



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
OCTOBER 3, 2019, 7:00 P.M.**

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

AGENDA

PUBLIC COMMENTS:

- 6:55 pm Howard Winn

- 1) CALL TO ORDER *Mayor Joe Pitts*
- 2) PRAYER *Pastor Jerry Jeter, Pleasant View Baptist Church -Guest of Councilman Holleman*
- 3) PLEDGE OF ALLEGIANCE *Councillady Stacey Streetman*
- 4) ATTENDANCE *City Clerk*
- 5) SPECIAL RECOGNITIONS *Mayor Joe Pitts*
- 6) CMCSS UPDATE: *Director Millard House*
- 7) PLANNING COMMISSION *Councilman Richard Garrett*
 1. **ORDINANCE 30-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Myra Ishee, Houston Smith-Agent, for zone change on property located at the southeast corner of Needmore Road and Hazelwood Road from R-1A Single Family Residential District to R-4 Multiple Family Residential District and C-2 General Commercial District *(RPC: Approval/Approval)*

2. **ORDINANCE 31-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Myra Ishee, Houston Smith-Agent, for zone change on property located at the intersection of Needmore Road and East Boy Scout Road from R-1A Single Family Residential District to R-4 Multiple Family Residential District and C-2 General Commercial District *(RPC: Approval/Approval)*

3. **ORDINANCE 32-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Bristol Ridge Apartments, LLC, for zone change on property south of Highway 76, east of South Gateway Plaza Boulevard, north of Interstate 24, and West of Superior Lane from R-1A Single Family Residential District, C-2 General Commercial District, and AG Agricultural District to C-5 Highway & Arterial Commercial District, R-4 Multiple Family Residential District, and R-1A Single Family Residential District *(RPC: Approval/Approval)*

4. **ORDINANCE 33-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reach Holdings, LLC, Stanley Ross-Agent, for zone change on property at the intersection of Bellamy Lane and Carla Court from AG Agricultural District to R-6 Single Family Residential District and R-4 Multiple Family Residential District *(RPC: Approval/Approval)*

5. **ORDINANCE 34-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of T & B Properties, Chris Biter and Todd Biter-Agents, for zone change on property located at the intersection of Fort Campbell Boulevard and Durrett Drive from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District *(RPC: Disapproval/Approval)*

8) REGIONAL HISTORIC ZONING COMMISSION APPEAL

1. Appeal of the decision of the Regional Historic Zoning Commission in reference to Case # HZ-3-201, Application of Robert E. White for demolition due to unsafe and unstable structure

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 17-2019-20** (Second Reading) Accepting donation of property on Franklin Street from Fifth Ward Missionary Baptist Church

2. **ORDINANCE 18-2019-20** (Second Reading) Accepting donation of certain real property located at 520 Roselawn Drive from Edward Burchett

3. **ORDINANCE 20-2019-20** (Second Reading) Amending the Official Code relative to withdrawal of applications for zone change

4. **ORDINANCE 23-2019-20** (Second 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

5. **ORDINANCE 24-2019-20** (Second 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

6. **ORDINANCE 25-2019-20** (Second 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

7. **RESOLUTION 20-2019-20** Approving a Certificate of Compliance for sale of wine at Dollar General, 1100 Ash Ridge Drive (*CPD: No Criminal History*)

8. **RESOLUTION 21-2019-20** Approving a Certificate of Compliance for sale of wine at Dollar General, 155 Edmondson Ferry Road (*CPD: No Criminal History*)

9. **RESOLUTION 23-2019-20** Approving appointments to the Community Health Foundation Board, Museum Board, Parking Commission

- *Community Health Foundation: Dr. Mark Trawinski (fill unexpired term of Dr. Marcos Arancibia-resigned) - October 2019 through 2021*
- *Museum Board: Kell Black (replace Bill Wyatt-term expired) - October 2019 through December 2021*
- *Parking Commission: Carol Clark (reappointment) - September 2019 through August 2021, Councilman Travis Holleman (replace former Councilman Bill Powers-resigned) - October 2019 through August 2021*

10. Adoption of Minutes: September 5

10)FINANCE COMMITTEE *Chairman Jeff Burkhart*

1. **ORDINANCE 19-2019-20** (Second Reading) Amending the Official Code relative to peddler permits [Proposed amendments] (*Finance Committee: Approval*)

2. **ORDINANCE 21-2019-20** (Second 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 [Proposed amendment to include Pollard Road paving] (*Finance Committee: Approval*)

3. **ORDINANCE 26-2019-20** (First Reading) Pertaining to advertising, logos, emblems, etc. on city water tanks (*Finance Committee: Approval*)

4. **ORDINANCE 27-2019-20** (First Reading) Amending the FY20 General Government Operating and Capital Budget and the FY20 Clarksville Transit System Operating and Capital Budget to provide matching funds for three buses and four vans (*Finance Committee: Approval*)

5. **ORDINANCE 28-2019-20** (First Reading) Amending the FY20 Housing & Community Development Budget to include the 2018 Continuum of Care Program grant transfer from Robertson County (*Finance Committee: Approval*)

6. **RESOLUTION 22-2019-20** Authorizing retirement of patrol service dog “Karma” from the K-9 Unit and authorizing donation to Police Officer Joshua Swaffer (*Finance and Public Safety Committees: 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; Postponed September 5th) 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. **ORDINANCE 29-2019-20** (First Reading) Amending the Official Code amending the Internal Service Fund Guidelines *Councilman David Allen*
- 2a. Approval to consider **RESOLUTION 24-2019-20** [$\frac{3}{4}$ majority approval required] *Councilman Richard Garrett*
- 2b. **RESOLUTION 24-2019-20** Renaming Birchwood Park as CSM Sidney R. Brown Park at Birchwood *Councilman Richard Garrett*

18) MAYOR AND COUNCIL MEMBER REPORTS

19) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: October 3, 2019. The public hearing will be held on: September 26, 2019.

CITY ORD. #: 30-2019-20 RPC CASE NUMBER: Z-23-2019

Applicant: MYRA ISHEE

Agent: Houston Smith

Location: Property located at the southeast corner of Needmore Road & Hazelwood Road.

Ward #: 8

Request: R-1A Single-Family Residential District

to

R-4 Multiple-Family Residential District / C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 31-2019-20 RPC CASE NUMBER: Z-24-2019

Applicant: MYRA ISHEE

Agent: Houston Smith

Location: Property fronting on the east frontage of Needmore Road, 1,890 +/- feet south of the Needmore Road & East Boy Scout Road intersection.

Ward #: 8

Request: R-1A Single-Family Residential District

to

R-4 Multiple-Family Residential District / C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 32-2019-20 RPC CASE NUMBER: Z-25-2019

Applicant: BRISTOL RIDGE APARTMENTS LLC

Agent:

Location: Property located south of Highway 76, east of South Gateway Plaza Blvd., north of Interstate 24 & west of Superior Lane.

Ward #: 10

Request: R-1A Single-Family Residential District / C-2 General Commercial District /

AG Agricultural District to

C-5 Highway & Arterial Commercial District / R-4 Multiple-Family Residential District/

R-1A Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 33-2019-20 RPC CASE NUMBER: Z-26-2019

Applicant: REACH HOLDINGS LLC

Agent: Stanley Ross

Location: Property located on the north frontage of Bellamy Lane 480 +/- feet northeast of the Bellamy Lane & Carla Court intersection.

Ward #: 12

Request: AG Agricultural District

to

R-6 Single-Family Residential District / R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 34-2019-20 RPC CASE NUMBER: Z-27-2019

Applicant: T&B PROPERTIES

Agent: Chris Biter Todd Biter

Location: Property located on the north frontage of Durrett Drive, 490 +/- feet east of the Ft. Campbell Blvd. & Durrett Drive intersection.

Ward #: 1

Request: C-5 Highway and Arterial Commercial District

to

R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE 9/25/2019

CASE NUMBER: Z - 23 - 2019

NAME OF APPLICANT Myra

Ishee

AGENT: Houston

Smith

GENERAL INFORMATION

TAX PLAT: 018

PARCEL(S): 042.00 p/o

ACREAGE TO BE REZONED: 22.42

PRESENT ZONING: R-1A

PROPOSED ZONING: R-4 C-2

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property located at the southeast corner of Needmore Road & Hazelwood Road.

CITY COUNCIL WARD: 8

COUNTY COMMISSION DISTRICT: 17

CIVIL DISTRICT: 2

DESCRIPTION OF PROPERTY Wooded tract with varying topography.

AND SURROUNDING USES:

APPLICANT'S STATEMENT The race track is on the opposite side of Needmore Road and commercial uses are more
FOR PROPOSED USE: suitable than residential uses immediately adjacent to the track. The R-4 will provide a
transition from commercial development to single family homes.

GROWTH PLAN AREA: CITY

PLANNING AREA: Trenton

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:

May require offsite sewer upgrades.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

A traffic assessment was required, submitted & reviewed by the Clarksville Street Dept. Current data indicates that present conditions warrant roadway infrastructure improvements & signalization upgrades.

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:

Pisgah Elementary is currently at 94% capacity, Northeast Middle is currently 107% capacity and has 9 portable classrooms, Northeast High is currently at 85% capacity. This continued student growth necessitates additional action to address building capacity and bus needs.

ELEMENTARY: PISGAH

MIDDLE SCHOOL: NORTHEAST

HIGH SCHOOL: NORTHEAST

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 traffic, light & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Hazelwood Road & Needmore Road

DRAINAGE COMMENTS: Varies.

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS: 188

POPULATION: 507

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

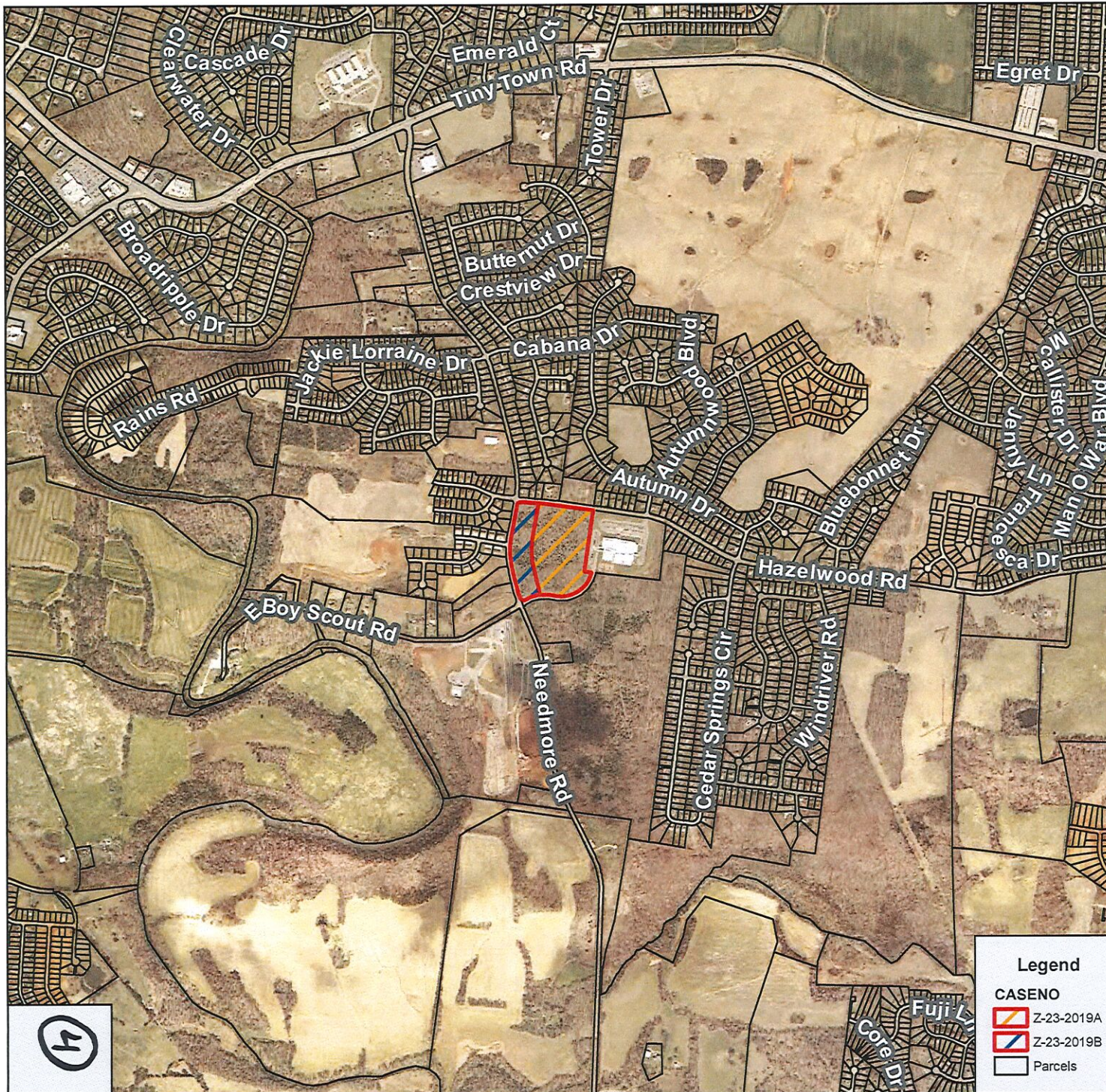
HIGH SCHOOL STUDENTS:

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. Proposed R-4 Multi-family, C-2 Commercial & existing R-1A Single family development (as currently zoned) proposals will require infrastructure improvements to include but not limited to potential rights of way roadway, intersection signalization & offsite water/sewer upgrades prior to subdivision/development approvals. The intersection creates opportunity for a commercial node of dev.
3. Adjacent legal non-conforming (grandfathered) race track facility is not highly compatible with single-family residential. This zoning proposal provides potential for a more appropriate transition from commercial, multi-family & existing single family zoning.
4. Appropriate Landscaping Buffers will be required between the single family residential and multi-family / commercial uses as required by the City of Clarksville Zoning Ordinance. No adverse environmental issues were identified relative to this request.



Z-23-2019

APPLICANT:

MYRA ISHEE

REQUEST:

R-1A TO C-2/R-4

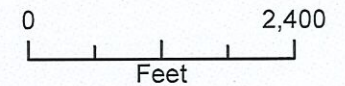
MAP AND PARCEL

018 04200 (P)

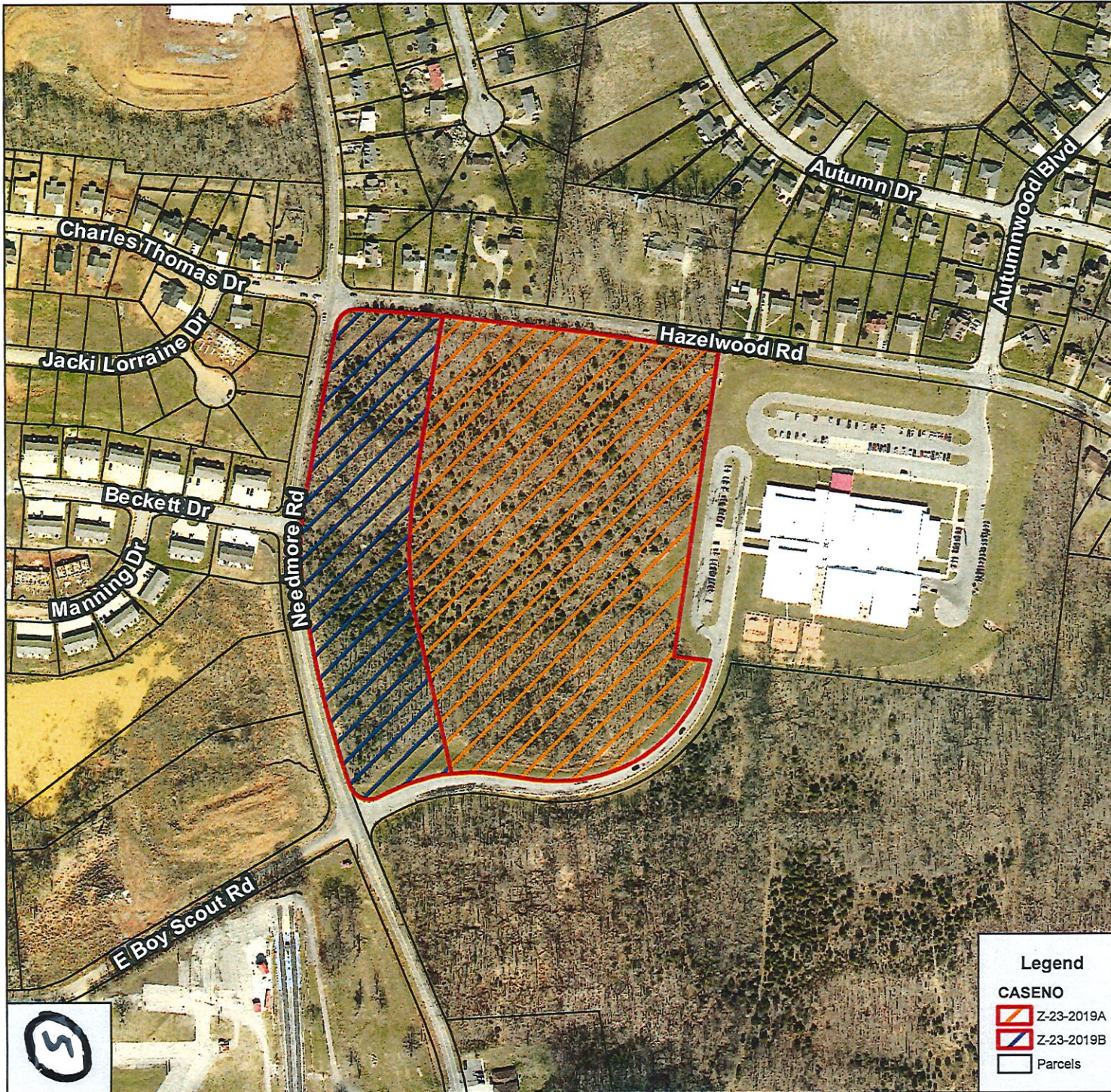
+/- ACRES

22.42

1:20,000



8/28/2019



Z-23-2019

APPLICANT:

MYRA ISHEE

REQUEST:

R-1A TO C-2/R-4

MAP AND PARCEL

018 04200 (P)

+/- ACRES

22.42

Legend

CASENO

 Z-23-2019A

 Z-23-2019B

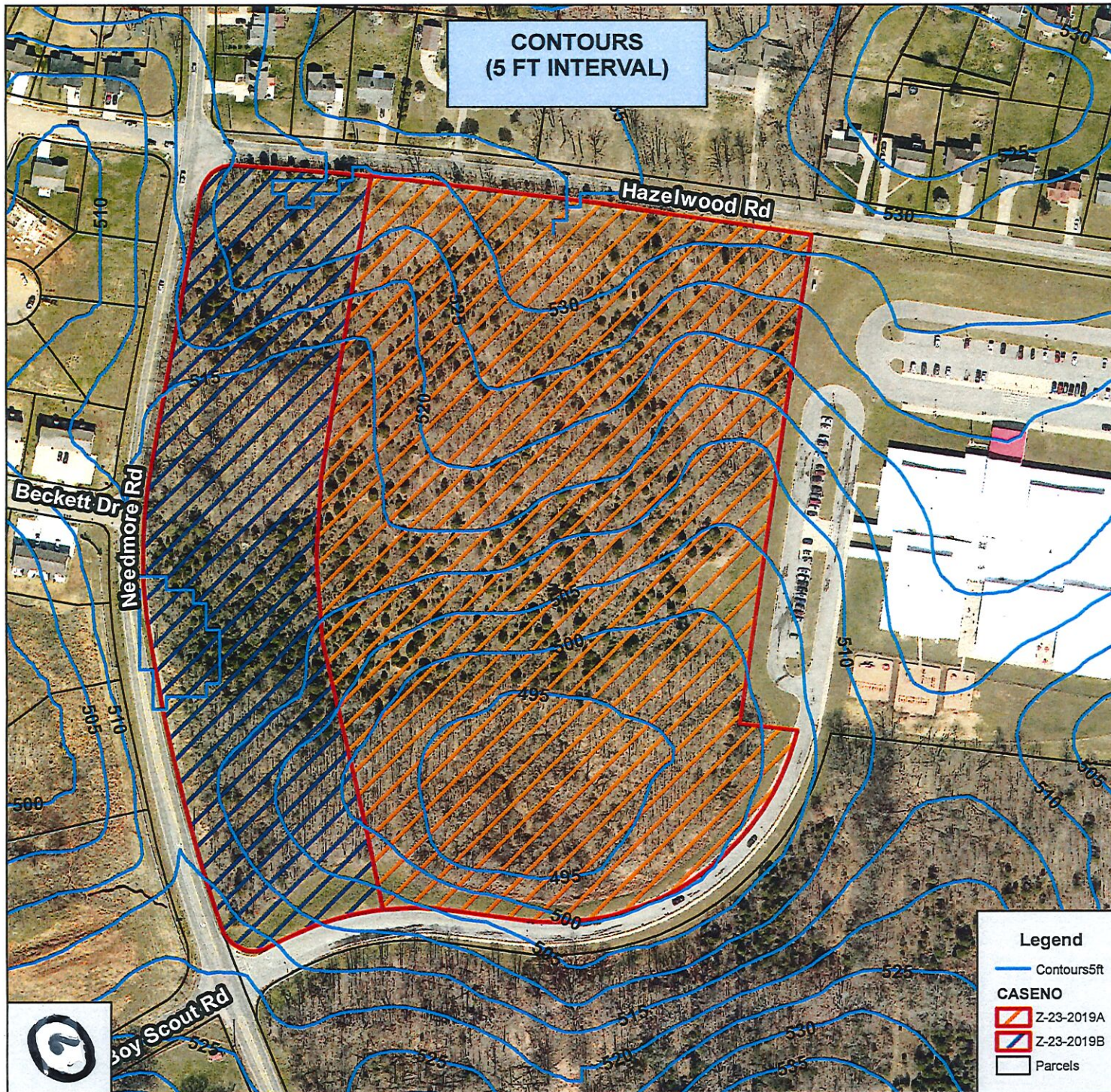
 Parcels

1:4,000



8/28/2019

CONTOURS
(5 FT INTERVAL)



Z-23-2019

APPLICANT:

MYRA ISHEE

REQUEST:

R-1A TO C-2/R-4

MAP AND PARCEL

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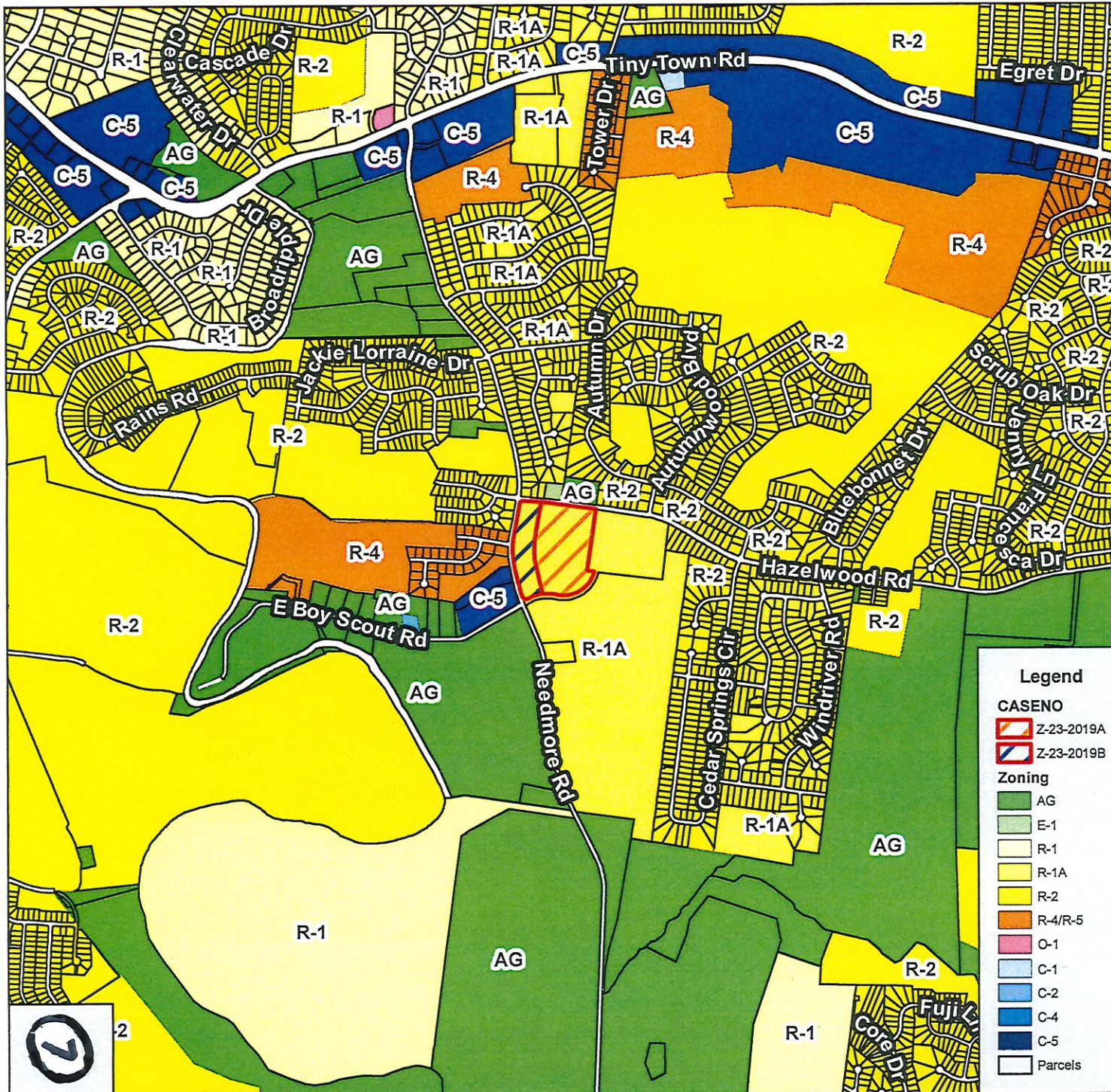
+/- ACRES

22.42

1:2,500



8/28/2019



Z-23-2019

APPLICANT:

MYRA ISHEE

REQUEST:

R-1A TO C-2/R-4

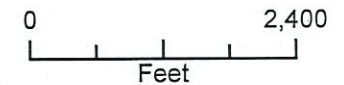
MAP AND PARCEL

018 04200 (P)

+/- ACRES

22.42

1:20,000



8/28/2019

CASE NUMBER: Z 23 2019 MEETING DATE 9/25/2019

APPLICANT: Myra Ishee

PRESENT ZONING R-1A PROPOSED ZONING R-4

TAX PLAT # 018 PARCEL 042.00 p/o

GEN. LOCATION Property located at the southeast corner of Needmore Road & Hazelwood Road.

PUBLIC COMMENTS

Letter expressing opposition from Mr. Johnny Hamer, 1751 Hazelwood Rd. in the file.

Email expressing opposition from Mr. Arthur R. Grau , 1748 Hazelwood Rd. in the file.

To: Clarksville Planning Commission

19 September 2019

From: Johnny Hamer, 1751 Hazelwood Rd Clarksville Tn.

I am writing this letter in opposition to case number: Z-23-2019 I oppose the property adjacent to Hazelwood Rd. becoming R-4 for many reasons, first I worry about my property value decreasing because I believe that the quality of the multi-family units will not be in line with the values of the properties of the existing neighborhood also being so close to the speedway I believe that the units will have a high level of turnover due to tenets not renewing the leases. That will in turn force the unit owners to lower the rent rates thus bringing down the property values and increasing the crime rate, is this the type of complex that you want next to an elementary school? I also worry that when all of the trees get cut down the whole neighborhood will be effected due to the higher noise levels coming from the speedway that the trees are buffering right now. Then there is the matter of increased traffic with no increase in infrastructure, in the mornings and the afternoons the traffic on Needmore Rd going either direction is a total mess you are either waiting three signal cycles at Tiny Town Rd (15-20 min) or 20 min to get through the 4 way at Whitfield Rd and if you think that you can make it from Hazelwood onto Trenton Rd in the morning GOOD LUCK. I really hope that whoever did the traffic study did it in the morning and the afternoons. I think that a way better idea for the property would be for the city to purchase it and put a park there, the area I believe would be perfect. This area of Clarksville really does not have a park geared toward elementary school aged children yet this area of Clarksville has the largest population of school aged children in Clarksville



Johnny Hamer



City
of
Clarksville

John Spainhoward <john.spainhoward@cityofclarksville.com>

Case numbers Z23-2019 and Z24-2019

1 message

Bob Grau <agrau4456@charter.net>

Wed, Aug 28, 2019 at 9:07 AM

To: john.spainhoward@cityofclarksville.com

I am a homeowner who is a veteran and lives at 1748 Hazelwood road. My wife and I live 4 doors from Pisgah grade school. The property we live on owned by Myra Ishee is under consideration for rezoning. I object to this due to the complete dismemberment of trees and land behind and near Needmore. The firehouse school would be the only thing left.

We would like the property to remain R-1. I have spoken to Ms Ishee many times over the 13 years we have lived here. She is a wonderful woman. Apparently she or her person in charge wants to sell all the property.

I would like this revision revoked.

Arthur R Grau
1748 Hazelwood rd
Clarksville Tn 37042

Sent from my iPad

10

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 9/25/2019

CASE NUMBER: Z - 24 - 2019

NAME OF APPLICANT: Myra

Ishee

AGENT: Houston

Smith

GENERAL INFORMATION

TAX PLAT: 018

PARCEL(S): 042.00 p/o

ACREAGE TO BE REZONED: 18.15

PRESENT ZONING: R-1A

PROPOSED ZONING: R-4 C-2

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the east frontage of Needmore Road, 1,890 +/- feet south of the Needmore Road & East Boy Scout Road intersection.

CITY COUNCIL WARD: 8

COUNTY COMMISSION DISTRICT: 17

CIVIL DISTRICT: 2

DESCRIPTION OF PROPERTY Wooded tract with varying topography.

AND SURROUNDING USES:

APPLICANT'S STATEMENT The race track is on the opposite side of Needmore Road and commercial uses are more
FOR PROPOSED USE: suitable than residential uses immediately adjacent to the track. The R-4 will provide a
transition from commercial development to single family homes.

GROWTH PLAN AREA: CITY

PLANNING AREA: Trenton

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:

May require offsite sewer upgrades.

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

A traffic assessment was required, submitted & reviewed by the Clarksville Street Dept. Current data indicates that present conditions warrant roadway infrastructure improvements & signalization upgrades.

3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

4. CDE/CEMC:

No Comment(s) Received

5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

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

Comments received from department and they had no concerns.

8. SCHOOL SYSTEM:

ELEMENTARY:
MIDDLE SCHOOL:
HIGH SCHOOL:

Pisgah Elementary is currently at 94% capacity, Northeast Middle is currently 107% capacity and has 9 portable classrooms, Northeast High is currently at 85% capacity. This continued student growth necessitates additional action to address building capacity and bus needs.

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 traffic, light & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Needmore Road

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS: 163

POPULATION: 440

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

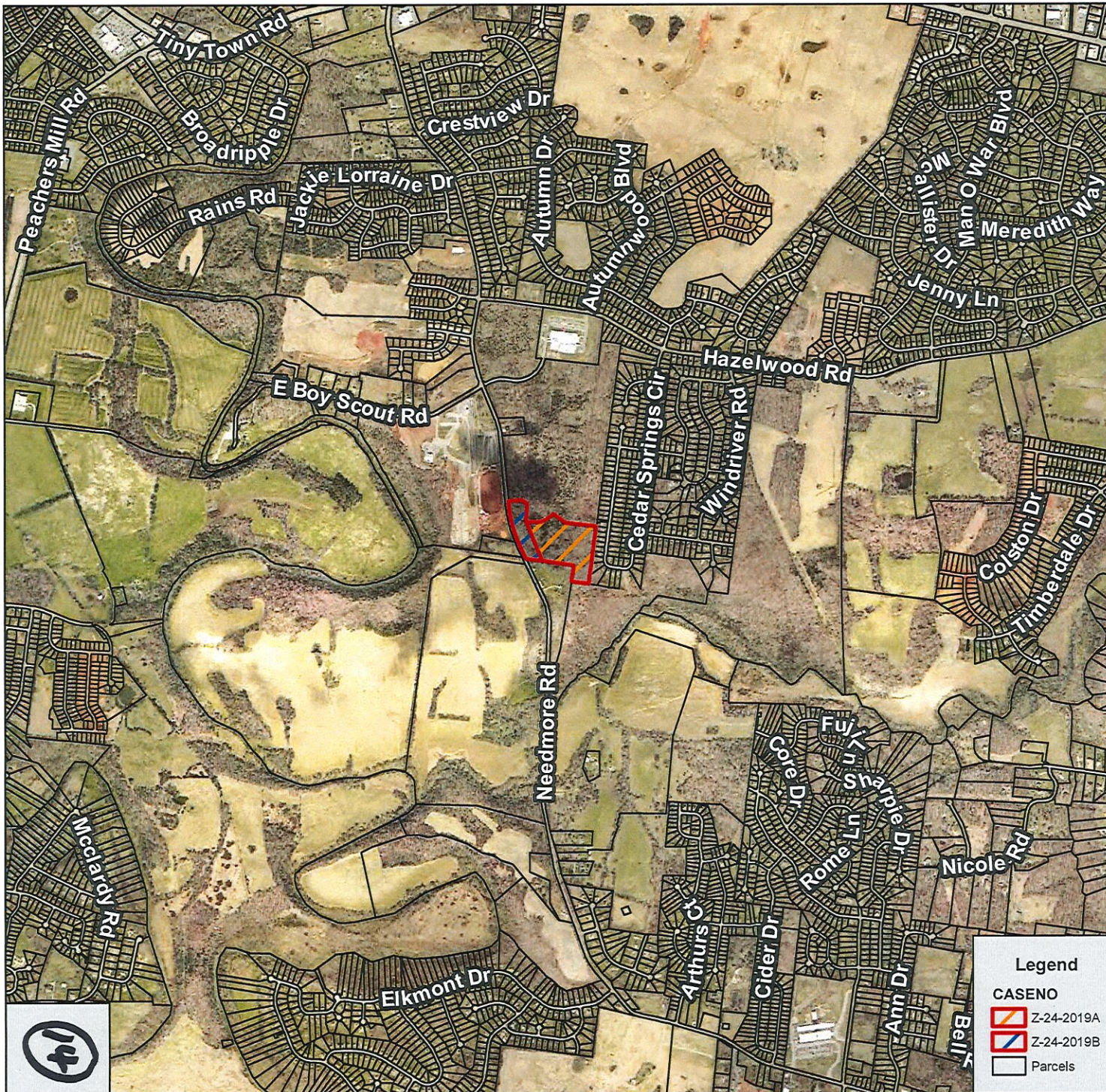
HIGH SCHOOL STUDENTS:

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. Proposed R-4 Multi-family, C-2 Commercial & existing R-1A Single family development (as currently zoned) proposals will require infrastructure improvements to include but not limited to potential rights of way roadway, intersection signalization & offsite water/sewer upgrades prior to subdivision/development approvals.
3. Adjacent legal non-conforming (grandfathered) race track facility is not highly compatible with single-family residential. This zoning proposal provides potential for a more appropriate transition from commercial, multi-family & existing single family zoning.
4. Appropriate Landscaping Buffers will be required between the single family residential and multi-family / commercial uses as required by the City of Clarksville Zoning Ordinance. No adverse environmental issues were identified relative to this request.
- 5.



Z-24-2019

APPLICANT:

MYRA ISHEE

REQUEST:

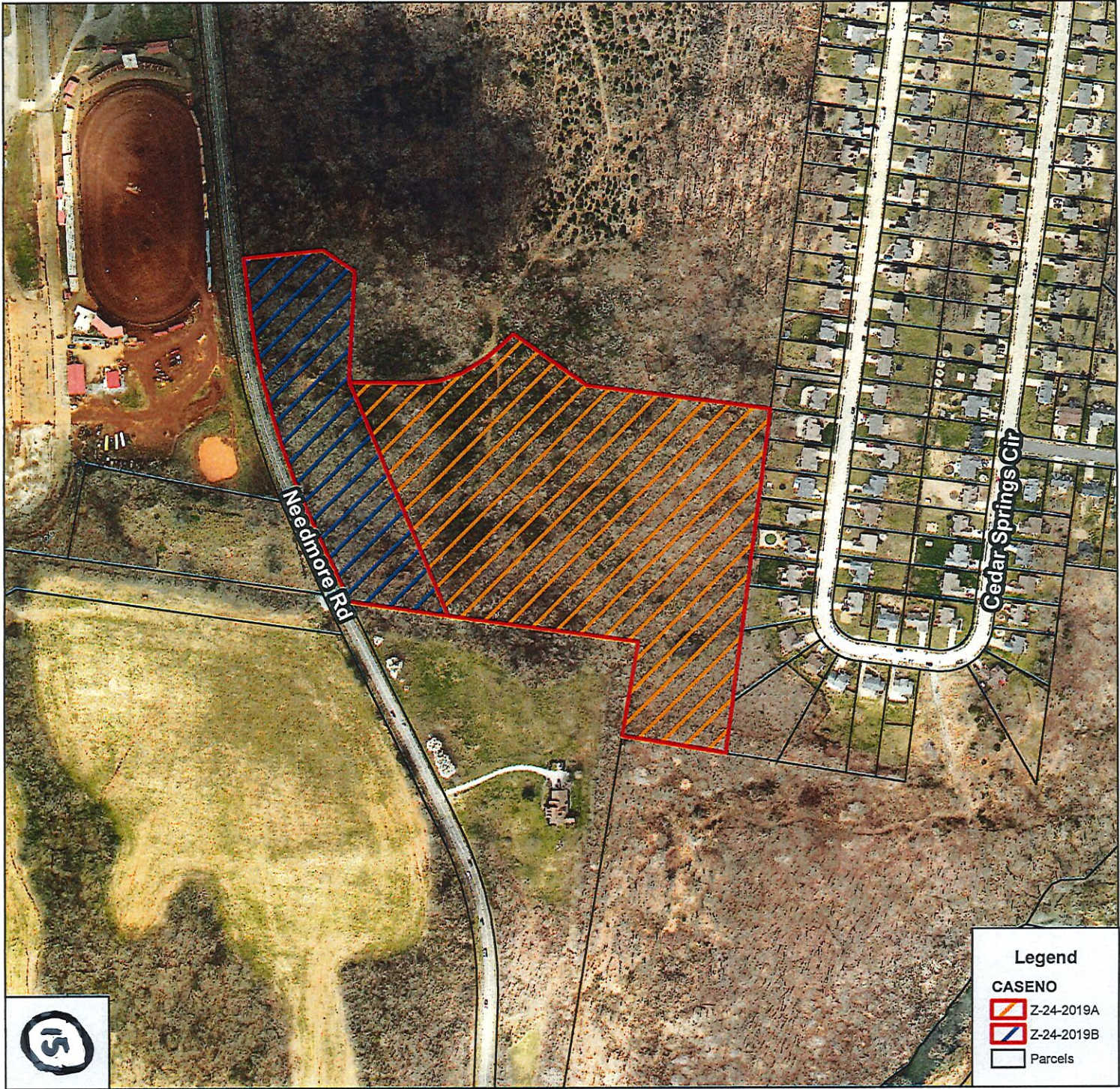
R-1A TO C-2/R-4

MAP AND PARCEL

018 04200 (P)

+/- ACRES

18.15



Z-24-2019

APPLICANT:

MYRA ISHEE

REQUEST:

R-1A TO C-2/R-4

MAP AND PARCEL


018 04200 (P)

+/- ACRES

18.15

Legend

CASENO

 **Z-24-2019A**

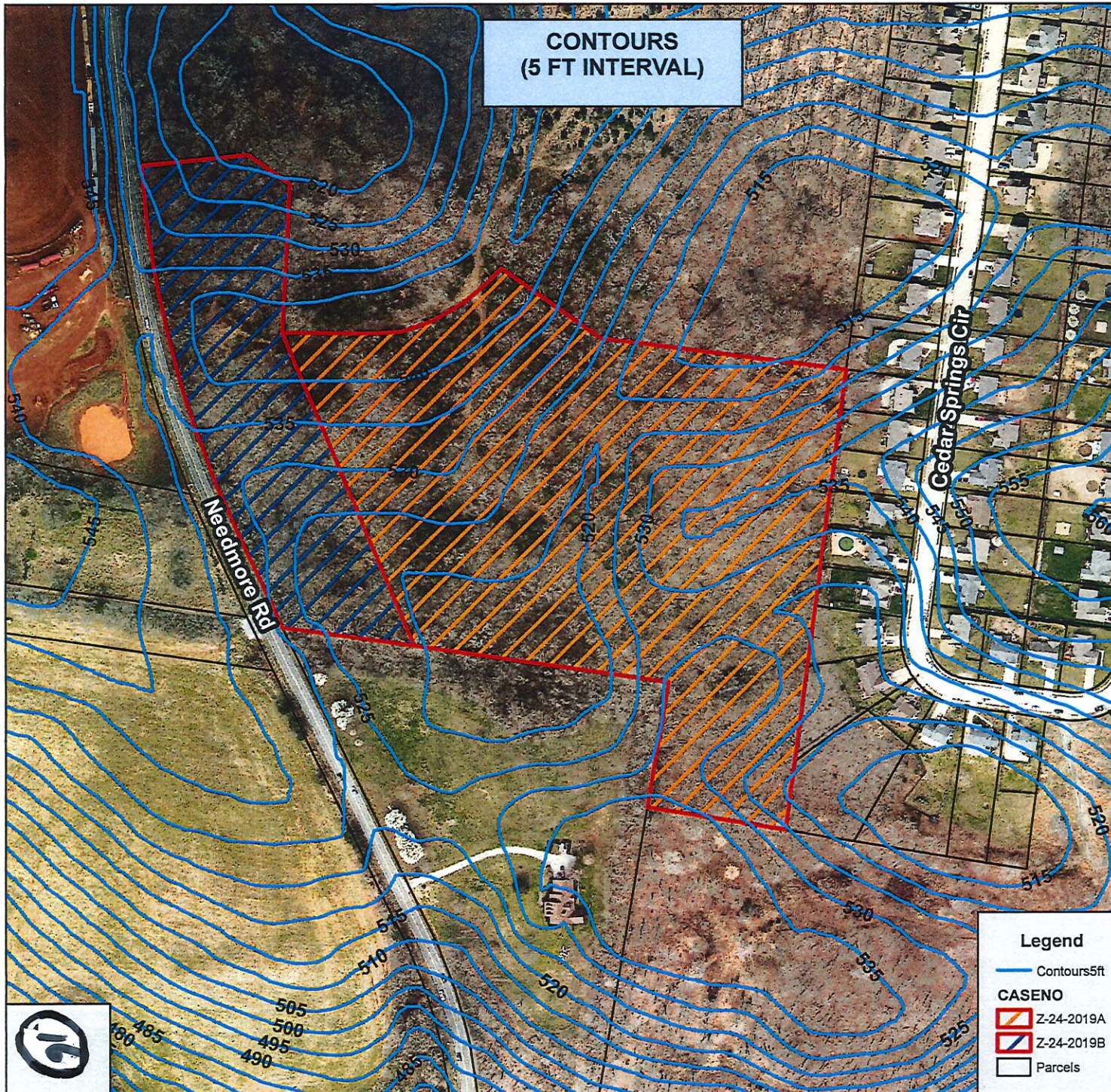
 **Z-24-2019B**

 **Parcels**

1:4,000



8/28/2019



Z-24-2019

APPLICANT:

MYRA ISHEE

REQUEST:

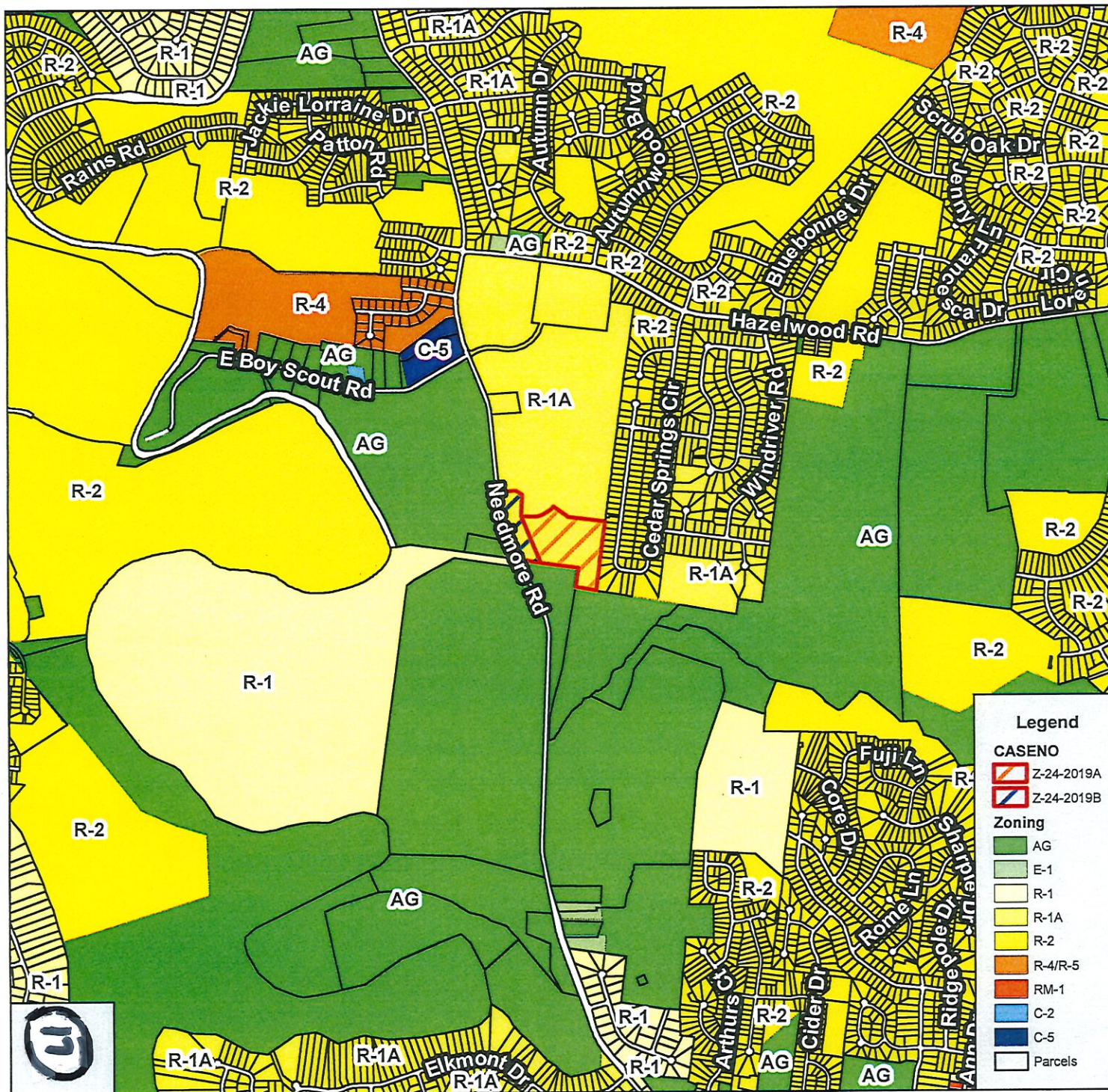
R-1A TO C-2/R-4

MAP AND PARCEL

018 04200 (P)

+/- ACRES

18.15



Z-24-2019

APPLICANT:

MYRA ISHEE

REQUEST:

R-1A TO C-2/R-4

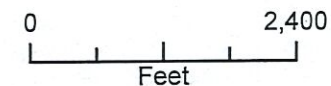
MAP AND PARCEL

018 04200 (P)

+/- ACRES

18.15

1:20,000



8/28/2019

CASE NUMBER: Z 24 2019 **MEETING DATE** 9/25/2019

APPLICANT: Myra Ishee

PRESENT ZONING R-1A

PROPOSED ZONING R-4

TAX PLAT # 018

PARCEL 042.00 p/o

GEN. LOCATION Property fronting on the east frontage of Needmore Road, 1,890 +/- feet south of the
Needmore Road & East Boy Scout Road intersection.

PUBLIC COMMENTS

Email expressing opposition from Mr. Arthur R. Grau , 1748 Hazelwood Rd. in the file.



City
of
Clarksville

John Spainhowerd <john.spainhowerd@cityofclarksville.com>

Case numbers Z23-2019 and Z24-2019

1 message

Bob Grau <agrau4456@charter.net>
To: john.spainhowerd@cityofclarksville.com

Wed, Aug 28, 2019 at 9:07 AM

I am a homeowner who is a veteran and lives at 1748 Hazelwood road. My wife and I live 4 doors from Pisgah grade school. The property we live on owned by Myra Ishee is under consideration for rezoning. I object to this due to the complete dismemberment of trees and land behind and near Needmore. The firehouse school would be the only thing left.

We would like the property to remain R-1. I have spoken to Ms Ishee many times over the 13 years we have lived here. She is a wonderful woman. Apparently she or her person in charge wants to sell all the property.

I would like this revision revoked.

Arthur R Grau
1748 Hazelwood rd
Clarksville Tn 37042

Sent from my iPad



CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/25/2019

CASE NUMBER: Z - 25 - 2019

NAME OF APPLICANT Bristol Ridge

Apartments Llc

AGENT:

GENERAL INFORMATION

TAX PLAT: 063

PARCEL(S): 067.00 p/o

067.02 p/o

ACREAGE TO BE REZONED: 62.09

PRESENT ZONING: R-1A C-2 AG

PROPOSED ZONING: C-5 R-4

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property located south of Highway 76, east of South Gateway Plaza Blvd., north of Interstate 24 & west of Superior Lane.

CITY COUNCIL WARD: 10

COUNTY COMMISSION DISTRICT: 15

CIVIL DISTRICT: 11

DESCRIPTION OF PROPERTY North-SF Res. & AG, South-I-24, West-Vacant Commercial, East-SF Res.
AND SURROUNDING USES:

APPLICANT'S STATEMENT To develop single family lots, multifamily and commercial.
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Sango Planning Area

PREVIOUS ZONING HISTORY: CZ-21-2018, CZ-24-2018, CZ-35-2004

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:

May require system upgrades.

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

A traffic assessment was required, submitted & reviewed by the Clarksville Street Dept. Infrastructure improvements will be required by the developer at the time of construction.

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:

Carmel Elementary is at 82% capacity. Rossvie Middle School is at 118% capacity. Rossvie High School is at 111% and currently has 6 portables. This continued student growth necessitates additional action to address building capacity and bus needs in Montgomery County.

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, traffic, light & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Highway 76, South Gateway Plaza, Karmaflux Way, Lillian Grace Drive

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:	878 (16 per acre)	658 (12 per acre)
POPULATION:	2370	1776
ELEMENTARY SCHOOL STUDENTS:		
MIDDLE SCHOOL STUDENTS:		
HIGH SCHOOL STUDENTS:		

APPLICABLE LAND USE PLAN

Sango Planning Area: Growth rate for this area is above the overall county average. US 41-A South is the major east-east corridor spanning this area & provides an alternative to I-24 as a route to Nashville. SR 12 is also a corridor that provides a good linkage to employment, shopping and schools and should continue to support future growth in this portion of the planning area.

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed C-5 & existing C-2 Commercial districts, coupled with the R-4 Multi-Family rezoning request provides an appropriate transition from the I-24 interchange corridor through the development to the R-1A Single Family District/Development to the east. The zoning request as submitted affords an appropriate mixture of commercial & multi-family to meet the needs in the area.
3. Roadway infrastructure & Sewer upgrades will be required by the developer to meet the full development potential of the site. This can be accomplished through the phasing of the development project timed with the required infrastructure improvements.
4. Appropriate Landscaping Buffers will be required between the single family residential and multi-family / commercial uses as required by the City of Clarksville Zoning Ordinance. No adverse environmental issues were identified relative to this request.
-



Z-25-2019

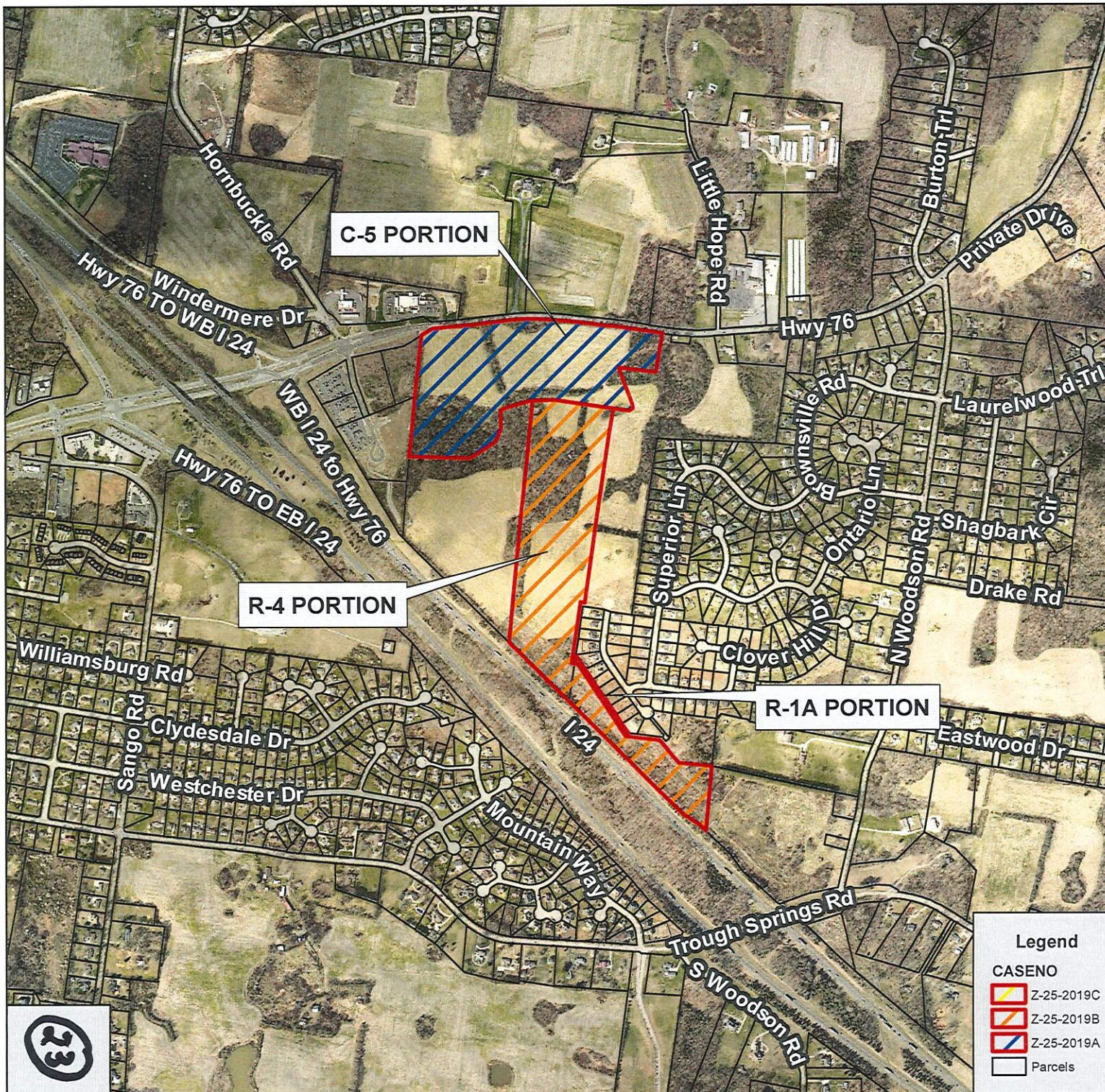
APPLICANT:
BRISTOL RIDGE
APARTMENTS, LLC

REQUEST:
R-1A/C-2/AG
TO
C-5/R-4/R-1A
MAP AND PARCEL

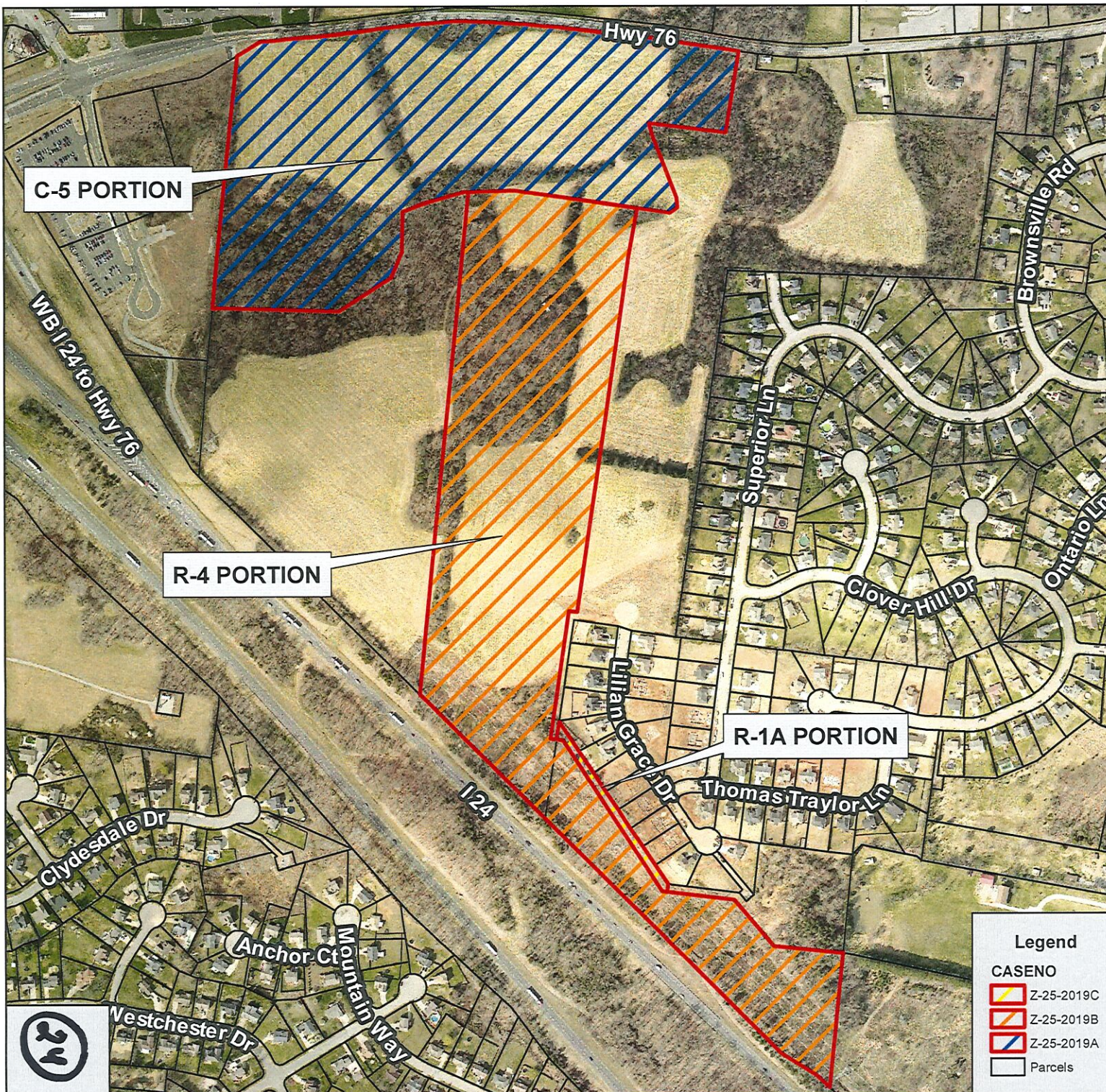
063 06700 (P)
063 06702 (P)

+/- ACRES

C-5 29.52
R-4 32.58
R-1A 00.60



23



Z-25-2019

APPLICANT:
BRISTOL RIDGE
APARTMENTS, LLC

REQUEST:
R-1A/C-2/AG
TO
C-5/R-4/R-1A
MAP AND PARCEL

063 06700 (P)
063 06702 (P)

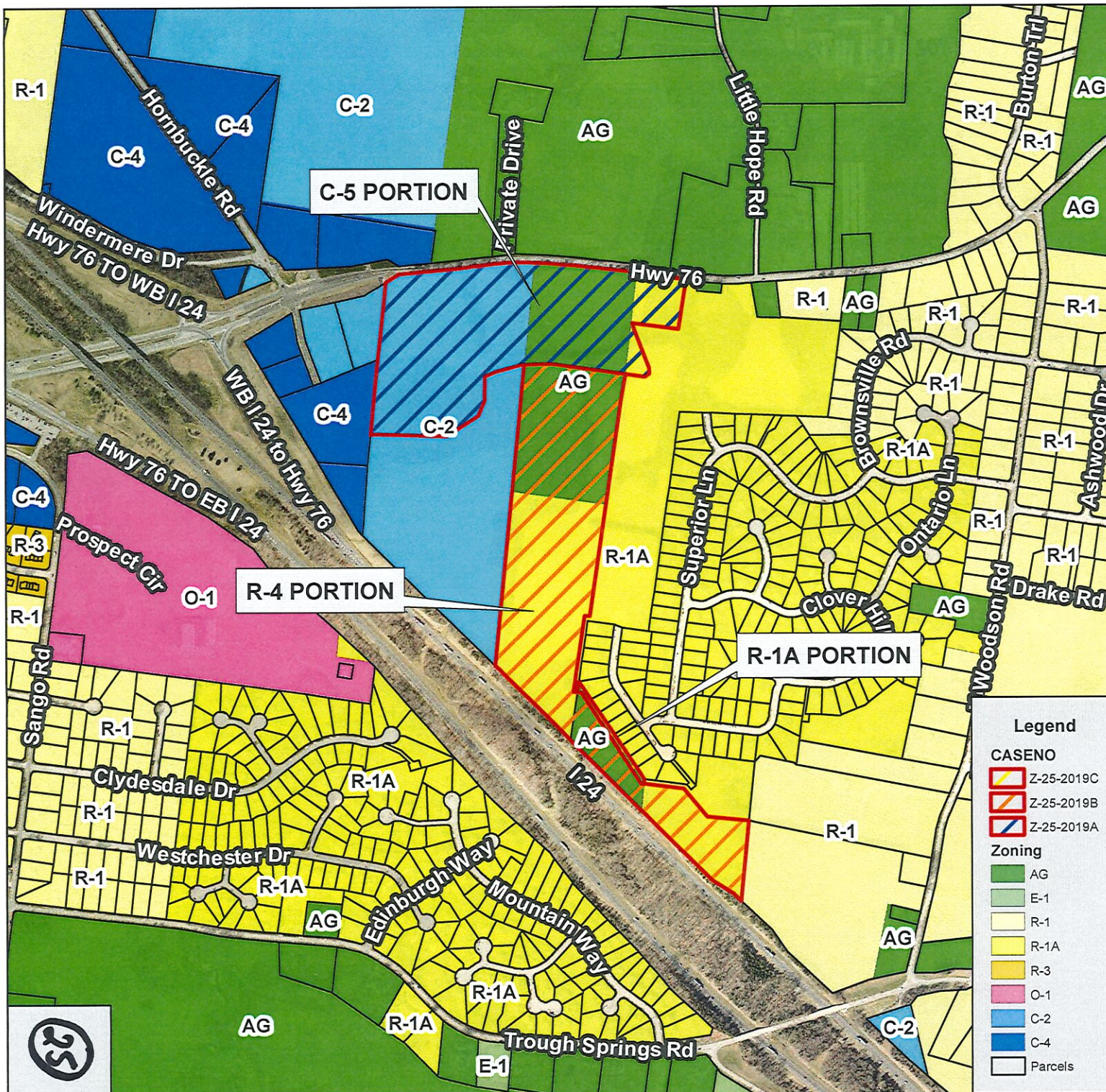
+/- ACRES

C-5 29.52
R-4 32.58
R-1A 00.60

1:6,000

0 750
Feet

9/25/2019



Z-25-2019

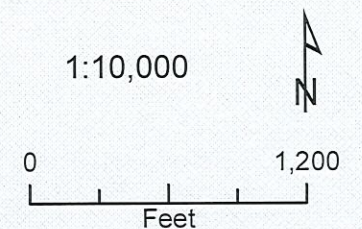
APPLICANT:
BRISTOL RIDGE
APARTMENTS, LLC

REQUEST:
R-1A/C-2/AG
TO
C-5/R-4/R-1A
MAP AND PARCEL

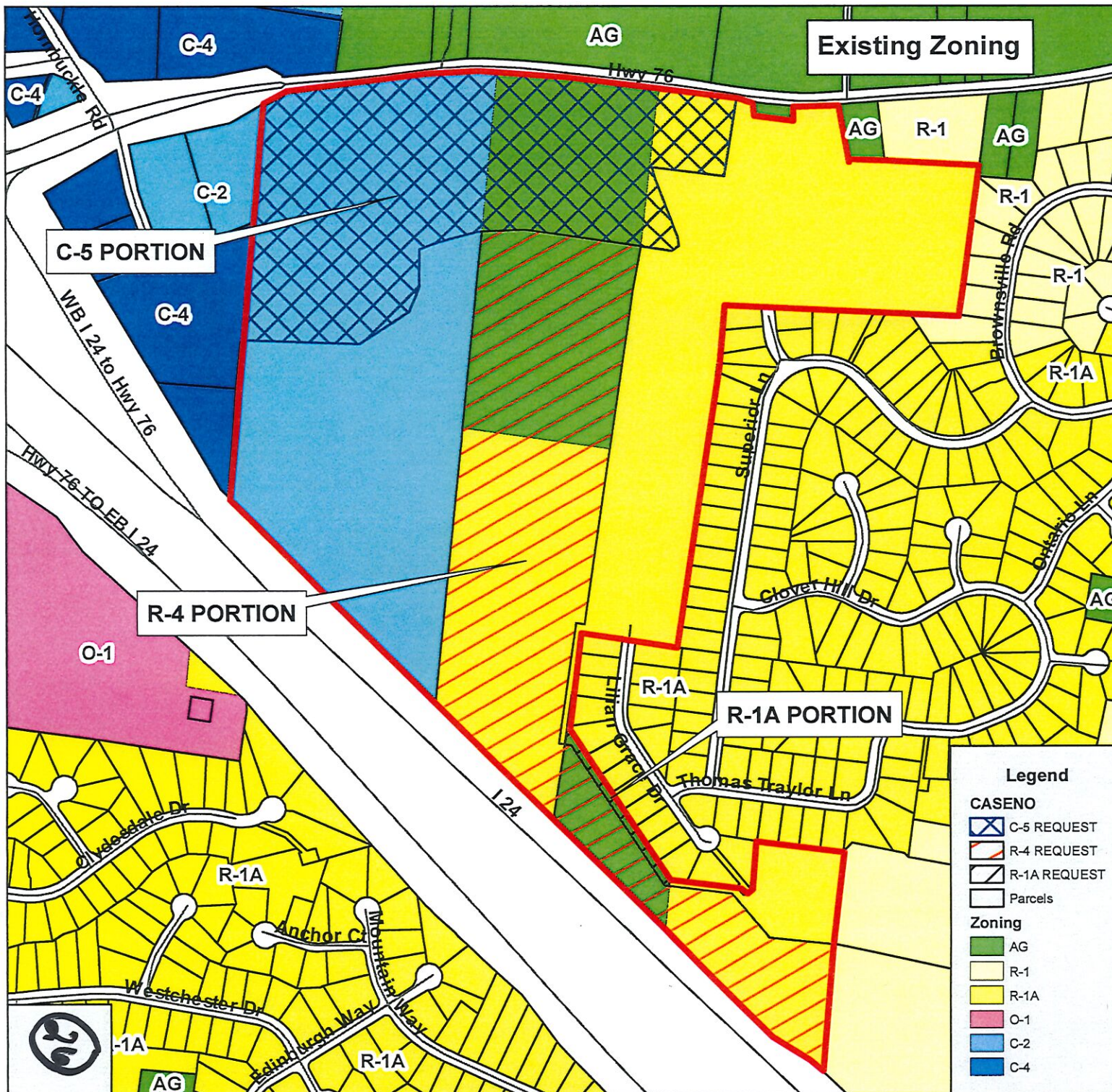
063 06700 (P)
063 06702 (P)

+/- ACRES

C-5 29.52
R-4 32.58
R-1A 00.60



9/25/2019



Z-25-2019

APPLICANT:
BRISTOL RIDGE
APARTMENTS, LLC

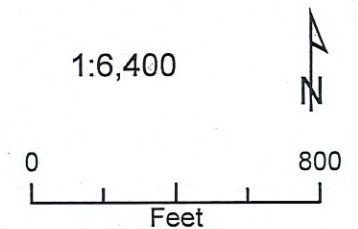
REQUEST:
R-1A, C-2, AG
TO
C-5, R-4, R-1A

MAP AND PARCEL

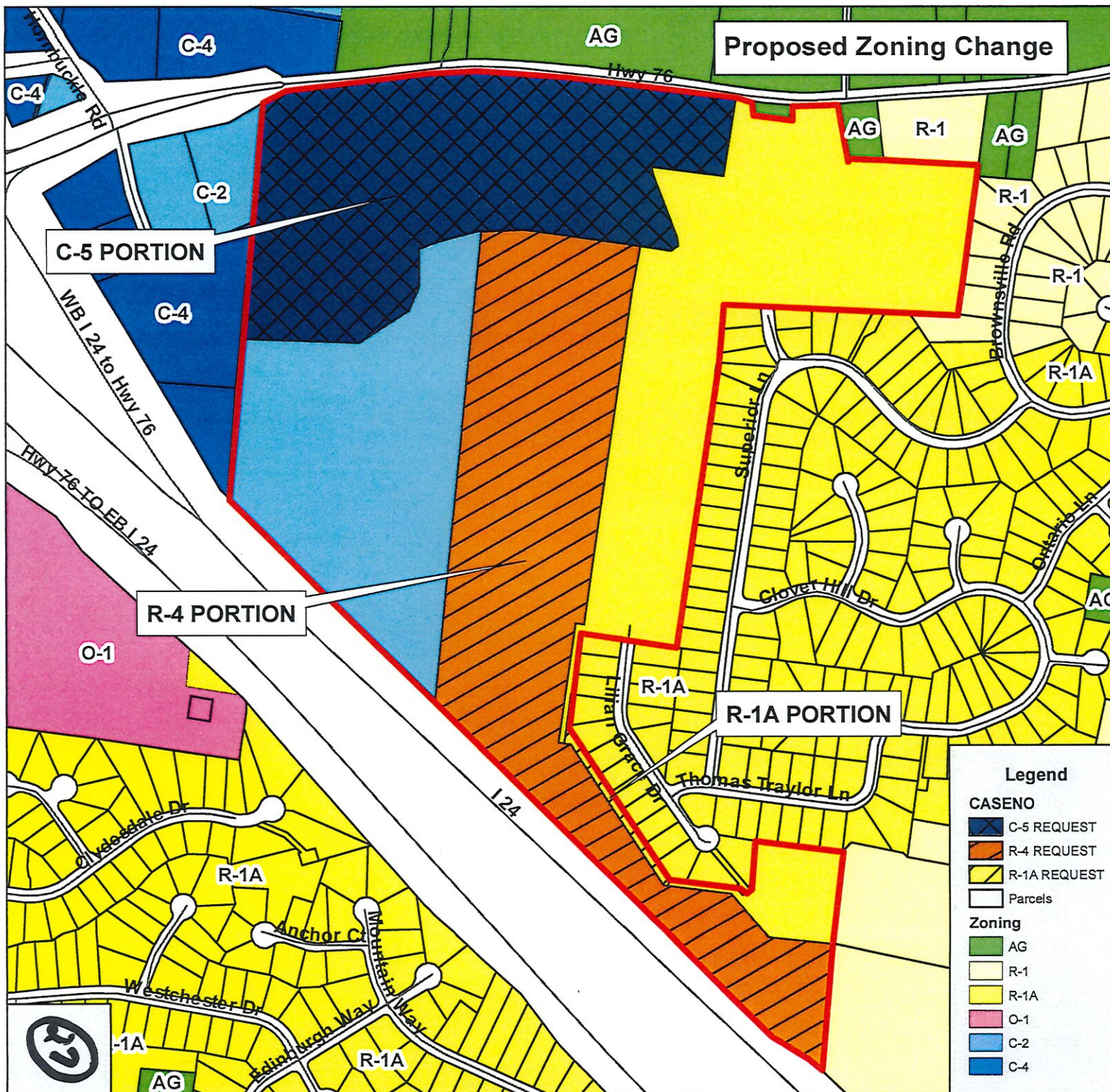
063 06700 (P)
063 06702 (P)

+/- ACRES

C-5 29.52
R-4 32.58
R-1A 00.60



9/25/2019



Z-25-2019

APPLICANT:
BRISTOL RIDGE
APARTMENTS, LLC

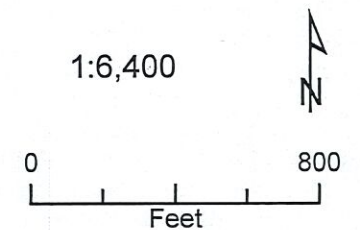
REQUEST:
R-1A, C-2, AG
TO
C-5, R-4, R-1A

MAP AND PARCEL

063 06700 (P)
063 06702 (P)

+/- ACRES

C-5 29.52
R-4 32.58
R-1A 00.60



9/25/2019

CASE NUMBER: Z 25 2019 **MEETING DATE** 9/25/2019

APPLICANT: Bristol Ridge Apartments Llc

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

TAX PLAT # 063 **PARCEL** 067.00 p/o

GEN. LOCATION Property located south of Highway 76, east of South Gateway Plaza Blvd., north of Interstate 24 & west of Superior Lane.

PUBLIC COMMENTS

Email expressing opposition from Ms. Connie Baber, Taylor Hall Lane, Adams, TN in file.



City
of
Clarksville

John Spainhoward <john.spainhoward@cityofclarksville.com>

Fwd: Z-25-2019

1 message

Angela Latta <angela.latta@cityofclarksville.com>

Thu, Sep 19, 2019 at 3:50 PM

To: John Spainhoward <john.spainhoward@cityofclarksville.com>

----- Forwarded message -----

From: **Connie Baber** <Connie_Baber@hotmail.com>

Date: Thu, Sep 19, 2019 at 3:46 PM

Subject: **Z-25-2019**

To: rpc@cityofclarksville.com <rpc@cityofclarksville.com>

Opposition to Z-25-2019

I am hopeful that this email makes its way to **all** of the Planning Commissioners. As a resident of Montgomery County that is unable to attend the Planning Commission Meeting set for Wednesday, please let this stand as an official opposition to this 'rezoning' application.

First, let me express my extreme frustration with Mr. Below's (and prior property owners) ability to manipulate the system. As a lay person, I have to say that the entire process of annexation, zoning classification, and rezoning is a baffling nightmare. And most residents, are just that, lay persons. I also know that our lack of knowledge does not make us right, but when the following outline of events is reviewed in their totality, as a Commissioner, you must realize that it would seem every attempt has been made to achieve their (the original property owners, current owners and builders) goal of making this area a commercial development with a mass of apartments.

1: The Powers family submitted this area for rezoning through the County. I do not have the original rezoning request number for reference, but the request, if my memory serves me correctly, was very similar to the one being presented in Z-25-2019. The County residents voiced a strong opposition to this original request for a million reasons: overcrowded schools, traffic, roads, crime... the list is long.

2: The Powers family pulled the application for rezoning and instead, sold the property to Mr. Below, who promptly approached (or applied for – still not sure how this part was initiated) the City regarding Annexation (defining it as R-1A/C-2/AG). The County residents again voiced strong opposition to the Annexation. Many, including myself, spoke before the City Council expressing out concern for the ability of the City to Annex property with County residents having no voice. Only two councilman responded to emails or spoke with me after the meeting.

3: Request for rezoning submitted by Mr. Below (as Bristol Ridge Apartments, LLC). Initially we all thought this must be in error as there is a year waiting period for rezoning, however, as the



zoning was defined in the Annexation, this request, therefor is not invalid. Why not submit for this zoning in the original Annexation request? Why wait two months and submit rezoning?

So here we are back to where many Sango/Adams residents did not want to be. My concerns have not changed and are below.

Crime: There is an increase in crime in the area. This, statistically, will only increase with a large apartment complex/commercial area. How will the City manage this, or has the County addressed the concerns outside of the annexed area?

Traffic: Traffic is bad everywhere right now. We are not alone in this. Specifically, traffic on Hwy 76 approaching I-24 though to Madison Street has become a hot bed of accidents. It is safe to enter onto 76 by using the few intersections with lights (where traffic backs up considerably) but attempting to access 76 from any of the other side streets (Trough Springs/ Old Farmers Rd/N. Woodson) is gauntlet and extremely scary at times. N. Woodson speed limit is 25 – which is great since it is a very busy road, but how much traffic, should road access be granted in the back of Clover Hills, can this road take?

Schools/School Traffic: This area is presently zoned for Carmel Elementary, Rossview Middle and Rossview High, the latter two bursting at the seams. Carmel, at this time is not loaded with portables, but like all other schools, it is only a matter of time. My child will someday be driving to school, from Dixie Bee. Meaning she will have to go through this already very busy area, to the interstate and school. I ask that if you have not made this drive, please do so **any** morning when schools are in session. Be sure to try it around 6:45am. See how long you sit in traffic heading to Rossview and just how long you sit in traffic, even when the school is in sight on Rossview Road. I can't tell you how many times, as a bus rider, she is late for school. My 11 year old wakes at 5:30 to catch the bus at 6:20 am, just because the traffic is so bad... and still they are often late. Note that at this time there is STILL a huge shortage of bus drivers for the schools. This is not the first year for the shortage. While it may not be the Planning Commissions responsibility to staff bus drivers, I do feel it is their duty for forward thinking in the 'planning' to prepare and assure the areas can accommodate the need. How will adding unknown amounts of young children, many needing shuttled to school, further burden the current staffing and availability of buses?

Commercial Space: With the increase of the commercial area since Publix announced their arrival, there is currently more than enough commercial space available – much of it still not rented or utilized. I encourage you to drive the ½ mile to a mile down the road toward Walmart and see the space the City has already designated as commercial, and presently empty. What has filled/opened are a mass of salons (nail and hair), chiropractors, dentists, with a number of food/restaurant options... all in seemingly unorganized assortments, hodge-podged together. If this is the City or Planning Commission's idea of progress, then we are all on the wrong track.

I support single-family homes in this area. While taxing, it is not overwhelming to the resources currently available. Allowing the rezoning of this area to C-5/R-4/with minimal R-1A is best described as unconscionable.

Thank you for your time.



Kind regards,

Connie L. Baber
Taylor Hall Ln., Adams, TN
(Montgomery County)

--

*Angela Latta
Administrative Support Clerk
Clarksville-Montgomery County
Regional Planning Commission
329 Main Street
Clarksville, TN 37040*

931-645-7448
931-645-7481 (Fax)



CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 9/25/2019

CASE NUMBER: Z - 26 - 2019

NAME OF APPLICANTReach

Holdings Llc

AGENT: Stanley

Ross

GENERAL INFORMATION

TAX PLAT: 040

PARCEL(S): 024.10

ACREAGE TO BE REZONED: 6.23

PRESENT ZONING: AG

PROPOSED ZONING: R-6 R-4

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property located on the north frontage of Bellamy Lane 480 +/- feet northeast of the Bellamy Lane & Carla Court intersection.

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

CIVIL DISTRICT:6

DESCRIPTION OF PROPERTY Existing grassland field with minimal slope and a pond onsite on the western boundary of
AND SURROUNDING USES: the tract.

APPLICANT'S STATEMENT Infill development for single family and multi-family use.
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Rossview

PREVIOUS ZONING HISTORY: CZ-3-1980

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 available

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

A traffic assessment was required, submitted & reviewed by the Clarksville Street Dept.

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:

St. Bethlehem Elementary is at 76% capacity, Rossview Middle School is at 118% capacity, Rossview High School is at 111% and currently has 6 portables. This continued student growth necessitates additional action to address building capacity and bus needs in Montgomery County.

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, traffic, light & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Bellamy lane

DRAINAGE COMMENTS: west

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS: 74

POPULATION: 200

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

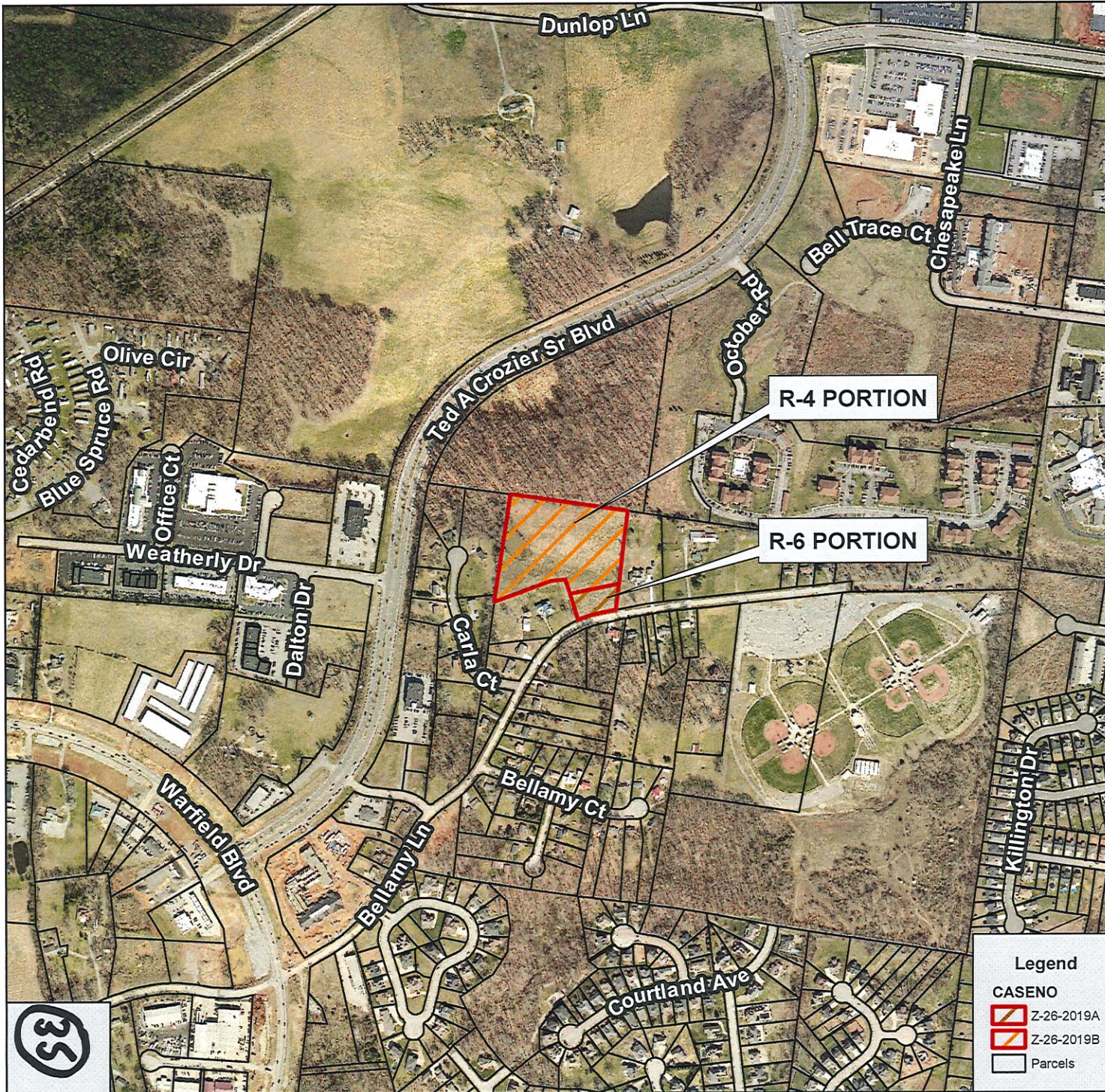
HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 Single Family & R-4 Multi-Family zoning request permits the development of high density single family residences on individual lots along the existing road frontage & Multi-Family residential to the rear of the property. The adopted Land Use Plan indicates that it is encouraged to maintain a desirable mixture of housing types.
3. Bellamy Lane currently provides frontage to a variety of residential densities & commercial uses. Increased residential density should be encouraged in areas where goods & services are available.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.



Z-26-2019

APPLICANT:
REACH HOLDINGS, LLC

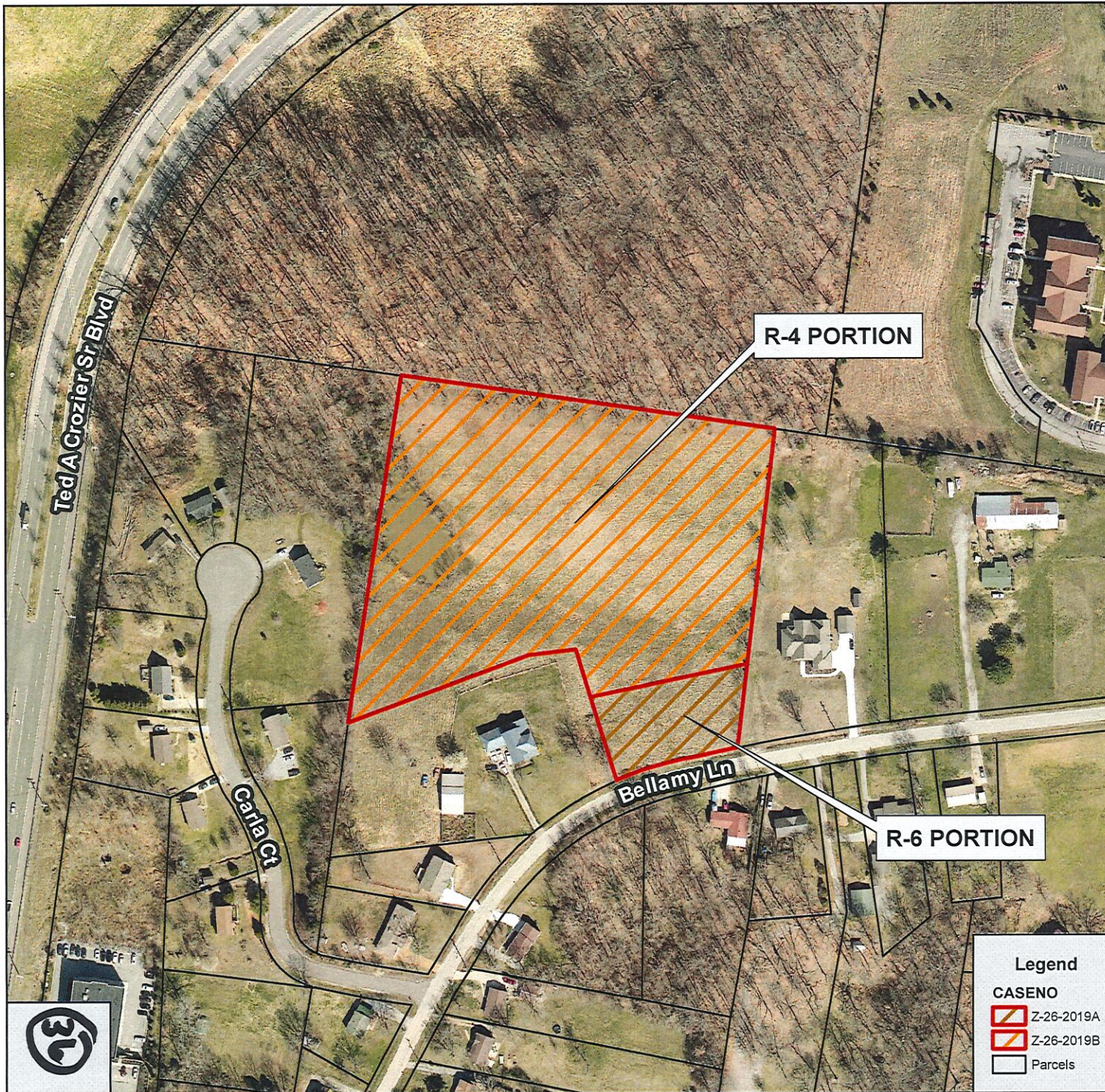
REQUEST:
AG
TO
R-4/R-6
MAP AND PARCEL
040 02410

+/- ACRES
6.23

1:8,000

0 1,000
Feet

9/25/2019



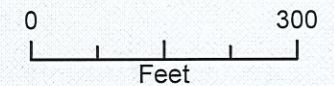
Z-26-2019

APPLICANT:
REACH HOLDINGS, LLC

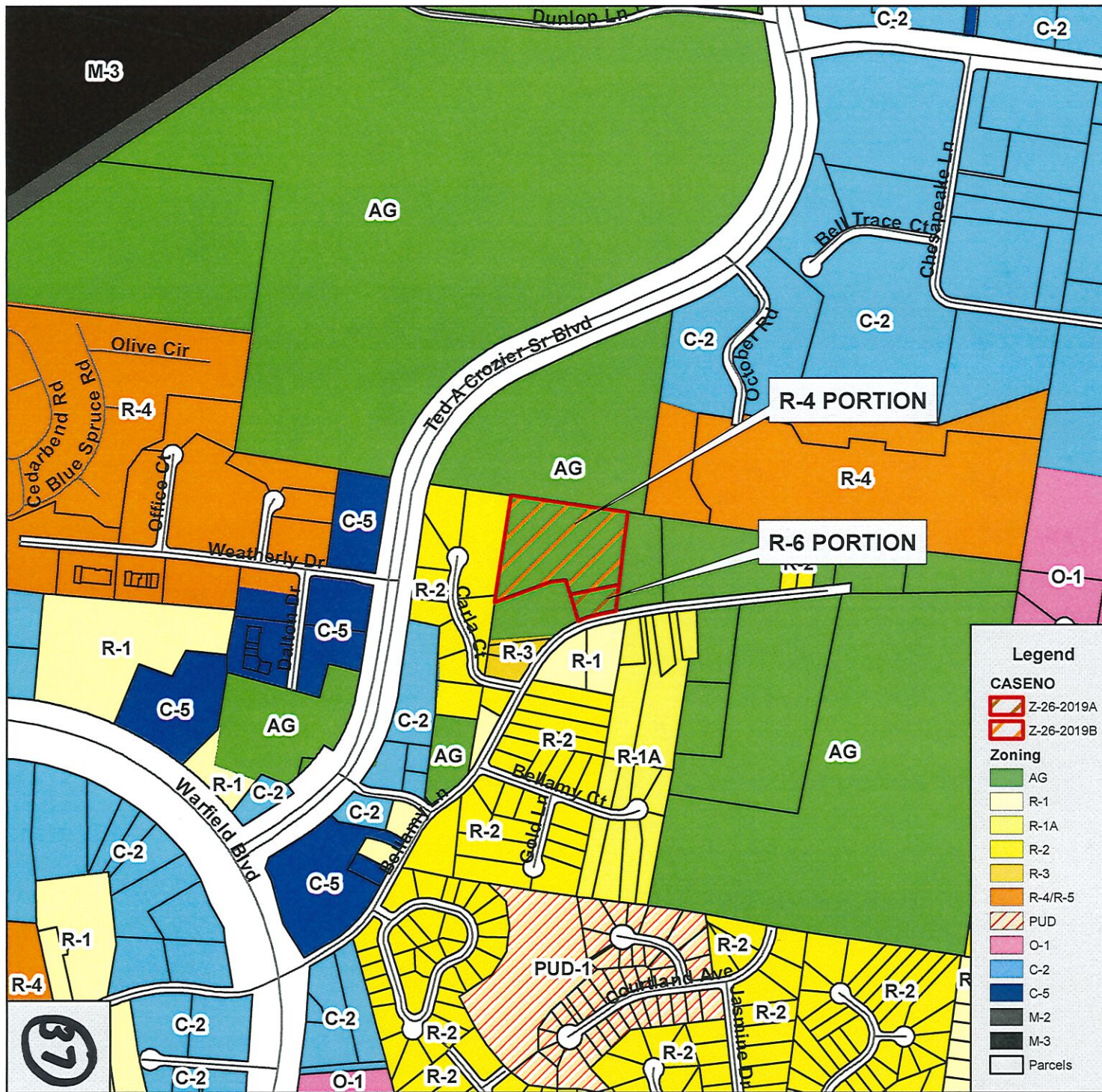
REQUEST:
AG
TO
R-4/R-6
MAP AND PARCEL
040 02410

+/- ACRES
6.23

1:2,500



9/25/2019

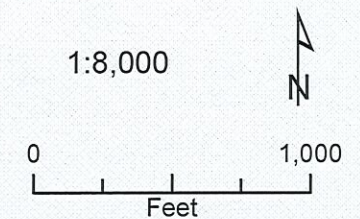


Z-26-2019

APPLICANT:
REACH HOLDINGS, LLC

REQUEST:
AG
TO
R-4/R-6
MAP AND PARCEL
040 02410

+/- ACRES
6.23



9/25/2019

CASE NUMBER: Z 26 2019 MEETING DATE 9/25/2019

APPLICANT: Reach Holdings Llc

PRESENT ZONING AG PROPOSED ZONING R-6

TAX PLAT # 040 PARCEL 024.10

GEN. LOCATION Property located on the north frontage of Bellamy Lane 480 +/- feet northeast of the Bellamy Lane & Carla Court intersection.

PUBLIC COMMENTS

A phone message was received expressing opposition, however upon returning the call 2 times the number was picked up by voicemail and no return call was received. JTS

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/25/2019

CASE NUMBER: Z - 27 - 2019

NAME OF APPLICANT: T&b

Properties

AGENT: Chris Biter

Todd Biter

GENERAL INFORMATION

TAX PLAT: 005-E-A

PARCEL(S): 002.02

ACREAGE TO BE REZONED: 1.08

PRESENT ZONING: C-5

PROPOSED ZONING: R-4

EXTENSION OF ZONING

CLASSIFICATION: YES

PROPERTY LOCATION: Property located on the north frontage of Durrett Drive, 490 +/- feet east of the Ft. Campbell Blvd. & Durrett Drive intersection.

CITY COUNCIL WARD: 1

COUNTY COMMISSION DISTRICT: 8

CIVIL DISTRICT: 3

DESCRIPTION OF PROPERTY Vacant level C-5 parcel.

AND SURROUNDING USES:

APPLICANT'S STATEMENT To develop 17 townhomes
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Airport

PREVIOUS ZONING HISTORY:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

Barkers Mill Elementary School is at 96% capacity and currently has 10 portable classrooms, West Creek Middle School is currently at 112% capacity and has 9 portable classrooms, West Creek High School is at 89% capacity. This continued student growth necessitates additional action to address building capacity and bus needs in Montgomery County.

ELEMENTARY: BARKERS MILL

MIDDLE SCHOOL: WEST CREEK

HIGH SCHOOL: WEST CREEK

9. FT. CAMPBELL:

10. OTHER COMMENTS:



CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Durrett Drive

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

17

12

POPULATION:

46

32

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

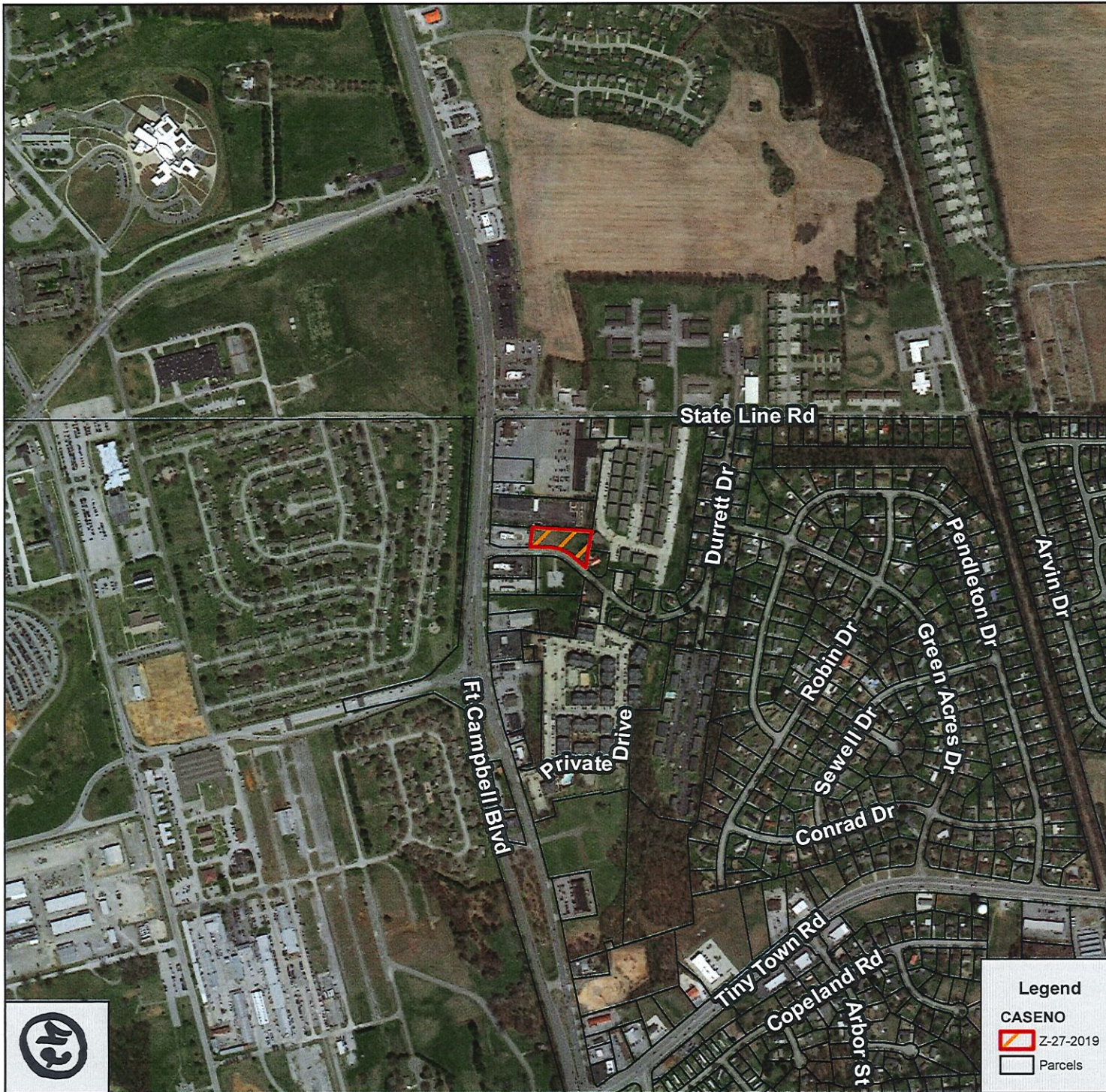
HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: DISAPPROVAL

- 1. The proposed zoning request is inconsistent with the adopted Land Use Plan.**
- 2. The adopted Land Use Plan indicates that the present C-5 zoning classification is assumed to be correct unless the proposed zone is more consistent with the land use plan, the parcel was incorrectly zoned in the first place, or major changes of an economic, physical or social nature were not considered in the present plan which have substantially altered the character of the area.**
- 3. The Ft. Campbell Blvd. corridor includes multiple decades of development. Many structures along the corridor are reaching the end of their life cycle. As these structures age out opportunities for redeveloping parcels will increase, including combination of parcels.**
- 4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.**



Z-27-2019

APPLICANT:
T & B PROPERTIES

REQUEST:

C-5

TO

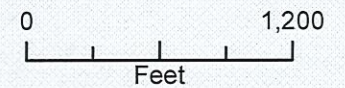
R-4

MAP AND PARCEL
005E A 00202

+/- ACRES

1.08

1:10,000



9/25/2019



Ft Campbell Blvd

Durrett Dr

Legend

CASENO

Z-27-2019

Parcels

Z-27-2019

APPLICANT:
T & B PROPERTIES

REQUEST:

C-5

TO

R-4

MAP AND PARCEL
005E A 00202

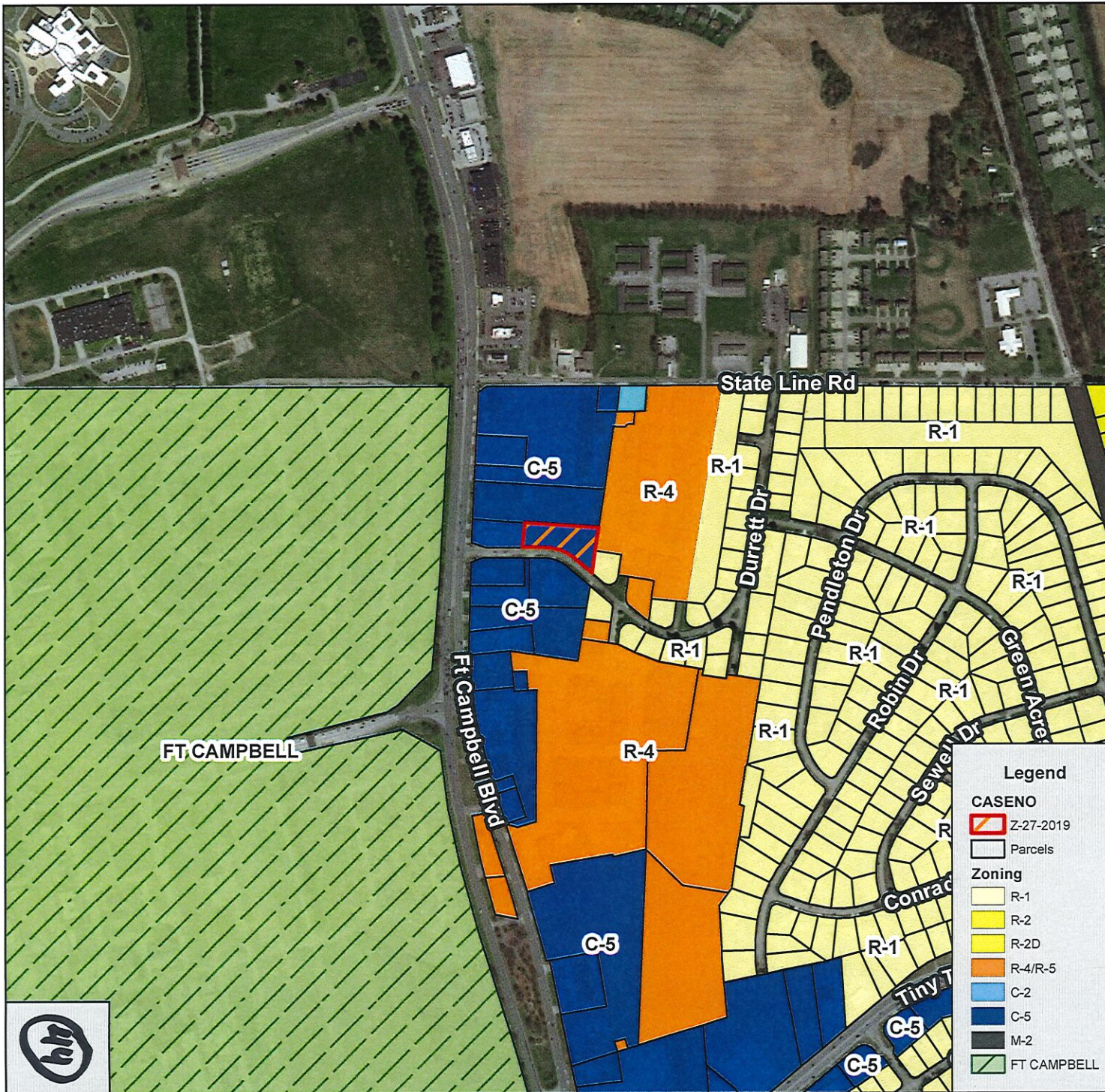
+/- ACRES

1.08

1:1,500

0 180
Feet

9/25/2019



Z-27-2019

APPLICANT:
T & B PROPERTIES

REQUEST:

C-5

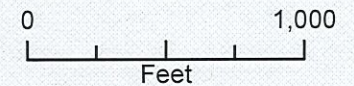
TO

R-4

MAP AND PARCEL
005E A 00202

+/- ACRES
1.08

1:8,000



9/25/2019

CASE NUMBER: Z 27 2019 **MEETING DATE** 9/25/2019

APPLICANT: T&b Properties

PRESENT ZONING C-5 **PROPOSED ZONING** R-4

TAX PLAT # 005-E-A **PARCEL** 002.02

GEN. LOCATION Property located on the north frontage of Durrett Drive, 490 +/- feet east of the Ft. Campbell Blvd. & Durrett Drive intersection.

PUBLIC COMMENTS

None received as of 9:00 A.M. on 9/25/2019 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 9/25/2019

CASE NUMBER: Z - 28 - 2019

NAME OF APPLICANT: Donald L.

Webb

AGENT: Matthew J.

Ellis, Batson Nolan Plc

GENERAL INFORMATION

TAX PLAT: 043-N-F

PARCEL(S): 001.00

010.00

ACREAGE TO BE REZONED: 0.7 +/-

PRESENT ZONING: R-1

PROPOSED ZONING: C-5

EXTENSION OF ZONING

CLASSIFICATION: YES

PROPERTY LOCATION: Two parcels located on the southeast corner of the Charlemagne Blvd. & Sevier Street intersection.

CITY COUNCIL WARD: 4

COUNTY COMMISSION DISTRICT: 16

CIVIL DISTRICT: 7

DESCRIPTION OF PROPERTY Existing Single Family home and adjacent vacant residential lot.
AND SURROUNDING USES:

APPLICANT'S STATEMENT Commercial development / retail outlets to service traffic from Ft. Campbell Blvd.
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

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:

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 traffic, light & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Charlemagne Blvd. & Sevier St.

DRAINAGE COMMENTS: East

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

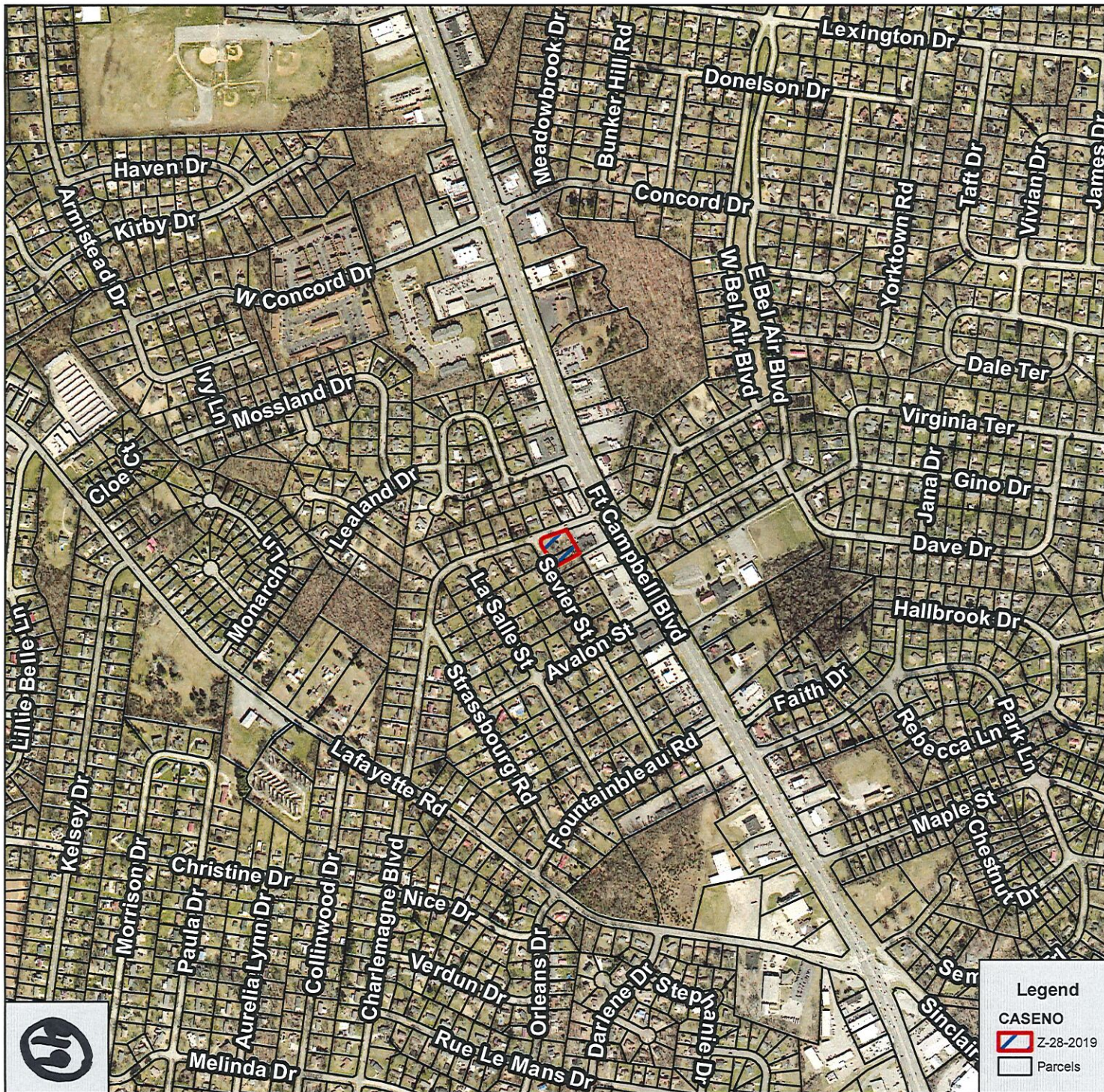
HIGH SCHOOL STUDENTS:

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: **DISAPPROVAL (APPLICANT REQUEST TO DEFER)**

1. The applicant requested deferral within the appropriate in the accepted time frame to receive an automatic deferral.
2. The adopted Land Use Plan indicates that the present C-5 zoning classification is assumed to be correct unless the proposed zone is more consistent with the land use plan, the parcel was incorrectly zoned in the first place, or major changes of an economic, physical or social nature were not considered in the present plan which have substantially altered
3. The C-5 Arterial & Commercial district request is an intrusion into the residential block face of Sevier Street. These types of encroachment effect the short & long term stability of residential neighborhoods.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
5. The proposed zoning request is inconsistent with the adopted Land Use Plan.



Z-28-2019

APPLICANT:
DONALD L. WEBB

REQUEST:
R-1
TO
C-5

MAP AND PARCEL
043N F 00100
043N F 01000

+/- ACRES
0.7

1:10,000



9/25/2019



Z-28-2019

APPLICANT:
DONALD L. WEBB

REQUEST:
R-1
TO
C-5

MAP AND PARCEL
043N F 00100
043N F 01000

+/- ACRES
0.7

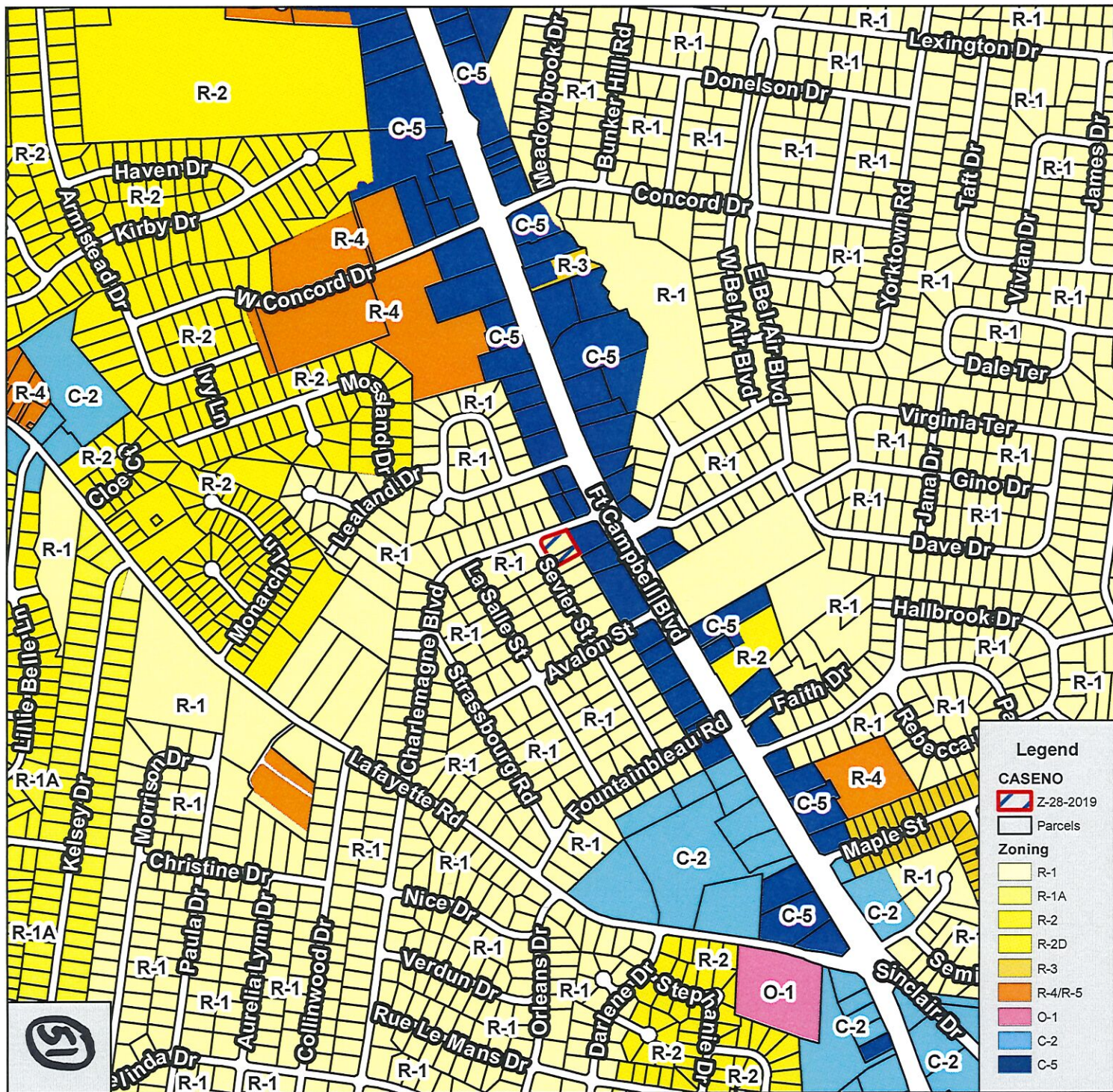
Legend

CASENO
 Z-28-2019
 Parcels

1:1,250

0 150
Feet

9/25/2019



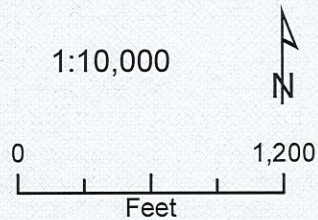
Z-28-2019

APPLICANT:
DONALD L. WEBB

REQUEST:
R-1
TO
C-5

MAP AND PARCEL
043N F 00100
043N F 01000

+/- ACRES
0.7



9/25/2019

CASE NUMBER: Z 28 2019 **MEETING DATE** 9/25/2019

APPLICANT: Donald L. Webb

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

TAX PLAT # 043-N-F **PARCEL** 001.00

GEN. LOCATION Two parcels located on the southeast corner of the Charlemagne Blvd. & Sevier Street intersection.

PUBLIC COMMENTS

None received as of 9:00 A.M. on 9/25/2019 (A.L.)



ORDINANCE 30-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MYRA ISHEE, HOUSTON SMITH-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NEEDMORE ROAD AND HAZELWOOD 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-1A Single Family Residential District, as R-4 Multiple Family Residential District and C-2 General Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

R-1A to C-2:

Beginning at a point in the east right of way of Needmore Road, being a point along the Ishee west property line, said point of beginning lying North 00 degrees 11 minutes 44 seconds East for 73.66 feet from the intersection of the centerlines of Needmore Road and East Boy Scout Road; Thence along east right of way with the east line of Ishee property for the next 6 calls: North 18 degrees 43 minutes 55 seconds West for 28.81 feet to a point; On a curve to the right having a radius of 2,400.00 feet, an arc length of 348.59 feet, a delta of 08 degrees 19 minutes 19 seconds, a tangent of 174.60 feet, a chord bearing of North 14 degrees 34 minutes 16 seconds West for 348.29 feet to a point; North 10 degrees 24 minutes 36 seconds West for 79.73 feet to a point; On a curve to the right having a radius of 775.00 feet, an arc length of 280.01 feet, a delta of 20 degrees 42 minutes 04 seconds, a tangent of 141.55 feet, a chord bearing of North 00 degrees 03 minutes 34 seconds West for 278.49 feet to a point; North 10 degrees 17 minutes 28 seconds East for 417.53 feet to a point; On a curve to the right having a radius of 50.00 feet, an arc length of 73.29 feet, a delta of 83 degrees 59 minutes 05 seconds, a tangent of 45.01 feet, a chord bearing of North 52 degrees 17 minutes 00 seconds East for 66.90 feet to a point, lying in the south right of way of Hazelwood Wood Road; Thence along Hazelwood Road South 85 degrees 43 minutes 28 seconds East for a distance of 58.58 feet to a point; Thence continuing along Hazelwood Road on a curve to the right having a radius of 7,975.00 feet, an arc length of 147.66 feet, a delta of 01 degrees 03 minutes 39 seconds, a tangent of 73.83 feet, a chord bearing of South 85 degrees 11 minutes 38 seconds East for 147.66 feet to a point; Thence leaving the south right of way on a new zone line for the next 5 calls: South 10 degrees 17 minutes 28 seconds West for 487.51 feet to a point; On a curve to the left having a radius of 525.00 feet, an arc length of

189.68 feet, a delta of 20 degrees 42 minutes 04 seconds, a tangent of 95.89 feet, a chord bearing of South 00 degrees 03 minutes 34 seconds East for 188.65 feet to a point; South 10 degrees 24 minutes 36 seconds East for 79.73 feet to a point; On a curve to the left having a radius of 2,150.00 feet, an arc length of 312.28 feet, a delta of 08 degrees 19 minutes 19 seconds, a tangent of 156.42 feet, a chord bearing of South 14 degrees 34 minutes 16 seconds East for 312.01 feet to a point; South 18 degrees 43 minutes 55 seconds East for 57.24 feet to a point, lying in the north portion of the CMCSS property as recorded in ORV 1364, Page 24 ROMCT; Thence along CMCSS property for the next 3 calls: On a curve to the left having a radius of 425.00 feet, an arc length of 176.90 feet, a delta of 23 degrees 50 minutes 56 seconds, a tangent of 89.75 feet, a chord bearing of South 72 degrees 27 minutes 27 seconds West for 175.63 feet to a point; South 60 degrees 31 minutes 59 seconds West for 19.90 feet to a point; On a curve to the right having a radius of 50.00 feet, an arc length of 66.63 feet, a delta of 76 degrees 21 minutes 23 seconds, a tangent of 39.32 feet, a chord bearing of North 81 degrees 17 minutes 20 seconds West for 61.81 feet to the point of beginning. Said tract-containing 6.71 acres more or less.

R-1A to R-4:

Beginning at a point in the south right of way of Hazelwood Road, being a point along the Ishee north property line, said point of beginning lying South 80 degrees 16 minutes 16 seconds East for 276.14 feet from the intersection of the centerlines of Needmore Road and Hazelwood Road; Thence along north right of way with the north line of Ishee property on a curve to the right having a radius of 7,975.00 feet, an arc length of 344.62 feet, a delta of 02 degrees 28 minutes 33 seconds, a tangent of 172.34 feet, a chord bearing of South 83 degrees 25 minutes 32 seconds East for 344.60 feet to a point; Thence continuing along Hazelwood Road, South 82 degrees 10 minutes 14 seconds East for 320.00 feet to a point, said point being the northwest corner of the CMCSS property as recorded in ORV 1364, Page 24 ROMCT; Thence leaving Hazelwood Road along CMCSS property for the next 5 calls: South 08 degrees 20 minutes 58 seconds West for 749.01 feet to a point, being the southwest corner of the CMCSS property; South 83 degrees 20 minutes 20 seconds East for 68.35 feet to a point; On a curve to the right having a radius of 375.00 feet, an arc length of 542.15 feet, a delta of 82 degrees 50 minutes 06 seconds, a tangent of 330.81 feet, a chord bearing of South 55 degrees 14 minutes 37 seconds West for 496.16 feet to a point; North 83 degrees 20 minutes 20 seconds West for 96.20 feet to a point; On a curve to the left having a radius of 425.00 feet, an arc length of 91.08 feet, a delta of 12 degrees 16 minutes 45 seconds, a tangent of 45.72 feet, a chord bearing of North 89 degrees 28 minutes 43 seconds West for 90.91 feet to a point, being the southwest corner of herein described parcel; Thence leaving the CMCSS property on a new zone line for the next 5 calls: North 18 degrees 43 minutes 55 seconds West for 57.24 feet to a point; On a curve to the left having a radius of 2,150.00 feet, an arc length of 312.28 feet, a delta of 08 degrees 19 minutes 19 seconds, a tangent of 156.42 feet, a chord bearing of North 14 degrees 34 minutes 16 seconds West for 312.01 feet to a point; North 10 degrees 24 minutes 36 seconds West for 79.73 feet to a point; On a curve to the left having a radius of 525.00 feet, an arc length of 189.68 feet, a delta of 20 degrees 42 minutes 04 seconds, a tangent of 95.89 feet, a chord bearing of North 00 degrees 03 minutes 34 seconds West for 188.65 feet to a point; North 10 degrees 17 minutes 28 seconds East for 487.51 feet to a point to the point of beginning. Said tract-containing 15.71 acres more or less.

ORDINANCE 31-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MYRA ISHEE, HOUSTON SMITH-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF NEEDMORE ROAD AND EAST BOY SCOUT 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-1A Single Family Residential District, as R-4 Multiple Family Residential District and C-2 General Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

R-1A to C-2:

Beginning at a point in the east right of way of Needmore Road, being a point along the Ishee west property line, said point of beginning lying South 12 degrees 38 minutes 29 seconds East for 1,709.01 feet from the intersection of the centerlines of Needmore Road and East Boy Scout Road; Thence leaving Needmore Road on a new zone line for the next 5 calls: North 84 degrees 16 minutes 21 seconds East for 191.99 feet to a point; South 55 degrees 29 minutes 11 seconds East for 91.81 feet to a point; South 03 degrees 14 minutes 02 seconds West for 243.17 feet to a point; South 00 degrees 36 minutes 17 seconds West for 25.03 feet to a point; South 22 degrees 33 minutes 56 seconds East for 616.28 feet to a point, said point lying in Richard Salerno north property line as recorded in ORV 587, Page 2062 ROMCT, also being the southeast corner of herein described parcel; Thence along Salerno property, North 81 degrees 51 minutes 38 seconds West for 238.47 feet to a point, lying in the east right of way of Needmore Road, also being the southwest corner of herein described parcel; Thence along Needmore Road, North 24 degrees 51 minutes 38 seconds West for 214.72 feet to a point; Thence continuing along Hazelwood Road on a curve to the right having a radius of 1,775.00 feet, an arc length of 592.74 feet, a delta of 19 degrees 08 minutes 00 seconds, a tangent of 299.16 feet, a chord bearing of North 15 degrees 17 minutes 39 seconds West for 589.99 feet to a point; Thence North 05 degrees 43 minutes 39 seconds West for 72.45 feet to the point of beginning. Said tract-containing 4.55 acres more or less.

R-1A to R-4:

Beginning at a point at the northwest corner of the Richard Salerno property as recorded in ORV 587, Page 2062 ROMCT, also lying in the south property line of Ishee property line, thence South 81 degrees 51 minutes 38 seconds East for 238.47 feet to the "TRUE POINT OF BEGINNING", said point of beginning lying South 18 degrees 47 minutes 18 seconds East for 2,680.16 feet from the intersection of the centerlines of Needmore Road and East Boy Scout Road; Thence leaving Salerno property on a new zone line for the next 6 calls: North 22 degrees 33 minutes 56 seconds West for 616.28 feet to a point; North 00 degrees 36 minutes 17 seconds East for 25.03 feet to a point; South 86 degrees 45 minutes 58 seconds East for 176.37 feet to a point; On a curve to the left having a radius of 250.00 feet, an arc length of 252.02 feet, a delta of 57 degrees 45 minutes 30 seconds, a tangent of 137.89 feet, a chord bearing of North 64 degrees 21 minutes 17 seconds East for 241.89 feet to a point; South 54 degrees 31 minutes 28 seconds East for 218.36 feet to a point; South 82 degrees 31 minutes 00 seconds East for 443.65 feet to a point, said point lying in Cedar Springs Section 2 boundary line as recorded in PB E, Page 645 ROMCT, also being the northeast corner of herein described parcel; Thence along Cedar Springs Section 2, South 07 degrees 29 minutes 00 seconds West for 845.62 feet to a point, being the southeast corner of herein described parcel; Thence leaving Section 2, along Gordon Mann north property line as recorded in ORV 1265, Page 278 ROMCT, North 80 degrees 36 minutes 18 seconds West for 251.66 feet to a point, lying in Salerno east property line; Thence North 09 degrees 31 minutes 24 seconds East for 231.26 feet to a point; Thence North 81 degrees 51 minutes 38 seconds West for 459.72 feet to the point of beginning. Said tract-containing 13.60 acres more or less.

ORDINANCE 32-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF BRISTOL RIDGE APARTMENTS, LLC, FOR ZONE CHANGE ON PROPERTY SOUTH OF HIGHWAY 76, EAST OF SOUTH GATEWAY PLAZA BOULEVARD, NORTH OF INTERSTATE 24, AND WEST OF SUPERIOR LANE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1A Single Family Residential District, C-2 General Commercial District, and AG Agricultural District, as C-5 Highway & Arterial Commercial District, R-4 Multiple Family Residential District, and R-1 A Single Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

AG to R-1A:

Beginning at a point, said point being South 37° 51' W for a distance of 243' from the center of the cul-de-sac of Lillian Grace Drive, said point also being the southwestern corner of the herein described parcel; Thence, along a new zone line for the next 3 calls, North 82 degrees 58 minutes 14 seconds West for a distance of 14.43 feet to a point on a line; Thence, North 33 degrees 00 minutes 08 seconds West for a distance of 650.04 feet to a point on a line; Thence, North 81 degrees 40 minutes 51 seconds West for a distance of 27.30 feet to a point on a line, said point being the eastern property line of Bristol Ridge Apartments LLC as described in Vol. 1851, page 2594; Thence, along said Bristol Ridge Apartments LLC property, North 08 degrees 19 minutes 09 seconds East for a distance of 85.58 feet to a point on a line, said point being the southern property line of the Clover Glen Subdivision as described in Plat Book G, Page 351 Lots 41 thru 48; Thence, with said Clover Glen Subdivision, South 33 degrees 00 minutes 08 seconds East a distance of 715.56 feet to a point on a line; Thence, leaving said Clover Glen Subdivision and along an existing zone line, South 10 degrees 45 minutes 50 seconds West for a distance of 36.08 feet to the point of beginning, said parcel containing 26,009 Square Feet or 0.60 Acres, more or less.

AG to R-4:

Beginning at a point, said point being the southeastern corner of the Bristol Ridge Apartments LLC Properties as recorded in Vol. 1851, page 2594 ROMCT and the northern right of way of Interstate 24, said point being N 79° 13' W for a distance of 591' from the center of the cul-de-sac of Lillian Grace Drive, said point also being the southwestern corner of the herein described parcel; Thence, with the eastern property line of said Bristol Ridge Apartments LLC, North 08 degrees 19 minutes 09 seconds East for a distance of 251.49 feet to a point on a line; Thence, leaving said Bristol Ridge Apartments and along a new zone line for the next 3 calls, South 81 degrees 40 minutes 51 seconds East for a distance of 27.30 feet to a point on a line; Thence, South 33 degrees 00 minutes 08 seconds East for a distance of 650.04 feet to a point on a line; Thence, South 82 degrees 58 minutes 14 seconds East a distance of 14.43 feet to a point on a line; Thence, on an existing zone line, South 10 degrees 45 minutes 50 seconds West for a distance of 104.77 feet to a point on a line, said point being located on the northern right of way of Interstate 24; Thence, with said Interstate 24 right of way, North 45 degrees 30 minutes 34 seconds West for a distance of 577.84 feet to the point of beginning, said parcel containing 87,463 Square Feet or 2.01 Acres, more or less.

C-2, AG & R-1A to C-5:

Beginning at a point, said point being the northeastern corner of the David Stiltner Properties as recorded in Vol. 1232, page 210 ROMCT and the southern right of way of Highway 76, said pin being N 79° 59' E for a distance of 572' from the centerline intersection of South Gateway Plaza and Hwy 76, said point also being the northwestern corner of the herein described parcel; Thence, with said southern right of way of Highway 76, North 59 degrees 54 minutes 36 seconds East for a distance of 102.06 feet to a point on a line; Thence, continuing along said right of way for the next 9 calls, North 86 degrees 36 minutes 18 seconds East for a distance of 110.56 feet to the beginning of a non-tangential curve; Thence, said curve turning to the left through an angle of 03° 32' 24", having a radius of 3,280.00 feet, and whose long chord bears North 84 degrees 51 minutes 26 seconds East for a distance of 202.62 feet; Thence, North 83 degrees 05 minutes 14 seconds East for a distance of 222.12 feet to the beginning of a curve; Thence, said curve turning to the right through 08° 31' 35", having a radius of 1,770.00 feet, and whose long chord bears North 87 degrees 21 minutes 01 seconds East for a distance of 263.15 feet to the beginning of a non-tangential curve; Thence, said curve turning to the right through an angle of 04° 19' 23", having a radius of 1,770.00 feet, and whose long chord bears South 86 degrees 13 minutes 30 seconds East for a distance of 133.52 feet; Thence, South 84 degrees 03 minutes 49 seconds East for a distance of 263.11 feet to the beginning of a non-tangential curve; Thence, said curve turning to the left through 01° 34' 24", having a radius of 14,915.62 feet, and whose long chord bears South 82 degrees 05 minutes 59 seconds East for a distance of 409.58 feet to a point; Thence, South 81 degrees 45 minutes 09 seconds East for a distance of 124.73 feet to a point on a line; Thence, leaving said Highway 76 right of way and along a new zone line for the next 16 calls, South 09 degrees 04 minutes 45 seconds West for a distance of 301.81 feet to a point on a line; Thence, North 82 degrees 49 minutes 35 seconds West for a distance of 279.64 feet to the beginning of a non-tangential curve; Thence, said curve turning to the left through an angle of 11° 31' 34", having a radius of 225.00 feet, and whose long chord bears South 15 degrees 12 minutes 03 seconds East for a distance of 45.19 feet; Thence, South 20 degrees 57 minutes 50 seconds East for a distance of 241.73 feet to the beginning of a curve; Thence, said curve turning to the right through an angle of 27° 15' 20", having a radius of 75.00 feet, and whose long chord bears South 07 degrees 20

minutes 10 seconds East for a distance of 35.34 feet to the beginning of a non-tangential curve; Thence, said curve turning to the right through an angle of 86° 32' 44", having a radius of 25.00 feet, and whose long chord bears South 55 degrees 00 minutes 47 seconds West for a distance of 34.27 feet; Thence, North 81 degrees 42 minutes 51 seconds West for a distance of 119.06 feet to a point on a line; Thence, North 81 degrees 42 minutes 51 seconds West for a distance of 450.20 feet to the beginning of a curve; Thence, said curve turning to the left through 20° 36' 14", having a radius of 500.00 feet, and whose long chord bears South 87 degrees 59 minutes 01 seconds West for a distance of 178.84 feet to the beginning of a non-tangential curve; Thence, said curve turning to the left through an angle of 03° 23' 21", having a radius of 500.00 feet, and whose long chord bears South 75 degrees 59 minutes 14 seconds West for a distance of 29.57 feet; Thence, South 74 degrees 17 minutes 33 seconds West for a distance of 160.13 feet to a point on a line; Thence, South 69 degrees 14 minutes 12 seconds West for a distance of 71.67 feet to the beginning of a non-tangential curve; Thence, said curve turning to the right through an angle of 43° 34' 38", having a radius of 200.00 feet, and whose long chord bears South 01 degrees 01 minutes 31 seconds West for a distance of 148.47 feet; Thence, South 22 degrees 48 minutes 50 seconds West for a distance of 100.23 feet to the beginning of a curve; Thence, said curve turning to the right through an angle of 68° 58' 16", having a radius of 200.00 feet, and whose long chord bears South 57 degrees 17 minutes 58 seconds West for a distance of 226.48 feet; Thence, North 88 degrees 12 minutes 54 seconds West for a distance of 431.79 feet to a point on a line, said point being the eastern property line of the City of Clarksville property as described in ORV 1850, page 769; Thence, leaving new zone line and with said City of Clarksville property, North 05 degrees 59 minutes 55 seconds East for a distance of 937.61 feet to the point of beginning, said parcel containing 1,286,102 Square Feet or 29.52 Acres, more or less.

R-1A to R-4:

Beginning at a point, said point being the southwestern corner of the Ernest Woodson Property as recorded in Vol. 305, page 453 ROMCT and the northern right of way of Interstate 24, said point being South 26° 15' East for a distance of 995' from the center of the cul-de-sac of Lillian Grace Drive, said point also being the southwestern corner of the herein described parcel; Thence, leaving said Ernest Woodson property and along said Interstate 24 right of way, North 45 degrees 30 minutes 34 seconds West a distance of 853.36 feet to a point; Thence, on an existing zone line, North 10 degrees 45 minutes 50 seconds East for a distance of 104.77 feet to a point on a line; Thence, on a new zone line for the next 3 calls, South 82 degrees 58 minutes 14 seconds East for a distance of 247.30 feet to a point on a line; Thence, South 40 degrees 07 minutes 55 seconds East for a distance of 220.13 feet to a point on a line; Thence, South 84 degrees 21 minutes 45 seconds East for a distance of 250.25 feet to a point on a line, said point being the western property line of said Ernest Woodson property, Thence, with said Ernest Woodson property, South 05 degrees 38 minutes 15 seconds West for a distance of 480.13 feet to the point of beginning, said parcel containing 193,011 Square Feet or 4.43 Acres, more or less.

ORDINANCE 33-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF REACH HOLDINGS, LLC, STANLEY ROSS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF BELLAMY LANE AND CARLA COURT

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned AG Agricultural District, as R-6 Single Family Residential District and R-4 Multiple Family Residential.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

AG to R-4:

Beginning an iron pin (new), said pin being the northeastern corner of the William Kerr Property as recorded in Vol. 1897, page 1689 ROMCT, said pin being N 22° 47' E for a distance of 565 feet from the centerline intersection of Bellamy Lane and Carla Court, said also being the Southwestern corner of the herein described parcel; Thence, along said William Kerr property for the next 2 calls, S 83° 14' 20" W for a distance of 71.6 feet to an iron rod new; Thence, S 69° 31' 54" W for a distance of 291.42 feet to an iron rod new, said point being the western property line of the Bellamy Court subdivision Lot 25 as described in Plat Book 12, page 147, said point being the southwestern corner of the herein described parcel; Thence, leaving said William Kerr property and along the said Bellamy Court Subdivision Lot 25, N 08° 10' 43" E for a distance of 36.00 feet to a point on a line, said point being the southeastern corner of Lot 24 of said Bellamy Court Subdivision; Thence, leaving said Lot 25 and along said Lot 24, N 09° 01' 57" E for a distance of 496.57 feet to an iron rod old, said point being the south property line of the Jason Feltner property as described in Vol. 1805, page 2712; Thence, along said Jason Feltner property, S 81° 50' 22" E for a distance of 566.46 feet to an iron rod old, said point being the western property line of the Darrell Jones property as described in Vol. 1668, page 2963; Thence, with said Darrell Jones property, S 06° 41' 52" W a distance of 362.78 feet to a point on a line; Thence, leaving said Darrell Jones property and along a new zone line, S 79° 31' 34" W for a distance of 240.46 feet to a point on a line, said point being the eastern property line of said William Kerr property; Thence, along said William Kerr property, N 16° 54' 10" W for a distance of 71.82 feet to the point of beginning, said zone area containing 245,118 Square Feet or 5.63 Acres, more or less.

AG to R-6:

Beginning an iron pin (old), said pin being the north right of way of Bellamy Lane and the southeastern corner of the William Kerr Property as recorded in Vol. 1897, page 1689 ROMCT, said pin being N 40° 34' E for a distance of 428 feet from the centerline intersection of Bellamy Lane and Carla Court, said also being the Southwestern corner of the herein described parcel; Thence, leaving said Bellamy Lane right of way and with said William Kerr property, N 16° 54' 10" W for a distance of 132.7 feet to a point on a line; Thence, leaving said Kerr property and along a new zone line, N 79° 31' 34" E for a distance of 240.5 feet to a point on a line, said point being the western property line of Darrell Jones property as described in Vol. 1668, page 2963; Thence, along said Darrell Jones property S 06° 41' 52" W for a distance of 125.6 feet to an iron rod old, said rod being on the northern right of way of Bellamy Lane, Thence, leaving said Darrell Jones property and along the said Bellamy Lane right of way for the next 2 calls, S 79° 31' 34" W for a distance of 80.0 feet to the beginning of a non-tangential curve, Thence, said curve turning to the left through an angle of 11° 36' 06", having a radius of 540.0 feet, and whose long chord bears S 73° 18' 25" W for a distance of 109.16 feet to a point of intersection with a non-tangential line, which is the point of beginning, said zone area containing 26,267 Square Feet or 0.60 Acres, more or less.

ORDINANCE 34-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF T & B PROPERTIES, CHRIS BITER AND TODD BITER-AGENTS, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF FORT CAMPBELL BOULEVARD AND DURRETT 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 C-5 Highway & Arterial Commercial District, as R-4 Multiple Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

C-5 to R-4:

Beginning at a point, said point being in the north right of way margin of Durrett Drive, 317 +/- feet in an easterly direction from the centerline of the Ft. Campbell Blvd. & Durrett Drive intersection, said point further identified as the southeast corner of the Susan D. Ambuhl Trust property, thence in a northerly direction 121 +/- feet with the eastern boundary of the Susan D. Ambuhl Trust property to a point, said point being in the southern boundary of the JRD Ft Campbell Partnership property, thence in a easterly direction 355 +/- feet to a point, said point being in the western property boundary of the Durrett Enterprises, LP, thence in a southerly direction 222 +/- feet with the western boundary of the Durrett Enterprises, LP, and other property to a point, said point being the southwest corner of the Willaim J. McAuliffe property, said point also being located in the northern right of way margin of Durrett Drive, thence in a westerly direction 370 +/- feet with the northern right of way margin of Durrett Drive to the point of beginning, said herein described tract containing 1.08 +/- acres. further identified as current Tax Map 5-E-A, Parcel 2.02.

TABLE OF CONTENTS

- (1) – Application** – Application submitted and received by Mr. Robert E. White on June 25, 2019
- (2) – Wally Crow Report** – Engineering report submitted by the Applicant when application was made
- (3) – EFI Structural Assessment** – Engineer report submitted by the Applicant when application was made
- (4) - 7-22-2019 Design Review Presentation** – Presentation given by the Staff to the RHZC on July 22, 2019
- (5) – 334 Main Report** – Assessment performed by Roger Matchett and Tony Locke on July 31, 2019
- (6) – Letters of Opposition** – Letters of Opposition received from the general public
- (7) – Common Design Review Board Minutes – 7-22-2019** – Minutes from the July 22, 2019 meeting of the Common Design Review Board
- (8) – Common Design Review Board Minutes (DRAFT) – 8/26/2019** – Draft minutes of the August 26, 2019 meeting of the Common Design Review Board. Since there was no new business for September, the minutes have not been formally adopted.
- (9) – Board Actions** - Certificate of Appropriateness from July and August meeting for HZ-3-2019

COMMON DESIGN REVIEW BOARDAPPLICATION FOR APPROPRIATENESSDATE RECEIVED: 6/25/19 CASE NUMBER: _____

FILING FEE: SEE FEE SCHEDULE

300.00

PAYMENT TYPE:

CASH _____

CHECK /RECEIPT NUMBER: 988169

(for office use only)

Application Inquiries:

Clarksville/Montgomery County Regional Planning Commission
 329 Main Street, Clarksville, TN 37040 / www.emcrpc.com
 Marie Helwig, Design Review Coordinator
 931-645-7448 / marie.helwig@cityofclarksville.com

1. Name and address of owner(s) of the subject property:

ROBERT E. WHITE2701 Cook RoadWoodlawn, TN 37191Email: EDWHITESIMPLEMENTS@GMAIL.COMTelephone: 931-216-8968

2. Name and address of authorized agent:

Email: _____

Telephone: _____

3. Tax Map and Parcel Number: 666, A, 12.00 (portion thereof) circle, if applies.a. Location of the request: SOUTHWEST CORNER OF N. 4TH ST AND MAIN ST.b. Zoning Classification: CBD

c. Design Review Standard: _____

4. Description of the Request:

REQUEST APPROVAL FOR DEMOLITION DUE TO UNSAFE AND
UNSTABLE STRUCTURE, SEE TWO ENGINEER REPORTS

5. Submittal Checklist: (One Hard Copy is Required and a Digital Submission is Encouraged)

☒ Exterior Photographs; (ALSO TWO ENGINEER REPORTS)

____ 1 copy of proposed site plan (to scale) showing all site improvements, including landscaping;

____ Completed color exterior scale (1/8" scale minimum);

____ Samples of exterior materials including brick, stone, metals, glass, roofing;

____ Detailed scale drawings of awnings, signs, and mounting brackets, indicating proposed colors;

☒ Color photographs of all sides of the existing exterior for remodeling, rehabilitation, or demolition. For new demolition, remodeling, and construction, photographs or other representative documents, shall show contiguous properties;
Applicant / Agent signature: [Signature]

Date: _____

JOHN WALLACE CROW, PE
675 GIP MANNING ROAD
CLARKSVILLE, TENNESSEE 37042
1-931-920-2594

June 20, 2017

Mr. Edward White
2701 Cook Road
Woodlawn, Tennessee 37191

Subject: Structural Condition Assessment
334 Main Street
Clarksville, Tennessee

Dear Mr. White:

Reference your request that I make a structural condition assessment of the building at 334 Main Street, Clarksville, Tennessee. The scope of my assessment is limited to the structural condition of the building and that alone.

The building is a two story structure with a combination of crawl space and basement. The front of the building faces in a northerly direction. The building is located on a slightly sloping section of property, sloping down hill from northwest to southwest. The building is shown in the Montgomery County Tax Assessor's Office as being constructed in 1900. It is believed that the building is much older. The building space is divided into at least six apartments. It is my understanding that the building is on the National Register of Historical Places.

The building is constructed with solid brick walls with wood floor framing. The walls appear to be at least 4 brick thick at the base. The basement walls appear to be original construction and support the exterior walls. The roof is gabled and the ridge runs from north to south. The east and west walls support the roof rafters. The first and second floor systems have wooden floor joists supported on brick ledges or brick pockets. The joists run from east to west. In the basement there are two wood beams or girders that are continuous that run from north to south that support the floor joists. The east and west walls are load bearing walls. They also support the two floors above the basement and the roof. The two end walls (north and south) tie the building walls together. Cracks in the end walls appear to be separating and allowing the two side walls to move outward.

The walls are tied from east to west with steel tie rods with star washers on the exterior. The ties are evident at the main floor level and at the second floor level. The tie rods were designed to prevent the walls from spreading outward and the floor joists prevented the walls from collapsing inward. This has provided some lateral stability for the structure.

The bricks in the walls appears to be locally hand made. The mortar appears to be sand and lime. The mortar is soft and was there to provide a transfer of weight from one brick course to the next lower course. There was little or any adhesive value to the mortar. The bricks are tied through the walls at every twelve courses. Many of the newer buildings with similar construction installed ties at ever fifth or sixth course. Therefore the walls are less reinforced with brick tying the wythes together than with newer buildings of the same architecture. The mortar is soft and easily scraped out. Weather has eroded some of the mortar from the joints. There are various cracks in the brick walls. The four corners were designed to provide lateral stability. The southeast corner is cracked from top to bottom and therefore no longer provides lateral stability to the load bearing walls.

On the east wall, close to the south corner there is a section of basement wall that has a star washer. The washer held the brick around the tie rod in place but much of the wall around the washer moved to the outside. The wall is losing it lateral stability that was to be provided through the use of the steel tie rods. A large section of brick wall has moved toward the street. It has been repaired with some additional rectangular washers to keep the wall from moving further. The walls on both east and west sides have bulges where the walls are becoming unstable.

The only structural elements that support the first and second floors are the wooden beams and they appear to be stacked and not connected. The brick provides the vertical support around the perimeter. In some locations, steel lally columns have been installed to provide support for both beams and floor joists. The size and type of lally columns is much less than adequate and one in particular is starting to fail.

Lally columns have been placed under some of the floor joist near the west wall. The floor joists are designed to provide some lateral stability for the brick walls with friction holding the wall in vertical alignment. When the columns were added, the weight of the floor system was possibly lifted off of the brick wall loosing its lateral stability.

There have been some concrete block walls added under the main beams in some areas but not all. The beams appear to have been a concern about being able to support the weight above and the walls were added to protect the beams. Some brick piers that have supported the beams have not failed but are showing signs of deterioration.

If the brick walls in the basement elevation loose their ability to support the upper walls, the building stands a great risk of collapsing. There are many cracks in the brick walls that make the walls segmented in lieu of continuous stable walls. This too creates a risk of collapse of segments. Any movement of a section could cause a chain reaction and cause the entire structure to collapse.

Making structural repairs to the walls could trigger the collapse of the building. The existing basement walls would have to be strengthened requiring excavation of soil next to the basement walls and construction of structurally adequate materials to properly support the total building.

Several older buildings have experienced such damages at times other than when the tornado demolished much of the downtown. The Masonic building at the southeast corner of Commerce Street and Third Street is probably the most well known. The back end of the Roxy Building experienced a partial collapse after the Masonic Building. An old warehouse partially collapsed on Front Street in the 1940s.

I have enclosed photographs of the various conditions with comments.

The building has survived the tornado of 1999 and many years of slow deterioration. Some of the repairs were more detrimental than helpful. While the building is one of Clarksville's history, safety must be considered and there is risk of collapse of the building and the possibility of loss of life. It is my recommendation that the building be demolished before it collapses.

If you do not have the pictures, let me know and I will provide a thumb drive.

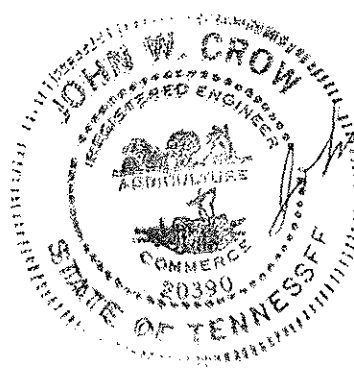
Should you have any questions, please give me a call.

This report is based solely on a visual inspection of the dwelling and property. Under no circumstances should this report be construed as a guarantee or warranty of any kind as to the condition, merchantability or fitness for any particular purpose of the subject property.

Very Respectfully,

John Wallace Crow

John Wallace Crow, PE



John W. Crow
Mar. 12, 2019

1880 General George Patton Drive, Suite B-203
Franklin, Tennessee 37067
Tel: 615-778-0160

Structural Damage Assessment

EFI Global File No.: 94216-19536
February 22, 2019

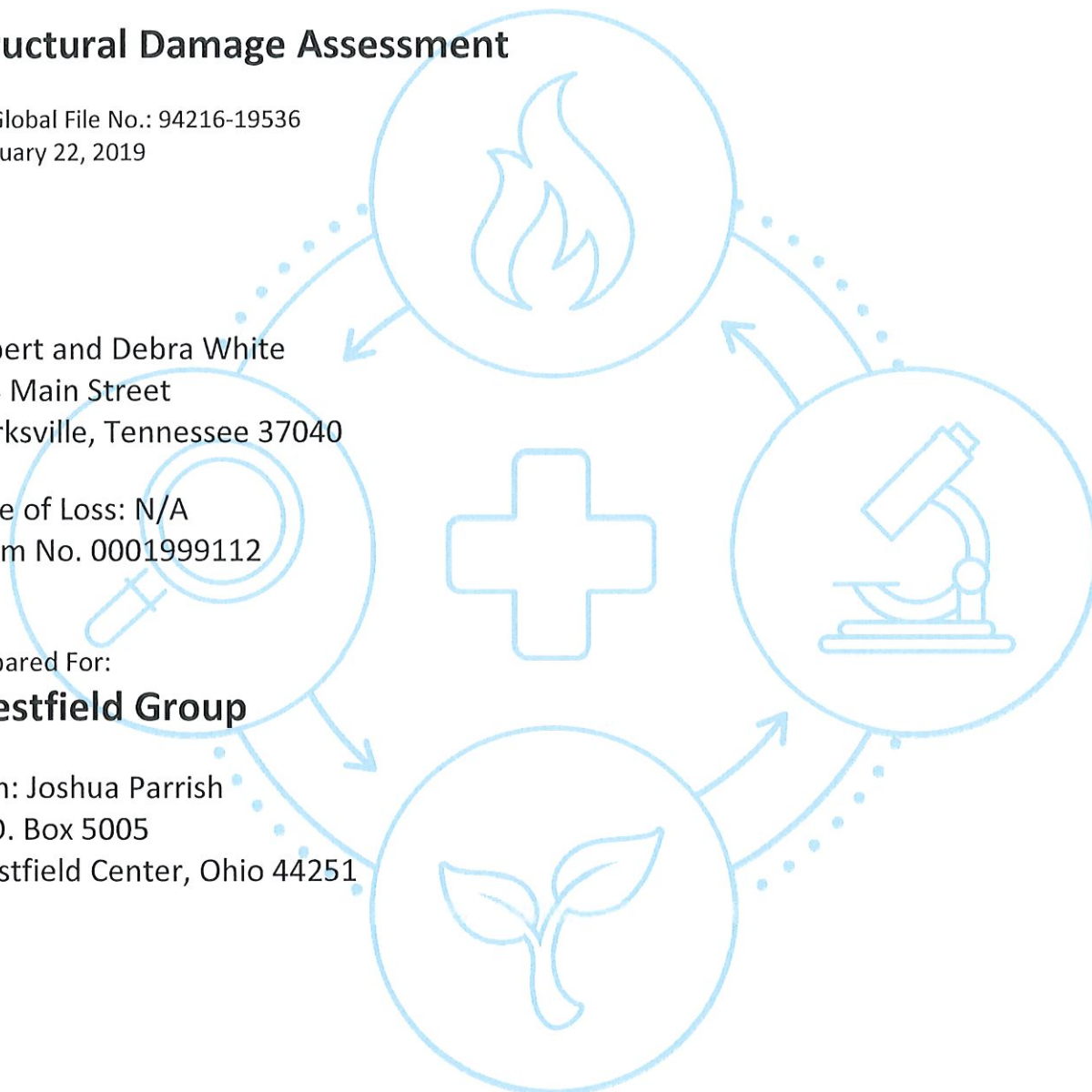
Robert and Debra White
334 Main Street
Clarksville, Tennessee 37040

Date of Loss: N/A
Claim No. 0001999112

Prepared For:

Westfield Group

Attn: Joshua Parrish
P. O. Box 5005
Westfield Center, Ohio 44251



ASSIGNMENT

EFI Global received an assignment from Mr. Joshua Parrish of Westfield Group on February 5, 2019 to assess the reported distresses at the subject property.

The scope of this assignment was to:

- Determine the structural integrity of the building and determine the cause of the damages.

In response to this request, Matthew Richardson, P.E. (EFI) visited the site on February 7, 2019. Mr. Robert White was present during the site visit.

This report contains a discussion of the information gathered during the assessment and an analysis and conclusions with respect to the condition of the subject site at the time of EFI's assessment. The conclusions contained herein are based on information available to date.

BACKGROUND

The following information was gathered during the site visit and through a conversation with the insured:

- According to Mr. White, the building was built in 1838.
- According to information obtained from The National Register of Historic Places on Wikipedia^{1,2}:
 - The building was originally the Clarksville Methodist Church that was built in 1831.
 - It was the first permanent church building in Clarksville and one of the city's first brick buildings.
 - In the 1880s, it ceased being used as a church and was converted into residential apartments.
 - It is the only church building in Clarksville that was built before 1850 and is still standing.
- Mr. White stated that they had a new roof covering installed, including the vinyl and trim at the eaves.
- During replacement of the windows, Mr. White became concerned about the integrity of the brick masonry.

BUILDING SYSTEM DESCRIPTION

The structure was noted to be a two story building generally facing north (Photographs 1 through 6) and was built over a basement. The exterior walls were of multi-wythe brick masonry construction, and the exterior was painted. The roof was a gable design covered with asphalt shingles.

OBSERVATIONS

Observations were photographed to document distress and relevant conditions at the subject property on the date of the site visit. Not all damage or distress that may be present was necessarily observed or photographed; however, the selected photographs provide an indication of their types, severity, and distribution. They may also document unusual or contributing conditions that may exist. Photographs taken to document our findings and observations are attached to this report. The following observations were noted during the claim examination:

¹ https://en.wikipedia.org/wiki/National_Register_of_Historic_Places_listings_in_Montgomery_County,_Tennessee

² https://en.wikipedia.org/wiki/Clarksville_Methodist_Church

Exterior Observations

- The north side of the building contained:
 - Missing mortar and mortar joint cracking (Photographs 7 through 10).
 - Tree growth between the front porch slab and the brick masonry (Photograph 11).
 - Expanding foam sealant in multiple cracks (Photograph 12).
- The east side of the building contained:
 - Missing mortar, mortar joint cracking, and displaced brick masonry near the southeast corner (Photographs 13 and 14).
 - Missing mortar and mortar joint cracking near the northeast corner (Photograph 15).
 - Displaced brick masonry and window sills and supplemental bracing throughout the east wall (Photographs 16 through 20).
- The south side of the building contained:
 - Missing mortar and mortar joint cracking (Photographs 21 through 23).
 - A single story addition that had asbestos siding (Photograph 24).
- The west side of the building contained:
 - Missing mortar, mortar joint cracking, and displaced brick masonry near the southwest corner (Photographs 25 through 27).
 - Missing mortar, mortar joint cracking, supplemental bracing, and bowed masonry throughout the west wall (Photographs 28 through 32).
 - Expanding foam sealant in multiple locations of missing mortar (Photograph 33).
 - A narrow walkway between the subject building and the neighboring building to the west (Photograph 34).

Interior Observations

- The main floor contained:
 - Outward bowing of the west wall near the prior location of the kitchen (Photograph 35).
 - Gaps between the floor covering and the interior masonry (Photographs 36 and 37).
 - Water staining on the ceiling near an exterior wall (Photograph 38).
 - Replacement window installation with newer and older lumber and cracking of the masonry beneath the window openings (Photographs 39 and 40).
 - A gap between the rear addition and the original structure (Photograph 41).
 - Stained roof structure members above the rear addition (Photograph 42).
- The upper floor contained:
 - Gaps between the floor covering and the interior masonry (Photographs 43 through 45).
 - Replacement window installation with cracking of the masonry beneath the window openings (Photographs 46 and 47).
 - Water staining on the ceiling near an exterior wall (Photograph 48).
- The basement contained:
 - Aged water staining to the main level floor structure in several locations (Photograph 49).
 - Water staining and efflorescence along the base of the perimeter foundation walls (Photographs 50 and 51).
 - Crumbling mortar and bricks in areas of long-term water intrusion (Photograph 52).

DISCUSSION AND ANALYSIS

The multi-wythe brick masonry structure was constructed with lime putty mortar. Over time, as water drains across the surface of the masonry, the lime putty mortar erodes. The erosion of the lime putty mortar diminished the structural integrity of the exterior walls, which resulted in the observed cracking and displacement. The supplemental bracing for the brick masonry are aged and were installed in an attempt to prevent bowing/displacement of the walls. In some cases, the bracing kept the masonry in place, but adjacent masonry bulged outward. The observed displacement/bowing of the walls in various locations was indicative of long-term mortar erosion from multiple wythes of the brick masonry.

The proper repair technique for the erosion of lime putty mortar calls for the missing mortar to be replaced with lime putty mortar in quantities small enough to promote proper curing of the mortar. Portland cement mortar should not be used in repairing lime-putty-mortar-containing structures. The extent of repairs needed at the subject property are such that the walls would have to be de-constructed to fully embed the bricks in mortar. Additionally, some of the bricks are crumbling and can't be reused. The extent of long-term damage to the masonry structure is such that repairing the masonry is not feasible or recommended. It is EFI's recommendation that the building be razed. Salvageable materials can be removed, but access should be limited to approved personnel due to the dangerous/unsafe condition of the building.

CONCLUSIONS AND RECOMMENDATIONS

The analysis of available evidence related to this project supports the following:

1. Due to the deteriorated condition of the brick masonry, it is EFI's recommendation that the building be razed.
2. The long-term erosion of the lime putty mortar has resulted in the current compromised condition of the exterior walls
3. The building is in an unsafe/dangerous condition, and access to the property should be limited.
4. Demolition efforts should be executed by a licensed and experienced contractor who is familiar with these types of repairs. Note that the means and methods of these efforts, and obtaining a building permit, are the responsibility of the chosen contractor.

APPENDICES

Representative photographs are included with this report. Additional photographs taken at the time of the inspection are available upon request.

- Appendix – Photographs

LIMITATIONS

The information presented in this report addressed the limited objectives related to the evaluation of the subject property. This report only describes the conditions present at the time of our evaluation and is based upon a visual and cursory observation of the subject property. Removal of finish materials, qualitative testing, excavation, or other work not specifically described herein was not conducted. This report is not intended to fully delineate or document every defect or deficiency throughout the subject property. If any additional information is encountered which relates to this evaluation, EFI reserves the right to alter the opinions contained in this report. In some cases, additional studies may be warranted to fully evaluate concerns noted.

The findings noted herein do not constitute a scope of work for repair or offer of repair. Detailed design documents should be prepared to accurately reflect the scope of any repair work and competitive bids be

Insured: Robert and Debra White
EFI Global File #: 94216-19536

obtained to determine actual repair costs. All means and methods of construction are the responsibility of others and not that of EFI. All existing portions of the building should be properly supported and stabilized during the repair process.

Our services have been performed using that degree of skill and care ordinarily exercised under similar conditions by reputable members of EFI's profession practicing in the same or similar locality at the time of performance. Any verbal statements made before, during, or after the course of the assessment were made as a courtesy only and are not considered a part of this report. This report is furnished as privileged and confidential to the addressee. Release to any other company, concern, or individual is solely the responsibility of the addressee.

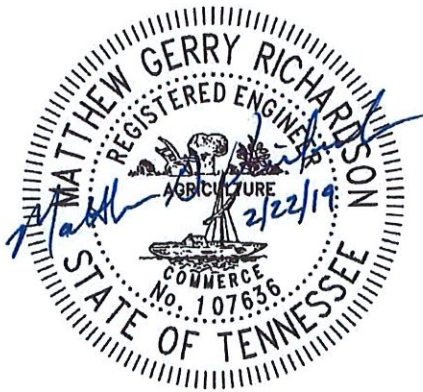
CLOSING

EFI appreciates this opportunity to provide consulting services to Westfield Group in this matter. Please contact us should any questions arise concerning this report, or if we may be of further assistance.

Respectfully submitted,



Matthew G. Richardson, P.E.
Forensic Engineer
TN P.E. # 107636



Technical Review By,



Anthony Firriolo
Principal Engineer

Insured: Robert and Debra White
EFI Global File #: 94216-19536

APPENDIX
PHOTOGRAPHS

Photographs

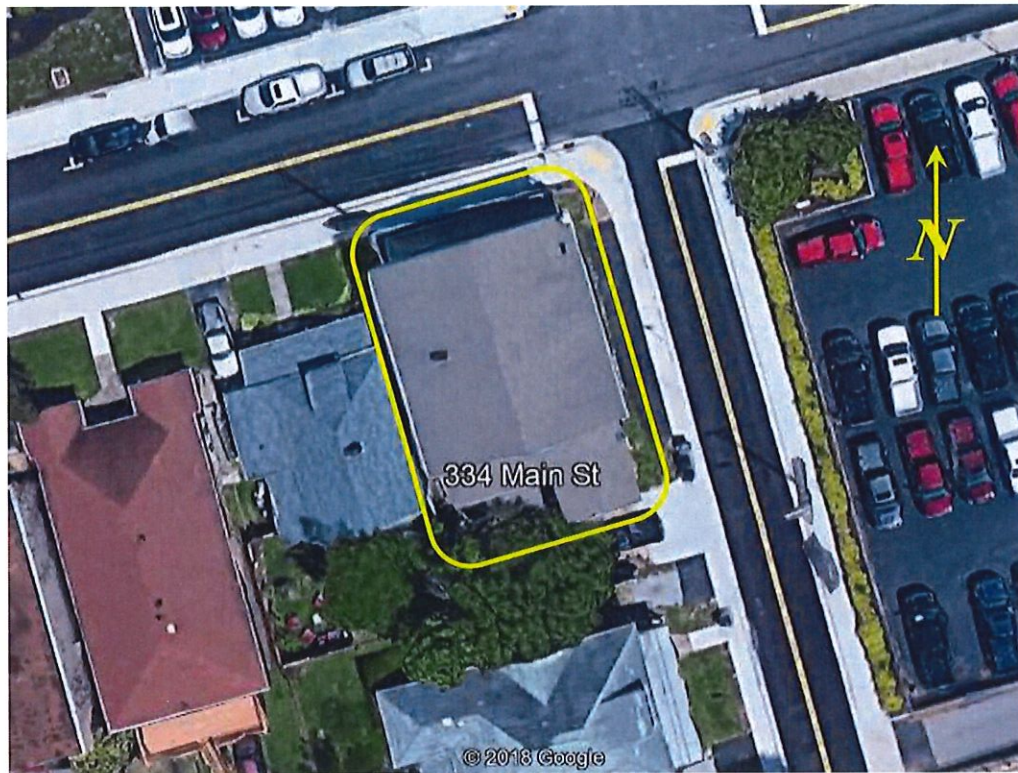


Photo No. 1: Google Earth image of the building located at 334 Main Street in Clarksville, Tennessee.



Photo No. 2: The north side of the building.

Photographs



Photo No. 3: The east side of the building.



Photo No. 4: The south side of the building.

Photographs



Photo No. 5: The west side of the building, looking southeastward.



Photo No. 6: The west side of the building, looking northward.

Photographs



Photo No. 7: Missing mortar and mortar joint cracking on the north side of the building.



Photo No. 8: Missing mortar and mortar joint cracking on the north side of the building.

Photographs



Photo No. 9: Missing mortar and mortar joint cracking on the north side of the building.



Photo No. 10: Missing mortar and mortar joint cracking on the north side of the building.

Photographs



Photo No. 11: Expanding foam sealant and tree growth on the north side of the building.



Photo No. 12: Expanding foam sealant along the window trim on the north side of the building.

Photographs



Photo No. 13: Missing mortar and mortar joint cracking on the east side of the building.



Photo No. 14: Displaced brick masonry on the east side of the building.

Photographs



Photo No. 15: Missing mortar and mortar joint cracking on the east side of the building.



Photo No. 16: Displaced brick masonry on the east side of the building.

Photographs



Photo No. 17: Displaced window sill on the east side of the building.



Photo No. 18: Displaced brick masonry on the east side of the building.

Photographs



Photo No. 19: Supplemental bracing for displaced brick masonry on the east side of the building.



Photo No. 20: Displaced brick masonry on the east side of the building.

Photographs



Photo No. 21: Missing mortar and mortar joint cracking on the south side of the building.



Photo No. 22: Missing mortar and mortar joint cracking on the south side of the building.

Photographs



Photo No. 23: Missing mortar and mortar joint cracking on the south side of the building.



Photo No. 24: Asbestos siding on the rear addition on the south side of the building.

Photographs



Photo No. 25: Missing mortar and mortar joint cracking on the west side of the building.



Photo No. 26: Missing mortar and displaced masonry on the west side of the building.

Photographs



Photo No. 27: Missing mortar and displaced masonry on the west side of the building.

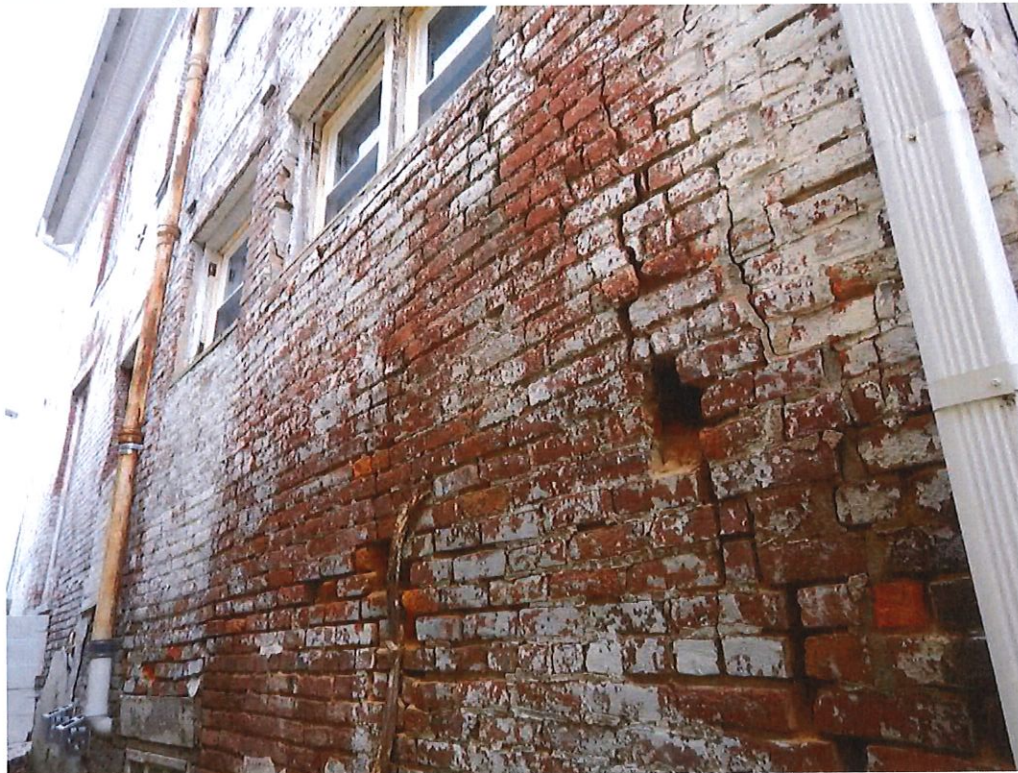


Photo No. 28: Bowed brick masonry on the west side of the building.

Photographs



Photo No. 29: Missing mortar and bricks on the west side of the building.



Photo No. 30: Missing mortar and mortar joint cracking on the west side of the building.

Photographs



Photo No. 31: Missing mortar and displaced masonry on the west side of the building.



Photo No. 32: Missing mortar and mortar joint cracking on the west side of the building.

Photographs



Photo No. 33: Expanding foam in locations of missing mortar.

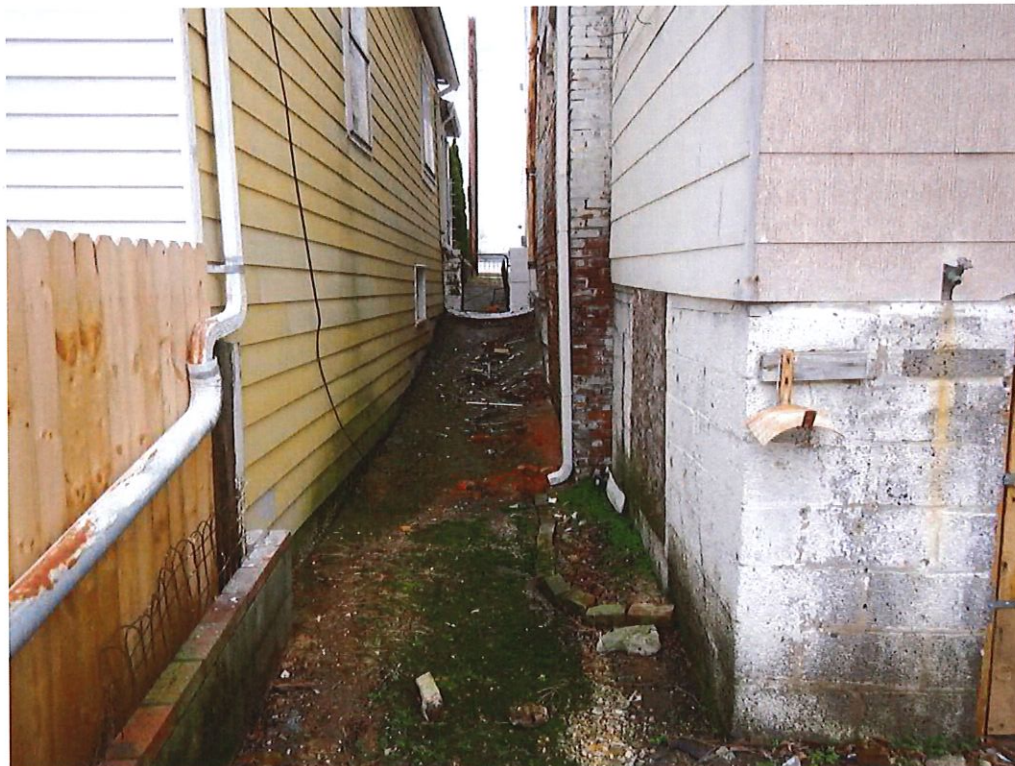


Photo No. 34: Looking northward into the space between the subject building and the residence to the west.

Photographs



Photo No. 35: West wall bowed away from the floor structure on the main floor.



Photo No. 36: Gap between the floor covering and the masonry wall on the main floor.

Photographs



Photo No. 37: Gap between the floor covering and the masonry wall on the main floor.



Photo No. 38: Water staining in the ceiling adjacent to a main floor exterior wall.

Photographs



Photo No. 39: Typical replacement window installation on the main floor.



Photo No. 40: Replacement window installation on the main floor with aged water staining.

Photographs



Photo No. 41: Gap between the rear addition and the main structure.



Photo No. 42: Roof structure for the rear addition.

Photographs

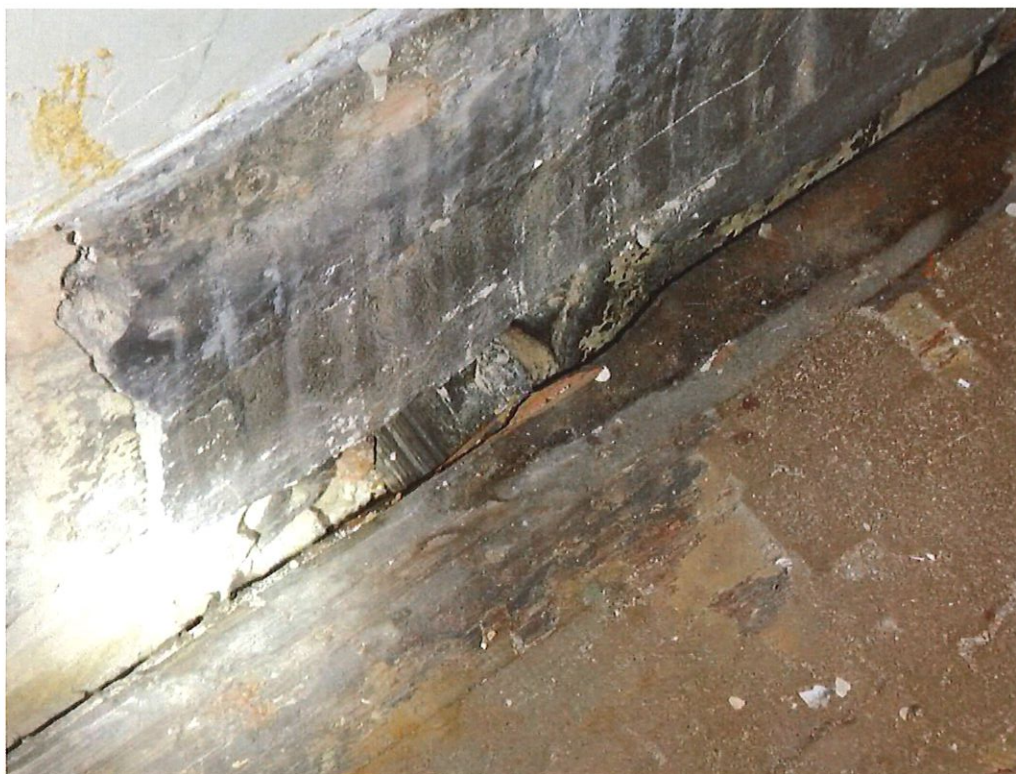


Photo No. 43: Gap between the floor covering and the masonry wall on the upper floor.



Photo No. 44: Gap between the floor covering and the masonry wall on the upper floor.

Photographs

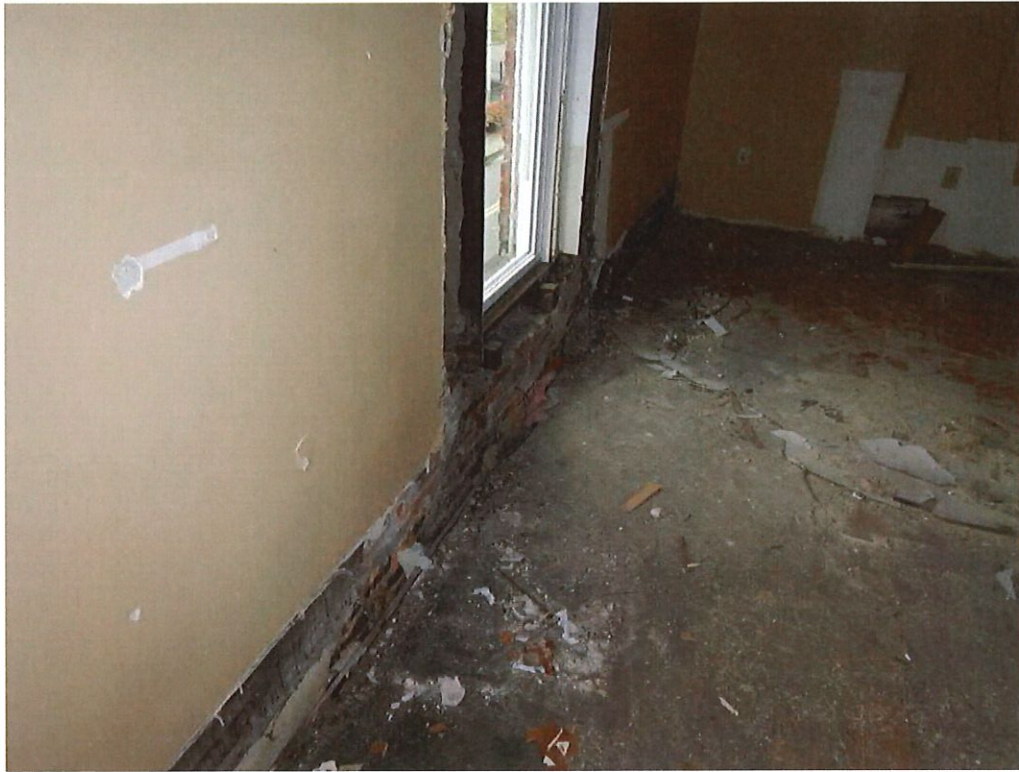


Photo No. 45: Gap between the floor covering and the masonry wall on the upper floor.

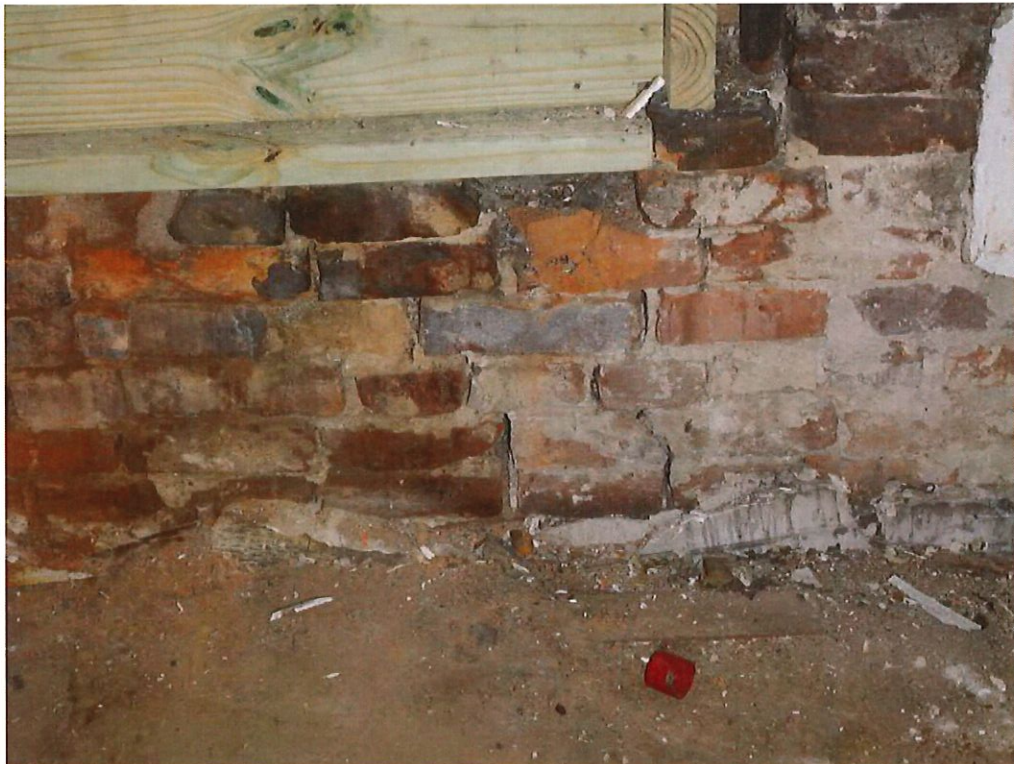


Photo No. 46: Cracked masonry beneath a replacement window installation on the upper floor.

Photographs



Photo No. 47: Cracked masonry beneath a replacement window installation on the upper floor.



Photo No. 48: Water staining on a ceiling on the upper floor.

Photographs



Photo No. 49: Aged water staining on the underside of the main level floor structure.



Photo No. 50: Water staining and efflorescence along the base of the foundation wall in the basement.

Photographs



Photo No. 51: Water staining and efflorescence along the base of the foundation wall in the basement.



Photo No. 52: Crumbling of mortar and bricks in the basement.

Clarksville Montgomery County Historic Zoning Commission & Common Design Review Board Meeting

July 29, 2019

July 22, 2019 Agenda

- Approval of June 24, 2019 Minutes
- HZ-3-2019 – Corner of 4th St. and Main St. – Demolition

HZ-3-2019

Demolition

Corner of 4th St. and
Main St.









MAIN ST
FOURTH ST

STOP

ONE WAY





NO
PARKING
SPEED
LIMIT
20

Clarksville Methodist Church

- Date of construction – 1831
- In the Main Street Historic District and on the National Register of Historic Places (1982).
- One of the oldest brick buildings in Clarksville, and the oldest brick church in Clarksville.
- Was used as a church until 1883, when it was converted to apartments and a boarding house. It was known as Cox's Boarding House and Dining Room.
- Was used as a hospital and horse stable by both Confederate and Union Forces during the Civil War.

Rev. Henry F. Beaumont

- Born in Halifax, Yorkshire, England in 1800
- Father of Methodism in Clarksville
- He was the leading tobacconist in Clarksville, building the first stemmery at the corner of Crossland and Riverside.
- Very active member of the community
- Last remaining building connected to Rev. Beaumont

Google Street
View – June
2016



Google
Street
View –
June
2013



Google

Image capture: Jun 2013 © 2019 Google United States Terms

Google Street
View – March
2008



Google



Google

HZ-3-2019 Staff Comments

- This building is a contributing building to the Main Street Historic District. Preservation should be a priority.

Timeline

- June 25, 2019 – Application Received for demolition
- July 22, 2019 – Application deferred for one month by RHZC for independent assessment of the structure
- August 21, 2019 – Assessment received by Roger Matchett and distributed to applicant/agent and RHZC
- August 26, 2019 – Application denied by the RHZC

Matchett & Associates, LLC

Architects



936 Franklin Road, Gallatin, TN 37066
Phone (615) 451-1505
roger@matchettandassoc.com

August 20, 2019

INSPECTION REPORT:
334 MAIN STREET
CLARKSVILLE, TENNESSEE

INSPECTION DATE: JULY 31, 2019

BUILDING DATA:

Original Masonry Structure
Original Construction: Circa 1831
Basement: 1450 sf \pm
First Floor: 1750 sf \pm
Second Floor: 1750 sf \pm
Roof Structure: Wood framed, wood decking, shingles
Exterior Wall Construction: Three wythe brick
Interior Wall Construction: Wood Stud, plaster on wood lathe
Floor System: Wood Joists. First floor bearing on 4th brick ledge
Second floor framing bearing on interior brick pocket.

Condition:

The general condition of the Structure is Poor.
The major area of concern is the condition of the exterior masonry walls.

The exterior masonry wall construction:

There are three types of brick which make up this wall construction.
The exterior is dense, well fired brick that repels water well and is durable.
The center brick is softer, adding mass to the wall.
The interior brick is a medium quality brick, more dense than the center brick and is typically a lesser quality face than the exterior due to plaster being applied.
The major component which effects all of this is the mortar, and how it is maintained.
This requires periodic tuck pointing and diligent care taken to avoid water infiltration.

Reasons for this buildings failure:

1. Lack of proper roof drainage. Each back corner has serious erosion of the mortar and therefore, the masonry. It's as if there were gutters without downspouts for an extended period.

2. Masonry joints not being maintained, allowing moisture to enter the wall cavity.
3. Window openings being added and not properly supported and not kept watertight.
4. Water infiltration, due to the above items. Once moisture enters the center of the wall and is doing so for an extended period of time, the result is a breakdown of the soft brick center and the wall begins to fail. The longer this goes on, the more it grows, to a point where it has to be reconstructed to survive.

Conclusion:

This building has reached that point. Portions of the building need to be reconstructed and many areas need repair, tuck pointing and weather tight flashing and sealants.

The attached drawings indicate our proposed locations for such work and the Existing Conditions sheet are for documentation and illustration of what is in place.

Estimated Cost of Proposed Repairs:

We conferred with Historic Restoration Masonry contractors to determine a preliminary budget for the proposed work.

The estimated amount to get this building structurally stable and ready for further restoration and renovation is \$255,410. A breakdown of the estimate is attached.

The work that we performed is preliminary and not to be considered as Construction Documents. The proposed renovation work, if undertaken, needs to be done by masonry contractors with restoration experience.

Prepared by:

Roger A. Matchett, Architect

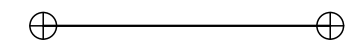
Roger A Matchett
and

Anthony L Locke

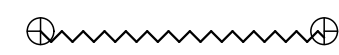
Anthony L. Locke, P.E.
Engineered Solutions
1928 Tinnin Rd.
Goodlettsville, TN 37072

Estimate for Stabilization of 334 Main St., Clarksville TN							
8/20/2019		prepared by Matchett and Associates / Architects					
General Conditions and Insurance					25,000		
Secure Back Wall					11,000		
Floor and Roof Shoring					12,000		
Misc. Bracing					5,000		
Scaffolding					10,000		
Equipment					10,000		
Dumpsters					6,000		
Brick Removal					44,310		
CMU Installation					11,100		
Brick 3 wythe					6,000		
Brick Veneer					18,500		
Paint Removal					6,000		
Tuckpointing					25,000		
Misc. Masonry repair					5,000		
Window Removal and Install					5,000		
Clean-up					5,000		
Overhead and Profit					20,500		
Contingency 10%					22,500		
Engineering and Inspections					7,500		
TOTAL ESTIMATED AMOUNT					255,410		

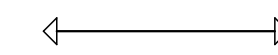
PROPOSED WORK ITEMS:



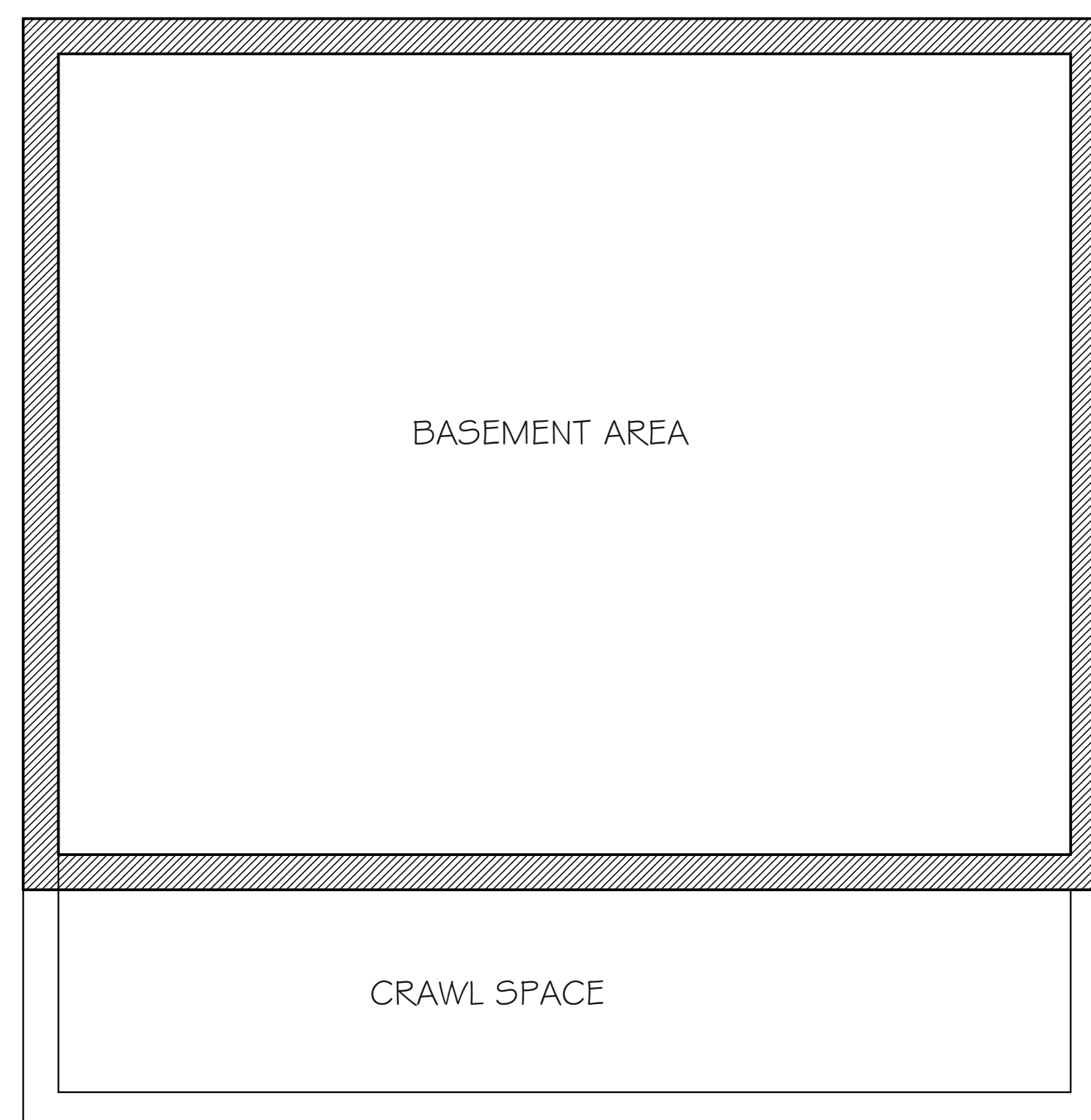
UNSTABLE MASONRY WALL TO BE RE-LAYED.
PRIOR TO BEGINNING WALL REMOVAL, BY HAND
SHORE FIRST AND SECOND FLOOR BEARING ALONG THESE WALLS
SHORE ROOF STRUCTURE AND ADJOINING BACK WALL
BEGIN AND FINISH ONE SIDE PRIOR TO BEGINNING OTHER SIDE
TOOTH INTO STABLE BACK WALL MASONRY
REMOVE DETERIORATED MASONRY AS NEEDED AND TUCK POINT
ADJACENT WORK



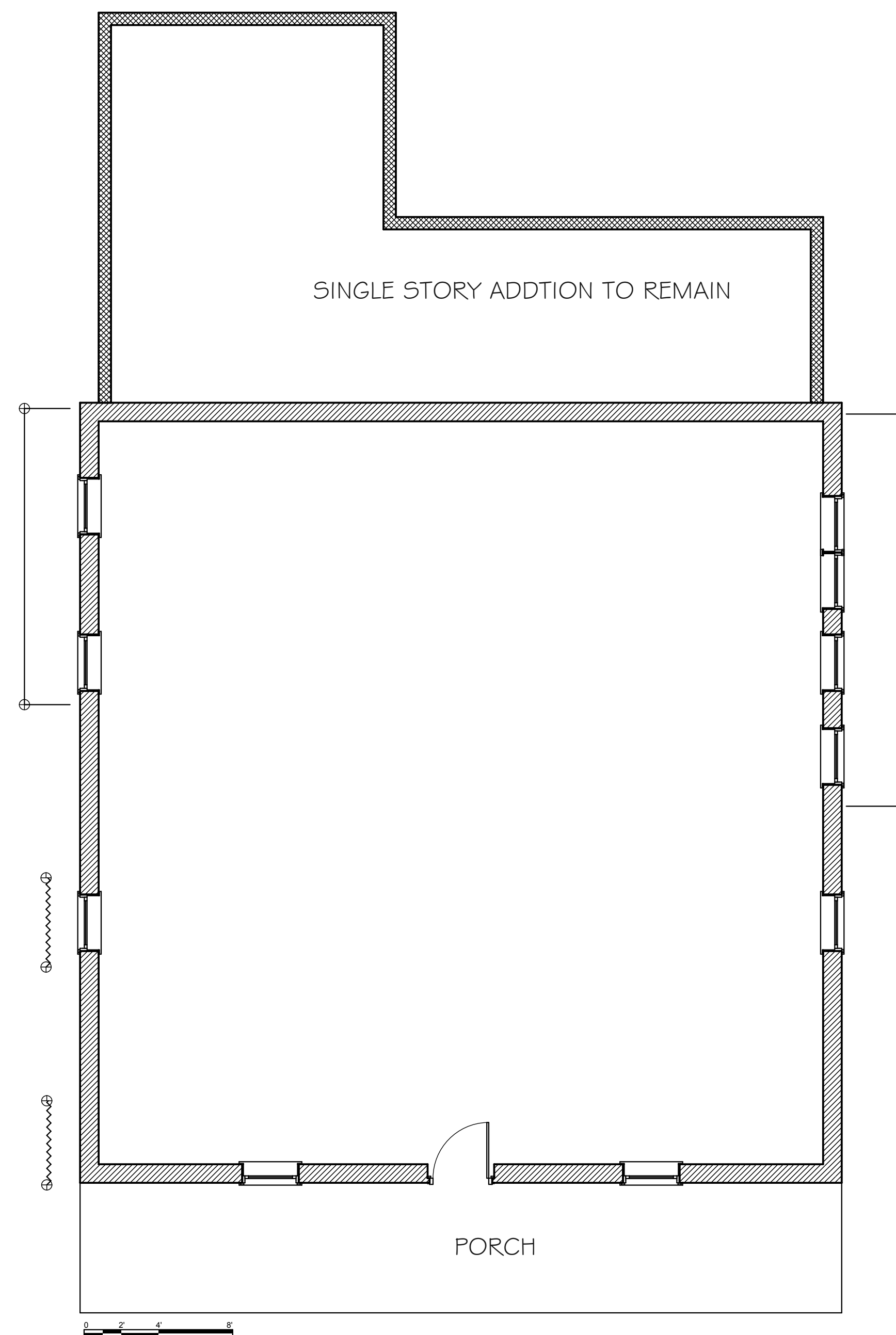
UNSTABLE PROTION OF WALL TO BE RE-LAYED
PRIOR TO BEGINNING BRICK REMOVAL, BY HAND
SHORE ANY LOAD BEARING FLOORING OR ROOFING
PRIOR TO BEGINNING WORK. REMOVE ALL DAMAGED MASONRY,
INSTALL NEW WORK, TOOTH INTO ADJACENT STABLE MASONRY,
TUCK POINT ADJACENT WORK



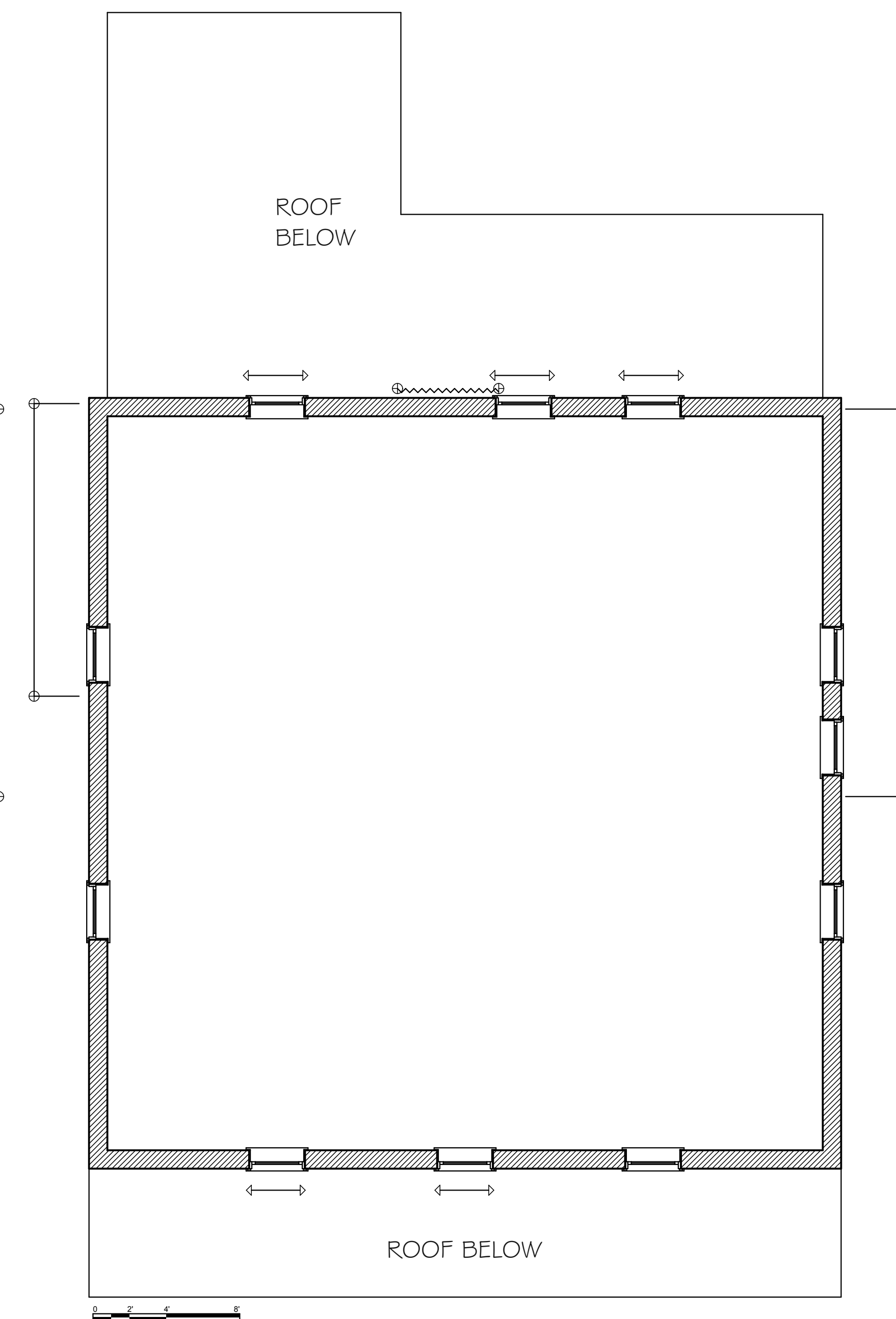
EXTENSIVE TUCK POINTING REQUIRE IN THIS AREA
REMOVE LOOSE MATERIAL, REPLACE DAMAGED MASONRY AS NEEDED
TUCK POINT AS REQUIRED, EXTEND INTO ADJACENT AREAS



BASEMENT PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Project No. _1928_
Drawn by: _RAM_
Reviewed by: _____

M&A

**Matchett
and
Associates, LLC**
Architects

936 Franklin Road
Gallatin, TN 37066
615/451-1505

Structural
Study of

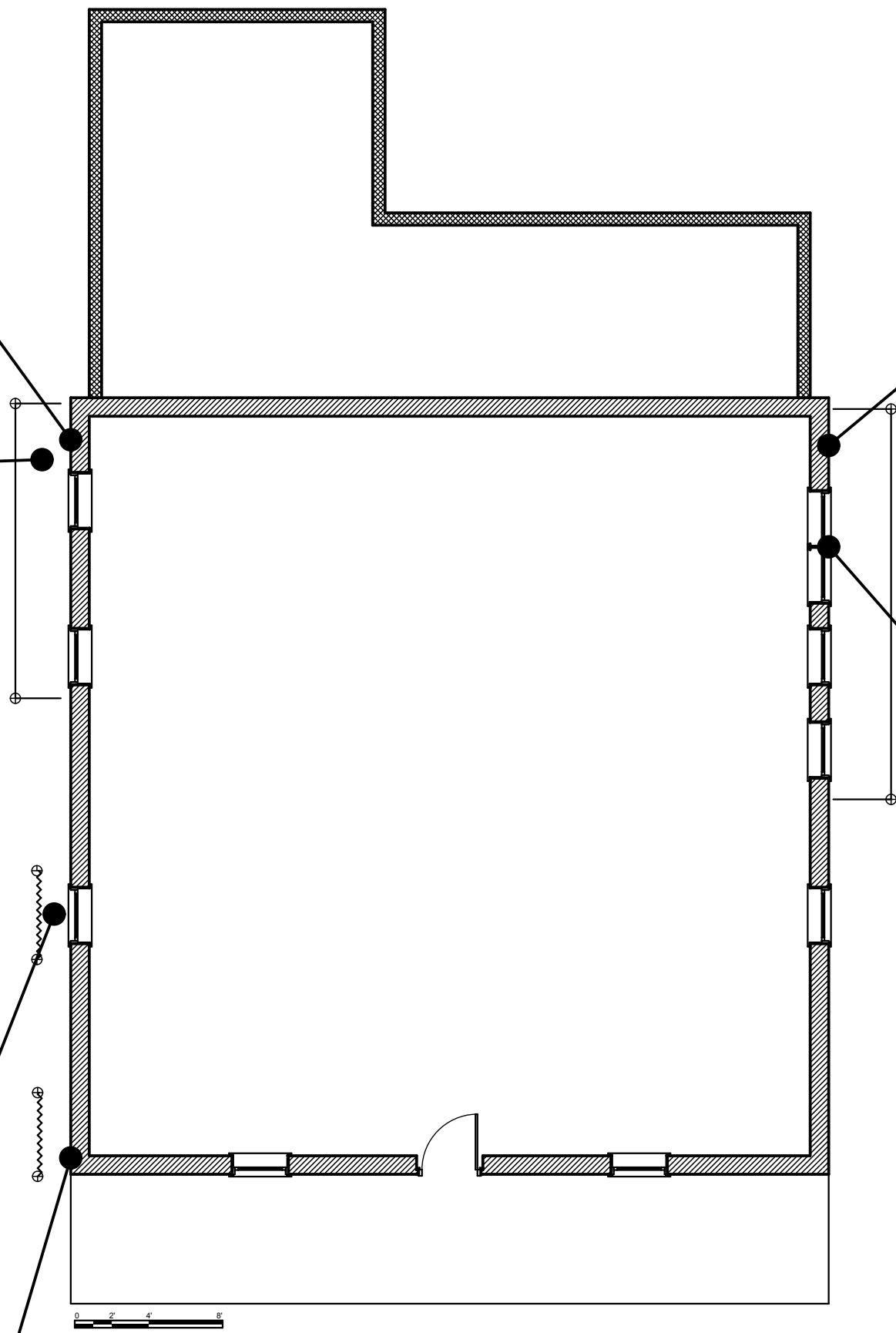
334 Main
Street

Clarksville,
Tennessee

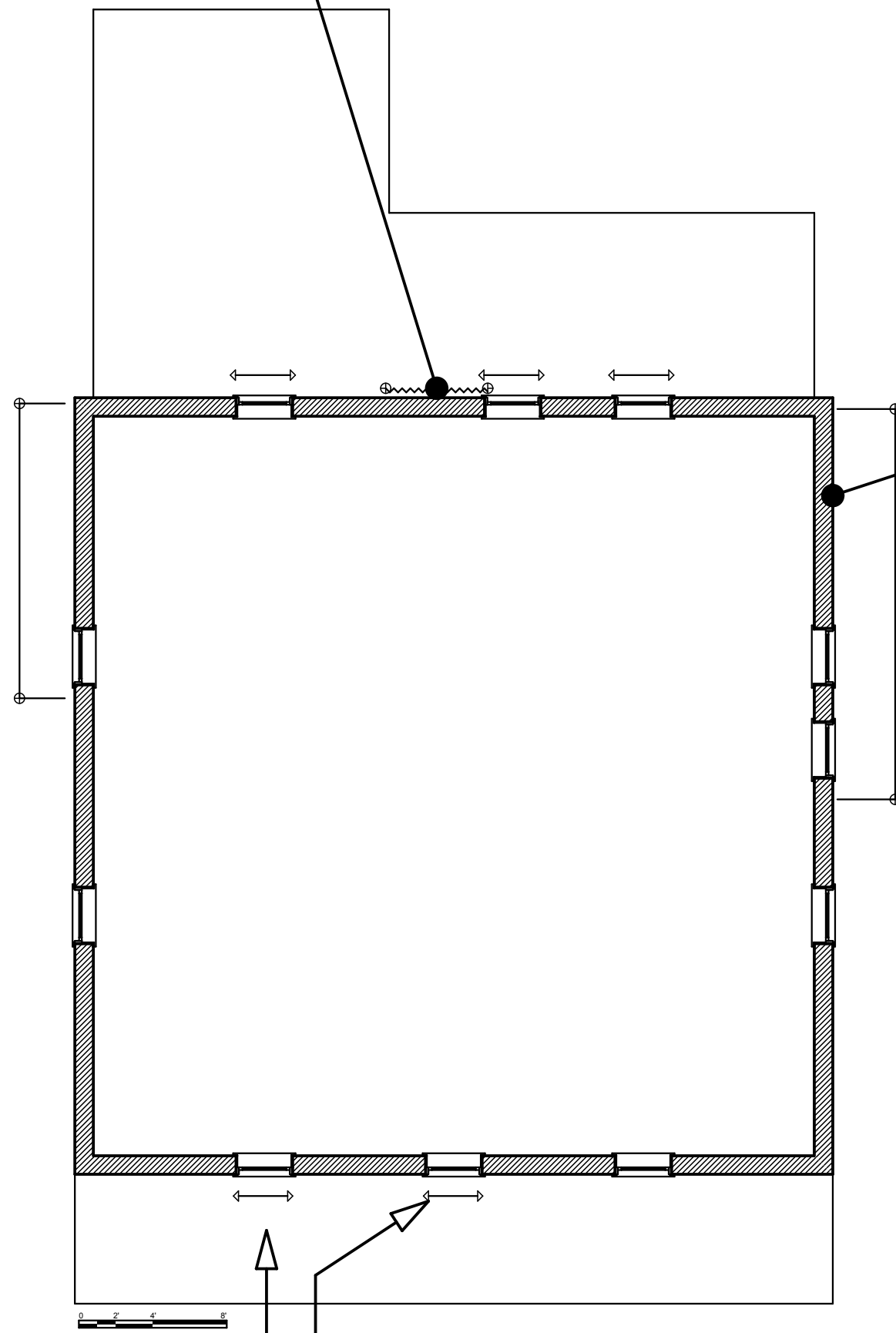
Proposed
Work
Plans

Date: _____
Revisions: _____
Date: _____ Mark: _____

Sheet _ of _



FIRST FLOOR



SECOND FLOOR



Project No. 1928
Drawn by: RAM
Reviewed by:

M&A
Matchett
and
Associates, LLC
Architects

936 Franklin Road
Gallatin, TN 37066
615/451-1505

Structural
Study of

334 Main
Street

Clarksville,
Tennessee

Existing
Conditions

Date:
Revisions:
Date: Mark:

Sheet of



Madison Street

United Methodist Church
319 Madison Street
Clarksville, Tennessee 37040
(931) 647-0221
www.madisonstreetumc.org

Open Hearts. Open Minds. Open Doors.

July 18, 2019

Historical Zoning Commission
329 Main Street
Clarksville, TN 37040

Dear Members of the Historical Zoning Commission:

I am writing this letter on behalf of several of the members of Madison Street United Methodist Church (MSUMC).

These members have shared with me that the building at the corner of Fourth and Main Street was not only the first permanent brick church of Madison Street Methodist Church when it was built in 1831, but that it was also the first permanent brick church for the city of Clarksville. In 1842, when our congregation outgrew the building, we sold this building to the Cumberland Presbyterian congregation and built another church at the corner of Fifth and Franklin Street. Later in 1882, as the continued to grow, construction of another building began at our current location on Madison Street. Through the grace of God, we were able to rebuild at our current location after the tornado of 1999.

The church building on Fourth and Main Street holds a very special place in the history of the congregation of MSUMC. We understand that deterioration of the building may be too advanced at this time to make it possible to save the building. However, we respectfully ask that you determine definitively whether or not the building must be torn down or whether or not it is possible to save it as a way to help to preserve the rich history of faith communities in Clarksville.

Sincerely,

Rev. Harriet Bryan
Senior Pastor

wd: Old Methodist church

message

ngela Latta <angela.latta@cityofclarksville.com>
o: Brent Clemmons <brent.clemmons@cityofclarksville.com>

Thu, Jul 18, 2019 at 7:55 AM

----- Forwarded message -----

From: richard.gildrie <richard.gildrie@gmail.com>
Date: Wed, Jul 17, 2019 at 9:14 PM
Subject: Old Methodist church
To: <rpc@cityofclarksville.com>

The building is historically significant. Old brick can often be stabilized. Many such structures have been saved in other cities . All we need is some preservation expertise. No one local is properly trained, at least as far as I know . I recommend hiring such a consultant and I am willing to make a financial contribution if necessary

Richard Gildrie

Sent from my Samsung Galaxy , an AT&T LTE smartphone

--

Angela Latta
Administrative Support Clerk
Clarksville-Montgomery County
Regional Planning Commission
329 Main Street
Clarksville, TN 37040

931-645-7448
931-645-7481 (Fax)

wd: Old Methodist Church at Main & 4thmessage

ngela Latta <angela.latta@cityofclarksville.com>
): Brent Clemmons <brent.clemmons@cityofclarksville.com>

Fri, Jul 19, 2019 at 8:13 AM

----- Forwarded message -----

From: **Brenda Harper** <brharper931@gmail.com>
Date: Thu, Jul 18, 2019 at 10:57 PM
Subject: Old Methodist Church at Main & 4th
To: <rpc@cityofclarksville.com>

At its July 15th meeting of 85 members and guests, the Montgomery County Historical Society voted, with no one dissenting, to support an independent assessment of the old Methodist Church at Main and 4th Street. We urge the Historic Zoning Commission to deny the application to demolish Clarksville's earliest church building.

The basis of that position is as follows:

- It was the first permanent church building in Clarksville, one of our earliest brick structures and one of the few remaining pre-1850 buildings.
- Established in 1830, it is the original home of what is now the Madison Street Methodist Church congregation.
- It was also the home of the Cumberland Presbyterian congregation for many years before being converted to an apartment house.
- The building was added to the National Register of Historic Places in 1982.
- While the published comments of the current owner indicate that the structure is too damaged to restore, many knowledgeable people disagree.

The Society encourages your active support for the preservation of the old Methodist Church. A primary mission of the Montgomery County Historical Society is to identify and preserve local historic sites, structures, artifacts and other materials and promote their preservation. To that end, the Society supports preservation of our historic buildings to every extent feasible.

Submitted by Brenda Harper on behalf of the Montgomery County Historical Society.

--

Angela Latta
Administrative Support Clerk
Clarksville-Montgomery County
Regional Planning Commission

wd: Preserving old methodist churchmessage

ngela Latta <angela.latta@cityofclarksville.com>
y: Brent Clemmons <brent.clemmons@cityofclarksville.com>

Fri, Jul 19, 2019 at 8:14 AM

----- Forwarded message -----

From: Robyn h <robynhorsewood@gmail.com>
Date: Thu, Jul 18, 2019 at 11:33 PM
Subject: Preserving old methodist church
To: <rpc@cityofclarksville.com>

I personally think that destroying the historic buildings and landmarks is an insult to our past and future. Clarksville has demonstrated more than once that our history is not worth the money to restore or allow to remain. I hope this is not the case for the old Methodist Church.

--

Angela Latta
Administrative Support Clerk
Clarksville-Montgomery County
Regional Planning Commission
329 Main Street
Clarksville, TN 37040

931-645-7448
931-645-7481 (Fax)

Subject: Restoration of the First Permanent Church in Clarksville

message

Angela Latta <angela.latta@cityofclarksville.com>
To: Brent Clemmons <brent.clemmons@cityofclarksville.com>

Mon, Jul 22, 2019 at 8:31 AM

----- Forwarded message -----

From: 'Betty Screven' via GDL_web Planning Commission <rpc@cityofclarksville.com>
Date: Sun, Jul 21, 2019 at 6:31 PM
Subject: Restoration of the First Permanent Church in Clarksville
To: rpc@cityofclarksville.com <rpc@cityofclarksville.com>

Dear Sirs:

I am writing to express my concern about the possible demolition of the first permanent church building in Clarksville, located on the corner of Main and 4th Street. This church was established by Reverend Henry Francis Beaumont, known as "The Father of Methodism." Reverend Beaumont was a well-respected leader in the Clarksville community for many years, helping to establish businesses and schools, as well as this church. This church was an important part of the fabric of the community in the mid-1800's. It was established in 1830 under the leadership of Henry Francis Beaumont. In 1982 this building became part of the National Register of Historic Place.

Henry Francis Beaumont is my husband's great-great-grandfather.

In these modern times, we often forget the importance of the earlier building blocks of a community and the effort which was put forth to establish what is now Clarksville. Please consider weighing the historical value of this church versus any financial considerations.

Thank you for your time.

Sincerely,

Betty Screven
betty Screven42@yahoo.com

--
Angela Latta
Administrative Support Clerk
Clarksville-Montgomery County
Regional Planning Commission
[329 Main Street](#)
[Clarksville, TN 37040](#)

931-645-7448
931-645-7481 (Fax)

Re: Old Methodist Church Building

message

Angela Latta <angela.latta@cityofclarksville.com>
To: Brent Clemmons <brent.clemmons@cityofclarksville.com>

Mon, Jul 22, 2019 at 8:31 AM

----- Forwarded message -----

From: **Laura Van Ness** <lsvanness@gmail.com>
Date: Sun, Jul 21, 2019 at 9:32 PM
Subject: Old Methodist Church Building
To: <rpc@cityofclarksville.com>
Cc: Carolyn Stier Ferrell <CarolynSFerrell@hotmail.com>

July 21, 2019

Regional Planning Commission
City of Clarksville, Tennessee

Dear Sirs:

I recently became aware of plans to demolish the old Methodist Church building.

This last May my mother and I visited Clarksville to see her former home on Madison Street; her grandfather's former office building (Franklin & 2nd Street, Byers Insurance, predecessor to Byers & Harvey); relatives in two cemeteries; Trinity Church (where I was baptized); and much more. Clarksville, its history and its people are precious.

I urge you to deny the application to demolish this building so that independent analysis can be conducted. This building is one of Clarksville's few pre-1850s buildings, it is on the National Register of Historic Places; and it has such history with Reverend Henry Beaumont (one of my direct ancestors) -- a historical, important, revered man in Clarksville, and indeed, in Tennessee's history. Clarksville's value of history is evidenced on the sign posted across the street from the building, which reads, "Clarksville's Main Street Historic District."

I live in Houston, Texas, which compared to Clarksville has little history. I do live in a building built in 1928 as an office building which is now condos in the middle of downtown. New is essential (I worked in economic development for 25 years: 11 years in the suburbs and 14 years in downtown). So is preserving important elements of the past.

Thank you for your consideration.

Sincerely,
Laura Van Ness

Laura Van Ness
914 Main Street, Suite 811
Houston, Texas 77002
Lsvanness@gmail.com
c/713-829-2631

--

Angela Latta
Administrative Support Clerk
Clarksville-Montgomery County
Regional Planning Commission
329 Main Street
Clarksville, TN 37040

931-645-7448
931-645-7481 (Fax)

Re: Old Methodist Church, 4th & Main

message

Angela Latta <angela.latta@cityofclarksville.com>
To: Brent Clemmons <brent.clemmons@cityofclarksville.com>

Mon, Jul 22, 2019 at 8:31 AM

----- Forwarded message -----

From: **'Brenda Denton' via GDL_web Planning Commission** <rpc@cityofclarksville.com>
Date: Sat, Jul 20, 2019 at 7:25 AM
Subject: Old Methodist Church, 4th & Main
To: rpc@cityofclarksville.com <rpc@cityofclarksville.com>

There is so much that has been removed from the history of Clarksville just to be replaced by crap I want to
case my voice as a land owner and a tax payer to keep the church and have it repurposed. you can come up
with something I am sure if you just tried.

Brenda Denton

--

Angela Latta
Administrative Support Clerk
Clarksville-Montgomery County
Regional Planning Commission
[329 Main Street](#)
[Clarksville, TN 37040](#)

931-645-7448
931-645-7481 (Fax)

**HISTORIC ZONING COMMISSION AND
COMMON DESIGN REVIEW BOARD
MEETING**

July 22, 2019

3:00 P.M.

329 MAIN STREET

MEMBERS PRESENT:

Gary Norris
Marc Harris
Gary Shephard
Sally Castleman
John Gannon
Dr. Amanda Walker
Bert Singletary
Wanda Smith
Gail Longton

REGIONAL PLANNING STAFF:

Brent Clemmons
Jeff Tyndall
Brad Parker
Ruth Russell
John Spainhoward
Kristin Costanzo
Madison Wilson (Intern)
Angela Latta

OTHERS:

Chris Williams (Codes)

Mr. Norris called the meeting to order at 3:00 p.m.

He stated that there was a quorum present. The first item on the agenda was approval of the minutes of the June 24, 2019 meeting. Mr. Gannon moved to recommend approval. The motion was seconded by Ms. Smith and carried unanimously.

Mr. Norris then asked the Common Design Review Board members, which included Gary Shephard, Carter Briggs, Marc Harris and Bert Singletary to go sit in the audience or explained that they were free to leave if they would like. He stated that they are not members of the Historic Zoning Board but they can ask questions or make comments but cannot be a part of the vote.

The next item on the agenda was HZ-3-2019, application of Robert E. White. Location of the property being the southwest corner of N. 4th and Main Street, further identified as map 066G, and parcel 012.00. He stated that it is also known as 334 Main Street.

The reason for the request in the applicant's words is to request approval for demolition due to unsafe and unstable structure. See two engineer reports.

Mr. Clemmons read the case and presented pictures.

Mr. Clemmons presented a picture from 1982, which was a picture presented to the National Register of Historic Places. He stated that this structure has a square shape plan with a full basement and a low gabled roof. He stated that in this picture it had a bracketed cornice which has been removed at some point within the last 10 years. He stated that the columns and the brick balustrade were added in the early 20th century. He stated that the windows flanking the entrance have large flat lintels, appear original and the central bay entry features a heavily ornamented architrave. He stated that the original roof structure is still exposed in the attic. He stated that there is a crack running along the rear of the building that will probably be discussed today. He stated that there are several cracks on the building.

He stated that this building was the Clarksville Methodist Church when it was constructed in 1831. He stated that it is in the Main Street Historic District and on the National Register of Historic Places (1982). He stated that it is one of the oldest brick buildings in Clarksville, and it is the oldest brick church in Clarksville. He stated this was used as a church until 1883, when it was converted to apartments and a boarding house. It was known as Cox's Boarding House and Dining Room. He stated that it was used as a hospital and horse stable by both Confederate and Union Forces during the Civil War.

Mr. Clemmons stated that Rev. Henry F. Beaumont was born in Halifax, Yorkshire, England in 1800. He was the Father of Methodism in Clarksville. He was the leading tobacconist in Clarksville, building the first stemmery at the corner of Crossland and Riverside. He was a very active member of the community. He was a president of the Board of Trustees of Clarksville Female Academy. He was a member of the Board of Trustees for the Male Academy. He was a president of the Clarksville Bible Association. He was an agent for the Nashville Insurance

Trust Company for 10 years, until he was elected president of the Clarksville Marine Insurance and Life Trust Company. He was a president of the Clarksville branch of Planters Bank and he continued in the tobacco business until the end of his life, which was December of 1864. He stated that all of this information was pulled from a May 21, 1887 article of the Clarksville Chronicle. He stated that 23 years after his death they did this article which spoke to what kind of man he was regarding faith, religion and community orientation. Mr. Clemmons stated that this is the last remaining building connected to Rev. Beaumont.

Mr. Clemmons presented an image he captured using Google street view. He stated that this picture was taken in June 2016, a little over 3 years ago. He stated that the crack in the rear of the building was visible at that time. He then presented a picture from June 2013 in which the crack was also visible. He stated that going all the way back to March 2008 the crack was visible. He stated that some of the deficiencies in the building have been there at least 11 years.

Mr. Clemmons read staff comments which stated that this building is a contributing building to the Main Street Historic District and preservation should be a priority.

Mr. Clemmons stated that the engineering reports are included in the packet.

Mr. Norris asked for a show of hands of those who wished to speak in favor of this project. He stated that there were a couple and asked for the first one to come forward and state their name for the record.

Mr. Bryce Powers, Providence Builders representing Mr. White, stated that Mr. White purchased this building in January 2018. He stated that Mr. White initially invested quite a bit of money to weathertight the building, installed a new roof, new HVAC and new water heater. He stated that Mr. White's initial intent was to continue the use for apartments as it had been for many years. Mr. Powers stated that Mr. White had reached out to his company to draw some plans for renovation of the structure to apartments and some reconfigurations of the inside. Mr. Powers stated that, as they continued their investigation, they became nervous with the movement of the building that they were seeing. He stated the horizontal movement between layers of brick was what made them most nervous. He stated that there was shearing on the brick walls. Mr. Powers stated that they did not feel comfortable with this renovation. He stated that Mr. White decided to install new windows at this point, in an effort to save the building and get it watertight. He stated that, through that process, even Mr. White's workers realized there was significant movement of the building.

Mr. Powers stated that none of us want to tear down old buildings. He stated that we value those and he was born and raised here and values old buildings. He stated that unfortunately there are times when that point gets passed. He stated that probably the time to save this building would have been 20-30 years ago. He stated that there is just very little stability from the first floor down. He stated that Mr. Crow will speak to that as he did an engineering analysis

and Mr. White also had his insurance company send out an engineer as well. He stated that there was no collaboration between the engineers on these two independent reports. He stated that he would allow Mr. Crow to get into the specifics of his report. He stated that, again, speaking for Mr. White, he did not buy this building with the desire to tear it down. He stated that he bought the building with the desire to rehab it and have a little bit higher rent apartments than what was there before. He stated that he was available to answer any questions.

Mr. Gannon asked approximately how much money was invested in the renovations. Mr. Powers stated that he would have to defer that to Mr. White. Ms. Smith asked how much it would cost to demolish the building. Mr. Powers stated that it would be tricky and he had not actually priced a demolition yet but he estimated that it would be in excess of \$50,000 to \$60,000.

Mr. Crow came forward and stated that he was available to answer any questions. Mr. Norris asked Mr. Crow how he reached his conclusion. Mr. Crow stated that the building is old and is one of the early buildings in the town. He stated that the brick was probably made locally using sand from the river with lime for mortar. He stated that this building does not have stud walls and it is not tied together with framing except through the center of the building where there is a center support. He stated that there are wood floor joists but the perimeter, which is the real concern, is just brick. He stated that what he has seen is that these buildings normally start out 3 or 4 bricks thick at the ground. He stated that as they build it, every five courses, they put brick perpendicular to tie it through the face of the brick. He stated that these bricks are holding the whole structure up. He stated that the brick has to be stabilized with some lateral support. He stated that, when they design these buildings, they put pockets in the bricks and put floor joists into the pockets. He stated that these go over to the center wood support. He stated that the weight of that joist on the brick helps hold it in place. He stated that this prevents the walls from pushing in because they are pushing against the floor joist. He stated that the walls can pull out but they put star washers on the outside with threaded rods to hold the walls with an inward force. He stated that on the fourth street side you can see where the star washers are pulling through the brick. He stated that, on the west side, the wall is also bulging out between the star washers. Mr. Crow stated that when that brick finally collapses, it is all coming down. Mr. Crow stated that it has moved since he started looking at it a year or so ago.

Mr. Crow stated that there was a window in the basement with a wood frame and glass panes and the stress from all of the weight caused that window to blow out recently. He stated that he does not know of a good way to replace the brick. He stated that if you try to take a brick out from the bottom to repair it, you have all that weight above you that is resting on it. He stated that there is a crack that was shown on the back wall and there is one on the opposite side where the whole back wall has moved slightly. He stated that this building did survive the tornado and there was not a lot of damage right at this building. He stated that storm may have caused some of this to start. He stated that he does not know of a good way to reinforce it now. He stated that you might be able to build a shell out of structural steel and tie the walls to it. He stated that his recommendation to Mr. White was that it should be demolished. He stated that

he loves old buildings but as an engineer he has to look at life safety. He stated that he thinks life safety has to be considered.

Mr. Gannon asked Mr. Crow if his report was written on June 20, 2017. Mr. Crow stated that was correct. Mr. Gannon stated that Mr. White did not purchase the property until January of 2018. Mr. Gannon asked why this report was done before the purchase. Mr. Crow stated that Mr. White asked him to look at it and he thinks his intentions were to renovate if he could. Mr. Gannon asked Mr. Crow if this was done in preparation for Mr. White's January purchase. Mr. Crow stated that he assumed that was the case.

Mr. Norris asked Mr. White to come forward and state his name for the record. Mr. Gannon asked Mr. White how much he put into the renovations. Mr. White stated that it was a little over \$55,000 not counting the labor of his workers. He stated that he was going to try to put the windows in to keep the homeless people out, while they decided what to do with the building. He stated that when they started taking the windows out one window blew out all the way across Fourth Street. He stated that, after this, he got Mike Baker to look at it and he recommended dismantling. He stated that all of the bricks that they saved on Second Street went to Louisville to restore buildings there. He stated that would be their intent here also. He stated that they would also allow historical people the opportunity to collect items that they would like to have such as the front door and the mantles.

Ms. Smith asked if the Historic Committee had been given an opportunity to go in and look at the building. Mr. White stated that Brent Clemmons and Jeff Tyndall had gone inside. He stated that they had taken one other lady in and part of the wall started falling out so they have not let anyone else go in. Mr. Smith asked if it was a hazard to go in and Mr. White stated that he believed it was. Ms. Smith asked if the Historic Committee was willing to help him renovate it with any funds. He stated that he did not believe there were enough funds to renovate it and that he had not been offered any assistance.

Ms. Castleman asked if there was an estimate of what it would cost to build a substructure or stabilize it. Mr. White stated that the building will not withstand that. He stated that the bricks are turning into sand and falling apart. She asked if Codes have taken any measures if the building is a safety issue. Mr. White stated that Mike Baker was going to condemn the building but that he has since retired from Building and Codes.

Dr. Walker stated to Mr. White that Mr. Crow stated that he did his report in preparation of you buying this building. She asked if this was correct. Mr. White stated that it was. Dr. Walker stated that it seems there are a lot of problems with this building and there is a high suggestion that it probably should just be torn down, according to Mr. Crow's assessment. Dr. Walker asked why would you buy a property knowing that you probably are not going to be able to do what you want to do with it. Mr. White stated that at that time to him it was a challenge. He stated that he had spoken with President White at Austin Peay and they are shorthanded on dorms and that he works well with them and this was a good location.

Mr. Norris asked if anyone was here from the EFI Company. No one was present.

Mr. Clemmons stated that, he should have mentioned, at the end of your packets there is a letter from the Madison Street United Methodist Church in opposition of the demolition. He stated that there are six emails, two of which are from direct descendants of Reverend Beaumont, in opposition.

Mr. Norris asked, by a show of hands, how many people would like to speak against this demolition. Seven people raised their hands. Mr. Norris stated that he was going to let them all speak but asked that they please try not to be redundant. He asked if they had a leader to allow the leader to come up first. He stated that he would like to keep speakers at three minutes.

Ms. Brenda Harper stated that she is interested in this project because she has seen entirely too many of our historic buildings lost. She stated that the effect of the tornado was devastating. She stated that since then, we still have seen so many buildings go down and she thinks that in hindsight maybe this could have been avoided. She stated that may be the case with this one. She stated that they recognize that it may be too far gone to be saved. She stated that her position is that this is, at best, a premature judgment to do that today. She stated that, unless and until we get an independent evaluation by someone who is specifically qualified to assess historic buildings and has the expertise to tell us specifically what would be necessary to make it stable and to restore it, this application should not be approved.

Ms. Harper stated that she has seen similar conditions in other buildings that have been salvaged, buildings that may have a portion of a wall already collapsed and yet they have been stabilized, restored and put to good use that benefits the community. She stated that she would urge them to deny this petition or delay it until we can have an independent assessment. She stated that the historical significance of this building has been established and it would be a very valuable building for us to lose.

Mr. Norris asked if the Historical Society here in Clarksville have any funds available to restore buildings. Ms. Harper stated unfortunately they do not. She stated that they are responsible for the historic L&N Train Station and unfortunately that is the bulk of their revenue. Mr. Norris asked about grants. Ms. Harper stated that they have not looked into grants but that they would certainly be willing to. She stated that they are very interested in supporting a community project for preservation. She stated that they wish they had the resources for that and that they hope to move that direction in the future.

Mr. Norris asked if there is anyone with the Historical Society that actually goes by and inspects buildings periodically to see if they are deteriorating. Ms. Harper stated that they do not have any sort of professional expertise resources dedicated to that. She stated that they are in the process of developing a comprehensive survey of the historic buildings in our community

throughout the entire County. She stated that they are asking their membership to be vigilant and be aware of these buildings and, in an unofficial way, monitor their condition.

Ms. Carolyn Ferrell, Historical Society, stated that she too had some letters from direct descendants of the Reverend Beaumont family and they are appalled that there was even a suggestion to take this building down due to the history. She stated that she was a little concerned and a little confused because she was here on the decision making day on the Hodgson Building and they were told by an engineer that the bricks would crumble and so forth and yet, in watching the demolition of the building, these bricks were being taken and thrown to the ground and stacked up. She stated that now we know that they are being sold because they are useable. She stated that she questions now what the condition of the bricks are on this building. She stated that when we lost our courthouse, we had the engineers come in and look at it. She stated that she asked an engineer then, could this building be saved. She stated that the engineer stated that any building can be saved if the public wants it enough. She stated that we need to take a stance and do something proactive.

Mr. Howard Winn, retired professor from Austin Peay's History Department and a former chairman of this committee for four years, stated that they were told that the bricks from the Hodgson Building would fall apart if you touched them. He stated that we now know that is not the case. He stated that there is something called adaptive reuse that the Historical Committee for Preservation has all kinds of programs to help people do that. He stated that we need to do more as a community and he would like to see the procedures redone. He stated that the facts that bricks have been on a building for 140 years says something pretty good about them. He stated that he would like to see a regular process put into place where we do not have any surprises.

Mr. Phillip Kimmerly stated that he was here to comment on saving the building. He stated that they are currently writing their 200 anniversary history of the First Presbyterian Church up the street. He stated that there is some evidence that, that building served as a place for their governing board to meet during the time their building was under construction. He stated that upon reviewing all of the evidence it is his understanding that you, as a board, do not require a developer to present plans as to what he or she is going to be doing with that property when it is demolished, before issuing a demolition permit. He stated that in the case of a building that has historic significance like this one, he would urge the Board to require a full plan be brought forward and approved by the Board before they allow that demolition to take place. He stated that when you investigate the companies that have been involved with Mr. White, there is obviously an effort to demolish from the beginning, the buildings next to it, and gain control as much as possible the property along that street for redevelopment. He stated that he would also urge them to have an independent assessment. He stated that he knows Mr. Crow and is not questioning his integrity but he does think that the owner comes in with a particular bias and he thinks we need a totally neutral assessment. He stated that the Presbyterian Church has a connection and the Methodist Church has an extensive connection.

Ms. Gratia Strother, Conference Archivist for the Tennessee Conference of the United Methodist Church, stated that she has a vested interest in the building as part of the Methodist history. She stated that it saddens her that the Methodist Church does not still own the building and has not maintained it all of these years. She stated that this was the first Methodist structure built here in brick in Clarksville. She stated that there was a Methodist structure that was a log structure prior to that which was a meeting house. She stated that between the meeting house and this structure being built they actually held meetings in what was the courthouse at the time. She stated that the founders of this community are the same people who built this building. She stated that the man who opened this building with the first dedication sermon was John B. McFerran. She stated that in 1833 he preached a sermon on the corner of Fourth and Main to dedicate this building and he was ultimately the founder of what became the United Methodist Publishing House. She stated that back then it was called the Methodist Episcopal Church South Publishing House. She stated that he was the publisher for many years of the Nashville Christian Advocate which was a weekly newspaper. She stated this was not just received by Methodists but by all denominations and even people who were not affiliated with a denomination. She stated that the first two religious organizations in this part of Middle Tennessee were Methodist and Cumberland Presbyterian. She stated that this building was a significant statement of community. She stated that she spent 30 years designing buildings as an architect and she has a lot of experience with buildings and architecture. She stated that she is not a structural engineer but has seen buildings in much worse shape that have been restored. She stated that it is important to preserve the historic fabric of the community which is what makes it feel like home.

Mr. Jim Long, Montgomery County Historical Society President, stated that at the Historical Society Meeting last Monday they did discuss this issue. He stated that they had approximately 100 people in attendance, maybe 75 to 80 members. He stated that the Society had a unanimous consent that this decision, should at best, be delayed to be evaluated more closely.

Ms. Mellissa Miller, curator of collections at the Customs House Museum and Cultural Center, stated that she is charged with the preservation of artifacts that are generously donated by members of the community. She stated that part of that responsibility is deciding what is accepted into the collection and what is not. She stated that she would like to recommend that further considerations be made for preserving this structure. She stated that she is particularly interested to see how much it would cost to preserve this structure and at least allow them time to make arrangements or attempt to raise funds that might be able to save the building.

Mr. James Mann stated that he was in Louisville last week and right across the street from the hotel he stayed in were the remnants of a multistory warehouse on Main Street which there had been a fire in and there was a steel frame supporting the remaining walls. He stated that he is concerned with this whole process because he believes that things of historic nature are valuable to our community. He stated that he is concerned with the quickness of decisions that have been made, not only this time, but in times past. He stated that he is concerned about the message that we are sending. He asked which process we are going to use to determine which

pieces of property are worth saving. He stated that he hoped the Board would make the first step in allowing the community some more time in order to get a truly independent evaluation of the property with estimates of what it would cost to restore the property.

Mr. Norris stated that a rebuttal was allowed. No one wished to rebut.

Mr. Gannon asked Mr. Clemmons if he has a third party, independent, person that looks at historical types of buildings and could come and give us an unbiased opinion.

Ms. Castleman asked if we do the independent study would they be able to provide cost for stabilization. Mr. Clemmons stated that, in their words, their process is to inspect existing structure, determine the extent of deterioration, determine a means to correct problems, if correctable, estimate anticipated cost for making those repairs and prepare a report and present it to the committee or commission. He stated that the EFI Global report is in your packet but those folks were not here to speak.

Mr. Gannon asked how long do they need for this study. Mr. Clemmons stated that he said he could get it done within 30 days. He stated that if we did not have it in hand we could always defer another 30.

Ms. Castleman asked if someone were to look into grants or additional funding that may be available would that be able to be completed within 30 days or would it take additional time. Mr. Norris stated that grants take a long time. He stated that they might could start the process to see if any are available to be applied for. Mr. Clemmons stated that we applied for the grant early this year, found out we were accepted in the last month or so and still have not heard back on the last step. Mr. Norris asked if the Planning Commission is willing to pay for a report. Mr. Clemmons stated that they are.

Mr. Gannon asked the date of the August meeting. Mr. Clemmons stated that it is August 26, 2019.

There being no more discussion Mr. Gannon moved to recommend deferral until August 26, 2019 in order to get a third party independent study done. The motion was seconded by Ms. Castleman and carried unanimously.

The meeting was adjourned at 3:52 p.m.

**HISTORIC ZONING COMMISSION AND
COMMON DESIGN REVIEW BOARD
MEETING**

August 26, 2019

3:00 P.M.

329 MAIN STREET

MEMBERS PRESENT:

Gary Norris
Gary Shephard
John Gannon
Dr. Amanda Walker
Bert Singletary
Wanda Smith
Carter Briggs
Gail Longton
Marcia Williams

REGIONAL PLANNING STAFF:

Brent Clemmons
Jeff Tyndall
Angela Latta
Kristin Costanzo

OTHERS:

Chris Williams (Codes)

Mr. Norris called the meeting to order at 3:00 p.m.

He stated that there was a quorum present. The first item on the agenda was approval of the minutes of the July 22, 2019 meeting. Ms. Gail Longton noted that she was left off of the list of attending for the July 22 meeting. Dr. Walker stated that there were a couple of corrections that needed to be made on page five of the minutes. She provided those corrections which were to

needed to be made on page five of the minutes. She provided those corrections which were to change Ms. White to President White and to change Dr. White to Dr. Walker. Mr. Gannon moved to recommend approval with the corrections. The motion was seconded by Dr. Walker and carried unanimously.

The next item on the agenda was HZ-3-2019, application of Robert E. White. Location of the property being the southwest corner of N. 4th and Main Street, further identified as map 066G, and parcel 012.00. He stated that it is also known as 334 Main Street.

The reason for the request in the applicant's words is to request approval for demolition due to unsafe and unstable structure. See two engineer reports.

Mr. Clemmons read the case and presented pictures. He stated that the Historic Zoning Commission deferred this case last month to allow for an independent engineering assessment of the structure. He stated that Mr. Roger Matchett, Matchett and Associates Architects, is here. He stated that his structural engineer Tony Locke also helped perform the assessment. He stated that the report was sent out to the Board last Wednesday. He stated that Mr. Matchett is here to present his findings.

Mr. Roger Matchett, of Matchett and Associates Architects, stated that Tony Locke worked in concert with him as the structural engineer. He stated that since 1991 he has been on Gallatin's Historic Commission. He stated that on July 31 they did their inspection. He stated that it was to evaluate if the building was stable enough to be repaired and if so what it would cost to get it to that point. He stated that the building was poor as far as condition currently. He stated that primarily the back two corners were the biggest concern. He stated that if you are facing the building, the back right hand side is the worst. He stated that if someone were to repair it, almost 22 feet from the foundation which is basically from the basement level to the roofline would need to be relaid. He stated that in doing so there would have to be a lot of shoring up, particularly of the back wall. He stated that basically you are having to support the roof system. He stated that we would really have to stabilize the structure before taking anything apart. He stated that there are other areas with fairly substantial deterioration but it is just basically rebuilding those pocket areas.

Mr. Matchett stated that the bottom line is that the building was neglected somewhere in its history. He stated that it looks as though there were no gutters or downspouts on the back end. He stated that you lose your masonry and mortar and it starts deteriorating on the inside and you do not realize it until you have a major problem. He stated that this is basically the definition of demolition by neglect. He stated that they got with some masonry reconstruction people, this is not a bid, but based on expertise what would it take man hour wise and building material wise and labor wise, and also insurance wise to take care of any problems. He stated that he may have taken the estimate a little further than we had to when he got into paint removal and tuck pointing. He stated that paint removal had more to do with trying to do decent tuck pointing on the building. He stated that tuck pointing is where we remove the bad mortar and put back good

mortar that is the right composition to not damage the brick that is there. He stated that they do not do paint removal with sandblasting and they do not use harsh chemicals. He stated that we did not get into replacing windows, doors or anything on the interior but just basically to get to the point where it is a stable box.

Ms. Wanda Smith asked what was the estimate for this. It was stated that it is included in the report but Ms. Smith stated that she wanted the people to hear it as well. Mr. Matchett stated that their estimate including contingencies and everything they could come up with, that needed to be included, was \$255,410. Mr. Norris asked if that included tuck pointing all of the brick. Mr. Matchett stated that it did. Mr. Norris asked if this included sealing the brick after and Mr. Matchett stated that it did not. Mr. Norris asked would you consider the building dangerous. Mr. Matchett stated that in the condition it is in he would not recommend that anyone occupy it. He stated that it is in a state where it needs significant repair before interior renovations go on.

Mr. Norris asked if Mr. Matchett had a ballpark estimate about how long the building would stand as is. Mr. Matchett stated that he did not. Ms. Smith asked would it be cheaper to renovate or demolish the building. Mr. Matchett stated that it is much cheaper to demolish the building. He stated that he did not have a specific number as he has no expertise in demolition.

Mr. Clemmons stated that he believed in these cases that demolition would always be cheaper. He stated that there are many different formulas to determine this. He stated that it is ultimately what the Board decides and you cannot simply weigh it on what would be cheaper. Mr. Clemmons stated that we did not hire Mr. Matchett to advise the Board and asked that we just stick to questions about the report.

Mr. Clemmons stated that even after receiving the report from Mr. Matchett, the staff comments remained the same. The building is a contributing building to the Main Street Historic District. Preservation should be a priority.

Mr. Norris stated that we had a public hearing on this last month. He stated that he would allow another public hearing today, provided that new information is presented that was not heard last month. He stated that he would allow three people in opposition and three people in favor of the demolition. He stated that we will start with those in favor which would include Mr. White and asked if Mr. White would like to make any comments.

Mr. Ed White came forward and stated that it is a shame that we are in this position right now. He stated that since the last meeting he has been all over Town looking at many old buildings. He stated that we should not be at the point where the people behind him are pointing fingers and placing fault upon staff members here about the condition of this building. He stated that everyone in this room is at fault. He stated that if these buildings were identified thirty years ago they would not be in this condition now. He stated that he saw so many buildings that could be salvaged but there is no process to do it. He stated that demo cost on the Dabbs Building, because they did salvage 65% of the brick, cost \$28,000. He stated that those bricks were sold

and taken to Louisville to repair buildings there. He stated that someone has to get on board to start something and regulations need to be changed. He stated that this building has been an eyesore, it has been a whore house, a crack house, a meth house, a home for homeless people. He stated at that time no one cared about it all until he tried to demo it. He stated that he did not feel that they should have a reason to speak because it should have been saved 30 to 40 years ago.

Mr. Norris stated that he hopes this is a wakeup call to everyone in this room. Mr. White stated that it has to be.

Ms. Smith asked what was Mr. White's recommendation. He stated that he believes it needs to come down. Dr. Walker stated that he is going to state that because he is the owner. Ms. Smith stated that is okay, he has that right to his opinion.

Mr. Jeff Robinson stated that he is not necessarily in favor but definitely not against. He stated that he does not know Mr. White, other than the five minute conversation they just had, basically discussing the math of his situation. He stated this math was \$150,000 to buy it, \$250,000 to get a box he could work with and then whatever cost goes on inside of that to bring it up to use. He stated that the reality is that, in Downtown Clarksville today, there is not an economic use that justifies that expense. He stated that he sees what his plight is, which is that he is trapped in a building that most do not want torn down. He stated that it cannot be on him to economically bear this burden from this point forward.

Mr. Wally Crow stated that he was the one who wrote the original report on the building. He stated that he kind of equates this to having a beer can at the bottom and stacking playing cards on it. He stated that the bottom is rolling some. He stated that he agrees with what the architect has said in that you would need to take some of the walls down and completely rebuild them. He stated that he believes that as unsound as the structure is, his biggest concern is that when you start taking it down, it may collapse which could damage personal property of other people. He stated that he believes trying to do something to it would be very difficult and could exceed the estimated cost.

Mr. Norris asked was there anyone here to speak in opposition.

Mr. Phillip Kemmerly stated that he sent a copy to Mr. Clemmons of the post tornado consultant report on how to deal with Downtown and its history. He stated that he would urge the Board to take a look at this. He stated that he would also urge them to consider rehabbing even though it is not our fault if he makes a bad investment. He stated that he would recommend that in order to encourage redevelopment that we do what other cities have done. He stated that is to waive City and County property tax for up to three years. He stated that he was involved in the Mayor's Committee post the 1999 tornado. He stated that he was the River District Chair. He stated that one of the points of that study was that the Downtown encourage restoration and maintenance of buildings contributing to Downtown's historic character. He stated that he had

some involvement with Fort Defiance Center and according to the State's numbers Fort Defiance Center brings in by itself \$1,623,500 of direct total revenue. He stated that this is based on figures of 18,000 per year coming to Fort Defiance. He stated that half of those are documented as being out of town people who are spending money in our City. He stated that historic preservation is a win, win for the City and for the history supporters. He stated that one way to do that is to get a contract with Mr. White stating that he will restore and for that he will gain at least three years of no taxes and when that building is reassessed it will be valued at much more than what it is now. He stated that he would like to see the Historic Zoning Commission pass a resolution to send to the City and County recommending that we follow the study that the City and County agreed upon in 1999.

Mr. Tyndall stated that the Industrial Development Board handles the pilot programs or the fee in lieu programs for industrial or residential tax credits. He stated that he believes this is more of a tax abatement program. He stated that he really does not know the details of it but would have to work with the Trustee and Assessor. He stated that the County would have to be on board because the County is the majority of the tax rate there. He stated that three years may sound like too short of a time period to recoup some of the value in rehabbing some of these structures. Mr. Norris stated that this would be a long process.

Mr. Don Sharpe, 607 N Second Street, in the Emerald Hill District stated that he has lived in his home for thirty years that is now 160 years old. He stated that for forty-two years he worked on people's homes and many historic homes. He stated that he has been a longtime member of the Historical Society and an advocate for preservation. He stated that he has never repaired a bow in a wall as significant as this building has but the Mansard House had a similar bow and it was repaired. He stated that all of these things are repairable. He stated that when you see one individual buy a property and then if the same person buys a second one and the same thing happens to the second one, you know the intent was never really good. He stated that he would not be in favor of demolishing this property. He stated that it is more market feasible to rehab.

Mr. James Mann stated that he was the chair of the subcommittee that addressed the historic nature of Clarksville with the study done by an outside consultant after the tornado. He stated that there were important parts of that study that have been addressed. He stated that he hopes the City and County Mayors will get together and that we could reactivate and look at parts of that study and do something that preserves the historic nature of this community. He stated that through benign neglect we are allowing our historic buildings to fall apart.

Mr. Norris stated that we are going to have to come up with a motion and asked Mr. Tyndall for some guidance in this respect.

Ms. Marcia Williams stated that she was not at the last meeting, but in reviewing the minutes sees that there was some discussion on grants. She asks if anyone with the historical section looked into any grants.

Mr. Norris stated that there are grants available but this is a long drawn out process. He stated that he was sure the Historical Society was going to look into that.

Ms. Wanda Smith stated that the Historical Board or Committee, who is against demolition, may want to provide Mr. White some money to help him keep the building. She stated that they also may want to come up with a way to help those who cannot afford to keep buildings up to par.

Mr. Tyndall stated that we have several options today. He stated that he believes the Historic Board and the Common Design Review Board have the unfortunate and very hard task of actually taking financial or physical hardship into account. He stated that he feels that the report that the Planning Commission supplied through the architect and engineer hopefully help shed a little more light on that. He stated that the Board could defer this case but he would caution them to do that only if there is additional information that they do not have at this time. He stated that the Board could approve the demolition and he would recommend that they give the applicant a thirty or sixty day window to bring in a building to replace it with a certificate of appropriateness. He stated that the last option is that the Board could deny the application which does not mean that he could not apply again at some point. He encouraged the Board to ask all of the questions that need to be asked.

Mr. Briggs asked who was allowed to vote on this case. Mr. Norris stated that Mr. Shephard, Mr. Briggs and Mr. Singletary will not be able to vote.

Mr. Gannon moved to deny the request for demolition at this time. The motion was seconded by Ms. Longton. Ms. Wanda Smith stated that she did not understand what the motion was to deny. Mr. Norris stated this was to deny the demolition.

Mr. Tyndall asked that Mr. Gannon expound on the denial and to add a reason for that to the record.

Mr. Gannon believes that we should keep our historical buildings intact. He stated that if they have been neglected that needs to shed some light on that part as well. He stated that it is our priority to keep the historical buildings in this town and that is what this Commission is charged with. He stated that since it has already been shown in the architect's report that it can be fixed.

The motion was carried 4-1 with Ms. Williams opposing.

The next item on the agenda was HZ-4-2019, application of Jeff Robinson. Location of the property being 135 Bogard Lane, further identified as map 066B, and parcel 027.00.

The reason for the request is to build a carriage house style unit.

Mr. Clemmons read the case and presented pictures. He stated that there is currently a triplex on the parcel now. He stated that a carriage house will go right in the rear and have access to

Bogard Lane. He stated that the materials will be the same as the triplex which include concrete, hardy board, asphalt shingle roof. He read the staff comments which he stated come directly from the Emerald Hill Guidelines. These comments include that large paved areas for parking should not be placed in the front yard, or any highly visible side yards for any properties. Front elevations oriented to side streets or to the interior of lots is not appropriate. Design any new garages or outbuildings to be compatible with the style of the major buildings on the site, especially in the materials and roof slope. The Historic Zoning Commission does not review color, but can give advice to property owners in that regard.

Dr. Walker asked if there are any other houses in that area with garages attached. Mr. Clemmons stated that he did not know if there were any that actually had attached garages but there were none that actually front on the street. Mr. Robinson stated that he is doing a detached garage. He stated that it is a separate building.

Mr. Robinson stated that he was available to answer any questions.

Mr. Tyndall asked if this is one or two units. Mr. Robinson stated that it is one. He stated that it would be a rental unit. Mr. Tyndall asked about access to the apartment from the first floor. Mr. Robinson stated that there is an interior stairwell.

Ms. Wanda Smith asked how many bedrooms and baths. Mr. Robinson stated that there are two.

Mr. Gannon asked if there was going to be a large paved area or just the carriage house. Mr. Robinson stated that there was just a two car driveway.

Mr. Don Sharp stated that he is not against this but has a couple of questions. He stated that he thought it was a part of the process, if a case was coming up in an area that you live in, you were to be informed. Mr. Clemmons stated that we notify only properties that adjoin and also now have a 100 foot buffer. He stated this expands the notification area. Mr. Don Sharp stated that he is concerned about traffic. He stated that on a lot on Marion Street that had one house there are now two. He stated that he does not know how the zoning is working in this cluster housing. He stated that, as someone who has lived there a long time, he is concerned about this clustering and traffic. Mr. Clemmons stated that CBD zoning allows for multifamily. He stated that the two historic houses next door are zoned R-4.

There being no more discussion, Ms. Williams moved to recommend approval. The motion was seconded by Ms. Smith and carried unanimously.

The next item on the agenda was DDR-24-2019, application of George Terrell, agent Todd Beck. Location of the property being 634 Madison Street, further identified as map 066K, and parcel 008.01.

The reason for the request is to request demolition of structure on property.

Mr. Clemmons read the case and presented pictures. Mr. Clemmons stated that this building was built by N.V. Gerhart who was a prominent business owner in Clarksville at the time, N.V. Gearhart and Sons Emporium. He presented a photo from 1912 and stated that the girl in the photo is Laura Conrad Byers who was the daughter of Lawrence Newton Byers. He stated that this is the same Byers of Byers and Harvey. He stated that she was also the daughter of Mary Beaumont West who is a descendant of Reverend Henry Beaumont that we learned about with the old Methodist Church. He stated that since this picture, there have been some changes mainly in the roof line. He stated that this has gone through two and possibly three additions.

Mr. Clemmons read the staff comments which state that the staff believes this building is a contributing building and adds to the character of the Historic Downtown. Preservation should be a priority.

Mr. Todd Beck stated that he and George Watson are contracting to buy the house. He stated that they own the building next door and feel that it is vital to own this, in order to complete what their mission is there. He stated that they wish to put a duplex on it and they need some additional parking to do both of those. He stated that Brent has some pictures that he had taken this morning. He stated that this has been let go for a very long time. He stated that there is not one person in this room who would buy that house and live in it. He presented some pictures showing that there were holes in the walls where you could see the daylight coming in. He stated that the foundation piers in the basement are sitting on dirt. He stated that there are leaks everywhere. He stated that the basement was full of water this morning. He stated that there is a termite infestation.

Mr. Beck stated that they have owned the house next door for 166 days and no one has asked a question about it. He stated that he spent two days with Ms. Hastings and that she has a great deal of passion for Clarksville and its structures and its history. He stated that he learned a lot from her. Mr. Briggs asked what they are doing to the house next door. Mr. Beck stated that they are repairing the brick and doing lots of repairs. He stated that it will be apartments with eight units and that they hope to have two in the location of the house.

Mr. Briggs asked if they were allowed to tear this building down were they going to build something comparable to the building at the left and will it be a brick structure. Mr. Beck stated that it will be a brick structure. Mr. Briggs asked if the new building will face Madison Street. Mr. Beck stated that it will and the lot is only 68 feet wide. Mr. Norris asked how long Mr. Terrell had owned the building. It was stated that he had owned it since August 2016. Mr. Norris asked how long it had been unoccupied. Mr. Beck stated that it has never been occupied for very long. He stated that the Byers family moved out in 1964 and it has not had consistent tenants. It was stated that it was a florist at one time but there has been no one occupying the building since that time. Mr. Beck stated that their goal is to provide affordable housing Downtown.

Ms. Wanda Smith asked how soon they plan to start the process. Mr. Beck stated that it is not a safe lot and that they need to do some work there. He stated that they plan to start work as soon as they are able and can afford to.

Dr. Walker asked Mr. Clemmons about the pictures he had presented and asked if he recalled seeing any holes in the vinyl siding. She stated that the pictures that Mr. Beck was presenting look much different. Mr. Clemmons stated that there may have been some areas upstairs where there was some rotting wood. He stated that nothing he saw was like any of the other buildings that we have seen. He stated that there was no bowing of the foundation and that everything outside of a few pieces of rotting wood seemed okay. Dr. Walker asked Mr. Beck if he knew how much that landowner had put into this house or what he had done in an attempt to rehabilitate this house. Mr. Beck stated that he did not know.

Ms. Williams stated that, if she understood correctly, Mr. Beck has not purchased it yet. Mr. Beck stated that it was under contract to buy it. Ms. Williams asked if the decision made here today would have any bearing on whether they would move forward on the property and if the Board does not do anything to allow Mr. Beck to get rid of this structure, George Terrell will remain in possession of it. Mr. Beck stated that their plan is to buy it. He stated that he has signed a contract so he is probably going to buy it. Mr. Beck stated that this building is doing nothing historically for Clarksville. He stated that from a financial standpoint it could create more tax revenue.

Mr. Tyndall stated that Mr. Beck had stated the reason as for a duplex and associated parking for this property and parking for the building next door. He stated that CBD does not require parking although it may make buildings more attractive to tenants. He asked why they were just looking at a duplex and not something greater. Mr. Beck stated that there is parking down the street which is dangerous. He stated that their plan is to put a retaining wall up and put four parking spaces which will service the back of their current building. He stated that he believes having parking is an advantage.

Mr. Howard Winn, retired history professor at APSU, stated that his mother and grandmother lived in this house. He stated that this is just another step like the Dabbs building and the Methodist Church. He stated that there should be laws in place to prevent people from buying homes and allowing them to deteriorate to tear them down. He stated that Madison Street is one of the primary entries into Clarksville and he wonders why we continue to demolish it. He stated that this building contributes to the Madison Street footprint.

Mr. Beck stated that he is not a part of that problem. He stated that he is trying to be part of that solution. Mr. Beck stated that it is not a smart move to keep the house on the lot.

Ms. Smith asked if this house is part of the Historic District. Mr. Beck stated that it is in the Central Business District. Mr. Clemmons stated that our Historic Core of Downtown Franklin and Strawberry Alley are not in the Historic District. Mr. Tyndall stated that unlike the previous

building up for demolition, The Methodist Church is in the Historic District and is also on the National Registry. He stated that this building is not in the Historic District and is not on the National Registry, it is just in the Downtown Overlay.

There being no more discussion, Ms. Williams moved to recommend approval. The motion was seconded by Ms. Smith and carried 5-3 with Dr. Walker, Ms. Longton, and Mr. Gannon opposing.

The next item on the agenda was MSCD-30-2019, application of RP Clarksville Commons LLC, agent RP Clarksville. Location of the property being 2298 Madison Street, further identified as map 081, and parcel 050.04.

The reason for the request is that we are looking to develop the previous Kmart Fuel Center parcel. We request review and approval of attached information to develop a new restaurant of 3,500 SF with associated building signage. A subdivision is being pursued to also develop a future second lot.

Mr. Clemmons read the case and presented pictures. He stated that a couple of months ago we had Panera Bread as an endcap and a multi-tenant building. He stated that now it is a stand alone Panera Bread and at a later date we will see restaurant A come in. He stated that all of the materials are the same with Quik brick along the bottom and an EIFS front and has some composite wood on the back to conceal the freezer. He stated that there was a lot of discussion on signage with this submittal. Mr. Clemmons stated that by ordinance on the north elevation they are allowed 54.33 square foot. He stated that they are showing 55.88. He stated that on the west elevation they are allowed 71.5 square feet and they are showing 59.88. He stated that the middle elevation which is the rear of the building or the east elevation by ordinance they are allowed zero square foot. He stated that they are showing 55.88. He stated that when this submittal came through several months ago, 71 square foot was approved by the Board but the building footprint was also larger. He stated that the south elevation, which faces the K-Mart redevelopment, by ordinance is allowed zero square feet and they are showing 55.88. He stated that previously they were allowed 30 square foot on that elevation.

Mr. Clemmons read the staff comments which include that the application appears to meet the intent of the Madison Street Guidelines as far as massing, materials and colors. Applicant is requesting 55.88 square feet of signage on the North elevation. By ordinance, they are allowed 54.33 square feet of signage. Applicant is requesting additional signage on the East elevation. Requesting 55.88 square feet of signage. (71 square feet was previously approved). Applicant is requesting additional signage on the South elevation. Requesting 22.55 square feet of signage. (30 square feet was previously approved)

Mr. Clemmons asked if there were any questions and he stated that Mr. Rice Williams is here. Mr. Briggs asked from the last time to now we have gone from Panera Bread with other buildings to just Panera Bread. Mr. Clemmons stated that was correct. Mr. Rice Williams,

Artech Design Group and agent for the applicant, stated that he was here to answer any questions and address the drive-thru signage and individual signage. He stated that he had talked to Panera Corporate and they had stated that it was an important part of their brand. He stated that he had advised them that they might be reducing the other square footage to keep those and they chose to. Mr. Briggs asked if they designed other Panera Breads and Mr. Williams stated that it is generally on a prototypical basis. Mr. Briggs asked if the multiple drive-thrus are normal in this type of situation. Mr. Williams stated that it is typical.

Mr. Norris asked if this building is smaller. Mr. Williams stated that this building is approximately one third the size of the previous building. Mr. Briggs asked if because this building sits the way that it does, the amount of signage being requested is normal for what would typically be on the front. Mr. Williams stated that the building is oriented obliquely to Madison Street and on the westbound approach looking around Wendy's and the frontage that they would have to pick as the Madison Street frontage, they would almost have to pick one or the other to be the Madison Street frontage.

Mr. Gannon left the meeting at 4:29 p.m.

There being no more discussion, Mr. Briggs moved to recommend approval. The motion was seconded by Ms. Longton and carried unanimously.

Mr. Tyndall stated that he would like to close with a couple of observations over the past couple of months. He stated that we did get approved for the Historic Survey Grant from the State. He stated that money has been awarded to us and he believes we are finishing paperwork so that we can go out to bid this winter and have that completed by spring of next year. He stated that will survey approximately 400 buildings in the Downtown area that are fifty years old or older. He stated that the last time this was done was in the 1970s. He stated that was the last time the Historic District was updated. He stated that our hope is to take that survey, depending on what it says, to modify the Districts to reflect what is on the ground. He stated that right now so of the Districts do not include half of the buildings. He stated that the hope would be to take an entire block and reshape those districts. He stated that we could see a reduction in the CBD in some areas where there is some question. He stated that we have our work cut out for us with City Council, with the City Codes Department about the direction going forward.

Mr. Briggs asked when a case is Historic would it be possible for it to be stated who is ineligible to vote. Mr. Clemmons stated that it would be.

The meeting was adjourned at 4:32 p.m.



**CLARKSVILLE-MONTGOMERY COUNTY
REGIONAL PLANNING COMMISSION**

329 MAIN STREET; CLARKSVILLE TN 37040
PHONE: 931-645-7448 FAX: 931-645-7481

**CERTIFIED COPY OF CERTIFICATE OF APPROPRIATENESS
-COMMON DESIGN OVERLAY BOARD-**

Case Number: HZ-3-2019

Applicant: ROBERT E. WHITE / /

Agent:

Location of the request: Southwest Corner of N. 4th St. and Main St.

Description: Request approval for demolition due to unsafe and unstable structure. See two engineer reports.

Recommendation:

- ☐ Application approved as submitted;
- ☒ Application deferred for 30 days, additional information to be submitted by the applicant; ^{RPC}
- ☐ Application approved with _____ opaque background and _____ letters on signage;
- ☐ Application approved with the following conditions:
- ☐ 1. _____
- ☐ 2. _____
- ☐ 3. _____
- ☐ Applicant needs to provide _____ prior to building permit;
- ☐ Application disapproved for the following reasons: _____.

Common Design Overlay Board Additional Comment(s): _____

Common Design Overlay Board Meeting Chair: Gary Moni

Design Review Coordinator: Bea Alls

Date: Monday, July 22, 2019



**CLARKSVILLE-MONTGOMERY COUNTY
REGIONAL PLANNING COMMISSION**

329 MAIN STREET; CLARKSVILLE TN 37040
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- ☐ Application approved as submitted;
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- ☐ Application approved with _____ opaque background and _____ letters on signage;
- ☐ Application approved with the following conditions:
 - ☐ 1. _____
 - ☐ 2. _____
 - ☐ 3. _____
- ☐ Applicant needs to provide _____ prior to building permit;
- ☒ Application disapproved for the following reasons: REPORTS SHOWED THE BUILDING CAN BE REPAIRED.

Common Design Overlay Board Additional Comment(s): _____

Common Design Overlay Board Meeting Chair: 

Design Review Coordinator: 

Date: Monday, August 26, 2019

1880 General George Patton Drive, Suite B-203
Franklin, Tennessee 37067
Tel: 615-778-0160

Structural Damage Assessment

EFI Global File No.: 94216-19536
February 22, 2019

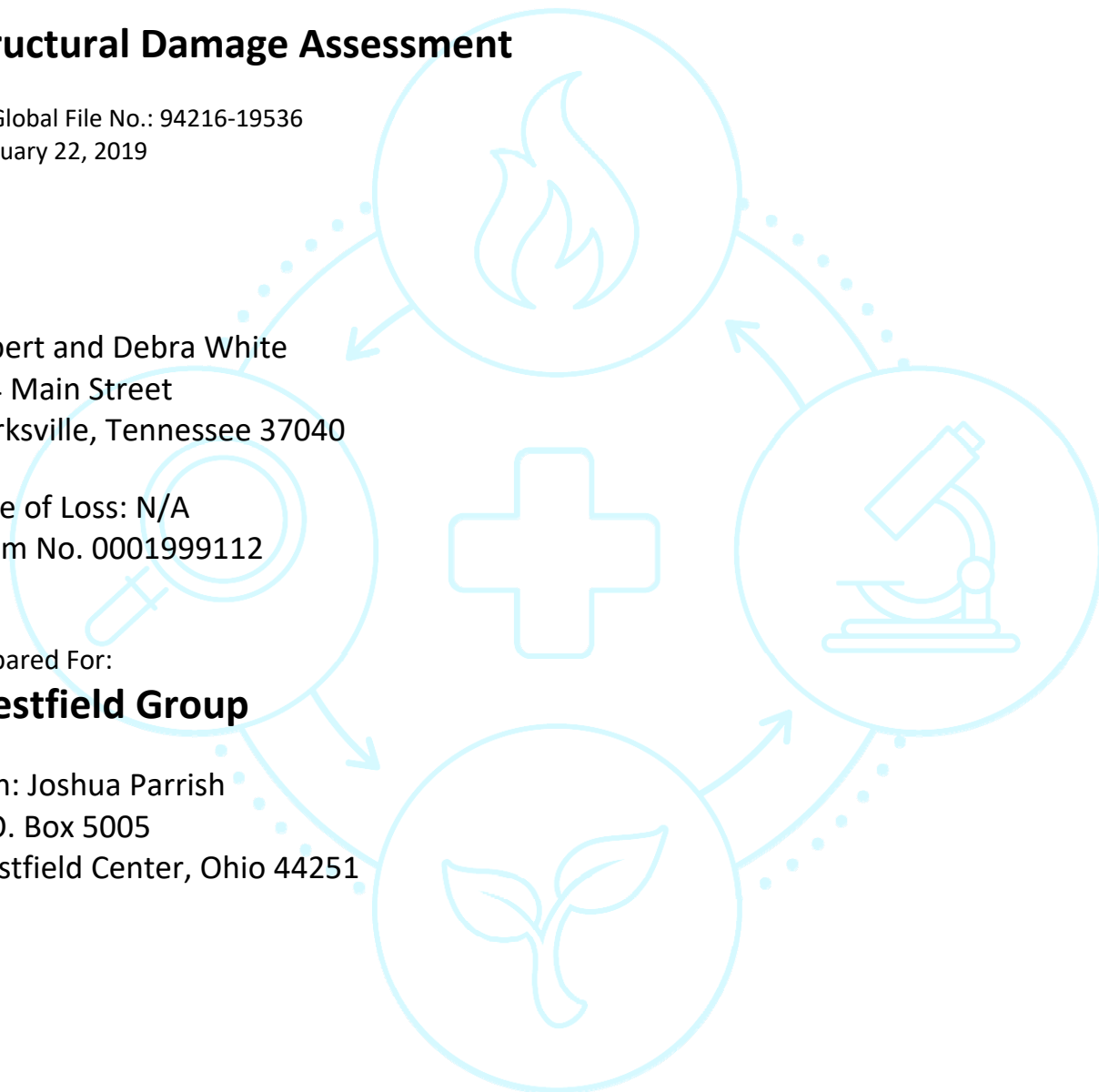
Robert and Debra White
334 Main Street
Clarksville, Tennessee 37040

Date of Loss: N/A
Claim No. 0001999112

Prepared For:

Westfield Group

Attn: Joshua Parrish
P. O. Box 5005
Westfield Center, Ohio 44251



ASSIGNMENT

EFI Global received an assignment from Mr. Joshua Parrish of Westfield Group on February 5, 2019 to assess the reported distresses at the subject property.

The scope of this assignment was to:

- Determine the structural integrity of the building and determine the cause of the damages.

In response to this request, Matthew Richardson, P.E. (EFI) visited the site on February 7, 2019. Mr. Robert White was present during the site visit.

This report contains a discussion of the information gathered during the assessment and an analysis and conclusions with respect to the condition of the subject site at the time of EFI's assessment. The conclusions contained herein are based on information available to date.

BACKGROUND

The following information was gathered during the site visit and through a conversation with the insured:

- According to Mr. White, the building was built in 1838.
- According to information obtained from The National Register of Historic Places on Wikipedia^{1,2}:
 - The building was originally the Clarksville Methodist Church that was built in 1831.
 - It was the first permanent church building in Clarksville and one of the city's first brick buildings.
 - In the 1880s, it ceased being used as a church and was converted into residential apartments.
 - It is the only church building in Clarksville that was built before 1850 and is still standing.
- Mr. White stated that they had a new roof covering installed, including the vinyl and trim at the eaves.
- During replacement of the windows, Mr. White became concerned about the integrity of the brick masonry.

BUILDING SYSTEM DESCRIPTION

The structure was noted to be a two story building generally facing north (Photographs 1 through 6) and was built over a basement. The exterior walls were of multi-wythe brick masonry construction, and the exterior was painted. The roof was a gable design covered with asphalt shingles.

OBSERVATIONS

Observations were photographed to document distress and relevant conditions at the subject property on the date of the site visit. Not all damage or distress that may be present was necessarily observed or photographed; however, the selected photographs provide an indication of their types, severity, and distribution. They may also document unusual or contributing conditions that may exist. Photographs taken to document our findings and observations are attached to this report. The following observations were noted during the claim examination:

¹ https://en.wikipedia.org/wiki/National_Register_of_Historic_Places_listings_in_Montgomery_County,_Tennessee

² https://en.wikipedia.org/wiki/Clarksville_Methodist_Church

Exterior Observations

- The north side of the building contained:
 - Missing mortar and mortar joint cracking (Photographs 7 through 10).
 - Tree growth between the front porch slab and the brick masonry (Photograph 11).
 - Expanding foam sealant in multiple cracks (Photograph 12).
- The east side of the building contained:
 - Missing mortar, mortar joint cracking, and displaced brick masonry near the southeast corner (Photographs 13 and 14).
 - Missing mortar and mortar joint cracking near the northeast corner (Photograph 15).
 - Displaced brick masonry and window sills and supplemental bracing throughout the east wall (Photographs 16 through 20).
- The south side of the building contained:
 - Missing mortar and mortar joint cracking (Photographs 21 through 23).
 - A single story addition that had asbestos siding (Photograph 24).
- The west side of the building contained:
 - Missing mortar, mortar joint cracking, and displaced brick masonry near the southwest corner (Photographs 25 through 27).
 - Missing mortar, mortar joint cracking, supplemental bracing, and bowed masonry throughout the west wall (Photographs 28 through 32).
 - Expanding foam sealant in multiple locations of missing mortar (Photograph 33).
 - A narrow walkway between the subject building and the neighboring building to the west (Photograph 34).

Interior Observations

- The main floor contained:
 - Outward bowing of the west wall near the prior location of the kitchen (Photograph 35).
 - Gaps between the floor covering and the interior masonry (Photographs 36 and 37).
 - Water staining on the ceiling near an exterior wall (Photograph 38).
 - Replacement window installation with newer and older lumber and cracking of the masonry beneath the window openings (Photographs 39 and 40).
 - A gap between the rear addition and the original structure (Photograph 41).
 - Stained roof structure members above the rear addition (Photograph 42).
- The upper floor contained:
 - Gaps between the floor covering and the interior masonry (Photographs 43 through 45).
 - Replacement window installation with cracking of the masonry beneath the window openings (Photographs 46 and 47).
 - Water staining on the ceiling near an exterior wall (Photograph 48).
- The basement contained:
 - Aged water staining to the main level floor structure in several locations (Photograph 49).
 - Water staining and efflorescence along the base of the perimeter foundation walls (Photographs 50 and 51).
 - Crumbling mortar and bricks in areas of long-term water intrusion (Photograph 52).

DISCUSSION AND ANALYSIS

The multi-wythe brick masonry structure was constructed with lime putty mortar. Over time, as water drains across the surface of the masonry, the lime putty mortar erodes. The erosion of the lime putty mortar diminished the structural integrity of the exterior walls, which resulted in the observed cracking and displacement. The supplemental bracing for the brick masonry are aged and were installed in an attempt to prevent bowing/displacement of the walls. In some cases, the bracing kept the masonry in place, but adjacent masonry bulged outward. The observed displacement/bowing of the walls in various locations was indicative of long-term mortar erosion from multiple wythes of the brick masonry.

The proper repair technique for the erosion of lime putty mortar calls for the missing mortar to be replaced with lime putty mortar in quantities small enough to promote proper curing of the mortar. Portland cement mortar should not be used in repairing lime-putty-mortar-containing structures. The extent of repairs needed at the subject property are such that the walls would have to be de-constructed to fully embed the bricks in mortar. Additionally, some of the bricks are crumbling and can't be reused. The extent of long-term damage to the masonry structure is such that repairing the masonry is not feasible or recommended. It is EFI's recommendation that the building be razed. Salvageable materials can be removed, but access should be limited to approved personnel due to the dangerous/unsafe condition of the building.

CONCLUSIONS AND RECOMMENDATIONS

The analysis of available evidence related to this project supports the following:

1. Due to the deteriorated condition of the brick masonry, it is EFI's recommendation that the building be razed.
2. The long-term erosion of the lime putty mortar has resulted in the current compromised condition of the exterior walls
3. The building is in an unsafe/dangerous condition, and access to the property should be limited.
4. Demolition efforts should be executed by a licensed and experienced contractor who is familiar with these types of repairs. Note that the means and methods of these efforts, and obtaining a building permit, are the responsibility of the chosen contractor.

APPENDICES

Representative photographs are included with this report. Additional photographs taken at the time of the inspection are available upon request.

- Appendix – Photographs

LIMITATIONS

The information presented in this report addressed the limited objectives related to the evaluation of the subject property. This report only describes the conditions present at the time of our evaluation and is based upon a visual and cursory observation of the subject property. Removal of finish materials, qualitative testing, excavation, or other work not specifically described herein was not conducted. This report is not intended to fully delineate or document every defect or deficiency throughout the subject property. If any additional information is encountered which relates to this evaluation, EFI reserves the right to alter the opinions contained in this report. In some cases, additional studies may be warranted to fully evaluate concerns noted.

The findings noted herein do not constitute a scope of work for repair or offer of repair. Detailed design documents should be prepared to accurately reflect the scope of any repair work and competitive bids be

Insured: Robert and Debra White
EFI Global File #: 94216-19536

obtained to determine actual repair costs. All means and methods of construction are the responsibility of others and not that of EFI. All existing portions of the building should be properly supported and stabilized during the repair process.

Our services have been performed using that degree of skill and care ordinarily exercised under similar conditions by reputable members of EFI's profession practicing in the same or similar locality at the time of performance. Any verbal statements made before, during, or after the course of the assessment were made as a courtesy only and are not considered a part of this report. This report is furnished as privileged and confidential to the addressee. Release to any other company, concern, or individual is solely the responsibility of the addressee.

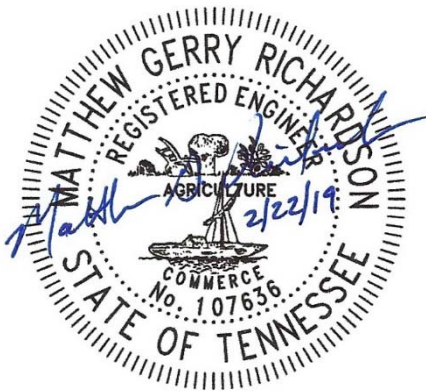
CLOSING

EFI appreciates this opportunity to provide consulting services to Westfield Group in this matter. Please contact us should any questions arise concerning this report, or if we may be of further assistance.

Respectfully submitted,



Matthew G. Richardson, P.E.
Forensic Engineer
TN P.E. # 107636



Technical Review By,



Anthony Firriolo
Principal Engineer

Insured: Robert and Debra White
EFI Global File #: 94216-19536

APPENDIX

PHOTOGRAPHS

Photographs

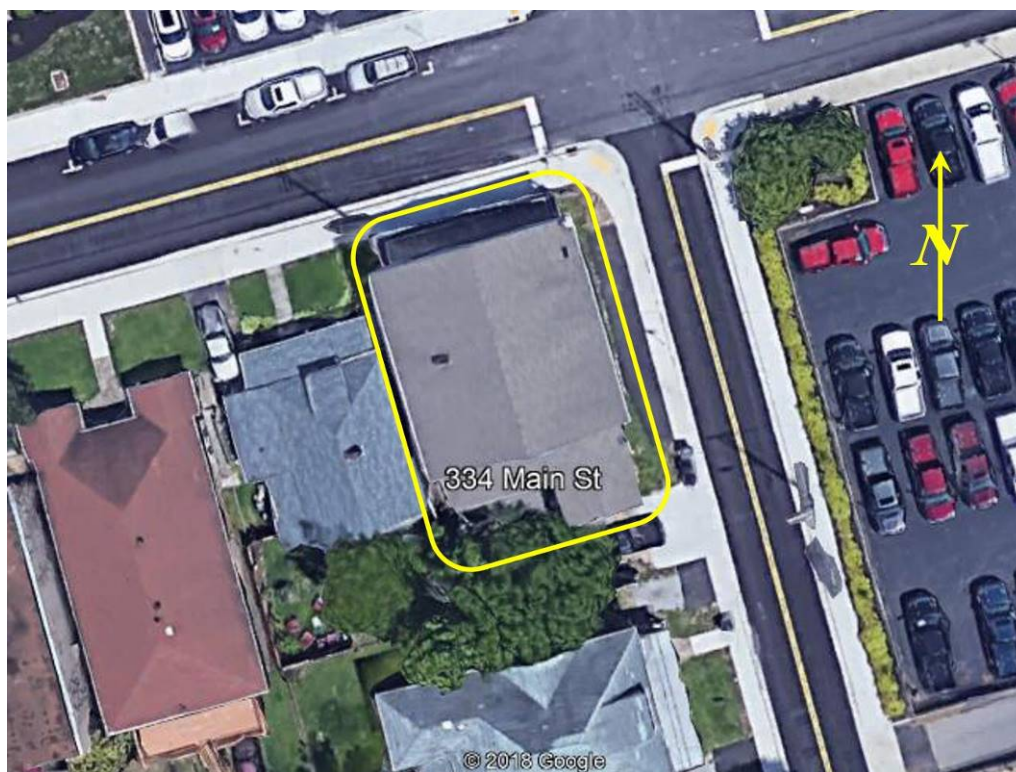


Photo No. 1: Google Earth image of the building located at 334 Main Street in Clarksville, Tennessee.



Photo No. 2: The north side of the building.

Photographs



Photo No. 3: The east side of the building.



Photo No. 4: The south side of the building.

Photographs



Photo No. 5: The west side of the building, looking southeastward.



Photo No. 6: The west side of the building, looking northward.

Photographs



Photo No. 7: Missing mortar and mortar joint cracking on the north side of the building.



Photo No. 8: Missing mortar and mortar joint cracking on the north side of the building.

Photographs



Photo No. 9: Missing mortar and mortar joint cracking on the north side of the building.



Photo No. 10: Missing mortar and mortar joint cracking on the north side of the building.

Photographs



Photo No. 11: Expanding foam sealant and tree growth on the north side of the building.



Photo No. 12: Expanding foam sealant along the window trim on the north side of the building.

Photographs



Photo No. 13: Missing mortar and mortar joint cracking on the east side of the building.



Photo No. 14: Displaced brick masonry on the east side of the building.

Photographs



Photo No. 15: Missing mortar and mortar joint cracking on the east side of the building.



Photo No. 16: Displaced brick masonry on the east side of the building.

Photographs



Photo No. 17: Displaced window sill on the east side of the building.



Photo No. 18: Displaced brick masonry on the east side of the building.

Photographs



Photo No. 19: Supplemental bracing for displaced brick masonry on the east side of the building.

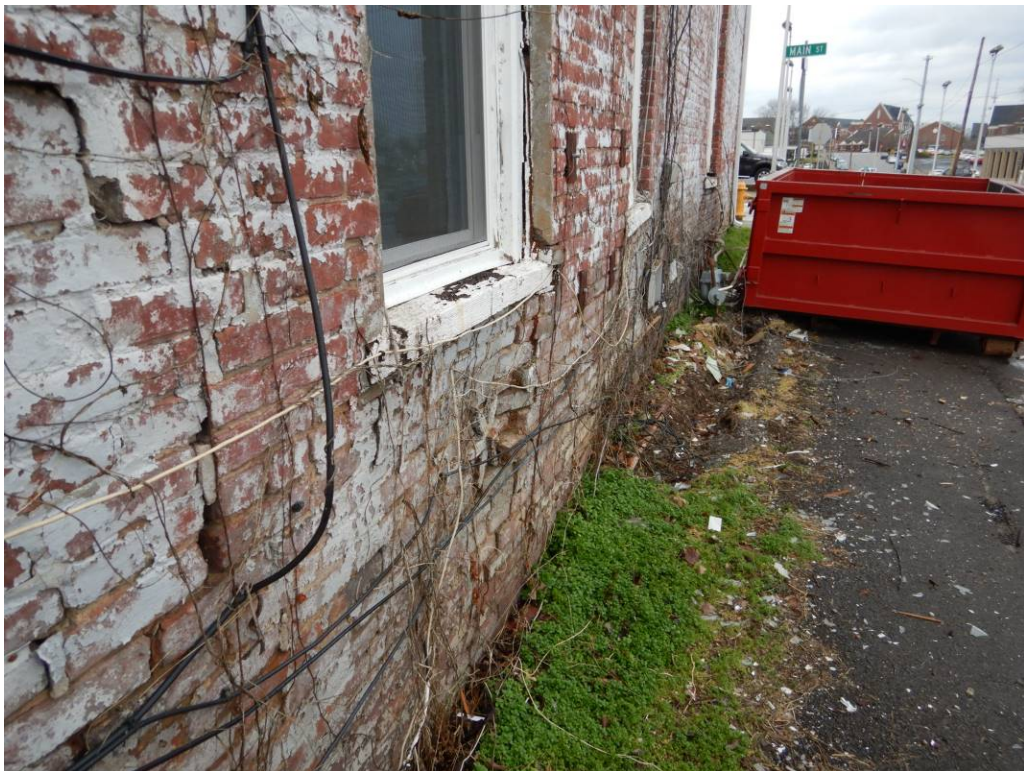


Photo No. 20: Displaced brick masonry on the east side of the building.

Photographs



Photo No. 21: Missing mortar and mortar joint cracking on the south side of the building.



Photo No. 22: Missing mortar and mortar joint cracking on the south side of the building.

Photographs



Photo No. 23: Missing mortar and mortar joint cracking on the south side of the building.



Photo No. 24: Asbestos siding on the rear addition on the south side of the building.

Photographs



Photo No. 25: Missing mortar and mortar joint cracking on the west side of the building.



Photo No. 26: Missing mortar and displaced masonry on the west side of the building.

Photographs



Photo No. 27: Missing mortar and displaced masonry on the west side of the building.

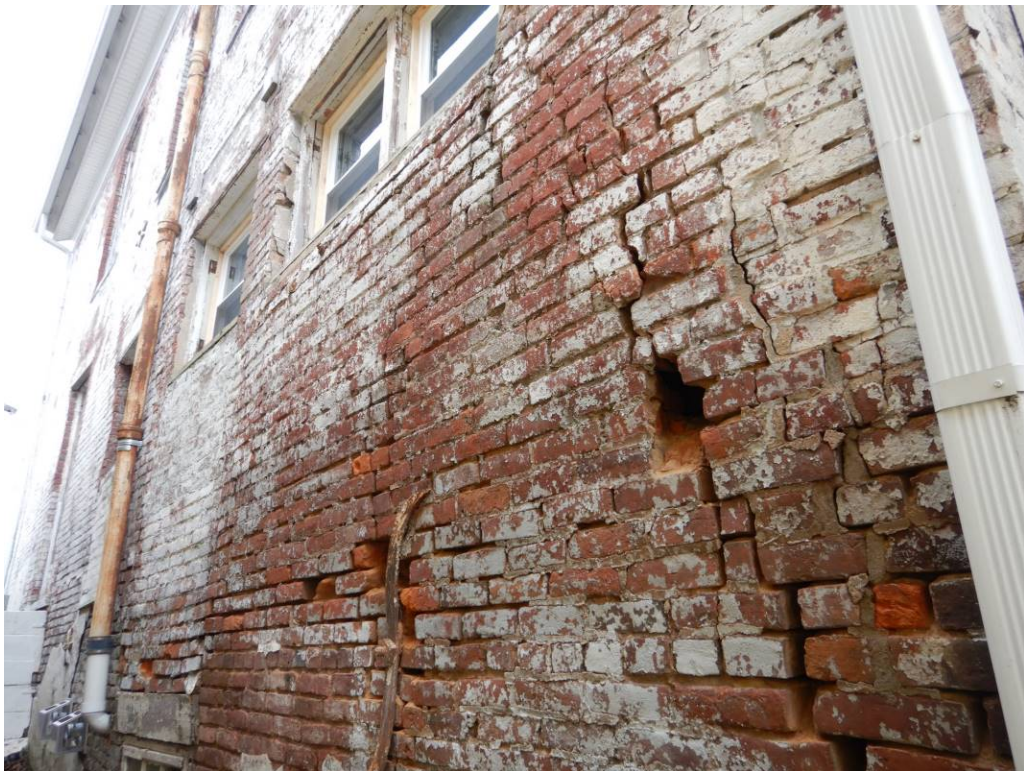


Photo No. 28: Bowed brick masonry on the west side of the building.

Photographs



Photo No. 29: Missing mortar and bricks on the west side of the building.



Photo No. 30: Missing mortar and mortar joint cracking on the west side of the building.

Photographs



Photo No. 31: Missing mortar and displaced masonry on the west side of the building.



Photo No. 32: Missing mortar and mortar joint cracking on the west side of the building.

Photographs



Photo No. 33: Expanding foam in locations of missing mortar.

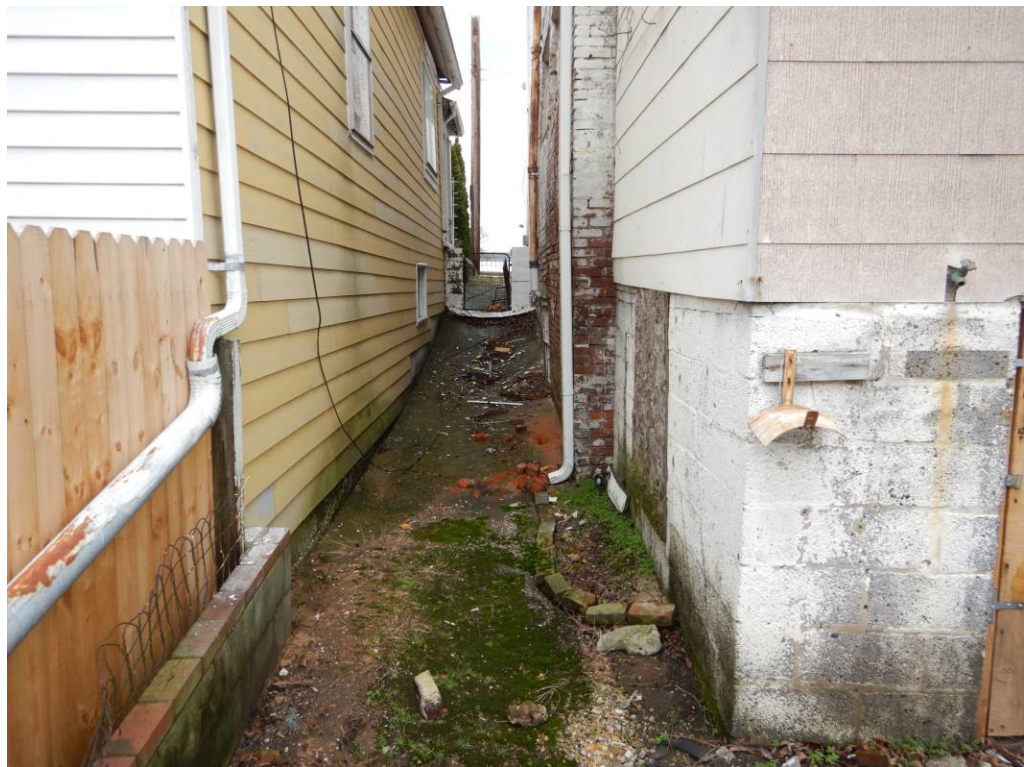


Photo No. 34: Looking northward into the space between the subject building and the residence to the west.

Photographs



Photo No. 35: West wall bowed away from the floor structure on the main floor.



Photo No. 36: Gap between the floor covering and the masonry wall on the main floor.

Photographs



Photo No. 37: Gap between the floor covering and the masonry wall on the main floor.



Photo No. 38: Water staining in the ceiling adjacent to a main floor exterior wall.

Photographs



Photo No. 39: Typical replacement window installation on the main floor.



Photo No. 40: Replacement window installation on the main floor with aged water staining.

Photographs



Photo No. 41: Gap between the rear addition and the main structure.



Photo No. 42: Roof structure for the rear addition.

Photographs



Photo No. 43: Gap between the floor covering and the masonry wall on the upper floor.



Photo No. 44: Gap between the floor covering and the masonry wall on the upper floor.

Photographs



Photo No. 45: Gap between the floor covering and the masonry wall on the upper floor.



Photo No. 46: Cracked masonry beneath a replacement window installation on the upper floor.

Photographs



Photo No. 47: Cracked masonry beneath a replacement window installation on the upper floor.



Photo No. 48: Water staining on a ceiling on the upper floor.

Photographs



Photo No. 49: Aged water staining on the underside of the main level floor structure.



Photo No. 50: Water staining and efflorescence along the base of the foundation wall in the basement.

Photographs



Photo No. 51: Water staining and efflorescence along the base of the foundation wall in the basement.



Photo No. 52: Crumbling of mortar and bricks in the basement.

JOHN WALLACE CROW, PE
675 GIP MANNING ROAD
CLARKSVILLE, TENNESSEE 37042
1-931-920-2594

June 20, 2017

Mr. Edward White
2701 Cook Road
Woodlawn, Tennessee 37191

Subject: Structural Condition Assessment
334 Main Street
Clarksville, Tennessee

Dear Mr. White:

Reference your request that I make a structural condition assessment of the building at 334 Main Street, Clarksville, Tennessee. The scope of my assessment is limited to the structural condition of the building and that alone.

The building is a two story structure with a combination of crawl space and basement. The front of the building faces in a northerly direction. The building is located on a slightly sloping section of property, sloping down hill from northwest to southwest. The building is shown in the Montgomery County Tax Assessor's Office as being constructed in 1900. It is believed that the building is much older. The building space is divided into at least six apartments. It is my understanding that the building is on the National Register of Historical Places.

The building is constructed with solid brick walls with wood floor framing. The walls appear to be at least 4 brick thick at the base. The basement walls appear to be original construction and support the exterior walls. The roof is gabled and the ridge runs from north to south. The east and west walls support the roof rafters. The first and second floor systems have wooden floor joists supported on brick ledges or brick pockets. The joists run from east to west. In the basement there are two wood beams or girders that are continuous that run from north to south that support the floor joists. The east and west walls are load bearing walls. They also support the two floors above the basement and the roof. The two end walls (north and south) tie the building walls together. Cracks in the end walls appear to be separating and allowing the two side walls to move outward.

The walls are tied from east to west with steel tie rods with star washers on the exterior. The ties are evident at the main floor level and at the second floor level. The tie rods were designed to prevent the walls from spreading outward and the floor joists prevented the walls from collapsing inward. This has provided some lateral stability for the structure.

The bricks in the walls appears to be locally hand made. The mortar appears to be sand and lime. The mortar is soft and was there to provide a transfer of weight from one brick course to the next lower course. There was little or any adhesive value to the mortar. The bricks are tied through the walls at every twelve courses. Many of the newer buildings with similar construction installed ties at ever fifth or sixth course. Therefore the walls are less reinforced with brick tying the wythes together than with newer buildings of the same architecture. The mortar is soft and easily scraped out. Weather has eroded some of the mortar from the joints. There are various cracks in the brick walls. The four corners were designed to provide lateral stability. The southeast corner is cracked from top to bottom and therefore no longer provides lateral stability to the load bearing walls.

On the east wall, close to the south corner there is a section of basement wall that has a star washer. The washer held the brick around the tie rod in place but much of the wall around the washer moved to the outside. The wall is losing it lateral stability that was to be provided through the use of the steel tie rods. A large section of brick wall has moved toward the street. It has been repaired with some additional rectangular washers to keep the wall from moving further. The walls on both east and west sides have bulges where the walls are becoming unstable.

The only structural elements that support the first and second floors are the wooden beams and they appear to be stacked and not connected. The brick provides the vertical support around the perimeter. In some locations, steel lally columns have been installed to provide support for both beams and floor joists. The size and type of lally columns is much less than adequate and one in particular is starting to fail.

Lally columns have been placed under some of the floor joist near the west wall. The floor joists are designed to provide some lateral stability for the brick walls with friction holding the wall in vertical alignment. When the columns were added, the weight of the floor system was possibly lifted off of the brick wall loosing its lateral stability.

There have been some concrete block walls added under the main beams in some areas but not all. The beams appear to have been a concern about being able to support the weight above and the walls were added to protect the beams. Some brick piers that have supported the beams have not failed but are showing signs of deterioration.

If the brick walls in the basement elevation loose their ability to support the upper walls, the building stands a great risk of collapsing. There are many cracks in the brick walls that make the walls segmented in lieu of continuous stable walls. This too creates a risk of collapse of segments. Any movement of a section could cause a chain reaction and cause the entire structure to collapse.

Making structural repairs to the walls could trigger the collapse of the building. The existing basement walls would have to be strengthened requiring excavation of soil next to the basement walls and construction of structurally adequate materials to properly support the total building.

Several older buildings have experienced such damages at times other than when the tornado demolished much of the downtown. The Masonic building at the southeast corner of Commerce Street and Third Street is probably the most well known. The back end of the Roxy Building experienced a partial collapse after the Masonic Building. An old warehouse partially collapsed on Front Street in the 1940s.

I have enclosed photographs of the various conditions with comments.

The building has survived the tornado of 1999 and many years of slow deterioration. Some of the repairs were more detrimental than helpful. While the building is one of Clarksville's history, safety must be considered and there is risk of collapse of the building and the possibility of loss of life. It is my recommendation that the building be demolished before it collapses.

If you do not have the pictures, let me know and I will provide a thumb drive.

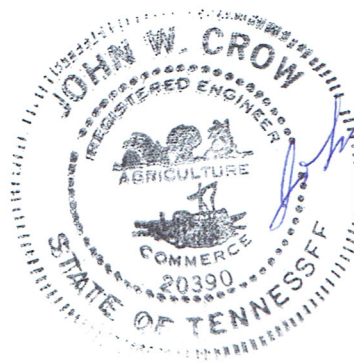
Should you have any questions, please give me a call.

This report is based solely on a visual inspection of the dwelling and property. Under no circumstances should this report be construed as a guarantee or warranty of any kind as to the condition, merchantability or fitness for any particular purpose of the subject property.

Very Respectfully,

John Wallace Crow

John Wallace Crow, PE



Eric M. Bittner
Attorney at Law

132A Strawberry Alley
Clarksville, Tennessee 37040

ebittner@bellsouth.net

(931)648-1234 phone
(931)648-1213 facsimile

September 3, 2019

Mr. Lance Baker
Attorney at Law
City of Clarksville
1 Public Square, Suite 401
Clarksville, TN 37040

Mr. W. Timothy Harvey
Attorney at Law
Montgomery County, Tennessee
310 Franklin Street
Clarksville, TN 37040

Re: Robert E. White
334 Main Street
Clarksville, TN 37040

Dear Gentlemen:

Please be advised that I represent Mr. Robert E. White the owner of the property located at 334 Main Street, Clarksville, Tennessee. Mr. White has had the property inspected by two independent structural engineers and both of said engineers have concluded that the building is structurally unsound and unsafe in its condition. Based upon the engineering recommendations Mr. White applied to the Montgomery County Planning Commission to tear down the building to protect the community from the dangerous condition. Mr. White's application was however, denied and the building remains unsound and presents a potentially hazardous situation to both its neighbors and traffic that travel along fourth and main street.

Please note that the decision to deny demolition leaves Mr. White exposed to potential claim for injuries that may occur should the building fall. As such, Mr. White intends that both the County and the City share responsibility as a co-defendant for any claims filed should the building crumble and fall.

Thank you for your time and attention to this matter. If you have any questions regarding this matter please contact my office at the number above.

Sincerely,

Eric M. Bittner



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

Matchett & Associates, LLC

Architects



936 Franklin Road, Gallatin, TN 37066
Phone (615) 451-1505
roger@matchettandassoc.com

August 20, 2019

INSPECTION REPORT:
334 MAIN STREET
CLARKSVILLE, TENNESSEE

INSPECTION DATE: JULY 31, 2019

BUILDING DATA:

Original Masonry Structure
Original Construction: Circa 1831
Basement: 1450 sf \pm
First Floor: 1750 sf \pm
Second Floor: 1750 sf \pm
Roof Structure: Wood framed, wood decking, shingles
Exterior Wall Construction: Three wythe brick
Interior Wall Construction: Wood Stud, plaster on wood lathe
Floor System: Wood Joists. First floor bearing on 4th brick ledge
Second floor framing bearing on interior brick pocket.

Condition:

The general condition of the Structure is Poor.
The major area of concern is the condition of the exterior masonry walls.

The exterior masonry wall construction:

There are three types of brick which make up this wall construction.
The exterior is dense, well fired brick that repels water well and is durable.
The center brick is softer, adding mass to the wall.
The interior brick is a medium quality brick, more dense than the center brick and is typically a lesser quality face than the exterior due to plaster being applied.
The major component which effects all of this is the mortar, and how it is maintained.
This requires periodic tuck pointing and diligent care taken to avoid water infiltration.

Reasons for this buildings failure:

1. Lack of proper roof drainage. Each back corner has serious erosion of the mortar and therefore, the masonry. It's as if there were gutters without downspouts for an extended period.

2. Masonry joints not being maintained, allowing moisture to enter the wall cavity.
3. Window openings being added and not properly supported and not kept watertight.
4. Water infiltration, due to the above items. Once moisture enters the center of the wall and is doing so for an extended period of time, the result is a breakdown of the soft brick center and the wall begins to fail. The longer this goes on, the more it grows, to a point where it has to be reconstructed to survive.

Conclusion:

This building has reached that point. Portions of the building need to be reconstructed and many areas need repair, tuck pointing and weather tight flashing and sealants.

The attached drawings indicate our proposed locations for such work and the Existing Conditions sheet are for documentation and illustration of what is in place.

Estimated Cost of Proposed Repairs:

We conferred with Historic Restoration Masonry contractors to determine a preliminary budget for the proposed work.

The estimated amount to get this building structurally stable and ready for further restoration and renovation is \$255,410. A breakdown of the estimate is attached.

The work that we performed is preliminary and not to be considered as Construction Documents. The proposed renovation work, if undertaken, needs to be done by masonry contractors with restoration experience.

Prepared by:

Roger A. Matchett, Architect

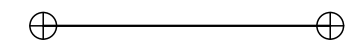
Roger A Matchett
and

Anthony L Locke

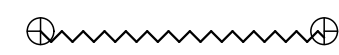
Anthony L. Locke, P.E.
Engineered Solutions
1928 Tinnin Rd.
Goodlettsville, TN 37072

Estimate for Stabilization of 334 Main St., Clarksville TN							
8/20/2019		prepared by Matchett and Associates / Architects					
General Conditions and Insurance					25,000		
Secure Back Wall					11,000		
Floor and Roof Shoring					12,000		
Misc. Bracing					5,000		
Scaffolding					10,000		
Equipment					10,000		
Dumpsters					6,000		
Brick Removal					44,310		
CMU Installation					11,100		
Brick 3 wythe					6,000		
Brick Veneer					18,500		
Paint Removal					6,000		
Tuckpointing					25,000		
Misc. Masonry repair					5,000		
Window Removal and Install					5,000		
Clean-up					5,000		
Overhead and Profit					20,500		
Contingency 10%					22,500		
Engineering and Inspections					7,500		
TOTAL ESTIMATED AMOUNT					255,410		

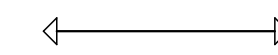
PROPOSED WORK ITEMS:



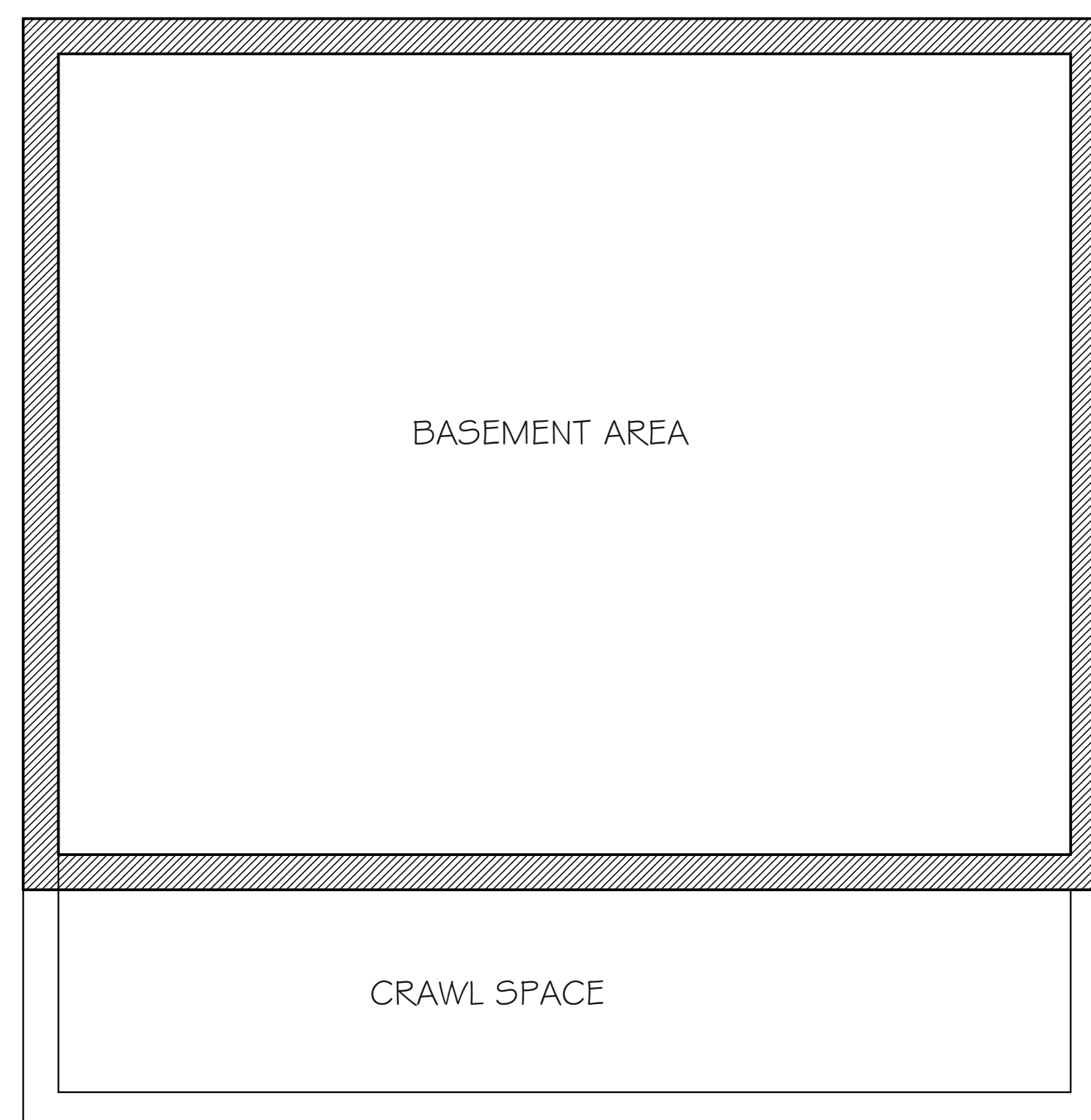
UNSTABLE MASONRY WALL TO BE RE-LAYED.
PRIOR TO BEGINNING WALL REMOVAL, BY HAND
SHORE FIRST AND SECOND FLOOR BEARING ALONG THESE WALLS
SHORE ROOF STRUCTURE AND ADJOINING BACK WALL
BEGIN AND FINISH ONE SIDE PRIOR TO BEGINNING OTHER SIDE
TOOTH INTO STABLE BACK WALL MASONRY
REMOVE DETERIORATED MASONRY AS NEEDED AND TUCK POINT
ADJACENT WORK



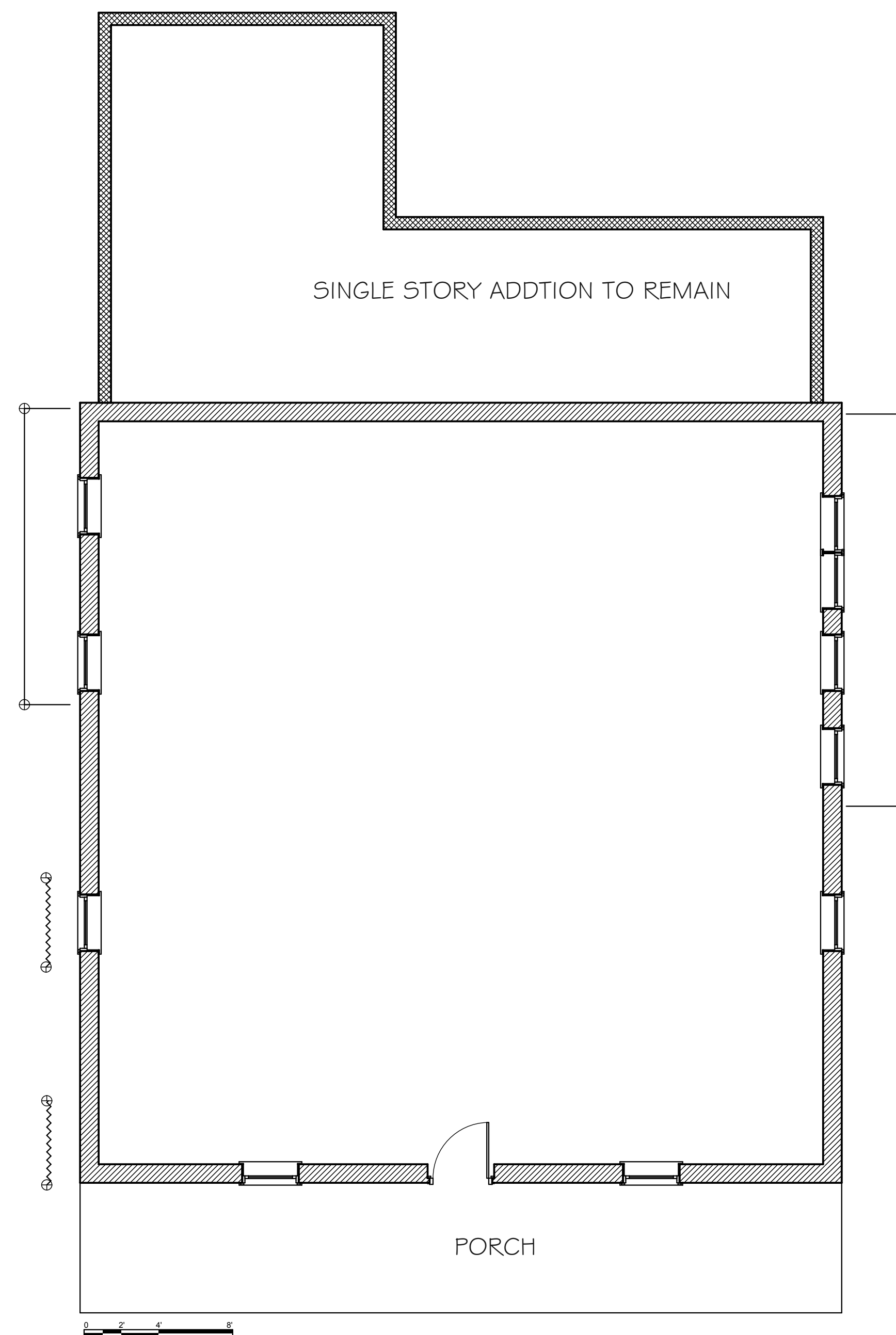
UNSTABLE PROTION OF WALL TO BE RE-LAYED
PRIOR TO BEGINNING BRICK REMOVAL, BY HAND
SHORE ANY LOAD BEARING FLOORING OR ROOFING
PRIOR TO BEGINNING WORK. REMOVE ALL DAMAGED MASONRY,
INSTALL NEW WORK, TOOTH INTO ADJACENT STABLE MASONRY,
TUCK POINT ADJACENT WORK



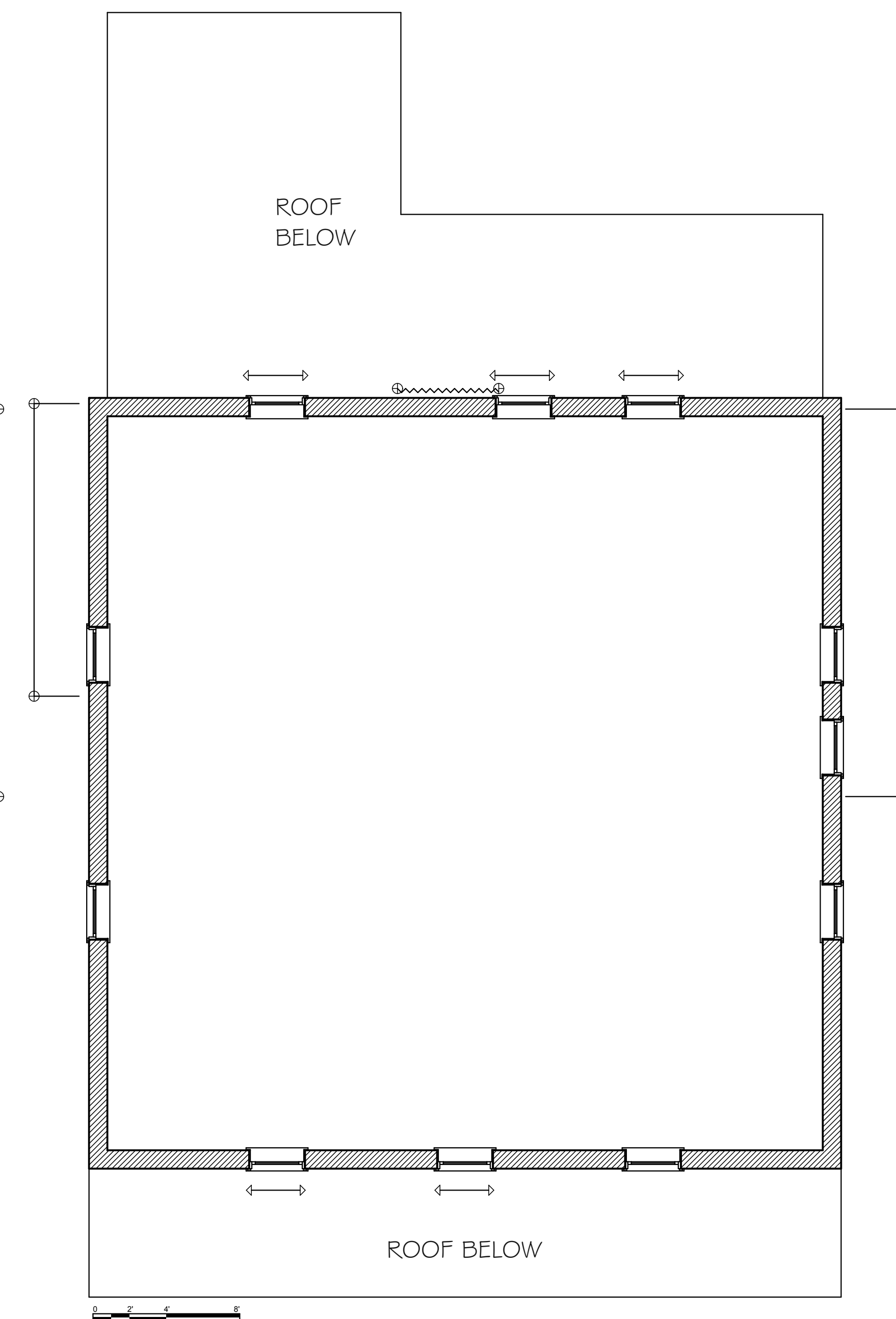
EXTENSIVE TUCK POINTING REQUIRE IN THIS AREA
REMOVE LOOSE MATERIAL, REPLACE DAMAGED MASONRY AS NEEDED
TUCK POINT AS REQUIRED, EXTEND INTO ADJACENT AREAS



BASEMENT PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Project No. _1928_
Drawn by: _RAM_
Reviewed by: _____

M&A

**Matchett
and
Associates, LLC**
Architects

936 Franklin Road
Gallatin, TN 37066
615/451-1505

Structural
Study of

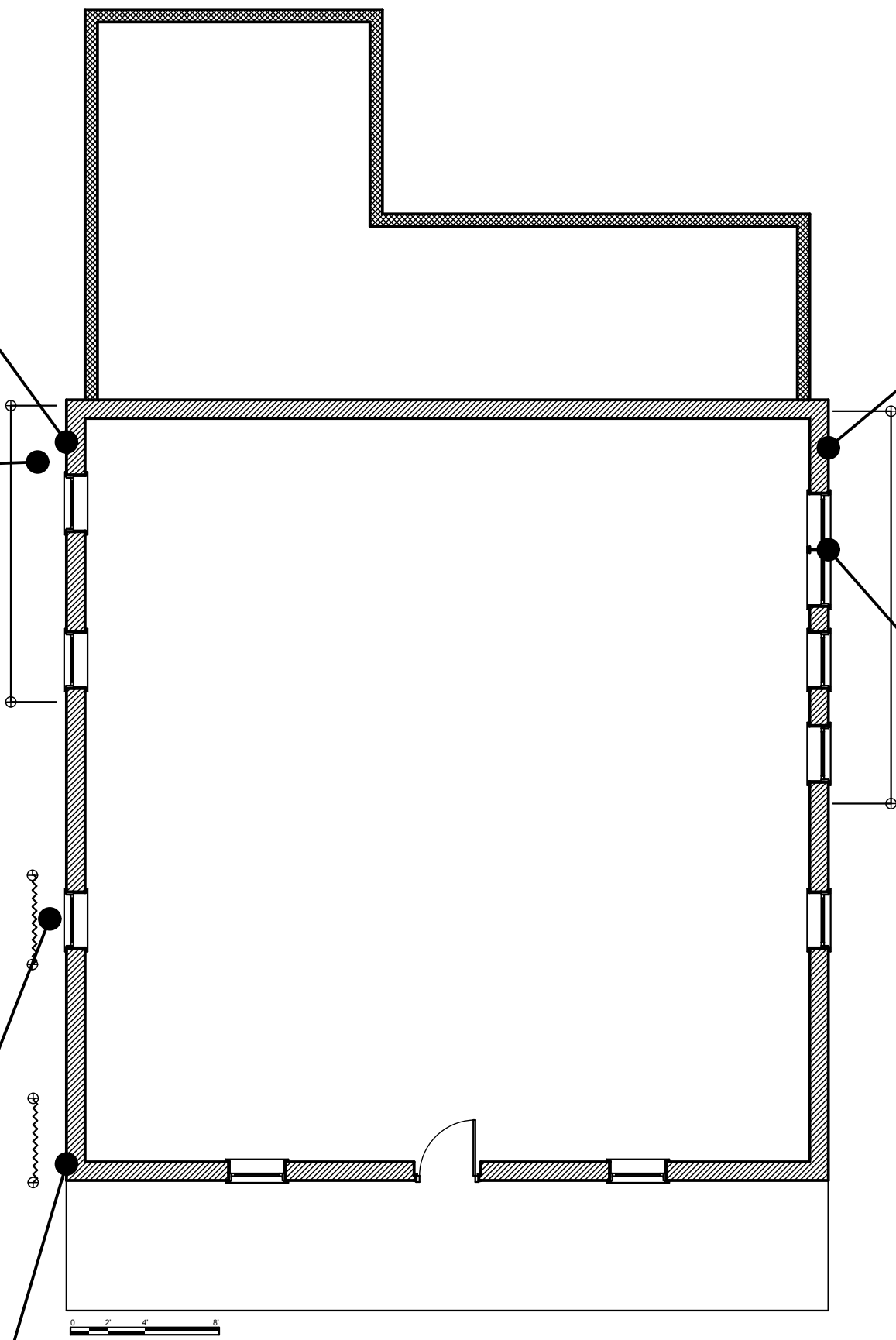
334 Main
Street

Clarksville,
Tennessee

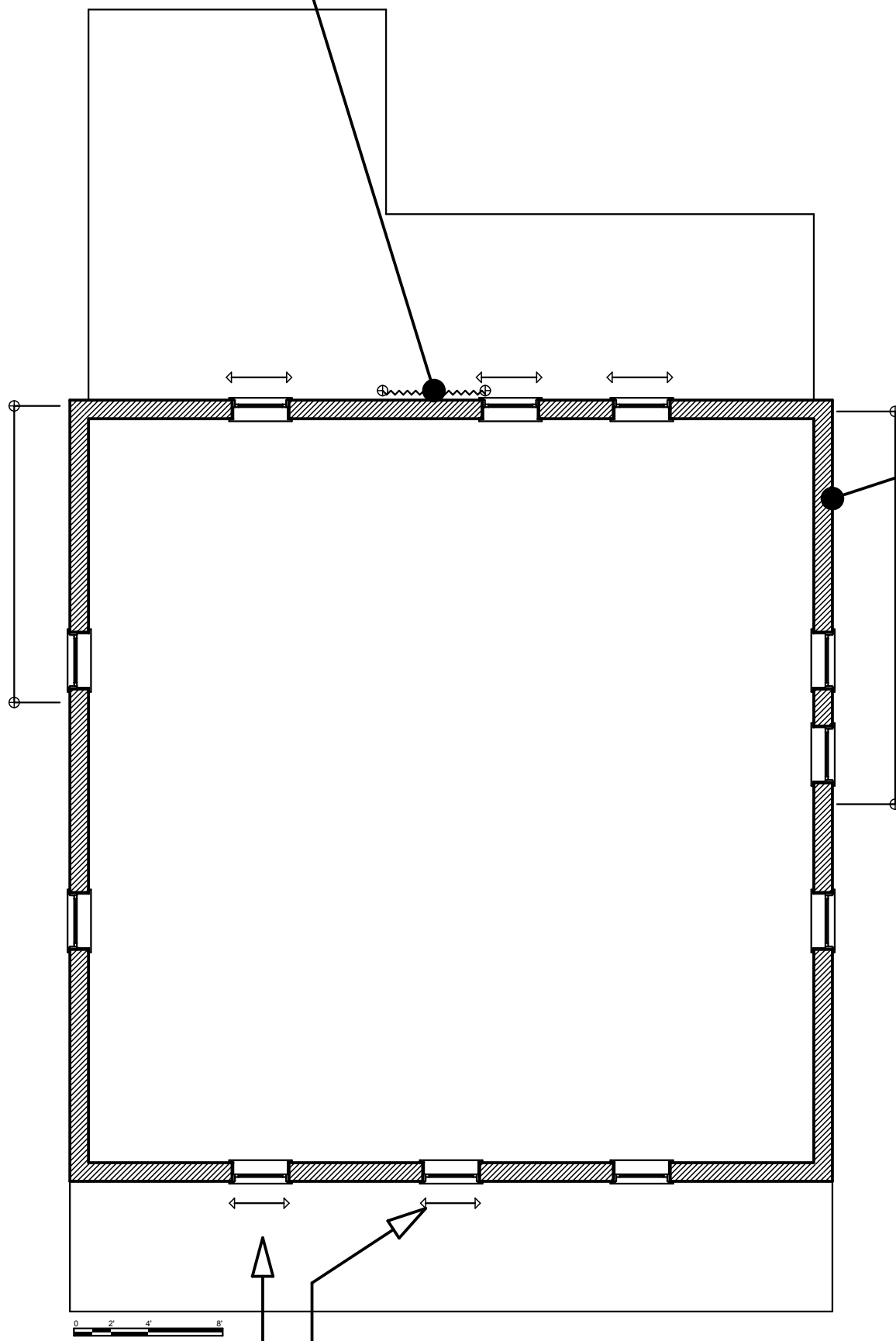
Proposed
Work
Plans

Date: _____
Revisions: _____
Date: _____ Mark: _____

Sheet _ of _



FIRST FLOOR



SECOND FLOOR



Project No. 1928
Drawn by: RAM
Reviewed by:

M&A

Matchett
and
Associates, LLC
Architects

936 Franklin Road
Gallatin, TN 37066
615/451-1505

Structural
Study of

334 Main
Street

Clarksville,
Tennessee

Existing
Conditions

Date:
Revisions:
Date: Mark:

Sheet of

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: September 5, 2019

SECOND READING:

EFFECTIVE DATE:

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: September 5, 2019

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: September 5, 2019
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 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: September 5, 2019
FIRST READING: September 5, 2019
SECOND READING: Scheduled for October 3, 2019
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: September 5, 2019
FIRST READING: September 5, 2019
SECOND READING: Scheduled for October 3, 2019
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.

<i>PUBLIC HEARING:</i>	September 5, 2019
<i>FIRST READING:</i>	September 5, 2019
<i>SECOND READING:</i>	<i>Scheduled for October 3, 2019</i>
<i>EFFECTIVE DATE:</i>	

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 20-2019-20

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE
AT DOLLAR GENERAL (1100 ASH RIDGE DRIVE)

WHEREAS, Steven Deckard has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Dollar General #15132, located at 1100 Ash Ridge Drive; and

WHEREAS, the Clarksville Police Department has conducted a review of local criminal history and found the applicant(s) who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and

WHEREAS, according to the Clarksville Building & Codes Department, the applicant(s) have secured a location for the business which complies with all zoning laws adopted by the local jurisdiction as to the location of the business.

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Steven Deckard for sale of wine at Dollar General #15132, 1100 Ash Ridge Drive, Clarksville, Tennessee.

ADOPTED:

RESOLUTION 21-2019-20

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE
AT DOLLAR GENERAL (155 EDMONDSON FERRY ROAD)

WHEREAS, Steven Deckard has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Dollar General #15643, located at 155 Edmondson Ferry Road; and

WHEREAS, the Clarksville Police Department has conducted a review of local criminal history and found the applicant(s) who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and

WHEREAS, according to the Clarksville Building & Codes Department, the applicant(s) have secured a location for the business which complies with all zoning laws adopted by the local jurisdiction as to the location of the business.

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Steven Deckard for sale of wine at Dollar General #15643, 155 Edmondson Ferry Road, Clarksville, Tennessee.

ADOPTED:

RESOLUTION 23-2019-20

A RESOLUTION APPROVING BOARD APPOINTMENTS TO THE COMMUNITY HEALTH FOUNDATION, MUSEUM BOARD, AND PARKING COMMISSION

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

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

Community Health Foundation: Dr. Mark Trawinski - October 2019 through 2021

Museum Board: Kell Black - October 2019 through December 2021

Parking Commission: Carol Clark - September 2019 through August 2021, Councilman
Travis Holleman - October 2019 through August 2021

ADOPTED:



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

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

AGENDA

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, September 5, 2019, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Aron Maberry, Next Steps Pastor of The Tabernacle Church, guest of Councilman Vondell Richmond. The Pledge of Allegiance was led by Councilman Travis Holleman.

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 (Ward 12)

SPECIAL RECOGNITIONS

Mayor Pitts proclaimed September as "Imagination Library Month." He and Councilwoman Streetman presented the proclamation to board members Ellen McCullom, Lisa K. Vinson, and Claudia Rodriguez.

2020 CENSUS UPDATE

Jeff Tyndall, Director of the Clarksville-Montgomery County Regional Planning Commission, and Caitlyn Sperling, U. S. Partnership Specialist, updated the Council on the progress and plans for the upcoming 2020 Census.

CMCSS UPDATE

Mayor Pitts announced the Director of Schools' report would be given October 3rd.

PUBLIC HEARING

Councilman Garrett made a motion to conduct a public hearing to receive comments regarding requests for zone change and an annexation progress report. The motion was Councilman Henley. There was no objection.

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

Syd Hedrick shared a brief history of the property and said the owner hoped to increase its density. No one expressed opposition.

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

No one expressed support for or opposition to this request.

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

No one expressed support for or opposition to this request.

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

There were no comments.

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

ADOPTION OF ZONING

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 23-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. 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 ordinance on first reading unanimously passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 24-2019-20**. Councilman Garret made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. 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 ordinance on first reading unanimously passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 25-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. 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 ordinance on first reading unanimously passed.

The Regional Planning Staff and Commission did not make an official recommendation regarding the final Plan of Services Progress Report for the Swift Fox Drive annexation. Councilman Garrett made a motion to adopt **RESOLUTION 18-2019-20**. 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 resolution unanimously 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 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
8. Adoption of Minutes: July 25, August 1

Councilman Henley made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Allen. Councilman Burkhart recorded an abstention on Item 4, **ORDINANCE 13-2019-20**, and Item 5, **ORDINANCE 14-2019-20** and stated he was part owner in both affected properties. 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.

FINANCE COMMITTEE

ORDINANCE 16-2019-20 (First Reading) Authorizing transfer of property on South Second Street to Bikers Who Care

The recommendation of the Finance Committee was for approval. Councilman Burkhardt made a motion to adopt this ordinance on first reading. The motion was seconded by Council Lady Streetman. Councilman Henley said donating this property to Bikers Who Care was not fair to other non-profit agencies and made a motion to postpone action on this ordinance indefinitely. The motion was seconded by Councilman Chandler. The following vote was recorded:

AYE: Allen, Chandler, Erb, Garrett, Henley, Richmond, Smith

NAY: Burkhardt, Guzman, Holleman, Norris, Pitts, Streetman

The motion to postpone action on this ordinance indefinitely passed.

Council Lady Guzman noted the BWC did build a park at McGregor Park, but not on this property. Councilman Henley said the 2003 City Council did not intend to allow the BWC to sell the property. Councilman Chandler reminded members that the current City Council recently voted to not give taxpayer dollars to non-profit agencies. Council Lady Smith felt the BWC should meet the requirements of the original agreement.

ORDINANCE 17-2019-20 (First Reading) Accepting donation of property on Franklin Street from Fifth Ward Missionary Baptist Church

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

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

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

ORDINANCE 18-2019-20 (First Reading) Accepting donation of certain real property located at 520 Roselawn Drive from Edward Burchett

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

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

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

ORDINANCE 19-2019-20 (First Reading) Amending the Official Code relative to peddler permits

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

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

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

ORDINANCE 20-2019-20 (First Reading) Amending the Official Code relative to withdrawal of applications for zone change

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this ordinance on fairest reading. The motion was seconded by Councilman Allen. 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.

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

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris. In response to Councillady Smith's question, Mayor Pitts said a pedestrian bridge over Kraft Street (to connect the Frosty Morn property to the Red River walking trail) could not be added to this grant. 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 16-2019-20 Authorizing an interlocal agreement with Austin Peay State University for fire 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 Henley. 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.

RESOLUTION 17-2019-20 Authorizing assignment of a portion of Fund Balance from insurance proceeds for Clarksville Transit System

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

GAS & WATER COMMITTEE

Chairlady Guzman shared the following monthly department statistics: 247 million cubic feet of gas, 569 million gallons of treated water, 430 million gallons of treated sewage, 11,000 calls, 5,244 work orders, and 390 after-hours calls.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Chairman Allen said reconstruction contracts were recently awarded for 855 Parham Drive (\$109,000) and 453 Kelly Lane (\$120,000). Demolition of the Wesley Chapel Church was near completion. Councilman Allen reported 1,470 households were served and 3,049 food boxes had been delivered as part of the Continuum Care Program.

PARKS & RECREATION

Chairlady Guzman noted upcoming events including RiverFest, Tie Dye Celebration, Fort Defiance activities, Downtown Market, Movies in the Park, and a B-Cycle Ghost Tour.

PUBLIC SAFETY COMMITTEE

Chairman Henley shared the following monthly department statistics: Fire Rescue - 931 runs; Police - 14,499 calls. Seven new Police cadets were recently hired.

STREETS & GARAGE COMMITTEE

ORDINANCE 22-2019-20 (First Reading) Amending the Official Code pertaining to drainage, land disturbance, and development activities and stormwater management

The recommendation of the Street Committee was for approval, however, Councilman Chandler made a motion to postpone action to the October regular session to allow time for further evaluation. The motion was seconded by Councilman Henley. The following vote was recorded:

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

The motion to postpone action unanimously passed.

Councilman Chandler said fuel costs were down and fewer Garage work orders were completed during FY20 year-to-date than in FY19 for approximately \$17,000 less. He said vehicle expenses totaled \$202,617 for the previous month.

Councilman Chandler said the Street Department completed 470 work orders during August including paving of Eastern Hills, Enclave, and Spring Creek Subdivisions.

Councilman Burkhart offered a prayer asking for healing and comfort for City Employees and for the Family of Street Department Employee Jeffrey Prosecky, Jr. who lost his life on September 3rd while on duty.

TRANSPORTATION COMMITTEE

Chairlady Smith shared the following monthly department statistics: Clarksville Transit System - 60,121 passengers including 7,809 seniors and 1,982 students. Councilwoman Smith said the Transit Center renovation was should be completed by the end of October and announced new shelters would be located on North Second Street, Wilma Rudolph Boulevard, Holiday Drive, and Dunlop Lane. Three new buses were scheduled for delivery by mid-September.

Councilwoman Streetman expressed appreciation to Reda Homebuilders for purchasing a second advertising wrap for a CTS bus.

LEGISLATIVE AGENDA

RESOLUTION 19-2019-20 Approving the City of Clarksville's Legislative Agenda for consideration by the Tennessee General Assembly

Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Erb. Mayor Pitts said the joint City-County legislative agenda would be presented to the local delegation of the Tennessee General Assembly during a reception on September 24. He expressed appreciation to Councilman Burkhart, Councilman Erb, and Councilwoman Streetman for serving on the committee and thanked City departments for their input. 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.

MAYOR AND COUNCIL MEMBER REPORTS

Mayor Pitts welcomed Senator Bill Powers who was in the audience.

In response to Councilman Allen's request, Mayor Pitts said Senator Powers was already seeking to establish an additional driver's license center.

ADJOURNMENT

The meeting was adjourned at 7:57 p.m.

ORDINANCE 19-2019-20

**Proposed Amendments fpr Second Reading*

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 [engaging in](#) 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.

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 of, 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 only 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.

10. That Title 5 (Business, Professions, and Occupations), Chapter 3 (Subscription Solicitors), of the Official City Code, should be and is hereby amended by deleting said chapter in its entirety, said Chapter 3 to be “Reserved.”

11. That Title 5 (Business, Professions, and Occupations), Chapter 4 (Charitable Solicitors), of the Official City Code, should be and is hereby amended by deleting said chapter in its entirety, said Chapter 4 to be “Reserved.”

FIRST READING: September 5, 2019

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 19-2019-20

Proposed Deletions

CURRENT LANGUAGE:

Title 5, Chapter 3:

- **Chapter 3 - SUBSCRIPTION SOLICITORS**
- **Sec. 5-301. - License required.**

No person shall engage in soliciting subscriptions for books, magazines, or other literature within the city without first obtaining a subscription solicitor's license from the commissioner of finance and revenue. The license shall be required whether the solicitations are made by canvassing in business places or by telephone, and irrespective of whether a payment, either in part or in whole, is necessary or required prior to delivery of the literature sold.

(1963 Code, § 22-34; Ord. No. 58-1991-92, § 1, 4-27-92)

- **Sec. 5-302. - Application for license; supporting evidence.**

(1) *Contents and accompanying documents.* Application for the license required in [section 5-301](#) shall be made to the commissioner of finance and revenue upon such blank form as he provides. On the application, the applicant shall set forth the following:

- (a) Name.
- (b) Residence.
- (c) Business address.
- (d) Age.
- (e) Occupation.
- (f) The name and business address of the person by whom employed.
- (g) The length of time applicant has been with the employer.
- (h) Place of residence and nature of employment of applicant during the previous year.
- (i) The nature, character, or description of the books, magazines, or literature for which subscriptions are to be solicited.
- (j) A personal description of the applicant.
- (k) The length of time for which the license is desired, provided it shall not exceed one year.
- (l) The fingerprints of the applicant.
- (m) An affidavit of the applicant as to the truth of the matter set forth in the application.
- (n) Such other information as may reasonably be required by the commissioner of finance and revenue.

(2) *Supporting evidence.* The application shall be accompanied by credentials or evidence of good moral character and identity of the applicant as are required by the commissioner of finance and revenue.

(1963 Code, § 22-35)

- **Sec. 5-303. - Approval of application for license.**

If the commissioner of finance and revenue determines after a reasonable investigation that the applicant has a good moral character and proposes to engage in a lawful and legal enterprise, he shall approve the application, retaining a copy of it and forwarding another to the chief of police.

(1963 Code, § 22-36)

- **Sec. 5-304. - Issuance of license.**

The commissioner of finance and revenue shall issue the license required by this chapter to each applicant whose application is approved and who has filed the bond required by [section 5-308](#).

(1963 Code, § 22-37)

- **Sec. 5-305. - Possession and exhibition of license.**

The license required by the provisions of this chapter shall be carried at all times by the applicant to whom issued when he is soliciting or canvassing and shall be exhibited upon request of any police officer or person solicited or canvassed.

(1963 Code, § 22-38)

- **Sec. 5-306. - Transfer of license; use in violation of restrictions prohibited.**

Each license issued pursuant to the provisions of this chapter shall have stamped upon it in red letters: "Not transferable" and "Not good on the streets, sidewalks or public places, or in the vestibule of any store or place of business in this city." No license shall be transferred or used in violation of the restrictions or prohibitions so stamped on it.

(1963 Code, § 22-39)

- **Sec. 5-307. - Revocation of license; grounds.**

Any license issued under the provisions of this chapter may be revoked by the commissioner of finance and revenue for the violation by the holder thereof of any provision of this Code or of state or federal law. The license may also be revoked for misrepresentations contained in the application therefor, for any other misrepresentation or deceit, or if the licensee ceases to possess the character and other qualities required for the issuance of the license.

(1963 Code, § 22-40)

- **Sec. 5-308. - Solicitors to be bonded.**

Each applicant for a subscription solicitor's license shall file and maintain with the commissioner of finance and revenue a bond in the sum of one hundred dollars (\$100.00). The bond shall be made to the city by a bonding company authorized to do business within the state and shall inure to the benefit of any person damaged by fraudulent representations on the part of the bonded solicitor.

- **Chapter 4 - CHARITABLE SOLICITORS^[1]**
- **Sec. 5-401. - Permit required; exceptions.**

It shall be unlawful for any person to solicit or receive any gifts of money, goods, wares, merchandise, or other thing of value, or to offer for sale or to solicit the sale of tickets or other things entitling one to admission to any entertainment, benefit, picnic, game, or other function, or for any patriotic, charitable, or other public cause or purpose, or to sell, offer for sale, or distribute to the public banners, badges, or tags to be worn or displayed by the persons buying or receiving them without first securing a permit therefor from the city council. However, nothing contained herein shall be applicable to persons acting under direct authority from any of the following: U. S. Government, State of Tennessee, Montgomery County, City of Clarksville, or to solicitations by organizations from their own members.

(1963 Code, § 22-42)

- **Sec. 5-402. - Application for permit.**

Any person or organization desiring to secure a permit shall make written application therefor to the city at least thirty (30) days prior to the date the solicitation is contemplated, and the application shall include the information required by the application form supplied by the city clerk.

(1963 Code, § 22-43)

- **Sec. 5-403. - Screening committee created; purpose.**

There is hereby established a screening committee, consisting of three (3) members of the city council, to be appointed by the mayor, who shall investigate applications in accordance with the provisions of this chapter and make recommendations to the city council.

(1963 Code, § 22-44)

- **Sec. 5-404. - Term and renewal of permits.**

No permit issued under this chapter shall be valid for a longer period than thirty (30) days after the issuance thereof; provided, however, that renewal of a permit may be granted by the city, upon application. The application shall be filed at least ten (10) days prior to the expiration date of the permit.

(1963 Code, § 22-45)

- **Sec. 5-405. - Solicitors to wear insignia.**

It shall be unlawful for any person to act as a solicitor or to assist in soliciting without displaying and keeping the insignia of authority approved by the city in a conspicuous place on his clothing during the soliciting.

(1963 Code, § 22-47)

- **Sec. 5-406. - Solicitations prohibited on thoroughfares.**

Under no circumstances will there be any solicitations on thoroughfares within the city limits of the City of Clarksville.

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,~~858818~~,233 FOR A GRANT TO CONSTRUCT THE RED RIVER PEDESTRIAN BRIDGE & POLLARD ROAD PAVING CAPITAL PROJECTS

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

WHEREAS, the Pollard Road additional paving project was previously approved and funded; and

WHEREAS, the construction bid has come in above our anticipated cost. Time is of the essence to enter into the contract.

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
<u>4045003 4450 19502</u>	<u>Construction Services</u>	<u>Increase:</u>	<u>\$40,000</u>

Revenue			
4041000 33430 20501	State Grant Capital	Increase:	\$1,818,233

BE IT FURTHER ORDAINED There are no City funds necessary for the budget amendment related to the grant. The additional \$40,000 for Pollard Road Additional Paving will be from debt issuance with the entire project.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

September 5, 2019

ORDINANCE 21-2019-20

**Including Amendments*

AN ORDINANCE AMENDING THE 2019-20 OPERATING AND CAPITAL BUDGET (ORDINANCE 76-2018-19) FOR THE GOVERNMENTAL FUNDS IN THE AMOUNT OF \$1,858,233 FOR A GRANT TO CONSTRUCT THE RED RIVER PEDESTRIAN BRIDGE & POLLARD ROAD PAVING CAPITAL PROJECTS

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

WHEREAS, the Pollard Road additional paving project was previously approved and funded; and

WHEREAS, the construction bid has come in above our anticipated cost. Time is of the essence to enter into the contract.

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
4045003 4450 19502	Construction Services	Increase: \$40,000

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 related to the grant. The additional \$40,000 for Pollard Road Additional Paving will be from debt issuance with the entire project.

FIRST READING: September 5, 2019

SECOND READING:

EFFECTIVE DATE:

AN ORDINANCE PERTAINING TO ADVERTISING, LOGOS, EMBLEMS ETC. ON CITY WATER TOWER TANKS

WHEREAS, the painting of advertising, logos, emblems, etc. on City water towers can cause damage to the water tower tanks if the work is not done properly, and allowing same can present issues of legal liability in connection with the work, as well as issues regarding fairness to commercial customers and businesses and can give an unfair advantage by indicating the City endorses one company, business or product over others; and

WHEREAS, the City Council finds that it is in the best interests of the City, its residents, and the rate payers whose payments sustain the City of Clarksville, Department of Gas & Water, to ban or prohibit the painting of any advertising, logos, emblems, letters, numbers, messages, etc. of any private company, business, or product(s) on any City owned or leased water tower tank, or the placing of any signage or “wraps” thereon, except that the City, upon written interlocal agreement or contract between the parties, upon approval by the City Council by resolution, may allow such advertising, logos, emblems, painted letters, numbers, messages, etc. pertaining to governmental entities, to include, but not limited to, public schools, Austin Peay State University or any successor, or the military forces of the United States or the State of Tennessee, or veterans service organizations incorporated or chartered by the state or federal government.

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

(1) That Title 13 (Utilities and Service), Chapter 3 (Gas, Water, and Sewer Service) of the Official City Code should be and is hereby amended by adding the following as a new Section 13-326:

Section 13-326. Advertising, Logos, Emblems, etc. on City Water Tower Tanks Prohibited Except for Governmental Entities

The painting of any advertising, logos, emblems, letters, numbers, messages, etc. pertaining to any private company, business, or product(s) on any City owned or leased water tower tank, or the placing of any signage or “wraps” thereon, is prohibited, except that the City, upon written interlocal agreement or contract between the parties, and upon approval of same by the City Council by resolution, may allow such advertising, logos, emblems, painted letters, numbers, messages, etc. pertaining to governmental entities, to include, but not limited to, local public schools, Austin Peay State University or any successor, or the military forces of the United States or the State of Tennessee, or veterans service organizations incorporated or chartered by the state or federal government.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 27-2019-20

AN ORDINANCE AMENDING THE 2019-20 OPERATING AND CAPITAL BUDGET (ORDINANCE 76-2018-19) FOR THE GOVERNMENTAL FUNDS AND ORDINANCE 75-2018-19 OPERATING AND CAPITAL BUDGET FOR THE CLARKSVILLE TRANSIT SYSTEM IN THE AMOUNT OF \$78,500 FOR CAPITAL MATCHING FUNDS.

WHEREAS, the general fund provides matches for federal and state grants to the Transit Department; and

WHEREAS, the Transit Department requires an additional match of \$61,214 to fund the balance of the three (3) new buses that are planned to arrive in January; and

WHEREAS, the Transit Department has secured an additional grant to fund the purchase of four (4) new vans, requiring additional matching funds of \$17,286.

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

The following budget amendment be made:

General Fund

Increase:	10491004-4740	Transit Capital	\$78,500
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Clarksville Transit – Enterprise Fund

Increase:	19000000-49000	Transfer from City	\$78,500
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BE IT FURTHER ORDAINED Funding for this budget amendment shall come from the unassigned fund balance of the general fund transferred to the enterprise fund.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 28-2019-20

AN ORDINANCE AMENDING THE 2019-2020 OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT BUDGET (ORDINANCE 72-2018-19) AUTHORIZING THE CITY OF CLARKSVILLE TO CREATE A PROJECT OF \$37,404 TO INCLUDE THE 2018 CONTINUUM OF CARE PROGRAM GRANT TRANSFER FROM ROBERTSON COUNTY TO THE CITY OF CLARKSVILLE

WHEREAS, The Office of Housing and Community of the City of Clarksville has been authorized by HUD the assignment/assumption of the Continuum of Care Program Grant TN1077L4J031808 from Robertson County, and;

WHEREAS, The grant period is to be effective from September 1, 2019 to August 31, 2020;

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

That the following new project be created for the Shelter + Care Fund: RSP19

BE IT FURTHER ORDAINED:

That the following Shelter + Care Fund be amended by:

8446300 33150	Grant Revenue	Increase: \$37,404
84463003 4441 RSP19	Rental of Land and Building	Increase: \$34,412
84463001 4111-4231 RSP19	Salary and Benefits	Increase: \$ 2,992

FIRST READING:

SECOND READING:

EFFECTIVE DATE:



U. S. Department of Housing and Urban Development

Knoxville Field Office, Region IV
John J. Duncan Federal Building
710 Locust Street, Suite 300
Knoxville, Tennessee 37902 - 2526

September 17, 2019

Jody Stewart, Finance Director
Robertson Count, TN
523 South Brown Street
Springfield, TN 37172

Dear Ms. Stewart:

SUBJECT: Transmittal of Assignment/Assumption Amended Grant Agreement, Continuum of Care (CoC) Program Project Number: TN0177L4J031808

On August 1, 2019, this Office received a request from Robertson County Government to transfer its former Shelter Plus Care grant to Clarksville, Tennessee, effective September 1, 2019.

After reviewing the submitted documentation, this Office approves the request. You are reminded that Robertson County Government shall remain responsible for any noncompliance issues that occurred prior to the reassignment of this grant to Clarksville, Tennessee. The effective date of the grant amendment (Assignment and Assumption), shall be September 1, 2019.

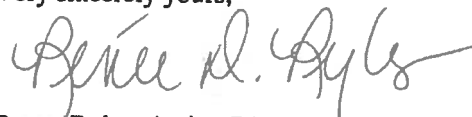
Please coordinate the signature process by having the Mayor sign and date each of the four assignment/assumption grant agreements, and then sending them to the City of Clarksville, where Mayor Joe Pitts will sign and date each one. This Office will coordinate with Keith Lampkin's staff to have the fully executed agreements returned. After all signatures and dates have been obtained, one executed assignment/assumption grant agreement will be returned to you to keep for your files.

Please mail the signed agreements to:

Keith Lampkin, Director
Office of Housing & Community Development
One Public Square, Suite 201
Clarksville, Tennessee 37040

Your prompt cooperation in this matter will be highly appreciated and will expedite the amendment process. If you have any questions regarding the grant amendment, please contact Lynn Holt, Senior Community Planning and Development Representative at (865) 474-8222.

Very sincerely yours,

A handwritten signature in dark ink, appearing to read "Renee Ryles", with a long, sweeping horizontal line extending to the right.

Renee Ryles, Acting Director
Office of Community Planning
and Development



U. S. Department of Housing and Urban Development

Knoxville Field Office, Region IV
John J. Duncan Federal Building
710 Locust Street, Suite 300
Knoxville, Tennessee 37902 - 2526

September 17, 2019

Keith Lampkin, Director
Office of Housing & Community Development
One Public Square, Suite 201
Clarksville, TN 37040

Dear Mr. Lampkin:

SUBJECT: Transmittal of Assignment/Assumption Amended Grant Agreement, Continuum of Care (CoC) Program Project Number: TN0177L4J031808

On August 1, 2019, this Office received a request from Robertson County to transfer its former Shelter Plus Care grant to Clarksville, Tennessee, effective September 1, 2019. The City of Clarksville also submitted a letter stating it has the capacity to carry out the grant and would like to assume the grant.

After reviewing the submitted documentation, this Office has approved the request. Robertson County shall remain responsible for any noncompliance issues that occurred prior to the reassignment of this grant to Clarksville, Tennessee. The effective date of the grant amendment (Assignment and Assumption), shall be September 1, 2019.

After Robertson County's Mayor has signed and dated the agreements, they will be mailed to you. Please coordinate the signature process by having your Mayor sign and date each of the four assignment/assumption grant agreements, and then mailing them back to this Office. After all signatures and dates have been obtained, one executed assignment/assumption grant agreement will be returned to you to keep for your files.

Your prompt cooperation in this matter will be highly appreciated and will expedite the amendment process. If you have any questions regarding the grant amendment, please contact Lynn Holt, Senior Community Planning and Development Representative at (865) 474-8222.

Very sincerely yours,

A handwritten signature in cursive script, reading "Renee Ryles", is written over the typed name.

Renee Ryles, Acting Director
Office of Community Planning
and Development

RESOLUTION 22-2019-20

A RESOLUTION AUTHORIZING RETIREMENT OF A PATROL SERVICE DOG “KARMA” FROM K-9 UNIT AND DONATION TO POLICE OFFICER JOSHUA SWAFFER

WHEREAS, the Clarksville Police Department (CPD) has previously established a K-9 Unit; and

WHEREAS, the CPD K-9 Unit consists of certain Officers of the Clarksville Police Department and patrol service dogs; and

WHEREAS, the CPD K-9 Unit purchased a patrol service dog named “Karma” approximately eight years ago; and

WHEREAS, “Karma” has developed severe arthritis and Degenerative Joint Disease of the spine and hips which prohibits him from performing duties as a Patrol Service Dog. Additionally, Karma has reached nine years of age and the CPD has adopted a new standard of replacing canines when they reach the age of nine; and

WHEREAS, “Karma” should be retired from police work due to the aforesaid problems, as recommended by Jessica Anne Baxter, DVM, St. Bethlehem Animal Clinic; and

WHEREAS, the long-term outlook or prospects for “Karma” if he were to be sold by the City for fair market value appear dubious, with little return likely for the City; and

WHEREAS, the fair market value for replacing a police service dog is approximately \$7,000.00; and

WHEREAS, “Karma” has rendered faithful performance and conducted himself in a most exemplary manner while serving as a member of the CPD K-9 Unit; and

WHEREAS, the main handler for “Karma” is CPD Officer Joshua Swaffer, who has agreed to accept the donation of “Karma” and provide him with care and necessary upkeep, and release the City of Clarksville of all liability; and

WHEREAS, the Clarksville City Council is of the considered opinion that donation of “Karma” to his main CPD Officer handler is in the best interests of all parties concerned.

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

That the Clarksville City Council hereby authorizes the Clarksville Police Department to retire a K-9 known as “Karma” from the K-9 Unit and donate same to CPD Officer Joshua Swaffer, Karma’s main handler.

ADOPTED:

ORDINANCE 22-2019-20

**Changes Presented 10-3-19*

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 “Common Plan of development or sale,” as a new definitional term, at the appropriate alphabetical location:

Common plan of development or sale shall mean a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, by different operators, but under one proposed plan. “One plan” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

(+ 2) 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 3) 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 4)~~ 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 5. 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 ~~or sale~~, 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.

POSTPONED:

September 5, 2019

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 29-2019-20

AN ORDINANCE REPEALING THE “INTERNAL SERVICE FUND GUIDELINES,” AND APPROVING A NEW INTERNAL SERVICE FUND ORDINANCE

WHEREAS, the City Council, pursuant to legislation approved by the City Council on September 5, 1996, (with an effective date of July 1, 1996), and subsequently revised January 29, 1998, and revised again July 1, 1999, has previously established “Internal Service Fund Guidelines” pertaining to the payment of liability claims (to include lawsuits), as set forth in its current form at Exhibit A attached hereto; and

WHEREAS, the City Charter, as pertains to the duties of the City Attorney with respect to claims and litigation, provides in pertinent part as follows:

Article VI. Organization and Personnel.

Section 3. City Attorney.

(b) The City Attorney shall direct the management, under the supervision of the City Council, of all litigation in which the City is a party He shall represent the City in all legal matters and proceedings in which the City is a party or interested, or in which any of its officers are officially interested; attend all meetings of the City Council, [and] advise the City Council, its members, and committees, and the heads of all departments, and all City boards, authorities, and commissions, as to all legal questions affecting the City’s interest Except as otherwise directed by this Charter or by ordinance, he shall have full charge of all legal proceedings in which the City is a party, and;

WHEREAS, state law of general application, which trumps provisions of the state law, private act, City Charter, at Tennessee Code Annotated §6-54-512, establishes what actions of a governing body of a municipality shall be by ordinance and provides as follows:

Tenn. Code Ann. §6-54-512. Actions of governing body to be by ordinance.

The following actions of the governing body of a municipality shall be by ordinance unless otherwise allowed by general law to be done by resolution:

- (1) Any action required by general law or the charter of a municipality to be by ordinance; or
- (2) Any action that:
 - (A) Levies a tax;
 - (B) Makes a special assessment;
 - (C) Is permanent in nature; or
 - (D) Has a regulatory or penal effect, and;

WHEREAS, the City Council finds that the best interests of the citizens requires that the “Internal Service Fund Guidelines,” as previously adopted, be repealed, and a new ordinance providing for participation by the whole City Council with regard to the payment of claims / litigation settlements above a certain amount, with

appropriate authority being granted to the City Attorney for settlement authority for claims in a lesser amount, and with appropriate authority being granted to the City Risk Manager, after consultation with the City Attorney, for settlement authority for claims in a lesser amount than that prescribed for the City Attorney, should be adopted by the City Council, all as specified herein below.

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

1. That the current City “Internal Service Fund Guidelines” previously approved by the City Council on September 5, 1996 (and effective July 1, 1996), as revised January 29, 1998, and revised again July 1, 1999, be and the same is hereby repealed.
2. That the following shall be adopted as a new City Code Section 6-514. (Internal Service Fund):

Section 6-514. Internal Service Fund.

- (a) There is hereby established an Internal Service Fund to serve as a mechanism and accounting account for purpose of administering and paying, as determined by appropriate authorities as set forth herein below, claims and litigation settlements made against the City. As used herein the word “claim” shall include pre-litigation settlements, settlements of pending litigation, and / or payments of judgments against the City. The types of claims to be covered and administered through the Internal Service Fund shall only include, On-the Job Injury claims, general liability claims (to include personal injury, wrongful death, and / or property damage liability claims, automobile liability claims, negligence or tort claims of all kinds (but without waiving any defenses or limits established by the Tennessee Governmental Tort Liability Act)), employment related claims of any kind under federal, state, or local law, civil rights claims under federal or local law, breach of contract or contract like claims, or any other claims that should be paid out of the Internal Service Fund as determined by the City Attorney.
- (b) The City Attorney, and his / her assistants, shall be responsible for claims and litigation management, under the supervision of the City Council, not otherwise inconsistent with his duties as City Attorney as provided in the City Charter, or with state law of general application, to include the Tennessee Rules of Professional Conduct for attorneys. The City Attorney shall have full authority regarding the determination as to whether to retain outside counsel, and the selection of outside counsel, with regard to all legal matters involving the City, to include defense of claims made or threatened against the City, and the City Attorney shall make reports to the City Council regarding same from time to time, or as otherwise directed by the Mayor or City Council.
- (c) The Director of Finance, and his / her assistants, shall be responsible for administering and collecting sufficient sums from the various departments, in a fair way and on an actuarial type basis, using prior claim history for each department, and other pertinent factors, in a manner to be determined by the Risk Manager, in consultation with the Director of Finance, in order to fund and

maintain the Internal Service Fund in an amount sufficient to pay claims on an annual budget basis. Said Internal Service Fund shall be a separate fund accounted for separately from the City general fund and other funds. The Director of Finance may establish procedures for the requisition and documentation of payments made out of the Internal Service Fund, not otherwise inconsistent with the provisions herein, the City Charter, and state law of general application. Except for OJI claims, an executed release shall be obtained in so far as possible from the claimant(s) for non-litigation settlement payments, and litigation settlements not involving a judgment against the City.

(d) Specific claim / litigation settlement authority shall be as follows:

- (1) On-the-Job Injury claims, not involving litigation, shall be evaluated by the City Risk Manager (who may consult with the City Attorney) and may be settled for up to the maximum amount of payment by the City for On-the-Job Injuries as provided by the City OJI program.
- (2) General Liability claims (to include personal injury, wrongful death, and / or property damage liability claims, automobile liability claims, negligence or tort claims of all kinds (but without waiving any defenses or limits established by the Tennessee Governmental Tort Liability Act)), employment related claims of any kind under federal, state, or local law, civil rights claims under federal or state law, breach of contract or contract like claims, or any other claims that should be paid out of the Internal Service Fund as determined by the City Attorney, up to an amount of \$7,500.00 (SEVEN THOUSAND AND FIVE HUNDRED DOLLARS) or less, may be approved for payment by the City Risk Manager.
- (3) General Liability claims (to include personal injury, wrongful death, and / or property damage liability claims, automobile liability claims, negligence or tort claims of all kinds (but without waiving any defenses or limits established by the Tennessee Governmental Tort Liability Act)), employment related claims of any kind under federal, state, or local law, civil rights claims under federal or state law, breach of contract or contract like claims, or any other claims that should be paid out of the Internal Service Fund as determined by the City Attorney, up to an amount of \$30,000.00 (THIRTY THOUSAND DOLLARS) or less, may be approved for payment by the City Attorney.
- (4) General Liability claims (to include personal injury, wrongful death, and / or property damage liability claims, automobile liability claims, negligence or tort claims of all kinds (but without waiving any defenses or limits established by the Tennessee Governmental Tort Liability Act)), employment related claims of any kind under federal, state, or local law, civil rights claims under federal or state law, breach of contract or contract like claims, or any other

claims that should be paid out of the Internal Service Fund as determined by the City Attorney, greater than \$30,000.00 (THIRTY THOUSAND DOLLARS), may only be approved for payment by majority vote of the City Council.

- (e) Nothing herein limits or prohibits the authority of the City Attorney to pursue litigation on behalf of the City with the City as plaintiff, as is provided for, or authorized by, either expressly or by implication, the City Charter, the City Code, state law of general application, or federal law, or as authorized by action of the City Council.
- (f) This ordinance shall take effect upon approval but shall only apply to new lawsuits and claims filed or submitted on or after the effective date of this ordinance. The previously approved internal service fund guidelines as amended will apply to all lawsuits and claims filed or submitted prior to the effective date of this ordinance.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 24-2019-20

A RESOLUTION RENAMING BIRCHWOOD PARK AS CSM SIDNEY R. BROWN PARK AT BIRCHWOOD

WHEREAS, Sidney Brown has contributed greatly to the Clarksville and Montgomery County community through his service, both as an individual and as an elected official; and

WHEREAS, it is appropriate that the Clarksville City Council acknowledge Mr. Brown's contributions to the citizens of Clarksville and Montgomery County.

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

That the Clarksville City Council hereby approves renaming Birchwood Park as "CSM Sidney R. Brown Park at Birchwood."

BE IT FURTHER RESOLVED that the Clarksville Parks & Recreation Department is hereby authorized to immediately change the existing signage at this park.

ADOPTED: