the actions or inactions of the requesting party under this Mutual Aid Agreement.

8. Any images (video or photographs) made or captured by either party will be primary custody of the requesting party and can be distributed through formal request for same. All images taken or obtained by the responding agency will be relinquished to the requesting agency when the emergency no longer exists, if not sooner.

AUSTIN PEAY STATE UNIVERSITY
POLICE DEPARTMENT

By: 
Sammie Williams, Chief of Police

Date: 7/10/19

CITY OF CLARKSVILLE, TENNESSEE
CLARKSVILLE FIRE DEPARTMENT

By: _____
Freddie D. Montgomery Jr., Fire Chief

Date: _____

By: Joe PITTS, Mayor *HB*

Date: _____

RESOLUTION 17-2019-20

A RESOLUTION AUTHORIZING ASSIGNMENT OF A PORTION OF FUND BALANCE FROM INSURANCE PROCEEDS FOR CLARKSVILLE TRANSIT SYSTEM

WHEREAS, the City's Fund Balance Policy, established by RESOLUTION 76-2010-11, provides guidelines related to fund balance; and

WHEREAS, the Fund Balance Policy provides authorization for the City's Chief Financial Officer to assign funds up to \$200,000; and

WHEREAS, during FY2019, a Clarksville Transit System bus was involved in an accident for which the City has received insurance proceeds in the amount of \$452,378.58; and

WHEREAS, due to the process of requesting grant reimbursements, Clarksville Transit System requested the general government hold the monies for them until such time as the new bus arrives.

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

That the Clarksville City Council hereby authorizes assignment of \$452,378.58 of Unassigned Fund Balance for Clarksville Transit System until such time monies are necessary to pay for a new bus.

BE IT FURTHER RESOLVED the Clarksville City Council further authorizes the Chief Financial Officer to release the assigned funds and transfer monies to Clarksville Transit System upon receipt of the new bus.

ADOPTED:

RESOLUTION 76-2010-11

A RESOLUTION ESTABLISHING A FUND BALANCE POLICY

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

That the Fund Balance Policy, attached hereto as Exhibit A, is hereby established and adopted and shall be effective June 30, 2011.

ADOPTED: June 30, 2011

RESOLUTION 76-2010-11
EXHIBIT A

CITY OF CLARKSVILLE, TENNESSEE
FUND BALANCE POLICY
JUNE 30, 2011

The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls, and to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The Fund Balance Policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the City to be in a strong fiscal position that will allow for better position to weather negative economic trends.

The Fund Balance consists of five categories: Nonspendable, Restricted, Committed, Assigned, and Unassigned.

Nonspendable Fund Balance consists of funds that cannot be spent due to their form (e.g. inventories and prepaids) or funds that legally or contractually must be maintained intact.

Restricted Fund Balance consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.

Committed Fund Balance consists of funds that are set aside for a specific purpose by the city's highest level of decision making authority (council). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.

Assigned Fund Balance consists of funds that are set aside with the intent to be used for a Specific purpose by the city's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.

Unassigned Fund Balance consists of excess funds that have not be classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

Nonspendable and Restricted Funds

Nonspendable funds are those funds that cannot be spent because they are either:

- 1) Not in spendable form (e.g. inventories and prepaids)
- 2) Legally or contractually required to be maintained intact

It is the responsibility of the Finance Director to report all Nonspendable Funds appropriately in the City's Financial Statements.

Restricted funds are those funds that have constraints placed on their use either:

- 1) Externally by creditors, grantors, contributors, or laws or regulations or other governments
- 2) By law through constitutional provisions or enabling legislation.

It is the responsibility of the Finance Director to report all Restricted Funds appropriately in the City's Financial Statements. All Restricted Funds must also be reported to the City's governing body within two months of the end of the fiscal year.

Order of Use of Restricted and Unrestricted Funds

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it.

When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last.

Authority to Commit Funds

The City's governing body has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by a simple majority vote.

The passage of a resolution must take place prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.

Authority to Assign Funds

Upon passage of the Fund Balance Policy, authority is given to the City's Finance Director to assign funds for specific purposes in an amount not to exceed \$20,000 per purpose or in total not to exceed \$200,000.

Any funds set aside as Assigned Fund Balance must be reported to the City's governing body at their next regular meeting and recorded in the minutes. The governing body has the authority to remove or change the assignment of the funds with a simple majority vote. The City's governing body has the authority to set aside funds for the intended use of a specific purpose.

Any funds set aside as Assigned Fund Balance requires a simple majority vote and must be recorded in the minutes. The same action is required to change or remove the assignment.

Upon passage of a budget ordinance where fund balance is used as a source to balance the budget, the Finance Director shall record the amount as Assigned Fund Balance.

Unassigned Fund Balance

Unassigned Fund Balance is the residual amount of Fund Balance in the General Fund. It represents the resources available for future spending. An appropriate level of Unassigned Fund Balance should be maintained in the General Fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned Fund Balance may be accessed in the event of unexpected expenditures up to the minimum established level upon approval of a budget amendment by the City's governing body.

In the event of projected revenue shortfalls, it is the responsibility of the Finance Director to report the projections to the City's governing body on a quarterly basis and shall be recorded in the minutes.

Any budget amendment that will result in the Unassigned Fund Balance dropping below the minimum level will require the approval of 2/3 vote of the City's governing body.

The Fund Balance Policy establishes a minimum Unassigned Fund Balance equal to 20% of General Fund expenditures.

In the event that the balance drops below the established minimum level, the City's governing body will develop a plan to replenish the fund balance to the established minimum level within two years.

APPROVED BY FINANCE COMMITTEE: June 28, 2011

ADOPTED BY CITY COUNCIL:

EFFECTIVE: June 30, 2011

ORDINANCE 22-2019-20

AN ORDINANCE TO AMEND THE CITY CODE PERTAINING TO DRAINAGE, LAND DISTURBANCE AND DEVELOPMENT ACTIVITIES, AND STORM WATER MANAGEMENT

WHEREAS, the Tennessee Department of Environment and Conservation requires that the City Code pertaining to drainage, land disturbance and development activities, and storm water management contain certain provisions relating thereto, and which the City Council desires to fully comply with state law, regulations, and administrative agency orders, findings, etc.

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

(1) That Title 12 (Streets and Other Public Ways and Places), Chapter 3 (Drainage), Section 12-302 (Definitions), of the Official City Code should be and is hereby amended by adding the following definition for the words “Priority Construction Activity,” as a new definitional term, at the appropriate alphabetical location:

Priority construction activity shall mean those construction activities discharging directly into, or immediately upstream of, water the state recognizes as impaired or as having unavailable parameters (for siltation or habitat alteration), or Exceptional Tennessee Waters (ETW), or a site with an Underground Injection Control (UIC) permit.

(2) That Title 12 (Streets and Other Public Ways and Places), Chapter 3 (Drainage), Section 12-304 (Land Disturbing Activities), sub-paragraph (1) of the Official City Code should be and is hereby amended by deleting said sub-paragraph (1) in its entirety, and substituting therefore a new sub-paragraph (1) as follows:

Section 12-304. Land disturbing activities.

(1) All land disturbing activities that result in land disturbance greater than one acre, or less than one acre when part of a common plan of development, shall employ erosion prevention and sediment controls to prevent and control erosion and sedimentation to the maximum extent practicable in order to prevent sediment from leaving the site by storm water runoff, vehicular traffic, or construction related activities. Acceptable erosion prevention and sediment control practices, procedures, and requirements shall be developed and documented in the Clarksville Storm Water Management Manual.

- (3) That Title 12 (Streets and Other Public Ways and Places), Chapter 3 (Drainage), Section 12-305 (Land Development Activities), sub-paragraph (2) of the Official City Code should be and is hereby amended by deleting said sub-paragraph (2) in its entirety, and substituting therefore a new sub-paragraph (2) as follows:

Section 12-304. Land disturbing activities.

- (2) All land-disturbing activities that result in land disturbance greater than one acre, or less than one acre when part of a common plan of development, shall employ storm water quality measures to reduce pollutant loading from new development and redevelopment to the maximum extent practicable, as set forth in the Storm Water Management Manual with the following exemptions:
- a. The development does not create any impervious surfaces, and
 - b. The land use is not considered a hot spot land use.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 22-2019-20 ***CHANGES***

AN ORDINANCE TO AMEND THE CITY CODE PERTAINING TO DRAINAGE, LAND DISTURBANCE AND DEVELOPMENT ACTIVITIES, AND STORM WATER MANAGEMENT

WHEREAS, the Tennessee Department of Environment and Conservation requires that the City Code pertaining to drainage, land disturbance and development activities, and storm water management contain certain provisions relating thereto, and which the City Council desires to fully comply with state law, regulations, and administrative agency orders, findings, etc.

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

(1) That Title 12 (Streets and Other Public Ways and Places), Chapter 3 (Drainage), Section 12-302 (Definitions), of the Official City Code should be and is hereby amended by adding the following definition for the words “Priority Construction Activity,” as a new definitional term, at the appropriate alphabetical location:

Priority construction activity shall mean those construction activities discharging directly into, or immediately upstream of, water the state recognizes as impaired or as having unavailable parameters (for siltation or habitat alteration), or Exceptional Tennessee Waters (ETW), or a site with an Underground Injection Control (UIC) permit.

(2) That Title 12 (Streets and Other Public Ways and Places), Chapter 3 (Drainage), Section 12-304 (Land Disturbing Activities), sub-paragraph (1) of the Official City Code should be and is hereby amended by deleting said sub-paragraph (1) in its entirety, and substituting therefore a new sub-paragraph (1) as follows:

Section 12-304. Land disturbing activities.

(1) All land disturbing activities *that result in land disturbance greater than one acre, or less than one acre when part of a common plan of development,* shall employ erosion *prevention and sediment* controls to *prevent and* control erosion *and sedimentation* to the maximum extent practicable in order to prevent sediment from leaving the site by storm water runoff, vehicular traffic, or construction related activities. Acceptable erosion *prevention and sediment* control practices, procedures, and requirements shall be developed and documented in the Clarksville Storm Water Management Manual.

- (3) That Title 12 (Streets and Other Public Ways and Places), Chapter 3 (Drainage), Section 12-305 (Land Development Activities), sub-paragraph (2) of the Official City Code should be and is hereby amended by deleting said sub-paragraph (2) in its entirety, and substituting therefore a new sub-paragraph (2) as follows:

Section 12-304. Land disturbing activities.

- (2) All land-disturbing activities ~~disturbing 1 acre or more of land~~ that result in land disturbance greater than one acre, or less than one acre when part of a common plan of development, shall employ storm water quality measures to reduce pollutant loading from new development and redevelopment to the maximum extent practicable, as set forth in the Storm Water Management Manual with the following exemptions:
- a. The development does not create any impervious surfaces, and
 - b. The land use is not considered a hot spot land use.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
NASHVILLE ENVIRONMENTAL FIELD OFFICE
711 R. S. GASS BLVD.
NASHVILLE, TN 37216
Phone 615-687-7000 Statewide 1-888-891-8332 Fax 615-687-7078

May 22, 2019

The Honorable Joe Pitts, Mayor
City of Clarksville
1 Public Square 4th Floor
Clarksville, TN 37040
e-copy: joe.pitts@cityofclarksville.com

CERTIFIED MAIL RECEIPT
7017 3040 0001 0805 6143

**RE: Compliance Evaluation Inspection
 City of Clarksville Small Municipal Separate Storm Sewer System (MS4)
 NPDES Permit Tracking Number TNS075205, Montgomery County**

Dear Mayor Pitts:

On April 25, 2019, Nikki Carpenter and Tom Buchanan with the Division of Water Resources conducted a routine Compliance Evaluation Inspection (CEI) of the City of Clarksville's construction site stormwater runoff control program. During the CEI, the division met with Eric Salmon and Jeff Bryant with the City of Clarksville (City). The inspection, in part, consisted of a records review and field evaluation of the City's construction site stormwater runoff control program, which is a minimum control measure (MCM) requirement under the State's General NPDES Small MS4 Permit.

Permit Review

The General Permit for Discharges from Small MS4s was reissued and became effective on October 1, 2016. The City received and maintained coverage (issued on April 19, 2011) under the previous general permit until receiving Notice of Coverage under the reissued general permit on May 1, 2017. The findings listed in this letter cover compliance with the previous general permit (effective October 1, 2010) and with the reissued permit that became effective on October 1, 2016.

Minimum Control Measure 4 – Construction Site Stormwater Runoff Control, Permit Section 4.2.4

The small MS4 permit requires the development, implementation, and enforcement of a program to reduce pollutants in stormwater runoff to the stormwater system from construction activities that result in land disturbance greater than or equal to one acre, or less than one acre if part of a larger common plan of development. In part, this MCM includes an ordinance or other regulatory mechanism to require erosion prevention and sediment controls (EPSCs), sanctions to enforce compliance, specific procedures for construction site plan review and approval, as well as specific procedures for permittee inspection and compliance documentation.

The City of Clarksville adopted a stormwater ordinance controlling construction stormwater discharges, and established a plans review process and inspection program for construction projects. However, the City's ordinance does not specifically require EPSCs for land disturbance equal to one acre or less than one acre, if part of a common plan of development. Additionally, the City has not defined priority construction activity to include, at a minimum, those construction activities discharging directly into, or immediately upstream of, water the state recognizes as having unavailable parameters (for siltation and habitat alteration) or Exceptional Tennessee Waters (ETW). City personnel stated that all construction sites within the City's jurisdiction are considered to be priority sites; however, the definition of priority sites is not documented. Procedures to establish priority construction activity shall include at a minimum:

- Pre-construction meetings with construction-site operators for priority construction activities
- Inspection by the City of priority construction sites at least once per month; and
- Documentation of procedures, including related meetings and inspections.

Plans review procedures consist of a review that includes erosion prevention and sediment control practices. Specific requirements for review of the required erosion prevention and sediment control technical standards should be included in the plans review process and documented for each project. The following technical items were not included in plans review documentation or per the ordinance:

- Design storm (2-year/24 hour and 5-year/24 hour) consistent with the CGP;
- Construction buffer requirements for water the state recognizes as having unavailable parameters (for siltation and habitat alteration) or Exceptional Tennessee Waters (ETW) consistent with the CGP;
- Waste materials handling requirements consistent with the CGP

Site inspection procedures were evaluated by performing site visits to two active construction sites: Meadow Ridge Apartments (TNR242509) and Broc's Corner (TNR242014). The City inspectors, John Goodlett, Randy Peterson, and Kenny Daniels, demonstrated familiarity with the construction sites and a working knowledge of erosion prevention and sediment control practices. However, please be advised that inspection findings were not documented during the site visit. Deficiencies on site were identified and it was stated that developers would be notified via phone call. Compliance deadlines were not specified.

Required Corrective Actions

Based on the CEI findings, although the City has implemented a Construction Site Stormwater Runoff Control Program, the actions below are required for the City to be fully compliant with this minimum control measure. Please provide the division a written response by June 21, 2019, detailing the timing the City of Clarksville proposes to address the following items:

- When revising the City's ordinance, provide The City the authority to require erosion prevention and sediment controls at construction sites that result in land disturbance greater than one acre, or less than acre when part of a common plan of development.
- Establish priority construction activity procedures to include pre-construction meetings with construction-site operators, inspections by the City at least once per month, and maintain related documentation. The City's priority construction activity shall include, at a minimum, those construction activities discharging directly into, or immediately upstream of, water the state recognizes as having unavailable parameters (for siltation and habitat alteration) or Exception Tennessee Waters (ETW).
- Revise the City's plans review process and documentation to include technical standards for erosion prevention and sediment controls.
- When revising the City's ordinance, include requirements for construction site operators to control wastes at construction sites within the City's jurisdiction to avoid adverse impacts to water quality.
- Ensure that the City's standard operating procedure for permittee inspectors to evaluate and document construction site compliance is documented. These procedures, as required in sub-part 4.5, must include specific enforcement steps to ensure construction operators maintain compliance with the permittee's construction program requirements.

Again, I would like to thank the City of Clarksville for the assistance and courtesy extended to us during our inspection. If you have any questions or need additional information, please contact me by email at nikki.carpenter@tn.gov or by telephone at 615-687-7128.

Sincerely,

A handwritten signature in black ink that reads "Nikki Carpenter". The script is cursive and fluid, with the first name "Nikki" and last name "Carpenter" clearly distinguishable.

Nikki Carpenter
Division of Water Resources

cc: Eric Salmon, City of Clarksville NPDES Coordinator, eric.salmon@cityofclarksville.com
Jeff Bryant, City of Clarksville Civil Engineer, jeff.bryant@cityofclarksville.com
Ann Morbitt, Division of Water Resources, ann.morbitt@tn.gov
Bill Murph, NEFO DWR Program Coordinator, bill.murph@tn.gov

June 21, 2019

Nikki Carpenter
Tennessee Department of Environment and Conservation
711 R.S. Gass BLVD
Nashville, TN 37040

**RE: Compliance Evaluation Inspection Response
City of Clarksville Small Municipal Separate Storm Sewer System (MS4)
NPDES Permit Tracking Number TNS075205, Montgomery County**

Dear Ms. Carpenter,

The City of Clarksville received a letter on May 22, 2019 summarizing the findings from the Compliance Evaluation Inspection performed on April 25, 2019. Below you will find the statements from TDEC followed by the City's response in bulleted format:

The City of Clarksville adopted a stormwater ordinance controlling construction stormwater discharges, and established a plans review process and inspection program for construction projects. However, the City's ordinance does not specifically require Erosion Prevention and Sediment Controls (EPSCs) for land disturbance equal to one acre or less than one acre, if part of a common plan of development.

- *The ordinance will be revised to include EPSCs for all land disturbance activities equal to one acre or less than one acre, if part of a common plan of development.*

Additionally, the City has not defined priority construction activity to include, at a minimum, those construction activities discharging directly into, or immediately upstream of, water the state recognizes as having unavailable parameters (for siltation and habitat alteration) or Exceptional Tennessee Waters (ETW).

- *A definition of "Priority Construction Activity" will be added to the ordinance under 12-302 Definitions*
 - *Priority Construction Activity shall mean those construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired (for siltation or habitat alteration), Exceptional Waters, or a site with an Underground Injection Control (UIC) permit.*
- *Priority Construction Activity procedures will be outlined in the SWMM.*

- *Pre-construction meetings with construction-site operators for priority construction activities*
- *Inspection by the City of priority construction sites at least once per month; and*
- *Documentation of procedures, including related meetings and inspections.*

Revise the City's plans review process and documentation to include technical standards for erosion prevention and sediment controls.

- *Update SWMM Ch. 8 to reference CGP 3.5.3*
 - *The City of Clarksville's erosion and sediment control program guidance is based upon the most current edition of the TDEC Erosion and Sediment Control Handbook. Please refer to this handbook and the NPDES Construction General Permit 3.5.3 Erosion Prevention and Sediment Control for further guidance. The City of Clarksville may update or expand upon the handbook to require or prohibit specific measures based on improvements in engineering, science, or local maintenance experience. Table 8.1 provides a listing of Management Practices in the most current TDEC E&SC Handbook.*

When revising the City's ordinance, include requirements for construction site operators to control wastes at construction sites within the City's jurisdiction to avoid adverse impacts to water quality.

- *City Code already addresses construction waste.*
- *Sec. 4-603. - Minimum standards for basic equipment and facilities.*

(g) Sanitation requirements.

- *(4) Care of premises. It shall be unlawful for the owner or occupant of a residential/nonresidential building, structure, or premises to utilize the property for open storage of any inoperable motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the housing official. The provisions of this section shall not apply to prohibit any activity*
-

- *lawfully permitted by zoning regulations applicable to a parcel of property.*
- https://library.municode.com/tn/clarksville/codes/code_of_ordinances?nodeId=TI_T4BUUTHOCO_CH6PRMACO_S4-603MISTBAEQFA

Ensure that the City's standard operating procedure for permittee inspectors to evaluate and document construction site compliance is documented. These procedures, as required in subpart 4.5, must include specific enforcement steps to ensure construction operators maintain compliance with the permittee's construction program requirements.

- *Enforcement action is already outlined in the City Code.*
- *Title 12 Chapter 3 Sec. 12-330. - Penalties.*
 - (1) *The city attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of this chapter.*
 - (2) *The director of streets, or any duly authorized representative may issue an order to stop work on land disturbing and land development activities that are determined to be in non-compliance with the provisions of this chapter and the Storm Water Management Manual.*
 - (3) *As permitted by state law, any person who violates the provisions of this chapter shall be subject to a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per day for each day of violations. Each day of violation shall constitute a separate violation.*
 - (4) *Non-compliance with an order to stop work issued pursuant to subsection (2) shall constitute a violation of this chapter and shall be grounds for arrest.*
(Ord. No. 65-2003-04, § 30, 3-4-04)
- https://library.municode.com/tn/clarksville/codes/code_of_ordinances?nodeId=TI_T12STOTPUWAPL_CH3DR_S12-330PE
- *SWMM Chapter 3.9 addresses the enforcement action.*

All changes to the Ordinance and SWMM will be completed by October 2019.

Sincerely,

Joe Pitts
Mayor

RESOLUTION 19-2019-20

A RESOLUTION ADOPTING THE CITY OF CLARKSVILLE'S LEGISLATIVE AGENDA FOR CONSIDERATION BY THE 111TH TENNESSEE GENERAL ASSEMBLY

WHEREAS, the City of Clarksville's Legislative Committee, recently appointed by the City Mayor, was charged with developing an agenda of items to be recommended for consideration by the 111th Tennessee General Assembly; and

WHEREAS, the City's 2020 Legislative Agenda includes proposed legislation relative to Department of Safety fees, the Land and Water Conservation Fund, a state Military Affairs Commission, penalties for certain traffic violations, tax credits for historic building preservation, and major road improvement projects; and

WHEREAS, the City's approved requests will be forwarded to the Montgomery County Mayor for inclusion in the Montgomery County Legislative Liaison Committee's agenda which will be forwarded to the local delegation of the Tennessee General Assembly.

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

That the Clarksville City Council hereby adopts the 2020 Legislative Agenda, attached hereto as Exhibit A, proposed by the City's Legislative Committee, which will be forwarded to the Montgomery County Legislative Liaison Committee and subsequently considered by the 111th Tennessee General Assembly.

ADOPTED:

EXHIBIT A



CITY OF CLARKSVILLE 2020 LEGISLATIVE AGENDA

Presented to the

111th TENNESSEE GENERAL ASSEMBLY

Clarksville/Montgomery County Delegation

Senator Bill Powers, SD-22

Deputy Speaker & Representative Curtis Johnson, HD-68

Representative Jason Hodges, HD-67

Representative Jay Reedy, HD-74

LEGISLATIVE AGENDA AD HOC COMMITTEE

Councilman Jeff Burkhart, Chairman

Councilman Ron Erb

Council-Lady Stacey Streetman

& Clarksville City Council

Mayor Joe Pitts

1. Administrative Processing Fee increase proposal to the Tennessee Department of Safety

Item:

Increase the administrative processing fee, from \$4 to \$10 per transaction, provided to local partners for providing DMV services. The citizen pays the fee in addition to the driver's license renewal fee for the convenience of utilizing the City Hall location. The City retains the fee as per state law. The TCA needing to be amended is below:

55-50-331. Examination for, and issuance, renewal and contents of, licenses -- Conditional licenses.

(a) Notwithstanding this chapter to the contrary, the department has oversight of the issuance, examination and renewal of all driver licenses provided for in this chapter. The department is authorized to contract for the provision of any service related to the issuance, examination and renewal of driver licenses subject to applicable contracting statutes and regulations. The commissioner has the discretion to solicit outside consulting services in order to accomplish on a competitive basis the design and application of the system and implementation of this system. Any entity so contracting with the department is authorized to charge an additional fee of four dollars (\$4.00), which shall be retained by the entity for administrative costs.

For more information, please contact Councilman Jeff Burkhart, Ward 12 City Council, at jeff.burkhart@cityofclarksville.com, 931/206-6949.

2. Support full funding for the Land and Water Conservation Fund program.

Item:

Counties and cities across the state have used the LWCF grant program to create parks and recreation opportunities. We encourage our delegation to support full funding for LWCF (Land and Water Conservation Fund). <https://www.nrpa.org/our-work/advocacy/advocacy-engage/> The City of Clarksville has been successful in receiving grant funds for many years and we are needing this funding to continue as our community grows and facilities are needed to meet the demand.

For more information, please contact Council-Lady Stacey Streetman, Ward 10 City Council, at stacey.streetman@cityofclarksville.com or 931/206-0950.

3. Create a Military Affairs Commission for the State of Tennessee.

Item:

The impact of Fort Campbell and other military related investments in our state necessitate the need to create a Military Affairs Commission by the State of Tennessee. In 2008-09 the state of Tennessee eliminated the Military Affairs Commission due to inactivity. The multi-billion dollar impact of Fort Campbell alone, and other military related entities in our state deserve a cabinet level, stand alone commission that will measure and track the importance of military affairs in our state.

For more information, please contact Mayor Joe Pitts, joe.pitts@cityofclarksville.com 931/645-7444.

4. Establish a penalty for the registered vehicle owner failing to act responsibly when vehicle flees from law enforcement.

Item:

It is a Class E felony to flee from a lawful traffic stop. We have one of the most restrictive pursuit policies in the State and we have people flee traffic stops constantly. When you examine the costs of vehicle pursuits, not only across the Nation and the State, but in Clarksville over the years it has been enormous. There have been instances here in Clarksville where innocent citizens have been injured, and killed due to the result of a vehicle pursuit. The problem we have, as well as any other Law Enforcement agency has, is if we cannot identify the driver, there is very little we can do. The City of Clarksville's Police Department has requested some sort of penalty for the registered owner failing to act responsible. For instance, a police officer goes to stop a Sport Bike on the bypass and he/she flees at 100 plus mph, there is no way to identify the operator so there is very little officers can do except question the registered owner.

Recommendation for law enforcement to take some form of action supported by T.C.A., such as issuing the registered owner a citation for failure to act as a responsible motor vehicle owner which would also mean points on that individual's license.

2018: 130 incidents of non-pursuits

2017: 135 incidents of non-pursuits

For more information, please contact Councilman Ron Erb, Ward 3 City Council, at ron.erb@cityofclarksville.com or 931/801-5811.

5. Support legislation to create a tax credit program to protect and preserve historic buildings in the state.

Item:

State Historic Tax Credits: Owners of qualifying historic structures may apply for credits against certain state tax liability for rehabilitation and preservation of the structure. Legislation has been filed in the Tennessee General Assembly in the past that addresses the threat to historic buildings falling into disrepair. A most recent bill was filed in 2017 entitled the “Historic Rehabilitation Investment Incentive Act.”

For more information, please contact Council-Lady Stacey Streetman, Ward 10 City Council, at stacey.streetman@cityofclarksville.com or 931/206-0950.

6. **ROAD PROJECTS:** Encourage the Tennessee Department of Transportation to obligate funding for the following projects:

Item:

Encourage the Tennessee Department of Transportation to obligate funding for the following projects:

PURPOSE: Support the Region and State economic vitality by enabling competitiveness, productivity and efficiency. Increase the safety and security of the transportation system. Protect and enhance the environment, promote energy conservation, improve air quality and overall quality of life.

- Widening of Interstate 24 from Exit 11 to Nashville
- Continuation of SR374 from Dunbar Cave Road to SR112/Madison Street

The road projects listed below are currently part of the Improve Act. We join Montgomery County Government to ask for your continued support of these projects and to ensure funding is available for timely completion.

- SR48/Trenton Road (from SR374/101st Airborne Division Parkway to near I-24): Encourage TDOT to complete the PE-NEPA phase in a timely manner. Funding was obligated in the FY2017-2020 Transportation Improvement Program (TIP). Complete the PE-Design phase in a timely manner. Partial funding is obligated in the FY2020-2023 TIP.
- SR374 extension (from Dotsonville Road to SR149): Encourage TDOT to complete the PE NEPA document. Corridor public meetings were conducted in November 1997. Funding was obligated in the FY2005-2008 TIP. Then complete the PE-Design phase according to schedule so Right-of-Way phase can begin as per the FY2020-2023 TIP.
- SR374 extension (from Dotsonville Road to US79/SR76/Dover Road): Encourage TDOT to complete PE-NEPA document. Corridor public meetings were conducted in November 1997. Funding was obligated in the FY2005-2008 TIP. Then complete the PE-Design phase according to schedule so Right-of-Way phase can begin as per the FY2020-2023 TIP.

- 1-24 widening (from Kentucky State line to SR76/Exit 11): Encourage TDOT to obligate funding to complete the PE-NEPA phase and move to Design in a timely manner.

Projects that need to be constructed:

- SR13/Wilma Rudolph Boulevard (from Holiday Drive to Alfred Thun Road): Encourage TDOT to issue construction bid letting as scheduled for December 2019. Safety improvements include double-lane the eastbound off ramp, install a traffic signal and provide more storage under the current interchange for the I-24 west bound on ramp. Funding was obligated in the FY2014-2017 TIP.
- SR112/Madison Street sidewalks, service roads, and SR76 intersection (as 1 project): Encourage TDOT to issue construction bid letting as scheduled for August 2020. Funding was obligated in the FY2017-2020 TIP and FY2020-2023 TIP.

For more detailed information, please contact Joe Pitts, City of Clarksville Mayor, at joe.pitts@cityofclarksville.com, 931/645-7444, or Jim Durrett, Montgomery County Mayor at mayordurrett@mcgtn.net , 931/648-5787.