



**CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
JANUARY 30, 2020, 4:30 P.M.**

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

AGENDA

1) PLANNING COMMISSION *RPC Director Jeff Tyndall*

PUBLIC HEARING

1. **ORDINANCE 56-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of CBP Properties, Christian Black-Agent, for zone change on property located at the intersection of Ashland City Road and Glenstone Boulevard from R-1 Single Family Residential District to R-2A Single Family Residential District *RPC: Disapproval/Approval*
2. **ORDINANCE 57-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William Boyd, Mid State Investments-Agent, for zone change on property located at the intersection of Cumberland Drive and Woodmont Boulevard-Hickory Grove Boulevard from R-3 Three Family Residential District to R-2A Single Family Residential District *RPC: Approval/Approval*
3. **ORDINANCE 58-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Michael Hanna, Dover Road, LLC, Chris Scogin-Agent, for zone change on property located at the intersection of Dover Road (US Hwy. 79) and Somerset Lane from C-1 Neighborhood Commercial District to C-5 Highway & Arterial Commercial District *RPC: Approval/Approval*
4. **ORDINANCE 59-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Care, LLC, J. Chris Fielder-Agent, for zone change on property located at the intersection of Warfield Boulevard and Memorial Drive from R-4 Multiple Family Residential District to O-1 Office District *RPC: Approval/Approval*

5. **ORDINANCE 60-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Sam Lucas, Jr., Double Bogey Partners-Agent, for zone change on property located at the intersection of Reynolds Street and Dodd Street from R-3 Three Family Residential District to R-6 Single Family Residential District *RPC: Approval/Approval*

6. **ORDINANCE 61-2019-20** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Kentucky-Tennessee Conference Association of Seventh Day Adventists, Inc., Ray Ormar, Capital Brands Group-Agent, for zone change on property located at the intersection of Northfield Drive and Glenhurst Way from R-1 Single Family Residential District to R-4 Multiple Family Residential District *RPC: Approval/Approval*

2) 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 50-2019-20** (Second Reading) Amending the Official Code relative to gas rates and interdistrict fees

2. **ORDINANCE 51-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of John Hadley for zone change on property located at the intersection of Wilma Rudolph Boulevard and Terminal Road from M-2 General Industrial District to C-5 Highway & Arterial Commercial District

3. **ORDINANCE 52-2019-20** (Second Reading) Amending the 2019-20 Operating and Capital Budget for Governmental Funds for various uses

4. **ORDINANCE 53-2019-20** (Second Reading) Accepting donation of property from Eagles Bluff Partnership for the Northeast Connector

5. **RESOLUTION 44-2019-20** Approving appointments to the Ethics Commission and correcting terms for appointments to the Audit Committee

- *Audit Committee: Dr. Brandon Di Paolo Harrison and Joel Wallace (incorrectly approved December 5, 2019 for three years) - January 2020 through December 2021*
- *Ethics Committee: Ernest Brockman (fill unexpired term of Joel Wallace-resigned) - February 2020 through June 2021; Bridgett Lolla-Childs (fill unexpired term of Hugh Smith-resigned) - February 2020 through June 2020*

6. Adoption of Minutes: January 2

3) FINANCE COMMITTEE *Chairman Jeff Burkhart*

1. **ORDINANCE 54-2019-20** (First Reading) Amending the Official Code relative to residential new construction plumbing permit fee *Finance Committee and Public Safety Committee: Approval*
2. **ORDINANCE 55-2019-20** (First Reading) Accepting donation of property from the Industrial Development Board and Montgomery County Commission for Police District 3 *Finance Committee: Approval*
3. **RESOLUTION 39-2019-20** Authorizing retirement of Patrol Service Dog Leonidas from the K-9 Unit and further authorizing donation of same to Police Officer Gary Mefford *Finance Committee and Public Safety Committee: Approval*
4. **RESOLUTION 40-2019-20** Authorizing a Mutual Aid Agreement with Austin Peay State University for police services *Finance Committee and Public Safety Committee: Approval*
5. **RESOLUTION 41-2019-20** Authorizing an interlocal agreement with East Montgomery Utility District for sanitary sewerage services *Finance Committee and Gas & Water Committee: Approval*
6. **RESOLUTION 42-2019-20** Authorizing an interlocal agreement with Todd County Fiscal Court for natural gas infrastructure *Finance Committee and Gas & Water Committee: Approval*
7. **RESOLUTION 43-2019-20** Authorizing an Interlocal Agreement with the Tennessee Department of Safety and Homeland Security *Finance Committee: Approval*

4) GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

1. Department Report

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

1. Department Report

6) PARKS & RECREATION *Chairlady Valerie Guzman*

1. Department Report

7) PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

1. Department Reports

8)STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

1. Department Reports

9)TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

1. Department Reports

10)NEW BUSINESS

1. **ORDINANCE 29-2019-20** (First Reading; Postponed January 2) Repealing the Internal Service Fund Guidelines and amending the Official Code approving new Internal Service Fund Guidelines *Councilman Allen, Mayor Pitts*

11) MAYOR AND COUNCIL MEMBER REPORTS

NOTE: City Offices will be closed Monday, February 17, Presidents Day

12) PUBLIC COMMENTS.

13) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: February 6, 2020. The public hearing will be held on: January 30, 2020.

CITY ORD. #: 56-2019-20 RPC CASE NUMBER: Z-35-2019

Applicant: CBP PROPERTIES CHRISTIAN BLACK

Agent: Christian Black

Location: Property located on the north frontage of Ashland City Road, 350 +/- feet east of the Ashland City Rd. & Glenstone Blvd. intersection.

Ward #: 7

Request: R-1 Single-Family Residential District
to
R-2A Single-Family Residential District

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 57-2019-20 RPC CASE NUMBER: Z-1-2020

Applicant: WILLIAM BOYD

Agent: Mid State Investments

Location: Property fronting on the east frontage of Cumberland Dr., 215 +/- feet north of the Cumberland Dr. & Woodmont Blvd. / Hickory Grove Blvd. intersection.

Ward #: 6

Request: R-3 Three-Family Residential District
to
R-2A Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 58-2019-20 RPC CASE NUMBER: Z-2-2020

Applicant: MICHAEL HANNA DOVER ROAD, LLC

Agent: Chris Scogin

Location: Property located at the northeast corner of the Dover Rd. (US Hwy 79) & Somerset Ln. intersection.

Ward #: 4

Request: C-1 Neighborhood Commercial District
to
C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 59-2019-20 RPC CASE NUMBER: Z-3-2020
Applicant: CARE LLC
Agent: J. Chris Fielder
Location: Property located at the northwest corner of the Warfield Blvd. & Memorial Dr. intersection.
Ward #: 11
Request: R-4 Multiple-Family Residential District
to
O-1 Office District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 60-2019-20 RPC CASE NUMBER: Z-4-2020
Applicant: SAM LUCAS JR.
Agent: Double Bogey Partners
Location: Parcels located at the southeast corner of the Reynolds St. & Dodd St. intersection.
Ward #: 6
Request: R-3 Three-Family Residential District
to
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 61-2019-20 RPC CASE NUMBER: Z-5-2020
Applicant: KY TN CONF ASSOC OF SEVENTH DAY ADVENTISTS INC.
Agent: Ray Omar Capital Brands Group
Location: Portion of the tract located north of the Northfield Dr. & Glenhurst Way intersection.
Ward #: 12
Request: R-1 Single-Family Residential District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE 1/29/2020

CASE NUMBER: Z -35 -2019

NAME OF APPLICANT Cbp Properties

Christian Black

AGENT: Christian

Black

GENERAL INFORMATION

TAX PLAT: 088-A-B

PARCEL(S): 001.01

ACREAGE TO BE REZONED: 2.28

PRESENT ZONING: R-1

PROPOSED ZONING: R-2A

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property located on the north frontage of Ashland City Road, 350 +/- feet east of the Ashland City Rd. & Glenstone Blvd. intersection.

CITY COUNCIL WARD: 7

COUNTY COMMISSION DISTRICT: 20

CIVIL DISTRICT: 11

DESCRIPTION OF PROPERTY Existing grassland tract with frontage along Ashland City Road
AND SURROUNDING USES:

APPLICANT'S STATEMENT To more efficiently develop this parcel now that sewer is available
FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Sango

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:

Access Ordinance must be followed for Arterial Road. (Driveway access limited to one)

3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

4. CDE/CEMC:

5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

8. SCHOOL SYSTEM:

No Comment(s) Received

ELEMENTARY: EAST MONTGOMERY

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: CLARKSVILLE

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Increased density.
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Ashland City Road

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

11

7

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

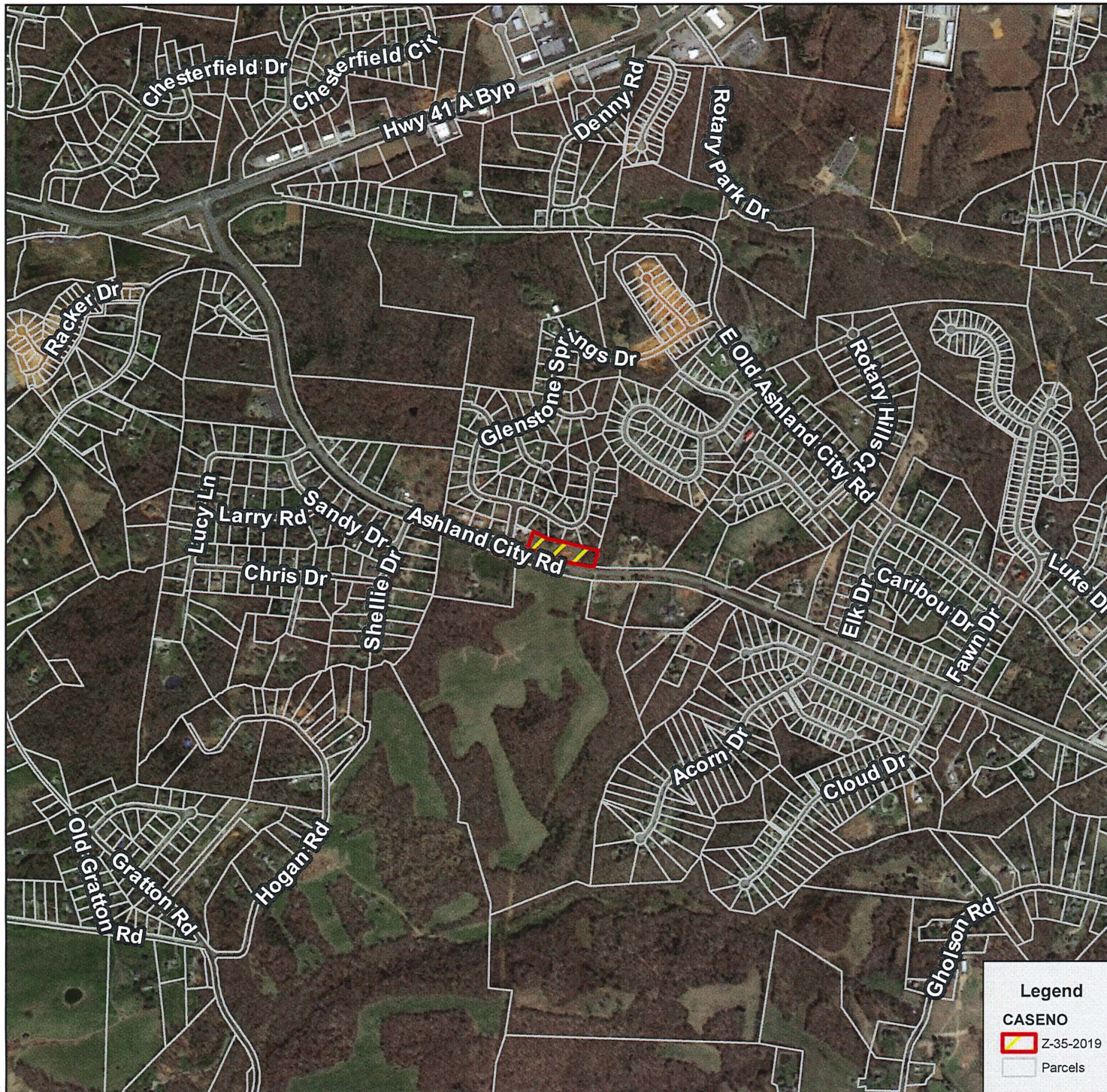
HIGH SCHOOL STUDENTS:

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-west 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: **DISAPPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Opinion Map as it indicates Single Family Residential for the area, however it is inconsistent with the adopted Land Use Plan based on the proposed SF density.
- 2.** The adopted Land Use Plan indicates that the present R-1 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 RPC Staff feels that the proposed R-2A lot sizes & density is out of character with the established surrounding R-1 lot sizes & density.
- 4.**
- 5.**



Z-35-2019

APPLICANT:
CBP PROPERTIES

REQUEST:
R-1
TO
R-2A

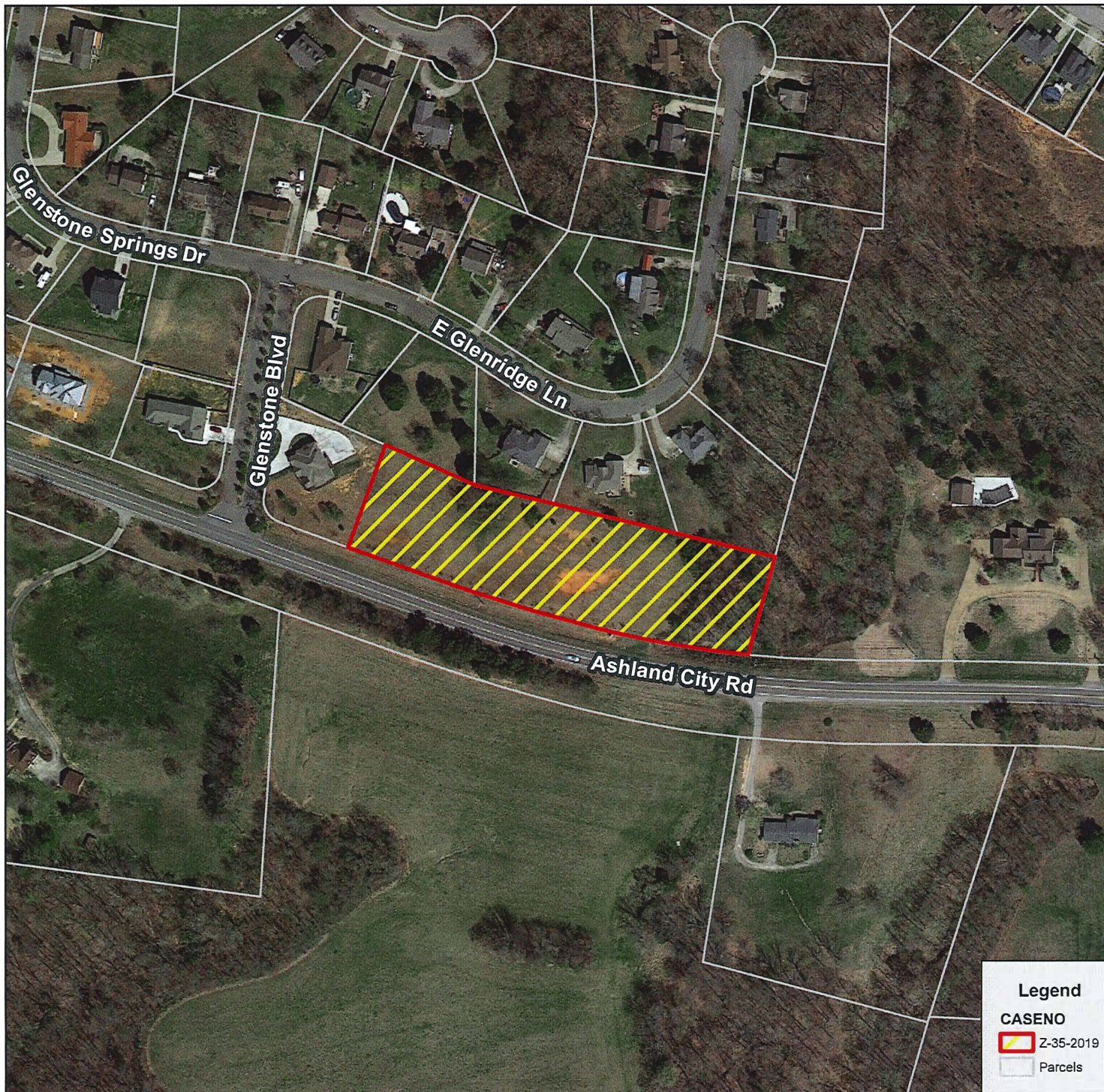
MAP AND PARCEL
088A B 00101

+/- ACRES
2.28

1:15,000

0 1,500
Feet

12/19/2019



Z-35-2019

APPLICANT:
CBP PROPERTIES

REQUEST:
R-1
TO
R-2A

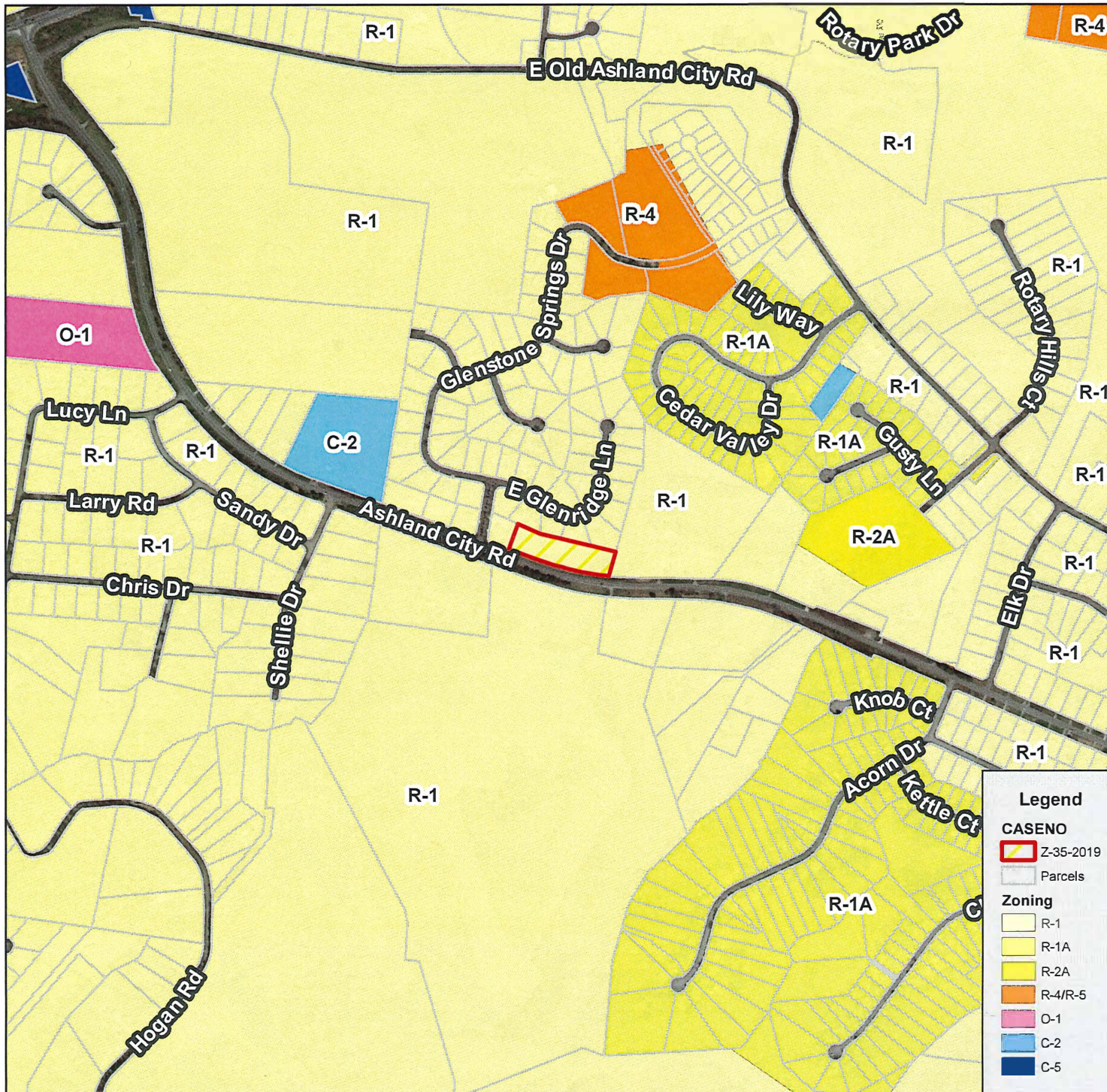
MAP AND PARCEL
088A B 00101

+/- ACRES
2.28

1:2,500



12/19/2019



Z-35-2019

APPLICANT:
CBP PROPERTIES

REQUEST:

R-1

TO

R-2A

MAP AND PARCEL
088A B 00101

+/- ACRES
2.28

1:10,000



12/19/2019

CASE NUMBER: Z 35 2019 **MEETING DATE** 1/29/2020

APPLICANT: Cbp Properties Christian Black

PRESENT ZONING R-1 **PROPOSED ZONING** R-2A

TAX PLAT # 088-A-B **PARCEL** 001.01

GEN. LOCATION Property located on the north frontage of Ashland City Road, 350 +/- feet east of the Ashland City Rd. & Glenstone Blvd. intersection.

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/29/2020 (A.L.)



City
of
Clarksville

John Spainhoward <john.spainhoward@cityofclarksville.com>

Glenstone Property Rezoning

1 message

Bryce Powers <bryce@pb-llc.com>

Tue, Jan 7, 2020 at 8:28 PM

To: Jeffrey Tyndall <jeffrey.tyndall@cityofclarksville.com>, John Spainhoward <john.spainhoward@cityofclarksville.com>

Cc: Christian Black Team <christianblack33@gmail.com>

Jeff and John, thank you for your time today to discuss our upcoming rezoning case. I would like to recap a few points to add to the staff discussion of our case.

1. We feel that the fact that sanitary sewer is now available to this parcel, this constitutes a significant change to the area. Therefore, allowing for more dense developments in the area that were previously not possible, and therefore providing the opportunity for a change in the zoning.
2. This new project will not have access from inside Glenstone Subdivision, only from Ashland City Road.
3. Although the zoning of some of the surrounding properties is similar or the same as Glenstone, the lot sizes are actually similar to what we are proposing. Cedar Valley, Glenstone Cluster, Section 3, and the approved preliminary plat of Glenstone Cluster, section 4. The north portion of Glenstone is bordered by a C-2 tract and there is significant R-4 within Glenstone. Therefore we don't think our request is out of character with the area.
4. Additionally, there is a tract to the south that was rezoned to R-2A within the last 4 years and had staff approval, RPC approval, and was passed by the City Council.
5. Only one driveway is permitted on the requested tract, therefore limiting the other density options. We proposed just one common driveway that will access all the homes from the rear.
6. With the growth of our city, we feel this is a better use of available land within the City limits with existing City infrastructure of utilities, etc.

Please let me know if you have any questions or need any additional information.

Bryce Powers

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 1/29/2020

CASE NUMBER: Z - 1 - 2020

NAME OF APPLICANT: William

Boyd

AGENT: Mid State

Investments

GENERAL INFORMATION

TAX PLAT: 079-C-B

PARCEL(S): 003.00 & 004.00

ACREAGE TO BE REZONED: 0.38

PRESENT ZONING: R-3

PROPOSED ZONING: R-2A

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the east frontage of Cumberland Dr., 215 +/- feet north of the Cumberland Dr. & Woodmont Blvd. / Hickory Grove Blvd. intersection.

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 5

CIVIL DISTRICT: 12

DESCRIPTION OF PROPERTY AND SURROUNDING USES: Existing Single Family home & small vacant wooded lot. Both have varying topography.

APPLICANT'S STATEMENT FOR PROPOSED USE: Purpose is to create a single family lot.

GROWTH PLAN AREA:

CITY

PLANNING AREA: City

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:

No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Cumberland Drive

DRAINAGE COMMENTS: Northeast

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

2

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

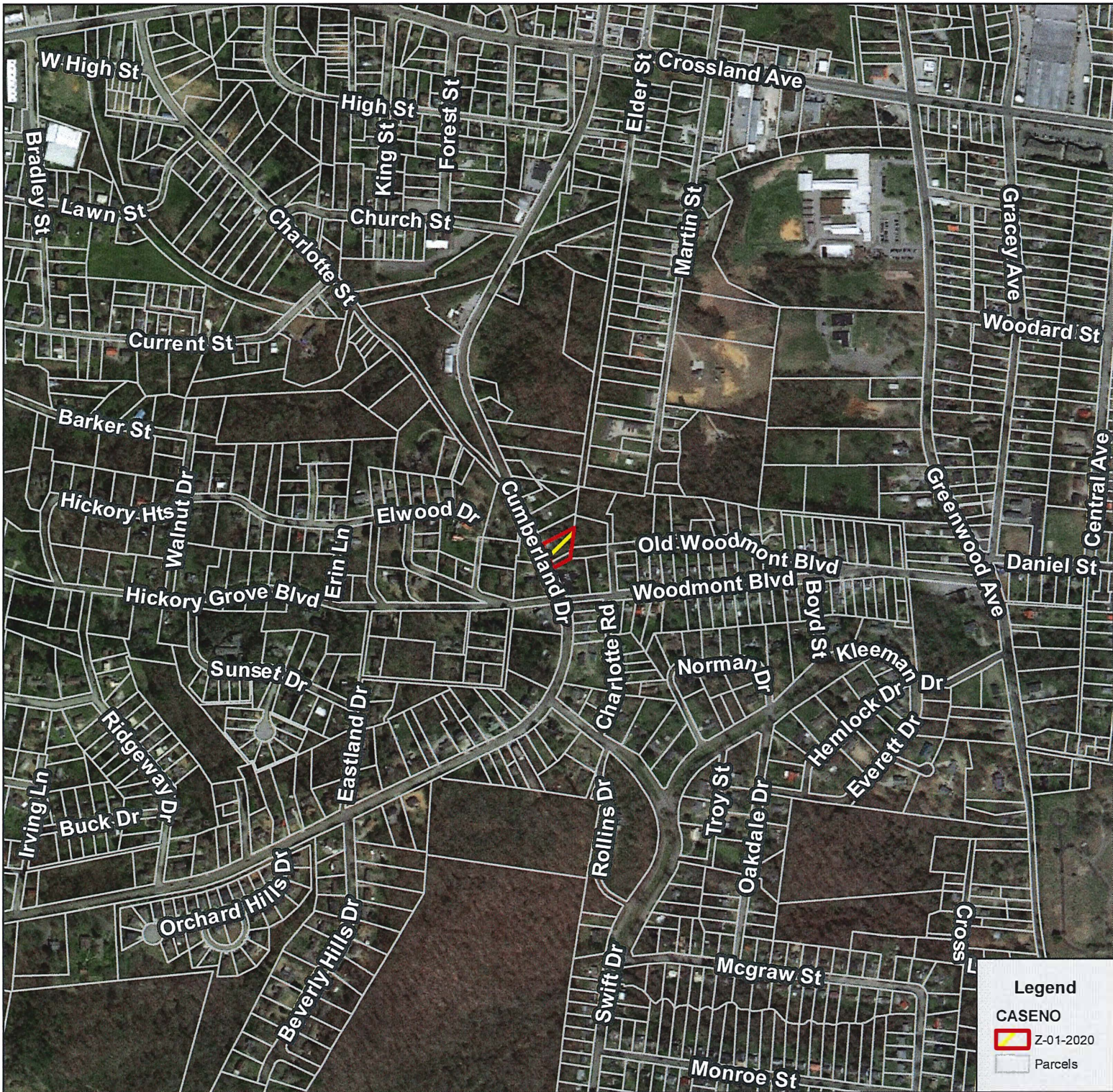
HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** The proposed R-2A zoning classification is not out of character with the surrounding area or established uses.
- 3.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 4.**
- 5.**



Z-01-2020

APPLICANT:
WILLIAM BOYD

REQUEST:
R-3
TO
R-2A

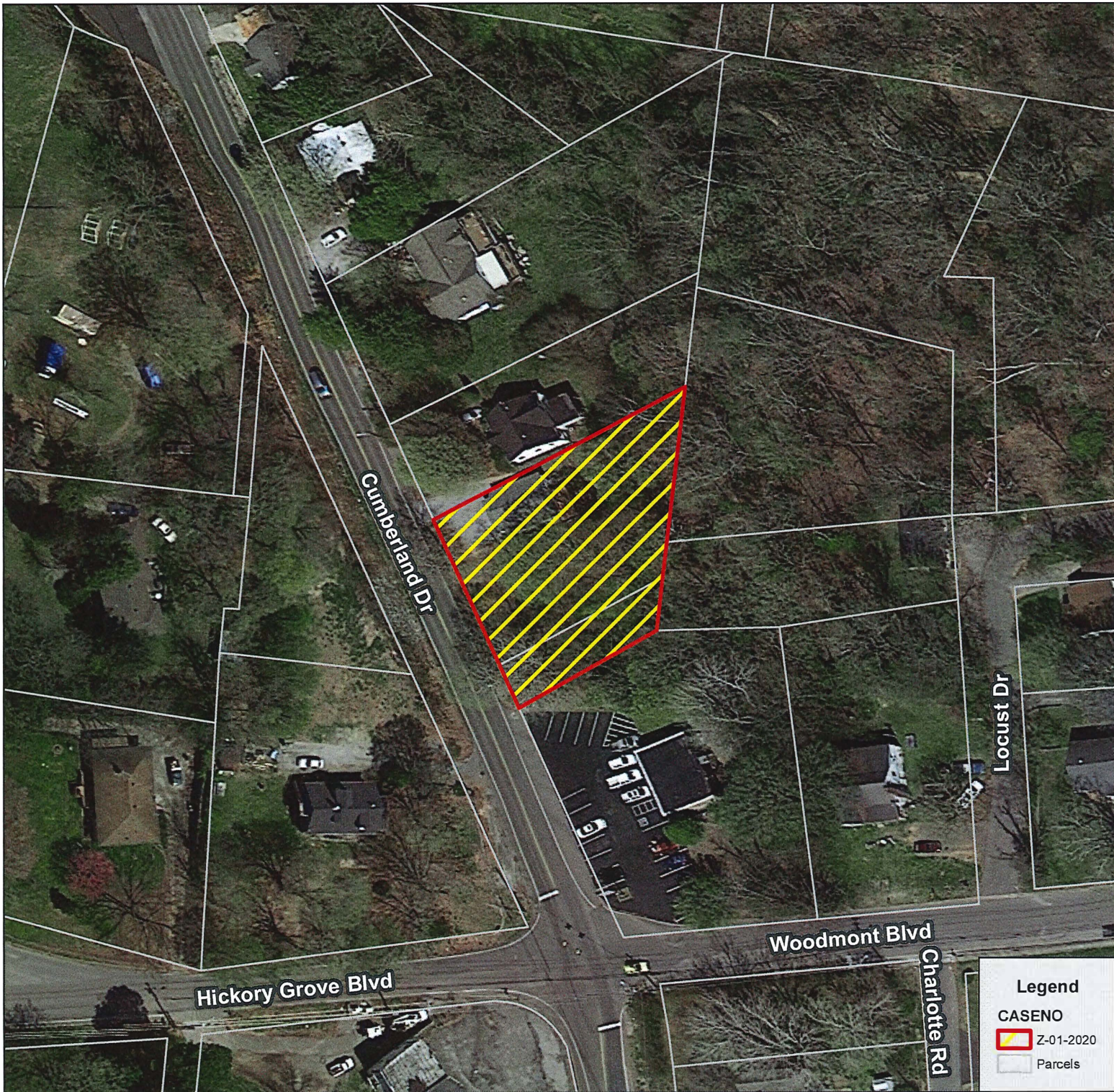
MAP AND PARCEL
079C B 00300
079C B 00400

+/- ACRES
0.38

1:8,000



1/29/2020



Z-01-2020

APPLICANT:
WILLIAM BOYD

REQUEST:
R-3
TO
R-2A

MAP AND PARCEL
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079C B 00400

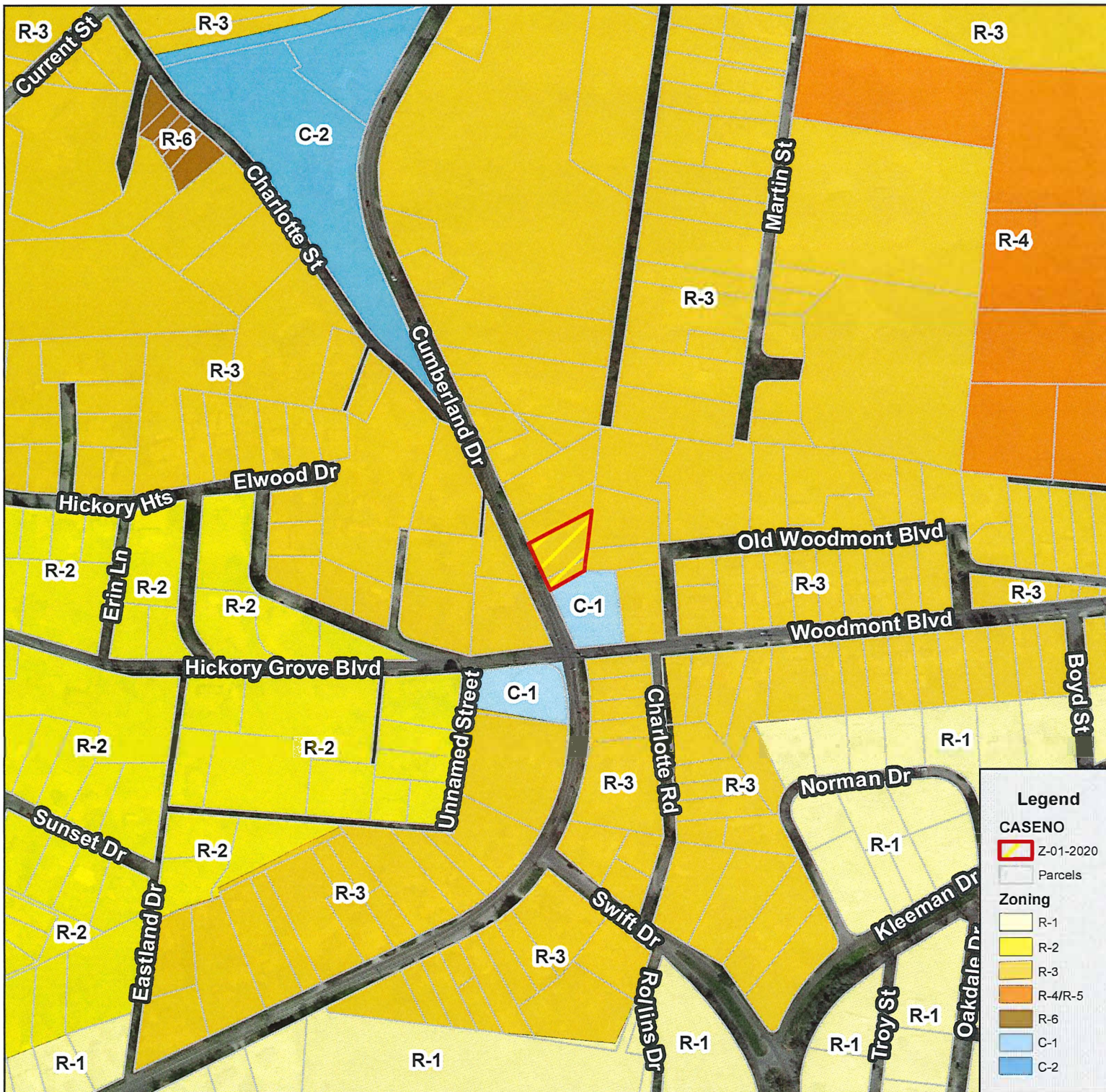
+/- ACRES
0.38

1:1,000



1/29/2020





Z-01-2020

APPLICANT:

WILLIAM BOYD

REQUEST:

R-3

TO

R-2A

MAP AND PARCEL

079C B 00300

079C B 00400

+/- ACRES

0.38

1:4,000

0 420
Feet

1/29/2020

CASE NUMBER: Z 1 2020 **MEETING DATE** 1/29/2020

APPLICANT: William Boyd

PRESENT ZONING R-3

PROPOSED ZONING R-2A

TAX PLAT # 079-C-B

PARCEL 003.00 & 004.00

GEN. LOCATION Property fronting on the east frontage of Cumberland Dr., 215 +/- feet north of the
Cumberland Dr. & Woodmont Blvd. / Hickory Grove Blvd. intersection.

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/29/2020 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 1/29/2020

CASE NUMBER: Z - 2 - 2020

NAME OF APPLICANT: Michael Hanna

Dover Road, Llc

AGENT: Chris

Scogin

GENERAL INFORMATION

TAX PLAT: 054-A-E

PARCEL(S): 001.00

ACREAGE TO BE REZONED: 0.735

PRESENT ZONING: C-1

PROPOSED ZONING: C-5

EXTENSION OF ZONING

CLASSIFICATION: YES TO THE WEST AND SOUTH

PROPERTY LOCATION: Property located at the northeast corner of the Dover Rd. (US Hwy 79) & Somerset Ln. intersection.

CITY COUNCIL WARD: 4

COUNTY COMMISSION DISTRICT: 16

CIVIL DISTRICT: 7

DESCRIPTION OF PROPERTY Existing commercial / retail center.

AND SURROUNDING USES:

APPLICANT'S STATEMENT Bar & Grill

FOR PROPOSED USE:

GROWTH PLAN AREA: CITY

PLANNING AREA: Lafayette

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:

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:

No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Existing uses are established on the property.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Highway 79 / Dover Road.

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

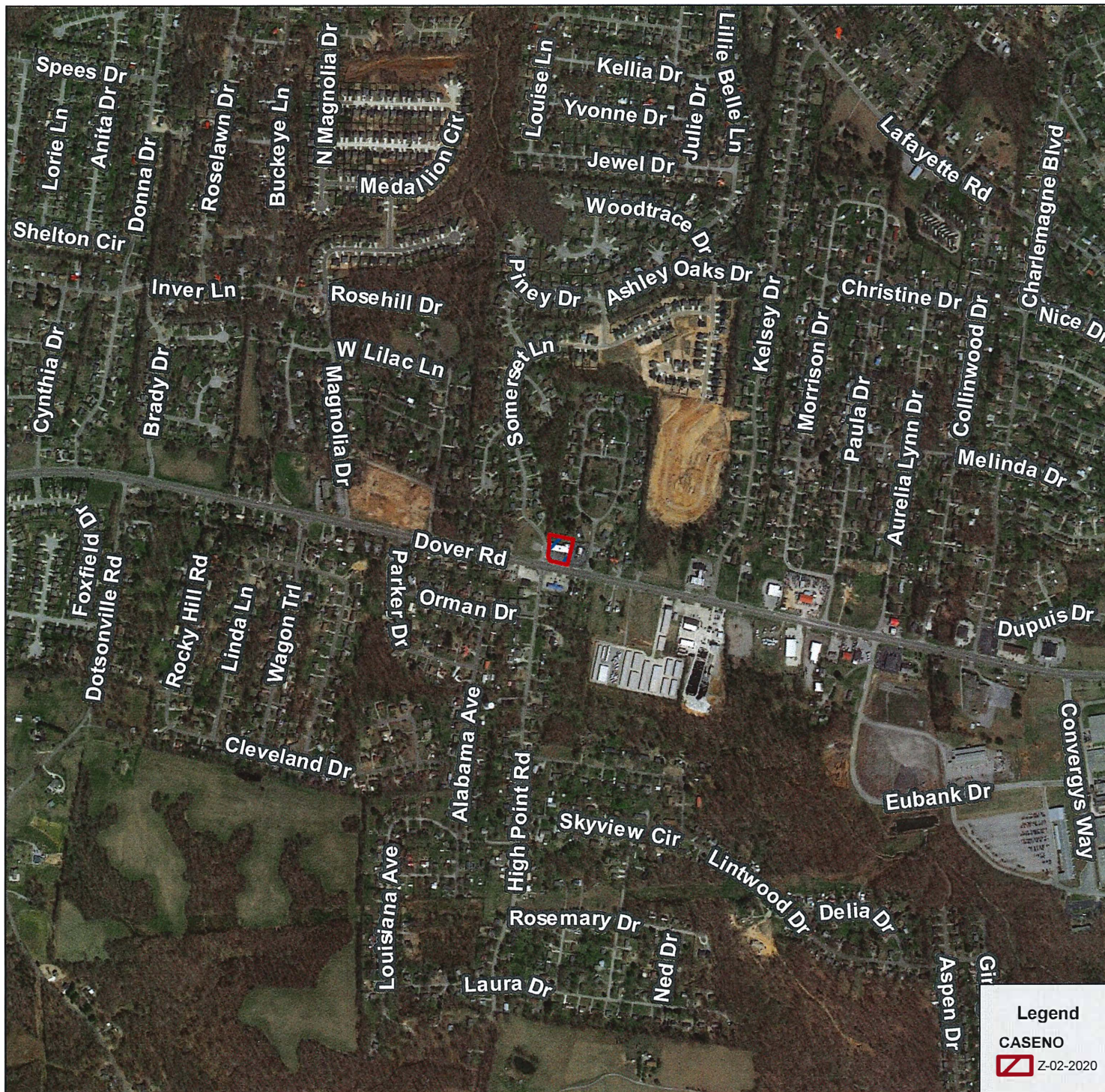
HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The C-5 Highway & Arterial Commercial zoning classification is proposed for property fronting on a arterial highway at an intersection. The C-5 zoning classification is also an extension of the existing C-5 zoning classification to the West & South.
3. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 4.
- 5.



Z-02-2020

APPLICANT:

DOVER ROAD LLC

REQUEST:

C-1

TO

C-5

MAP AND PARCEL

054A E 00100

+/- ACRES

0.73


1:12,500

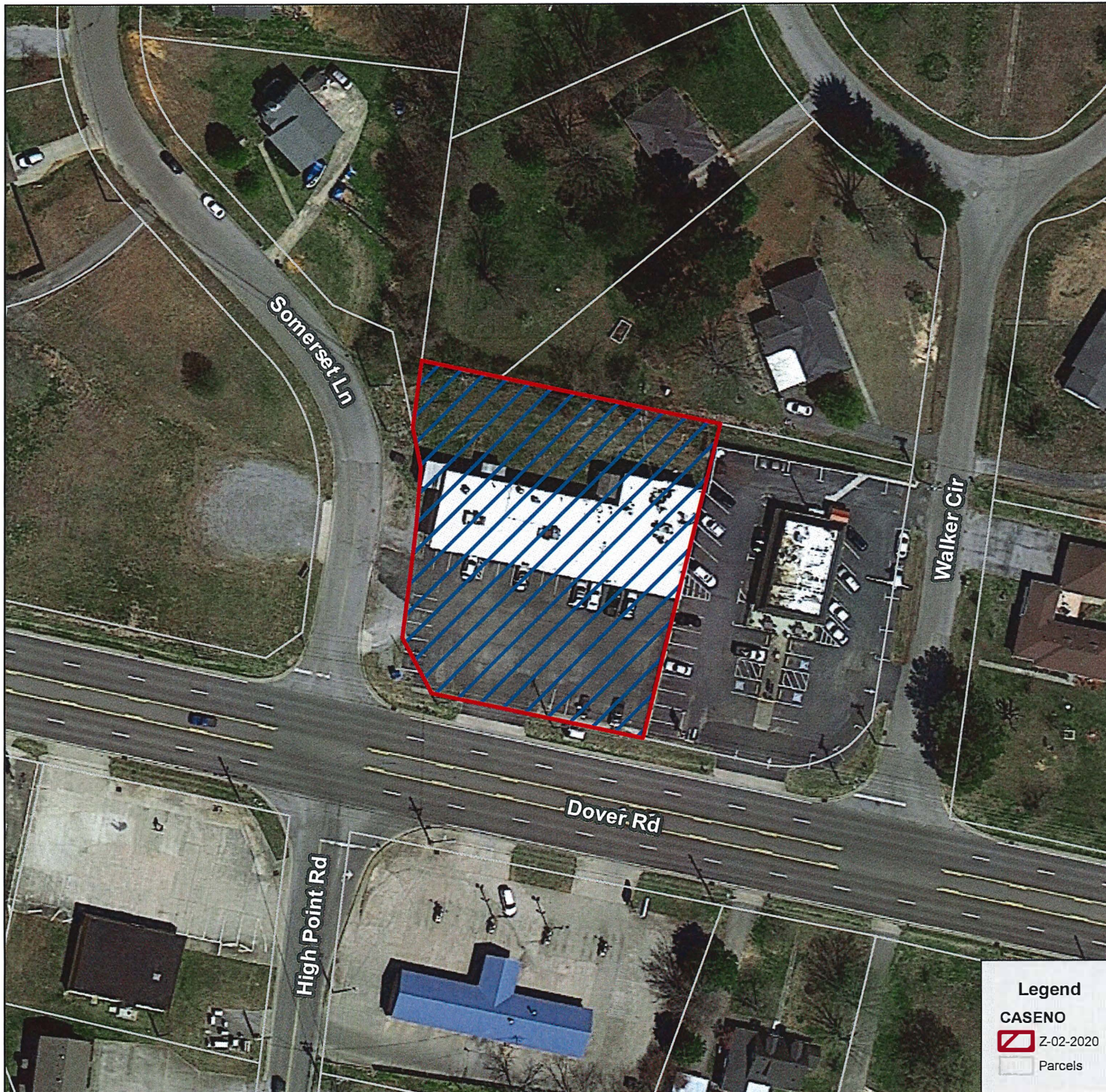


1/29/2020

Legend

CASENO

 **Z-02-2020**



Z-02-2020

APPLICANT:
DOVER ROAD LLC

REQUEST:
C-1
TO
C-5

MAP AND PARCEL
054A E 00100

+/- ACRES
0.73


1:1,000




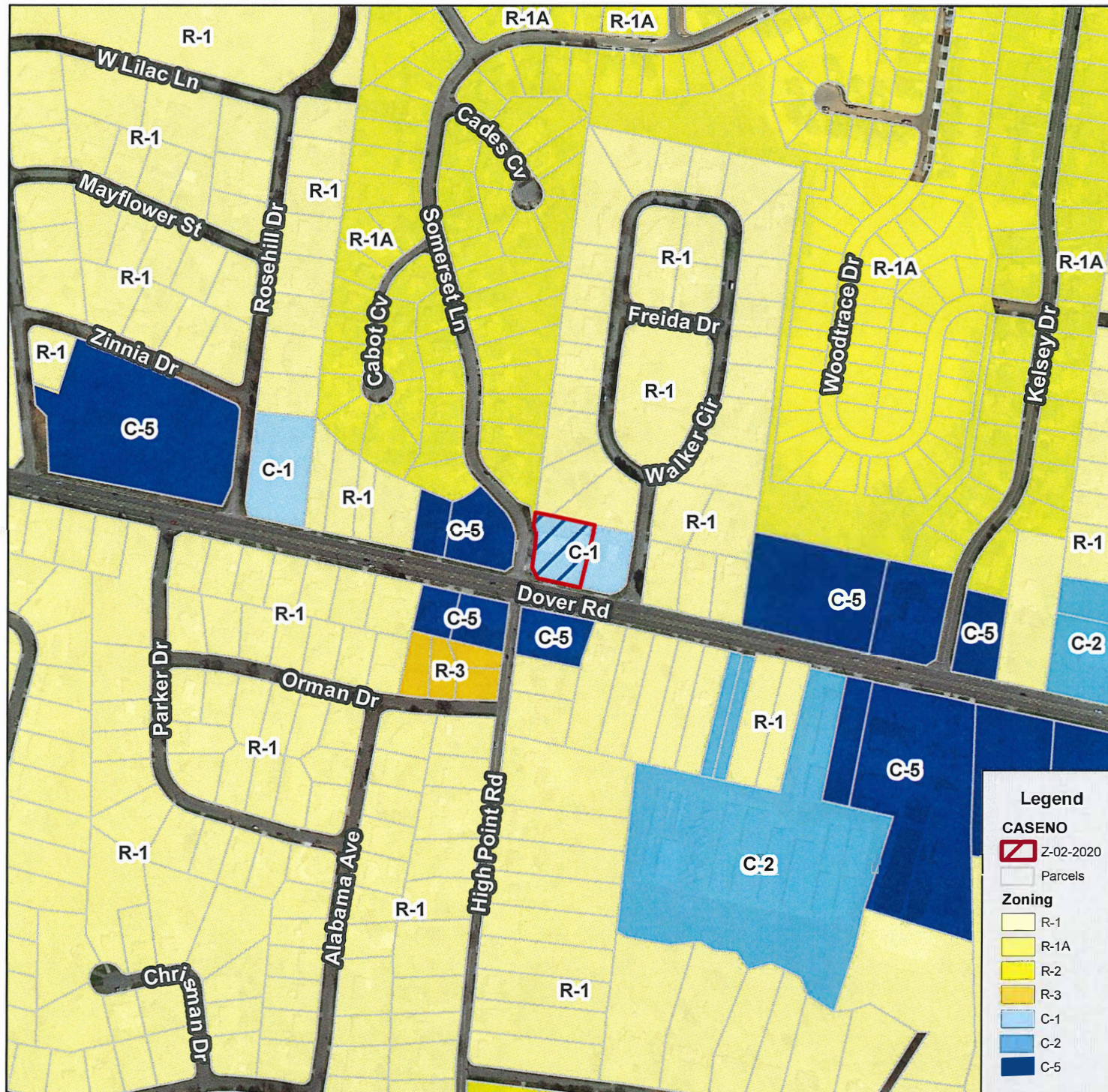
1/29/2020

Legend

CASENO

 **Z-02-2020**

 **Parcels**



Z-02-2020

APPLICANT:
DOVER ROAD LLC

REQUEST:

C-1
TO
C-5

MAP AND PARCEL
054A E 00100

+/- ACRES
0.73

1:5,000



1/29/2020

CASE NUMBER: Z 2 2020 **MEETING DATE** 1/29/2020

APPLICANT: Michael Hanna Dover Road, Llc

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

TAX PLAT # 054-A-E **PARCEL** 001.00

GEN. LOCATION Property located at the northeast corner of the Dover Rd. (US Hwy 79) & Somerset Ln. intersection.

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/29/2020 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 1/29/2020

CASE NUMBER: Z - 3 - 2020

NAME OF APPLICANT: Care Llc

AGENT: J. Chris

Fielder

GENERAL INFORMATION

TAX PLAT: 064-I-A

PARCEL(S): 001.02

ACREAGE TO BE REZONED: 2.62

PRESENT ZONING: R-4

PROPOSED ZONING: O-1

EXTENSION OF ZONING

CLASSIFICATION: YES TO THE EAST

PROPERTY LOCATION: Property located at the northwest corner of the Warfield Blvd. & Memorial Dr. intersection.

CITY COUNCIL WARD: 11

COUNTY COMMISSION DISTRICT: 21

CIVIL DISTRICT: 11

DESCRIPTION OF PROPERTY Existing medical office.

AND SURROUNDING USES:

APPLICANT'S STATEMENT The applicant requests to rezone from the current R-4 zoning to O-1 zoning in order to
FOR PROPOSED USE: make the existing medical office a compliant use.

GROWTH PLAN AREA: CITY

PLANNING AREA: Medical District

PREVIOUS ZONING HISTORY: Z-25-1987

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:

No access permitted to Warfield Blvd.

3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

4. CDE/CEMC:

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:

No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Memorial Drive

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

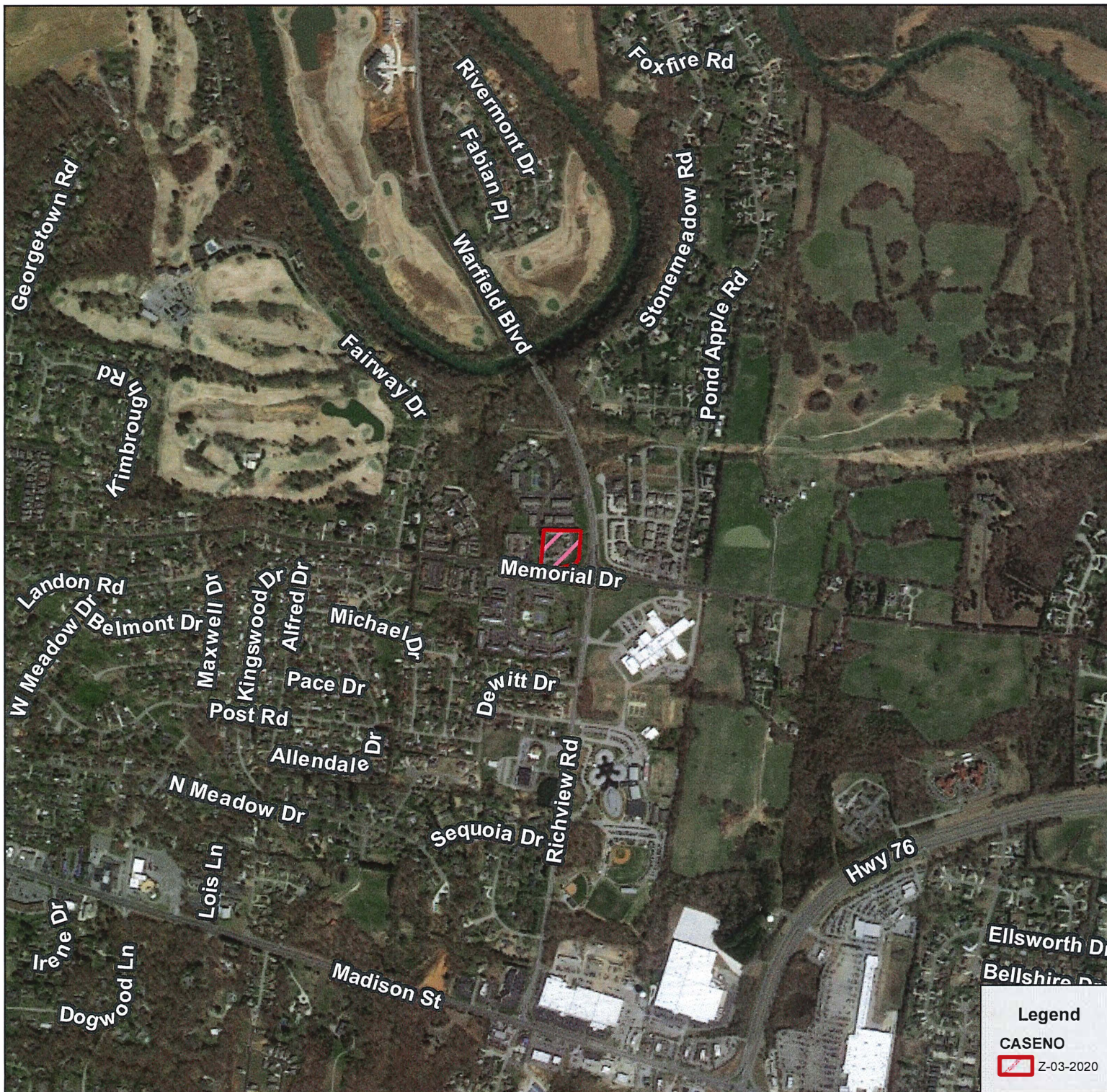
HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

Medical District- This Planning area was driven by the former Hospital located within the district. With the hospital being relocated and the former site being redeveloped as commercial and is expected to trigger major changes in the area.

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed O-1 Office District will bring the existing/previous use of the structure in conformance with the current City of Clarksville Zoning Ordinance.
3. The proposed O-1 zoning classification is not out of character with the surrounding area & is an extension of the existing O-1 district to the east.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 5.



Z-03-2020

APPLICANT:

CARE LLC

REQUEST:

R-4

TO

O-1

MAP AND PARCEL

064I A 00102

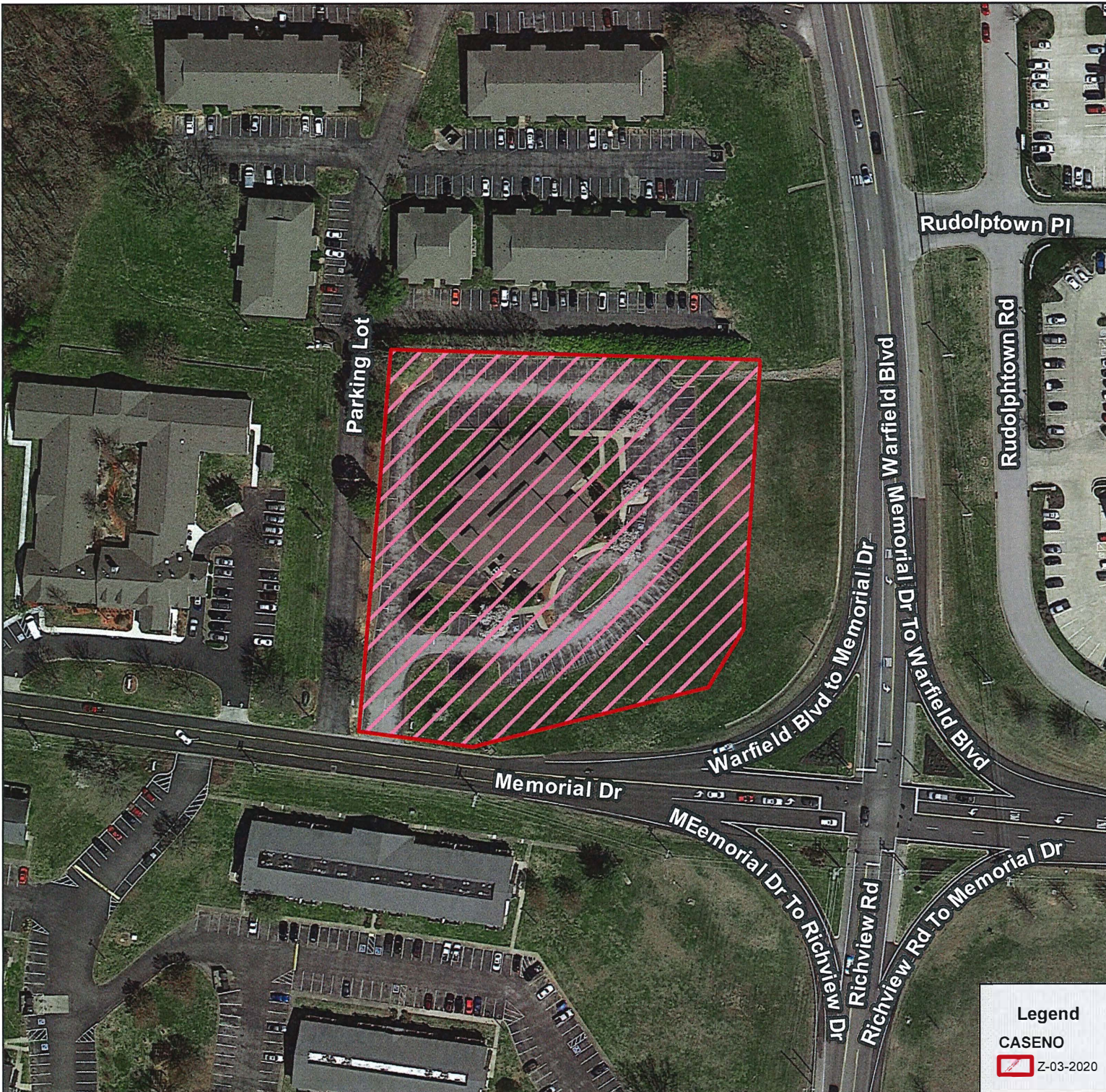
+/- ACRES

2.62

1:15,000

0 1,500
Feet

1/29/2020



Z-03-2020

APPLICANT:

CARE LLC

REQUEST:

R-4

TO

O-1

MAP AND PARCEL

064I A 00102

+/- ACRES

2.62


1:1,500

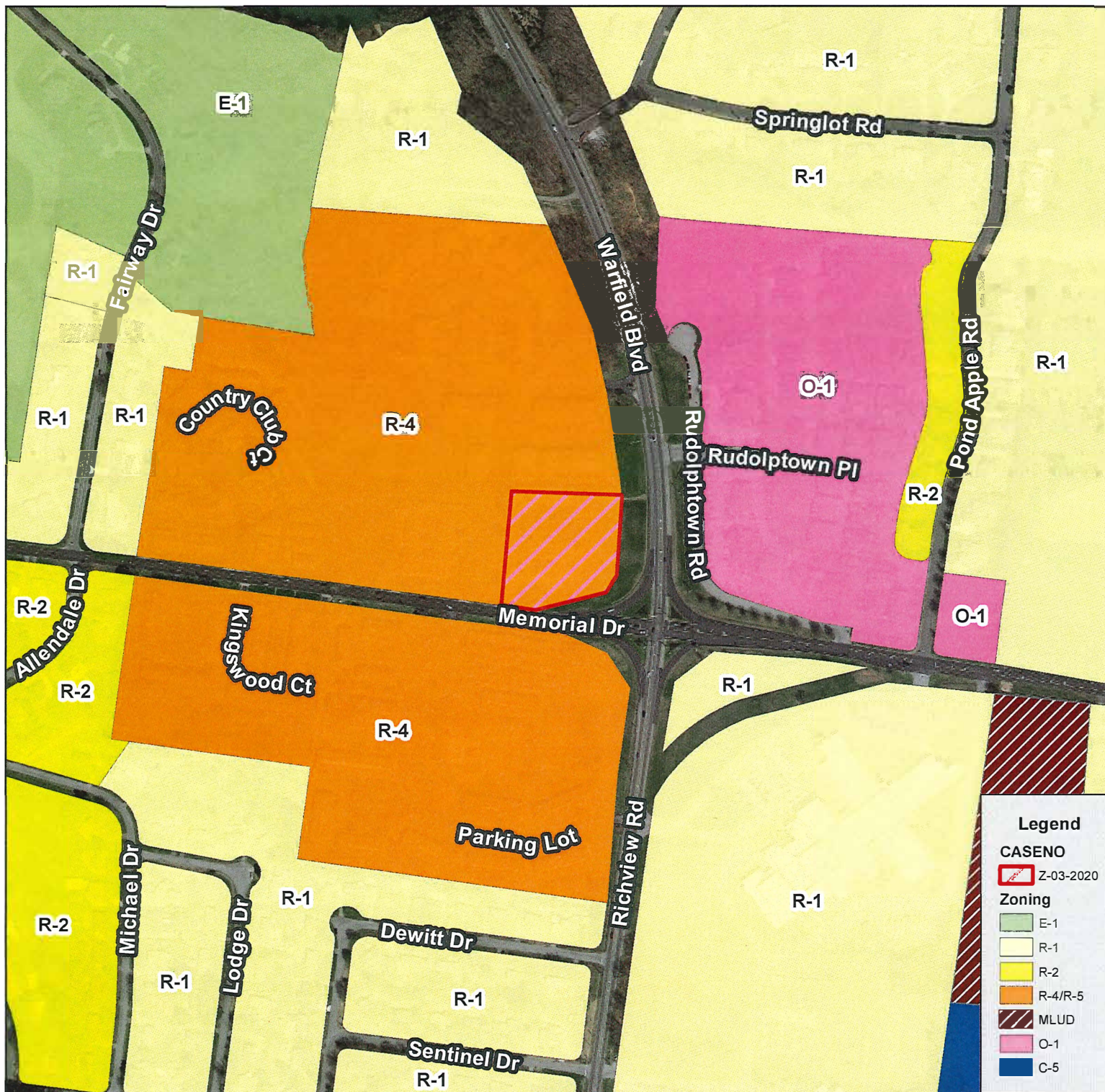


1/29/2020

Legend

CASENO

 **Z-03-2020**



Z-03-2020

APPLICANT:

CARE LLC

REQUEST:

R-4

TO

O-1

MAP AND PARCEL

064I A 00102

+/- ACRES

2.62

1:5,000



1/29/2020

CASE NUMBER: Z 3 2020 **MEETING DATE** 1/29/2020

APPLICANT: Care Llc

PRESENT ZONING R-4

PROPOSED ZONING O-1

TAX PLAT # 064-I-A

PARCEL 001.02

GEN. LOCATION Property located at the northwest corner of the Warfield Blvd. & Memorial Dr.
intersection.

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/29/2020 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 1/29/2020

CASE NUMBER: Z - 4 - 2020

NAME OF APPLICANT Sam

Lucas Jr.

AGENT: Double Bogey

Partners

GENERAL INFORMATION

TAX PLAT: 066-E-M

PARCEL(S): 001.00, 002.00,
003.00

ACREAGE TO BE REZONED: 0.74

PRESENT ZONING: R-3

PROPOSED ZONING: R-6

EXTENSION OF ZONING

CLASSIFICATION: NO

PROPERTY LOCATION: Parcels located at the southeast corner of the Reynolds St. & Dodd St. intersection.

CITY COUNCIL WARD: 6

COUNTY COMMISSION DISTRICT: 21

CIVIL DISTRICT: 12

DESCRIPTION OF PROPERTY Three vacant parcels.

AND SURROUNDING USES:

APPLICANT'S STATEMENT To provide for a more dense single family infill development. All existing infrastructure
FOR PROPOSED USE: is in place and the proposed rezone will protect the integrity of the existing residential
district. The current zoning would negatively impact the single family district with a
multi-family use.

GROWTH PLAN AREA: CITY

PLANNING AREA: Red River

PREVIOUS ZONING HISTORY:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

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

No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: MOORE

MIDDLE SCHOOL: ROSSVIEW

HIGH SCHOOL: ROSSVIEW

Moore Elem. School is at 124% capacity & currently has 1 portable classroom. Rossview Middle & Rossview High are in the 2nd fastest growing region in Montgomery County. Rossview Middle is at 117% capacity with 9 portable classrooms, Rossview High is at 110% capacity and currently has 6 portable classrooms. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. This continued student growth necessitates additional action to address building capacity growth & school trans-portion needs. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region! In addition Rossview Rd. transitions from 5 to 2 lanes at the

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 single family residential density.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Dodd Street, Reynolds Street

DRAINAGE COMMENTS: East to West

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS: 6

POPULATION: 16

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

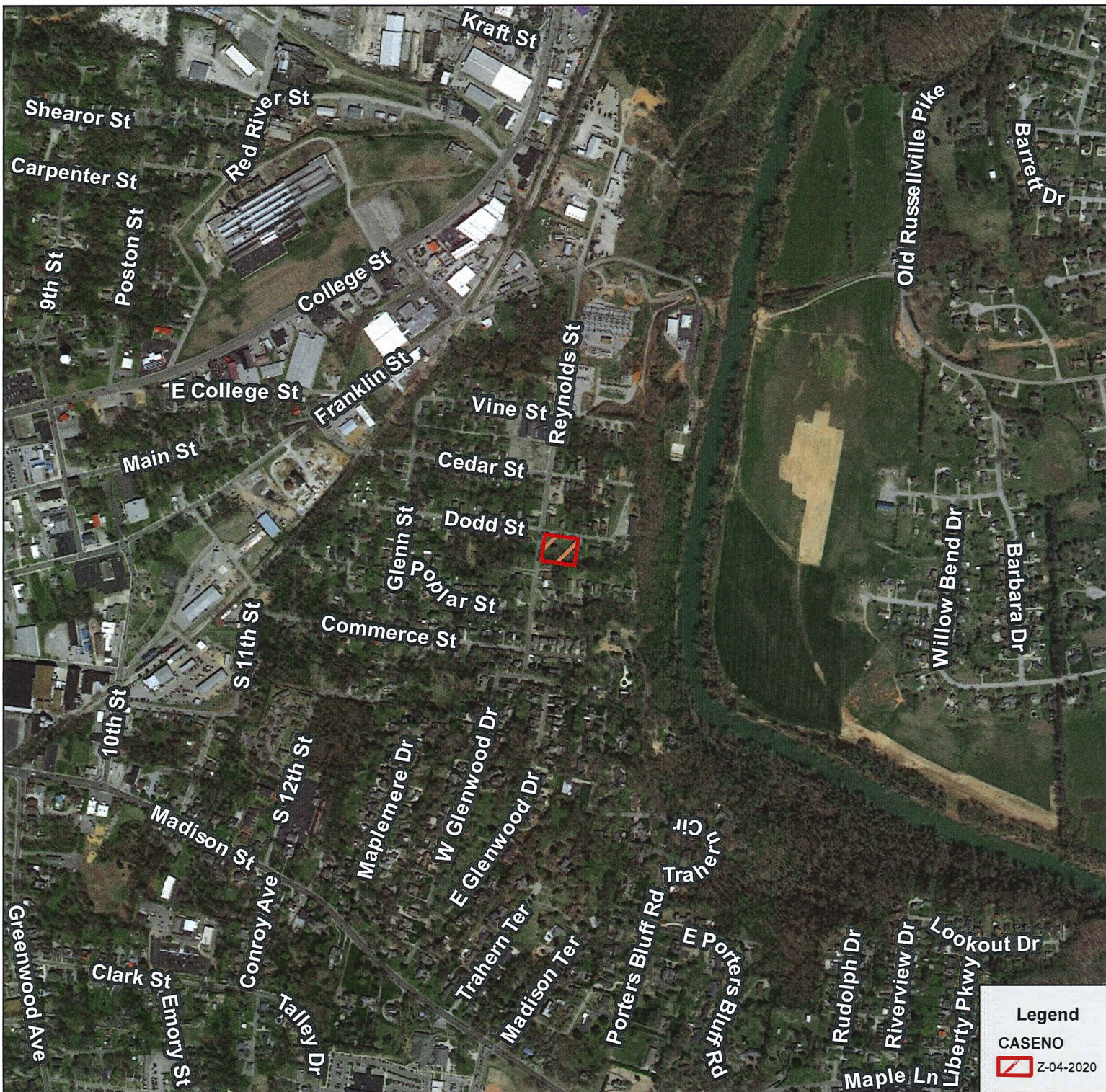
HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 single family residential district will provide redevelopment/infill opportunity for single family detached homes for an area of the city that is in transition. The proposal is not out of character with the surrounding area.
3. Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
- 4.
- 5.



Z-04-2020

APPLICANT:

SAM LUCAS, JR.

REQUEST:

R-3

TO

R-6

MAP AND PARCEL

066E M 00100

066E M 00200

066E M 00300

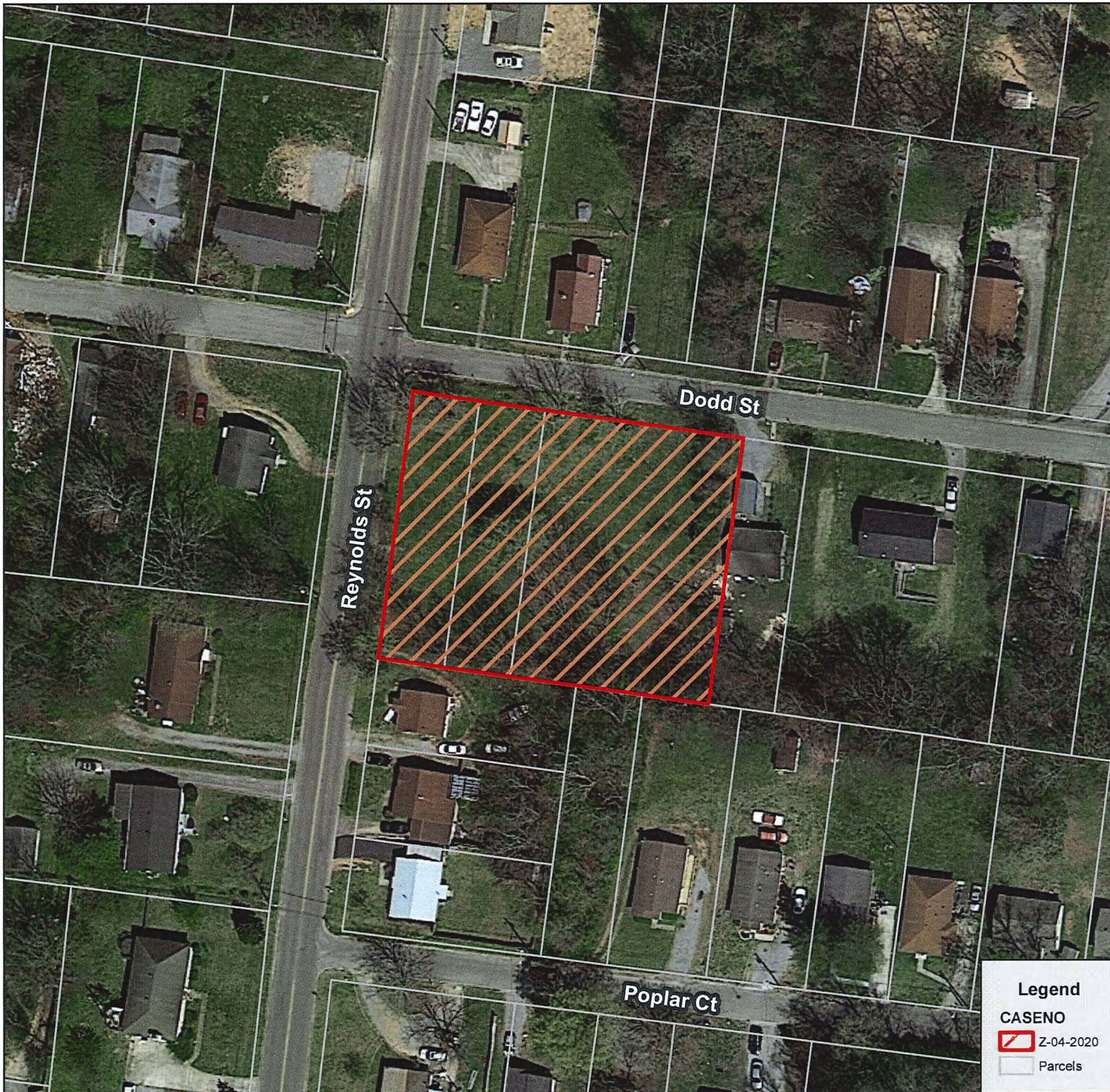
+/- ACRES

0.74

1:10,000



1/29/2020



Z-04-2020

APPLICANT:

SAM LUCAS, JR.

REQUEST:

R-3

TO

R-6

MAP AND PARCEL

066E M 00100

066E M 00200

066E M 00300

+/- ACRES

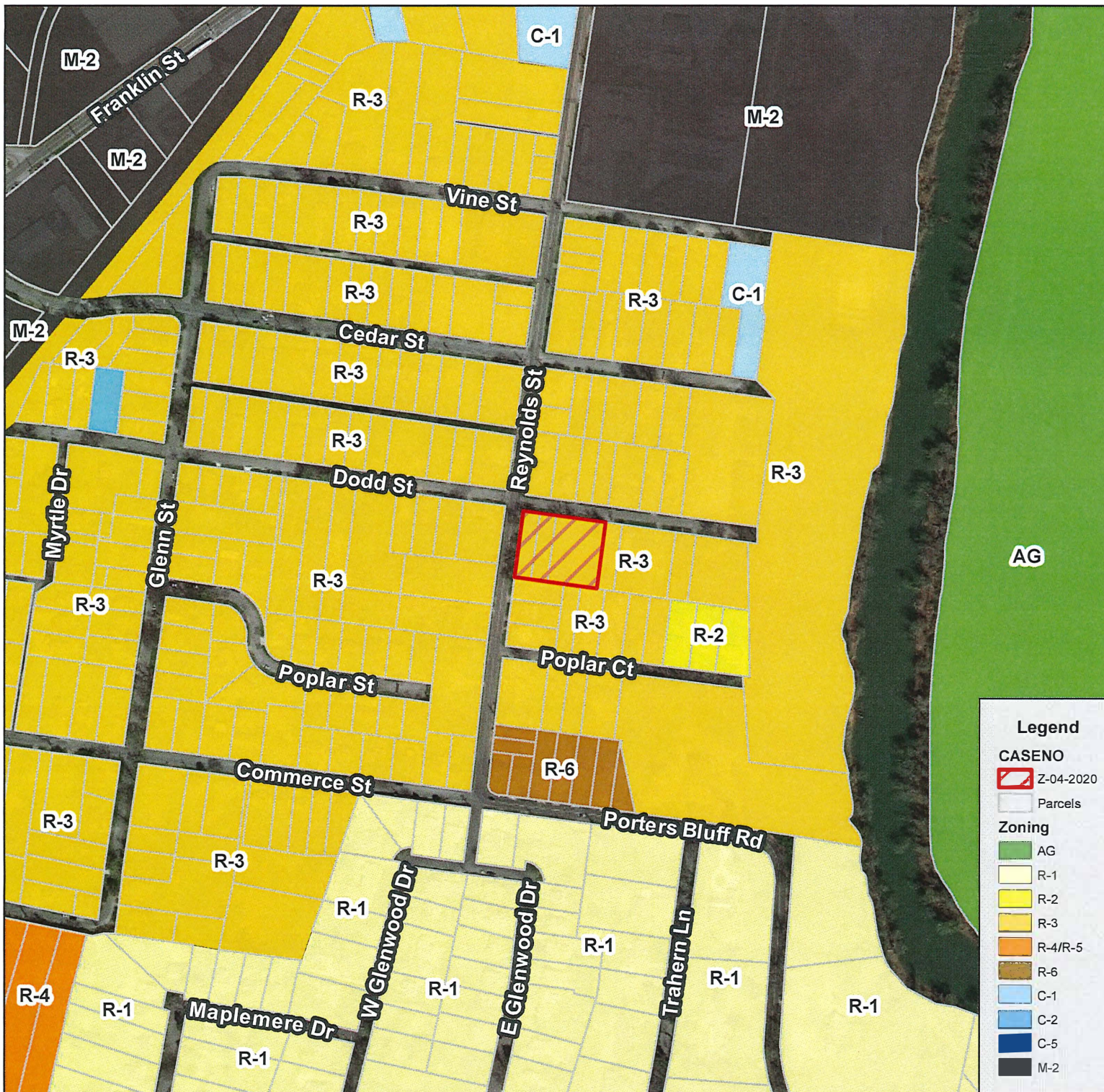
0.74

1:1,000



1/29/2020





Z-04-2020

APPLICANT:

SAM LUCAS, JR.

REQUEST:

R-3

TO

R-6

MAP AND PARCEL

066E M 00100

066E M 00200

066E M 00300

+/- ACRES

0.74

1:4,000

0 400
Feet

1/29/2020

CASE NUMBER: Z 4 2020 **MEETING DATE** 1/29/2020

APPLICANT: Sam Lucas Jr.

PRESENT ZONING R-3 **PROPOSED ZONING** R-6

TAX PLAT # 066-E-M **PARCEL** 001.00, 002.00, 003.00

GEN. LOCATION Parcels located at the southeast corner of the Reynolds St. & Dodd St. intersection.

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/29/2020 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE 1/29/2020

CASE NUMBER: Z - 5 -2020

NAME OF APPLICANT Ky Tn Conf Assoc Of Seventh Day Adventists Inc.

AGENT: Ray Omar Capital Brands Group

GENERAL INFORMATION

TAX PLAT: 017

PARCEL(S): 004.04 p/o

ACREAGE TO BE REZONED: 6.16

PRESENT ZONING: R-1

PROPOSED ZONING: R-4

EXTENSION OF ZONING

CLASSIFICATION: YES TO THE EAST

PROPERTY LOCATION: Portion of the tract located north of the Northfield Dr. & Glenhurst Way intersection.

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 19

CIVIL DISTRICT: 2

DESCRIPTION OF PROPERTY Grassland field with limited slope.

AND SURROUNDING USES:

APPLICANT'S STATEMENT To extend R-4 zoning for multifamily development
FOR PROPOSED USE:

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:

This property is in the Hazelwood Assessment Area. Development will require water & sewer system upgrades.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

A traffic assessment is required.

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:

No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: NORTHEAST

MIDDLE SCHOOL: NORTHEAST

HIGH SCHOOL: NORTHEAST

Northeast Elementary & Northeast Middle are in the fastest growing region in Montgomery County. Northeast Elem. is at 103% capacity & currently has 6 portable classrooms. Northeast High is at 86% capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. This continued student growth necessitates additional action to address building capacity growth & school transportation needs. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased multi-family residential density, traffic & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

SEWER SOURCE: CITY

STREET/ROAD ACCESSIBILITY: Northfield Dr.

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

73

POPULATION:

197

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: **APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** The proposed R-4 Multi-family residential request is not out of character with the surrounding area.
- 3.** It is encouraged to have areas of increased residential density in proximity to good & services in addition it is also encouraged to maintain a desirable mixture of housing types throughout the community.
- 4.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.

5.



Z-05-2020

APPLICANT:

**KY-TN CONF ASSOC OF
SEVENTH DAY
ADVENTISTS, INC**

REQUEST:

R-1

TO

R-4

MAP AND PARCEL

017 00404 (P)

+/- ACRES

6.16


1:10,000



1/29/2020

Legend

CASENO

 **Z-05-2020**



Z-05-2020

APPLICANT:

**KY-TN CONF ASSOC OF
SEVENTH DAY
ADVENTISTS, INC**

REQUEST:

R-1

TO

R-4

MAP AND PARCEL

017 00404 (P)

+/- ACRES

6.16

1:3,000



1/29/2020

Legend

CASENO

 **Z-05-2020**

 **Parcels**



Z-05-2020

APPLICANT:

**KY-TN CONF ASSOC OF
SEVENTH DAY
ADVENTISTS, INC**

REQUEST:

**R-1
TO
R-4**

MAP AND PARCEL


017 00404 (P)

+/- ACRES


6.16


Legend


CASENO


 Z-05-2020


Zoning


 AG


 E-1


 R-1

 R-2

 R-4/R-5

 PUD

 C-4

 C-5

1:6,000



1/29/2020

CASE NUMBER: Z 5 2020

MEETING DATE 1/29/2020

APPLICANT: Ky Tn Conf Assoc Of

Seventh Day Adventists Inc.

PRESENT ZONING R-1

PROPOSED ZONING R-4

TAX PLAT # 017

PARCEL 004.04 p/o

GEN. LOCATION Portion of the tract located north of the Northfield Dr. & Glenhurst Way intersection.

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/29/2020 (A.L.)

ORDINANCE 56-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CBP PROPERTIES, CHRISTIAN BLACK-AGENT FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF ASHLAND CITY ROAD AND GLENSTONE BOULEVARD

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 172 +/- feet east of the centerline of the Ashland City Rd. & Glenstone Blvd. intersection, said point further identified as the southeast corner of the Brett Kincaid property, thence in a northeasterly direction 164 +/- feet with the eastern boundary of the Kincaid property to a point, said point being in the southern boundary of the CBP property, thence in a easterly direction 610 +/- feet, with the southern boundary of the CBP property & others, to a point, said point being the southeast corner of the Lyle & Barbara Hamilton property & in the western boundary of the Joyce Turner property, thence in a southerly direction 153 +/- with the western boundary of the Turner property to a point, said point being located in the northern right of way margin of Ashland City Rd. thence in a easterly direction 624 +/- feet to the point of beginning, said herein described tract containing 2.28 +/- acres

ORDINANCE 57-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF WILLIAM BOYD, MID STATE INVESTMENTS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF CUMBERLAND DRIVE AND WOODMONT BOULEVARD-HICKORY GROVE BOULEVARD

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-2A Single Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a new iron pin located in the east right-of-way line of Cumberland Drive, said pin being located North 12 Degrees 49 Minutes 16 Seconds West 178.55 feet from the centerline intersection of Woodmont Boulevard and Cumberland Drive; thence along said right-of-way line North 24 Degrees 22 Minutes 44 Seconds West 25.01 feet to an old iron pin; thence continuing along said right-of-way line North 24 Degrees 19 Minutes 01 Seconds West 95.97 feet to an old iron pin; thence leaving said right-of-way line along the Nannie Bell Rye Edwards Property (recorded in volume 918, page 1049) North 67 Degrees 08 Minutes 15 Seconds East 163.83 feet to a new iron pin; thence along the Rebecca Hall Property (recorded in volume 720, page 956) and the DND Investments, LLC Property (recorded in volume 1739, page 2050) South 04 Degrees 12 Minutes 25 Seconds West 113.08 feet to an old iron pin; thence continuing along the DND Investments, LLC Property South 04 Degrees 12 Minutes 25 Seconds West 30.92 feet to a new iron pin; thence along Lot 3, Unseld Terrace, the Jerry Chandler Property (recorded in plat book I, page 91 and volume 573, page 1926) South 71 Degrees 30 Minutes 50 Seconds West 95.48 feet to the point of beginning containing an area of 0.37 +/- acres

ORDINANCE 58-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MICHAEL HANNA, DOVER ROAD, LLC-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF DOVER ROAD (US HWY. 79) AND SOMERSET 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 C-1 Neighborhood Commercial District, as C-5 Highway and Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 71 +/- feet northeast of the centerline of the Dover Rd. & Somerset Ln. intersection, said point being the southwest corner of the Dover Rd. & Somerset Ln. intersection, thence in a northwesterly & northerly direction 207 +/- feet to a point, said point being identified as the southwest corner of the Brian Viveiros property, thence in a easterly direction 184 +/- feet with the southern boundary of the Viveriros property & other to a point, said point being the northwest corner of the Imsun Y. Campbell property, thence in a southerly direction 195 +/- feet with the western boundary of the Campbell property to a point, said point being in the northern right of way margin of Dover Rd., thence in a westerly direction 130 +/- feet with the northern right of way margin of Dover Rd to the point of beginning, said herein described tract containing 0.735 +/- acre.

ORDINANCE 59-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CARE, LLC, J. CHRIS FIELDER-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF WARFIELD BOULEVARD AND MEMORIAL DRIVE

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin in the north margin of Memorial Drive, said pin being the southwest corner of the herein described tract, said pin being in the east line of the Belle Forest Apartments property, thence leaving said Memorial Drive and with said east line of said Belle Forest Apartments property North 00 degrees 32 minutes 40 seconds west, 344.90 feet to an iron pin found, said pin being in the south line of said Belle Forest Apartments property, said pin also being the northwest corner of said herein described property; thence with said south line of said Belle Forest Apartments property, North, 87 degrees 05 minutes 30 seconds East, 326.77 feet to an iron pin, said pin being in the west margin of Warfield Blvd (SR 374), said pin also being the northeast corner of the said herein described property; thence leaving said Belle Forest Apartments property with said Warfield Blvd., South 05 degrees 52 minutes 51 seconds East, 246.65 feet to an iron pin; thence continuing with said Warfield Blvd. South 25 degrees 06 minutes 00 seconds West, 64.50 feet to a concrete monument; thence continuing with said Warfield Blvd. (Entrance to Memorial), South 70 degrees 54 minutes 40 seconds West, 198.34 feet to a concrete monument, said monument being in the north line of said Memorial Dr.; thence with said Memorial Dr. North 86 degrees 55 minutes 47 seconds West, 133.74 feet to the point of beginning 2.62 +/- acres

ORDINANCE 60-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SAM LUCAS, JR., DOUBLE BOGEY PARTNERS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF REYNOLDS STREET AND DODD STREET

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-6 Single Family Residential.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 29 +/- acres southeast of the centerline of the Reynolds St. & Dodd St. intersection. said pint further identified as the northwest corner of the the herein described tract located at the southeast corner of the Reynolds St. & Dodd Street intersection, thence in an easterly direction, 200 +/- feet with the southern right of way margin of Dodd St. to a point, said point being the northwest corner of the CB Investments LLC property, thence in a southerly direction 163 +/- feet with the western boundary of the CB Investments LLC property to a point, said point being in the northern boundary of the Barbara Ann Snorden property, thence in a westerly direction 200 +/- feet with the northern boundary of the Snorden property and others to a point, said point being in the eastern right of margin of Reynolds street, further identified as the northwest corner of the Faye E. Kilgore property, thence in a northerly direction 163 +/- feet with the eastern right of margin of Reynolds street, to the point of beginning, said herein described tract containing 0.74 acre.

ORDINANCE 61-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF KENTUCKY-TENNESSEE CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, INC., RAY ORMAR, CAPITAL BRANDS GROUP-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF NORTHFIELD DRIVE AND GLENHURST WAY

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

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

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning an iron pin (old), said pin being the southwestern corner of the Meriwether Farms Development Property as recorded in Vol. 959, page 2033 ROMCT, said pin being S 87° 12' E for a distance of 216 feet from the centerline intersection of Glenhurst Way and Northfield Drive, said also being the southeastern corner of the herein described parcel; Thence, along said Northfield Drive, N 81° 06' 20" W for a distance of 242.29 feet to a point on a line; Thence, leaving said Northfield Drive and along a new zoning line, N 08° 46' 55" E for a distance of 324.16 feet to a point on a line; Thence, continuing along a new severance line, N 81° 33' 15" W for a distance of 220.39 feet to an iron pin old, said point being the southeast corner of Outreach Ministries, Inc property as described in Vol. 1531, page 1198; Thence, along said Outreach Ministries, Inc. property, N 27° 10' 21" E for a distance of 582.40 feet to an iron pin old, said point being the southern right of way of Interstate 24 and also being the northwest corner of the herein described parcel; Thence, along said right of way of Interstate 24, S 62° 48' 26" E for a distance of 289.12 feet to an iron pin old, said point being the northwest corner of the Hearthstone Partners as described in Vol. 1159, page 302, said point also being the northeast corner of the herein described parcel; Thence, along said Hearthstone Partners property, S 08° 26' 42" W a distance of 277.27 feet to a point on a line, said point being the northwest corner of the said Meriwether Farms Development; Thence, with said Meriwether Farms Development property, S 08° 26' 42" W a distance of 507.43 feet to the point of beginning, said parcel containing 268,316 Square Feet or 6.16 +/- acres.

ORDINANCE 50-2019-20

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

WHEREAS, The City of Clarksville (Gas and Water Department) has entered into service agreements with the City of Guthrie, KY and the City of Hopkinsville, KY to supply natural gas; and

WHEREAS, the current agreements utilize an interruptible WACOG rate structure intended for industrial customers rather than a governmental entity, public or private utility, or utility cooperative; and

WHEREAS, the City of Clarksville (Gas and Water Department) wishes to modify the WACOG rate structure to include governmental entities, public or private utilities, or utility cooperatives and create a Firm Sales rate structure for governmental entities, public or private utilities, or utility cooperatives; and

WHEREAS, the City Council finds that the best interests of the City, its residents, and the Gas and Water Department rate payers would best be served by the following city code amendments.

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

1. That City of Clarksville Code of Ordinances, Title 13 (Utilities and Service), Chapter 3 (Gas, Water, and Sewer Service), Section 13-301 (Rates, service fees, penalties, security deposits, and other charges), is hereby amended by deleting same in its entirety and substituting therefor the following:

Sec. 13-301. - Rates, service fees, penalties, security deposits, and other charges.

The city council shall approve all rates for gas, water, and sewer service. Service fees, security deposits, penalties, or other charges as authorized herein shall be in the amounts set forth in schedule A below.

Schedule A

New service	
• Water and/or sewer	50.00
• Overtime	100.00
• Gas	50.00
• Overtime.....	100.00
Interdistrict	125.00
Meter re-read ...	0.00
Testing/changing meters.....	125.00

Payment collections	Cost
Returned payment	Amount as authorized by TCA
Reactivation—Business hours	50.00
Reactivation—After hours	100.00
Security deposit	
Residential	
• Water and sewer	150.00
• Gas	200.00
Commercial water/gas	250.00/500.00
Industrial water/gas	250.00/500.00
Governmental entity, utility, or co-op gas	500.00
Credit Inquiry	6.00

2. That City of Clarksville Code of Ordinances, Title 13 (Utilities and Service), Chapter 3 (Gas, Water, and Sewer Service), Section 13-308 (Application for service; service fees; security deposits), is hereby amended by deleting same in its entirety and substituting therefor the following:

Sec. 13-308. - Application for service; service fees; security deposits; interdistrict fees.

- (1) Application for water, gas, and sewer service shall be made at the Clarksville Department of Gas and Water. A service fee for each applicable service shall be charged to each new customer, and to existing customers moving to a new location within the service area. A new customer shall be defined as a customer requesting service that has not had service from CGW within the immediately preceding twelve (12) month period. In the event a customer requesting service is determined not to be a new customer, the deposit requirements set forth in subsection 13-308(2) shall apply.
- (2) In addition to any applicable service fees provided for herein, a security deposit to ensure payment for services for any service to be provided shall be charged to each new customer or any customer whose account has been deactivated for non-payment. Said security deposit shall be in an amount as approved by ordinance of the city council. Upon application for service by a new customer, said security deposit shall be payable in one lump sum. In lieu of a deposit, applicants for residential service as a new customer may request a credit inquiry to determine the required deposit amount. For residential customers, said security deposit may also be paid in three (3) equal monthly installments, in which case the first installment payment shall be due upon application for service. A fee as set forth in schedule A shall be charged per credit inquiry. Said security deposit shall be credited to the customer's account after four (4) continuous years of payment history with no intervening inactivation of the customer's account for nonpayment for service at a single service location. Any inactivation of the customer's account for nonpayment, or a change in a customer's service location, shall be cause to restart the computation of the three (3) year time period for return of a customer's security deposit.

- (3) A service fee may also be charged as necessary to cover the costs of re-reading meters which were initially read correctly, testing and changing meters which are determined to be accurate, and for collecting funds for checks and bank drafts that have been returned due to insufficient funds in the customer's bank account or financial institution.
 - (4) An interdistrict fee for each applicable sewer service located in an adjoining Utility District, as provided for by an interlocal agreement between the City and such utility district, shall be charged to each new sewer customer and to existing sewer customers moving to a new location within the Utility District. The general manager / department head of the Department of Gas and Water, or his / her designee made in writing, shall have authority to waive this fee incurred by a customer who has provided satisfactory evidence that they are the surviving spouse of a deceased current customer.
3. That City of Clarksville Code of Ordinances, Title 13 (Utilities and Service), Chapter 3 (Gas, Water, and Sewer Service), Section 13-313 (Bill payment; late payment penalty; account deactivation / reactivation service fee), is hereby amended by deleting same in its entirety and substituting therefor the following:

Sec. 13-313. - Bill payment; late payment penalty; account deactivation/reactivation service fee.

- (1) Charges for gas, water, or sewer services shall be due as shown on a customer's bill and payable at the Department of Gas and Water. If a customer's account balance is not paid in full by the 20th day following the date of the bill, a ten (10) percent late payment penalty shall be assessed. Thereafter, if a customer's account balance is not paid in full by the 30th day following the date of the bill, the customer's account will be deactivated. Thereafter, no gas or water will be furnished to the customer until the customer has paid all amounts due for gas, water, or sewer service, plus a service fee for reactivating the customer's account. The department shall be entitled to recover all costs of collection of delinquent accounts, including attorney fees.
- (2) Notwithstanding the forgoing, the State of Tennessee and its political subdivisions and departments, the Federal Government and its departments (to include, but not limited to the Department of Defense and the Department of the Army) shall pay in full by the 30th day following the date of the bill, or as otherwise may be agreed upon by the City and the other governmental entity in a written agreement.

4. That City of Clarksville Code of Ordinances, Title 13 (Utilities and Service), Chapter 3 (Gas, Water, and Sewer Service), Section 13-316 (Gas Services), is hereby amended by deleting same in its entirety and substituting therefor the following:

Sec. 13-316. - Gas services.

(1) *Availability.* Gas shall be available to any customer as defined in Section 13-312 where the department's distribution mains are suitable for supplying the desired service. A building, for purposes of gas service, shall be considered nonresidential which has more than four (4) units. Commercial and industrial customers will be supplied only through a single metering point. The commercial and industrial rate shall be available to individual apartment houses where service is supplied to more than one family unit through a single meter. The High Load Factor rate schedule shall be available to any commercial or industrial consumer using natural gas principally for process steam generation, manufacturing purposes, or any other base-load application, and where the use of gas for space heating is only incidental. This rate is not available to consumers whose use of gas during the months of least consumption is less than fifty (50) percent of the use of gas during the month of greatest consumption. The Department reserves the right to place customers in the appropriate rate schedule based on usage history.

(2) *Rates.* The following rates shall be applicable for each customer class, effective March 1, 2020:

Residential inside city	
Monthly meter charge	\$12.050
Usage charge (per 100 cf)	\$0.088
Commodity charge (per 100 cf)	Based on actual cost of gas
Residential outside city	
Monthly meter charge	\$17.600
Usage charge (per 100 cf)	\$0.110
Commodity charge (per 100 cf)	Based on actual cost of gas
Commercial and industrial inside city	
Monthly meter charge	\$37.410
Usage charge (per 100 cf)	\$0.144
Commodity charge (per 100 cf)	Based on actual cost of gas
Commercial and industrial outside city	
Monthly meter charge	\$44.890
Usage charge (per 100 cf)	\$0.173
Commodity charge (per 100 cf)	Based on actual cost of gas

High load factor	
Monthly meter charge	\$211.000
Usage charge (per 100 cf)	\$0.048
Commodity charge (per 100 cf)	Based on actual cost of gas
Firm transportation	
Monthly meter charge	\$497.26
Usage charge (per 100 cf)	\$0.038
Demand charge (per 100 cf/month)	\$0.170
Interruptible Transportation	
Monthly meter charge.....	\$497.26
Usage charge (per 100 cf)	\$0.038
Firm Governmental Entity, Public or Private Utility or Utility Cooperative	
Monthly meter charge	\$12.050
Usage charge (per 100 cf)	\$0.088
Commodity charge (per 100 cf)	Based on actual cost of gas
WACOG	
Monthly meter charge	\$497.26
Usage charge (per 100 cf)	\$0.033
Commodity charge (per 100 cf)	Based on actual cost of gas

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

5. That City of Clarksville Code of Ordinances, Title 13 (Utilities and Service), Chapter 3 (Gas, Water, and Sewer Service), Section 13-318 (Reserved), is hereby amended by deleting same in its entirety and substituting therefor the following:

Sec. 13-318. – Governmental Entity, Utility, or Cooperative

To be eligible for firm sales service under this chapter, a governmental entity, public or private utility or public utility cooperative shall meet the following criteria:

- (1) The distribution mains owned and operated by the City Gas & Water Department must be suitable for supplying the desired service; and
- (2) The customer must be a governmental entity, a public or private utility, or a utility cooperative who enters into and executes a written firm natural gas sales agreement with the City of Clarksville.

6. That City of Clarksville Code of Ordinances, Title 13 (Utilities and Service), Chapter 3 (Gas, Water, and Sewer Service), Section 13-319 (Weighted average cost of gas, interruptible service (WACOG)), is hereby amended by deleting same in its entirety and substituting therefor the following:

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

- (1) *Availability.* The WACOG interruptible gas service rate shall be available for eligible governmental entities, public or private utilities, utility cooperatives, and commercial or industrial customers for all purposes where the City Gas & Water Department's distribution mains are suitable for supplying the desired service. The department shall establish guidelines to determine customer eligibility for this service. The customer shall maintain, in a usable condition, facilities for substitute fuel or shall otherwise make provisions for the curtailment of gas service hereunder and shall agree to use such substitute facilities or curtailment provisions in order to curtail the use of gas up to one hundred (100) percent of the maximum requirements immediately upon verbal notice from the department and, after such curtailment, shall refrain from increasing the use of gas until permitted to do so by the department. It is understood and agreed that the department will have the right to cut off gas service to the customer in the event the customer fails to curtail his use of gas in accordance with the department's verbal notice of curtailment.

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

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

- (3) *Minimum bill.* For services rendered under the WACOG rate, the minimum monthly bill shall be equal to the monthly meter charge for WACOG customers as listed in section 13-316(2).
- (4) *Contract period and billing.* Contracts shall be for a period of one year with monthly payment of service taken. The customer shall not be allowed to switch from this contract rate during the period covered.
- (5) *Penalty for unauthorized use.* In the event a customer uses gas in excess of the daily volumes allowed by the department during a curtailment period, the

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

FIRST READING: January 2, 2020
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 51 -2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JOHN HADLEY FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF WILMA RUDOLPH BOULEVARD AND TERMINAL ROAD

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

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

PUBLIC HEARING: January 2, 2020

FIRST READING: January 2, 2020

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being located 1,239 +/- feet west of the centerline of the Wilma Rudolph Blvd. & Terminal Road intersection, said point being in the southern right of way margin of Terminal Road and also being the northwest corner of the Pool & Spa Depot LLC property, thence in a southerly direction 623 +/- feet with the western boundary of the Pool & Spa Depot LLC property to a point, said point being in the northern boundary of the TN Investments Properties Property, thence in a westerly direction 301 +/- feet with the northern boundary of the TN Investments Properties Property to a point, said point being the southeast corner of the Over the Top LLC property, thence in a northerly direction 632 +/- feet with the eastern boundary of the Over the Top LLC property to a point, said point being in the southern boundary of the Terminal Road right of way margin, thence in a easterly direction 285 +/- feet to the point of beginning, said herein described tract containing 4.24 +/- acres

ORDINANCE 52-2019-20

AN ORDINANCE AMENDING THE 2019-20 OPERATING AND CAPITAL BUDGET (ORDINANCE 76-2018-19) FOR THE GOVERNMENTAL FUNDS IN THE AMOUNT OF \$338,367 FOR VARIOUS USES AS DESCRIBED BELOW

- WHEREAS*, there have been various general fund needs that have arisen in the past few months; two items were inadvertently not requested during the budget: RPC's request for census match and HRC funding request; and
- WHEREAS*, technology needs became evident to gain efficiency such as timekeeping software, building and codes software to allow for electronic submission of plans, etc, ipads for building inspectors; and
- WHEREAS*, the City's component units had unanticipated expenses with the museum and the senior center both having A/C issues and the museum needing security services for their free Saturday program; and
- WHEREAS*, change in use of funds have occurred for a consultant to provide Strategic Planning assistance to Leadership Training. Stokes Field funds transfer from County to our Parks department's with funds utilized for Mericourt Park, tree removal, Sevier Station and Stokes Field; and
- WHEREAS*, the Fire Department's new Chief was able to locate a new truck budgeted as a capital project that necessitated commitment prior to 12/31/19. After 12/31 the cost increase at minimum is \$20,000 – utilization of capital outlay (general fund) budget to encumber the purchase. This budget amendment will add \$140,000 to the capital projects fund at which time the truck will ultimately be purchased as capital; and
- WHEREAS*, the 2015 and 2016 multimodal capital projects originally budgeted as grant funded projects are now being run by the State requiring the City to pay the match to the State and no longer incur any expenditures toward the project; and
- WHEREAS*, the Edmondson Ferry Road capital project is completed, the balance is requested to transfer to the Fire Maintenance Facility already approved as a capital project; and
- WHEREAS*, the Pollard Road Paving Improvement project, previously approved and funded, is requiring unexpected soil work necessary to complete the project.

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

The following budget amendment be made:

Capital Projects Fund

Department	Item	Amount	Increase	Decrease
Capital Projects	multi-modal project 2016	(729,100)		4041000-33430-16103
Capital Projects	multi-modal project 2016	(680,000)		4041000-4450-16103
Capital Projects	multi-modal project 2015	(700,000)		4041000-33430-15102
Capital Projects	multi-modal project 2015	(8,397)		40434003-4332-15102
Capital Projects	multi-modal project 2015	(721,603)		40434003-4450-15102
Capital Projects	Edmondson Ferry*	(800,000)	Transfer	40431003-4450-14301
Capital Projects	Fire Maintenance Facility*	800,000	40431003-4450-16221	Transfer
Capital Projects	Multi-modal project - 16103	13,704	4041000-39150	General Fund Balance
Capital Projects	Multi-modal project - 15102	(28,537)	General Fund Balance	4041000-39150
Capital Projects	Fire Truck	140,000	40422004-4742-20222	DEBT
Capital Projects	Pollard Road Improvement	15,000	4045003-4450-19502	DEBT

*Actual transfer may differ based on actual available funds.

The following budget amendment be made:

General Fund

Department GENERAL FUND	Item	Amount	Increase	Decrease
RPC	Census Match	25,000	10462003-4861	General Fund Balance
IT	Time keeping Software	101,000	10419203-4324	General Fund Balance
HRC	HRC Work	2,500	10413303-4630-HRC	General Fund Balance
Museum	Security Services	1,600	10492003-4868	General Fund Balance
HR	Leadership Training	78,800	10415503-4340	Transfer
Legislative	Strategic Planning	(78,800)	Transfer	10411003-4340
County/Parks	Stokes Field	175,000	10451004-4730	Transfer
Shared County Exp	Stokes Field	(175,000)	Transfer	10462003-4812
B&C	Energov software	30,000	10419103-4324	General Fund Balance
B&C	iPads, communication and insu	10,100	10419103-4610	General Fund Balance
Senior Center	AC repair	6,600	10462003-4862	General Fund Balance
Transfer to Capital Projects Fund	City's match for multimodal	13,704	10470003-4914	General Fund Balance
Transfer from Capital Projects Fund	match	(28,537)	General Fund Balance	10470003-4914
Museum	Emergency AC repair	21,400	10492003-4868	General Fund Balance
		183,367		

BE IT FURTHER ORDAINED The fund balance of the general fund will be reduced \$183,367 for the operating expenditures and a transfer to the capital projects fund for the multi-modal match. The capital project additional funds will be provided from prior debt issuances with the entire project totaling \$155,000 – no new debt will be issued.

FIRST READING: January 2, 2020

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 53-2019-20

AN ORDINANCE ACCEPTING DONATION OF CERTAIN REAL PROPERTY FROM
EAGLES BLUFF PARTNERSHIP FOR THE NORTHEAST CONNECTOR

WHEREAS, Eagles Bluff Partnership wishes to donate certain real property to the City of Clarksville for the Northeast Connector; 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 Eagles Bluff Partnership be accepted with appreciation.

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

1. That the City of Clarksville hereby accepts the donation of certain real property from Eagles Bluff Partnership for the Northeast Connector, further identified as Montgomery County Tax Map 017, Parcel 049.00, and being more particularly described in Exhibit A-1 Tract 1, Exhibit A-2 Tract 1 attached hereto.
2. That the City of Clarksville hereby accepts the donation of certain real property from Eagles Bluff Partnership for the Northeast Connector, further identified as Montgomery County Tax Map 017, Parcel 047.01, and being more particularly described in Exhibit B Tract 53 attached hereto.
3. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property.
4. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING: January 2, 2020

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A-1
RIGHT OF WAY DESCRIPTION
Tract 1

*This description prepared by:
Gresham Smith*

Beginning at a point, said point being located at the southwestern property corner of the Eagles Bluff Partnership property on the existing right-of-way of Talon Hills Drive, further described as being at Sta. 109+27.78, 77.37' rt. of the centerline of Northeast Connector, as shown on engineering design documents prepared for the City of Clarksville, by Gresham Smith:

Thence north 81 degrees 31 minutes 19 seconds west along the southern property line 301.17 feet to a point, 75.54 feet Right of Northeast Connector centerline station 106+26.62, thence north 08 degrees 28 minutes 41 seconds east along the proposed right-of-way 27.04 feet to a point, 48.50 Right of Northeast Connector centerline station 106+26.78, thence north 81 degrees 52 minutes 12 seconds west along the proposed right-of-way line 361.78 feet to a point, 48.50 feet Right of Northeast Connector centerline station 102+65.00, thence south 64 degrees 05 min 60 seconds west along the proposed right-of-way line 100.96 feet to a point, 105.00 feet Right of Northeast Connector centerline station 101+81.33, thence curving to the right in a northeasterly direction along the existing right-of-way line an arc length of 36.53 feet along a non-tangential curve concave east having a radius of 1137.43 feet and a chord bearing of north 08 degrees 33 minutes 32 seconds east 36.53 feet to a point, thence north 09 degrees 28 minutes 44 seconds east along the existing right-of-way line 96.09 feet to a point, 27.59 feet Left of Northeast Connector centerline station 101+83.86, thence curving to the right in a northeasterly direction along the existing right-of-way line an arc length of 38.58 feet along a tangential curve concave east having a radius of 25.00 feet and a chord bearing of north 53 degrees 41 minutes 13 seconds east 34.86 feet to a point, thence south 81 degrees 31 minutes 19 seconds east along the existing right-of-way line 697.76 feet to a point, 47.77 feet Left of Northeast Connector centerline station 109+06.50, thence curving to the right in a southeasterly direction along the existing right-of-way line an arc length of 40.02 feet along a tangential curve concave south having a radius of 25.00 feet and a chord bearing of south 35 degrees 40 minutes 17 seconds east 35.88 feet to a point, thence along said existing right-of-way line south 10 degrees 10 minutes 46 seconds west 99.30 feet to the Point of Beginning, containing 1.929 acres of land, more or less.

The aforementioned property is on a parcel of land owned by Eagles Bluff Partnership as shown on Tax Map 017, Parcel 049.00 and recorded in Deed Book 1584, Page 1529 with the Montgomery County Register of Deeds.

EXHIBIT A-2

RIGHT OF WAY DESCRIPTION
Tract 1

This description prepared by:
Gresham Smith

Beginning at a point, said point being located at the southwestern property corner of the Eagles Bluff Partnership property on the existing right-of-way of Talon Hills Drive, further described as being at Sta. 109+77.76, 77.67' rt. of the centerline of Northeast Connector, as shown on engineering design documents prepared for the City of Clarksville, by Gresham Smith:

Thence north 10 degrees 10 minutes 46 seconds east along the existing right-of-way 100.79 feet to a point, 23.05 feet Left of Northeast Connector centerline station 109+81.37, thence curving to the right in a northeasterly direction along the existing right-of-way an arc length of 38.53 feet along a tangential curve concave east having a radius of 25.00 feet and a chord bearing of north 54 degrees 19 minutes 43 seconds east 34.83 feet to a point, thence south 81 degrees 31 minutes 19 seconds east along the existing right-of-way 1311.39 feet to a point, 52.00 feet Left of Northeast Connector centerline station 123+13.99, thence curving to the right in a southeasterly direction along the proposed right-of-way an arc length of 834.84 feet along a non-tangential curve concave south having a radius of 3872.00 feet and a chord bearing of south 71 degrees 01 minutes 54 seconds east 833.22 feet to a point, thence south 08 degrees 22 minutes 08 seconds west along the eastern property line 103.52 feet to a point, 47.00 feet Right of Northeast Connector centerline station 131+67.87, thence curving to the left in a northwesterly direction along the proposed right-of-way an arc length of 163.50 feet along a non-tangential curve concave southwest having a radius of 3773.00 feet and a chord bearing of north 65 degrees 38 minutes 34 seconds west 163.49 feet to a point, thence south 32 degrees 36 minutes 34 seconds west along the proposed right-of-way 28.07 feet to a point, 74.69 feet Right of Northeast Connector centerline station 129+97.60, thence curving to the left in a northwesterly direction along the existing southern property line an arc length of 578.79 feet along a non-tangential curve concave southwest having a radius of 1500.00 feet and a chord bearing of north 70 degrees 23 minutes 04 seconds west 575.20 feet to a point, thence along said property line north 81 degrees 31 minutes 19 seconds west 1425.77 feet to the Point of Beginning, containing 5.936 acres of land, more or less.

The aforementioned property is on a parcel of land owned by Eagles Bluff Partnership as shown on Tax Map 017, Parcel 049.00 and recorded in Deed Book 1584, Page 1529 with the Montgomery County Register of Deeds.

RIGHT-OF-WAY EXHIBIT

105

NE CONNECTOR

KENNEDY ROAD

TRENTON ROAD

EXISTING R.O.W.

PROPOSED R.O.W.

PARCEL 10, 017 04900.000 EAGLES BLUFF PARTNERSHIP VOL. 1384 PG. 1329

1

101+83.86
27.59'

R=1137.43'
L=36.53'

101+81.50
88.47'

S 9° 28' 44" W
56.03'

R=28.00'
L=38.56'

101+81.32
105.00'

N 5° 4' 5" S
100.00'

102+65.00
48.50'

S 81° 52' 12" E
367.78'

106+28.78
48.50'

106+26.62
75.54'

N 8° 28' 41" E
27.04'

S 81° 31' 18" E
301.77'

101+83.86
27.59'

R=1137.43'
L=447.30'

101+83.86
27.59'

R=1137.43'
L=36.53'

101+81.50
88.47'

S 9° 28' 44" W
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106+28.78
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75.54'

N 8° 28' 41" E
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105.00'

N 5° 4' 5" S
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102+65.00
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106+28.78
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106+26.62
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56.03'

R=28.00'
L=38.56'

101+81.32
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N 5° 4' 5" S
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L=38.56'

101+81.32
105.00'

N 5° 4' 5" S
100.00'

102+65.00
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S 81° 52' 12" E
367.78'

106+28.78
48.50'

106+26.62
75.54'

N 8° 28' 41" E
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R=1137.43'
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101+81.32
105.00'

N 5° 4' 5" S
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S 81° 52' 12" E
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N 8° 28' 41" E
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S 81° 52' 12" E
367.78'

106+28.78
48.50'


106+26.62
75.54'

N 8° 28' 41" E
27.04'

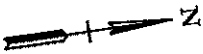
S 81° 31' 18" E
301.77'

101+83.86
27.59'

R=1137.43'
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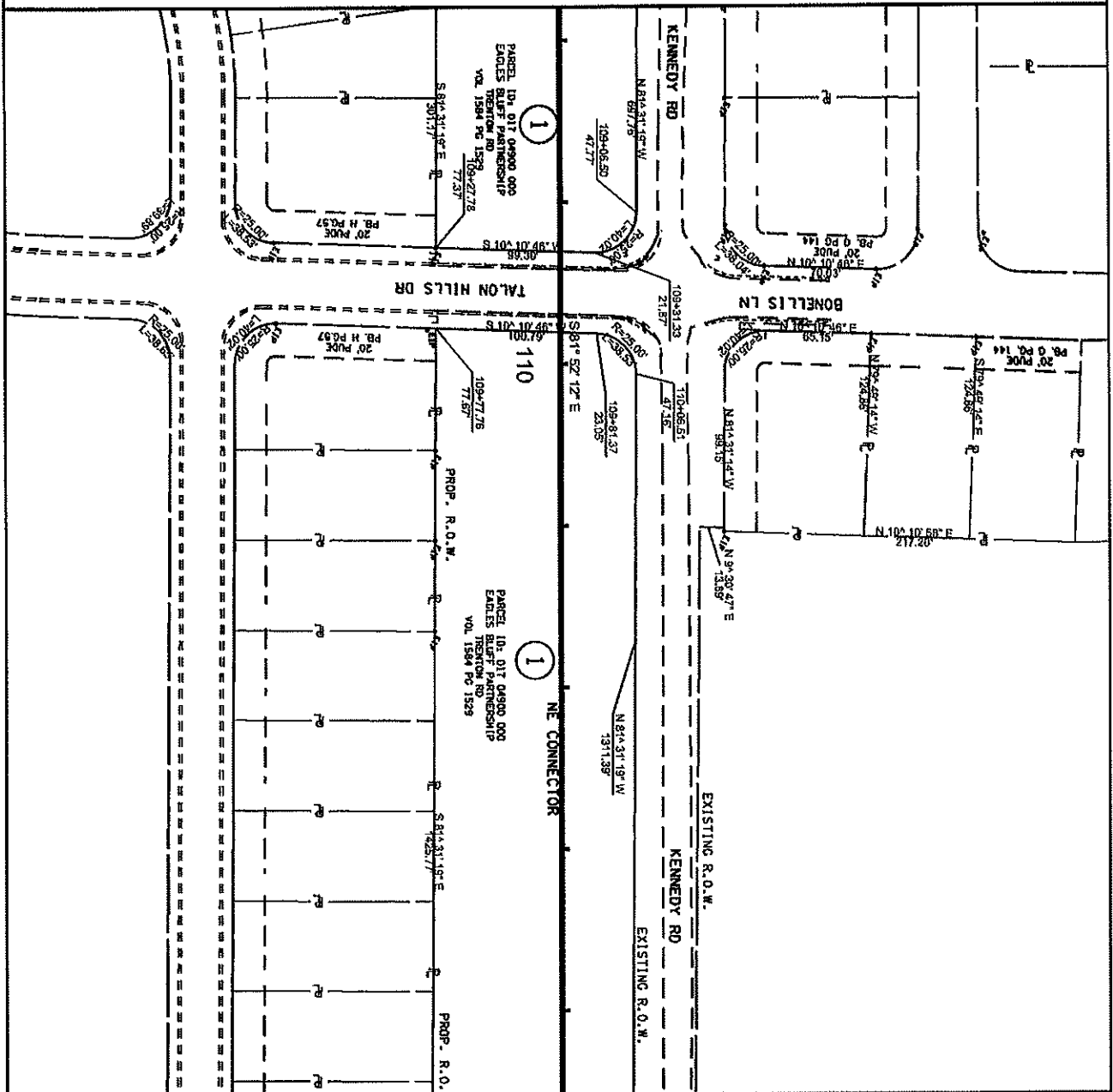
MATCH LINE SHEET 1B	
 <p>0 50 100 150</p> <p>SCALE IN FEET</p>	<p>EAGLES BLUFF PARTNERSHIP D.B. 1584, P.G. 1529 TAX MAP 017, PARCEL 049.00 RIGHT OF WAY ACQUISITION NORTHEAST CONNECTOR TRACT 1 - SHEET 1A</p>
DATE: 10/31/2019	

EAGLES BLUFF PARTNERSHIP
D.B. 1584, P.G. 1529
TAX MAP 017, PARCEL 049.00
RIGHT OF WAY ACQUISITION
NORTHEAST CONNECTOR
TRACT 1 - SHEET 1A

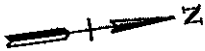


RIGHT-OF-WAY EXHIBIT

MATCH LINE SHEET 1A

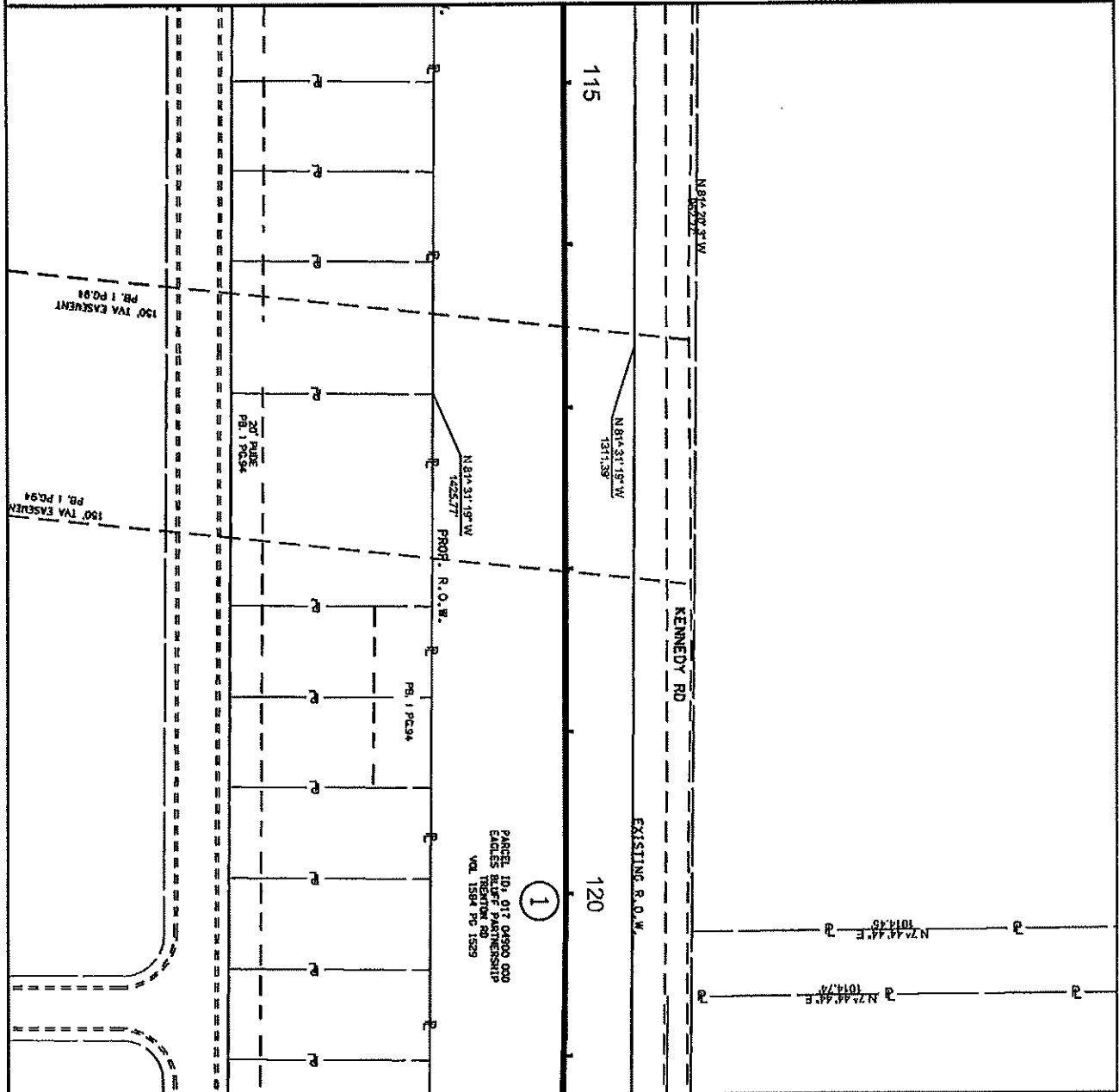


EAGLES BLUFF PARTNERSHIP
D.B. 1584, P.G. 1529
TAX MAP 017, PARCEL 049.00
RIGHT OF WAY ACQUISITION
NORTHEAST CONNECTOR ROAD
TRACT 1 - SHEET 1B



RIGHT-OF-WAY EXHIBIT

MATCH LINE SHEET 1B



MATCH LINE SHEET 1D



DATE: 10/31/2019

EAGLES BLUFF PARTNERSHIP
D.B. 1584, P.G. 1529
TAX MAP 017, PARCEL 049.00
RIGHT OF WAY ACQUISITION
NORTHEAST CONNECTOR ROAD
TRACT 1 - SHEET 1C

EXHIBIT B
RIGHT OF WAY DESCRIPTION
Tract 53

*This description prepared by:
Gresham Smith*

Commencing at the southwestern property corner of the Eagles Bluff Partnership property on the existing right-of-way of Talon Hills Drive; thence along the existing property line south 81 degrees 31 minutes 19 seconds east 1425.77 feet to a point, 64.94 feet Right of Northeast Connector centerline station 124+11.20, thence curving to the right in a southeasterly direction along the existing property line an arc length of 578.79 feet along a non-tangential curve concave southwest having a radius of 1500.00 feet and a chord bearing of south 70 degrees 23 minutes 04 seconds east 575.20 feet to a point, thence north 32 degrees 36 minutes 34 seconds east along the proposed right-of-way 28.07 feet to a point, 47.00 feet Right of Northeast Connector centerline station 130+02.33, thence curving to the right in a southeasterly direction along the proposed right-of-way an arc length of 163.50 feet along a non-tangential curve concave southwest having a radius of 3773.00 feet and a chord bearing of south 65 degrees 38 minutes 34 seconds east 163.49 feet to the Point of Beginning, further described as being at Sta. 131+67.87, 47.00' rt. of the centerline of Northeast Connector, as shown on engineering design documents prepared for the City of Clarksville, by Gresham Smith:

From the Point of Beginning, as thus established; thence north 08 degrees 22 minutes 08 seconds east 103.52 feet along the western property line to a point, 52.00 feet Left of Northeast Connector centerline station 131+37.61, thence curving to the right in a southeasterly direction along the proposed right-of-way an arc length of 648.44 feet along a non-tangential curve concave southwest having a radius of 3872.00 feet and a chord bearing of south 60 degrees 03 minutes 26 seconds east 647.68 feet to a point, thence curving to the left in a southeasterly direction along the proposed right-of-way an arc length of 32.93 feet along a tangential curve concave northeast having a radius of 97.00 feet and a chord bearing of south 64 degrees 59 minutes 05 seconds east 32.77 feet to a point, thence curving to the right in a southeasterly direction along the proposed right-of-way an arc length of 36.78 feet along a tangential curve concave south having a radius of 103.00 feet and a chord bearing of south 64 degrees 28 minutes 48 seconds east 36.58 feet to a point, thence curving to the right in a southeasterly direction along the proposed right-of-way an arc length of 78.47 feet along a tangential curve concave southwest having a radius of 3884.00 feet and a chord bearing of 78.47 feet to a point, thence curving to the right in a southeasterly direction along the proposed right-of-way an arc length of 37.10 feet along a non-tangential curve concave southwest having a radius of 104.21 feet and a chord bearing of south 42 degrees 53 minutes 34 seconds east 36.91 feet to a point, thence curving to the left in a southeasterly direction along the proposed right-of-way an arc length of 32.82 feet along a non-tangential curve concave northeast having a radius of 97.00 feet and a chord bearing of south 42 degrees 23 minutes 11 seconds east 32.67 feet to a point, thence curving to the right in a southeasterly direction along the proposed right-of-way an arc length of 253.48 feet along a tangential curve concave southwest having a radius of 3872.00 feet and a chord bearing of south 50 degrees 12 minutes 18 seconds east 253.43 feet to a point, thence along the eastern property line south 08 degrees 22 minutes 08 seconds west 119.13

feet to a point, 47.00 feet Right of Northeast Connector centerline station 143+05.61, thence curving to the left in a northwesterly direction along the proposed right-of-way an arc length of 368.96 feet along a non-tangential curve concave southwest having a radius of 3773.00 feet and a chord bearing of north 50 degrees 08 minutes 16 seconds west 368.82 feet to a point, thence north 89 degrees 16 minutes 03 seconds west along the proposed right-of-way 28.64 feet to a point, 63.89 feet Right of Northeast Connector centerline station 139+08.59, thence north 53 degrees 31 minutes 08 seconds west along the proposed right-of-way 55.00 feet to a point, 63.71 feet Right of Northeast Connector centerline station 138+52.66, thence north 18 degrees 11 minutes 40 seconds west along the proposed right-of-way 28.35 feet to a point, 47.00 feet Right of Northeast Connector centerline station 138+29.42, thence curving to the left in a northwesterly direction along the proposed right-of-way an arc length of 653.41 feet along a non-tangential curve concave southwest having a radius of 3773.00 feet and a chord bearing of north 59 degrees 26 minutes 24 seconds west 652.59 feet to the Point of Beginning, containing 2.617 of land, more or less.

The aforementioned property is on a parcel of land owned by Eagles Bluff Partnership as shown on Tax Map 017, Parcel 047.01 and recorded in Deed Book 1699, Page 726 with the Montgomery County Register of Deeds.



GreshamSmith.com

2095 Lakeside Centre Wa
Suite 120
Knoxville, TN 37922
865.521.6777

CITY OF CLARKSVILLE
NORTHEAST CONNECTOR
MONTGOMERY COUNTY, TENNESSEE

[illegible]

NORTHEAST CONNECTOR

SCALE: 1"=200'
PROJECT: 41198.00
DATE: 2019



RESOLUTION 44-2019-20

A RESOLUTION APPROVING APPOINTMENTS TO THE ETHICS COMMISSION AND
CORRECTING TERMS OF APPOINTMENTS TO THE AUDIT COMMITTEE

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

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

Ethics Committee: Ernest Brockman - February 2020 through June 2021; Bridgett
Lolla-Childs - February 2020 through June 2020

BE IT FURTHER RESOLVED that the appointments of Dr. Brandon Di Paolo Harrison and Joel
Wallace to the Audit Committee, approved by the adoption of RESOLUTION 33-2019-20 on
December 5, 2019, are hereby corrected and approved as January 2020 through December 2021.

ADOPTED:



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
JANUARY 2, 2020**

MINUTES

PUBLIC COMMENTS:

Prior to call to order, Zach Roberts asked the City Council to disapprove ORDINANCE 47-2019-20, transferring interests in property located on South Second Street to Bikers Who care, on second reading.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, January 2, 2020, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

PRAYER

A prayer was offered by Richard Garrett, Sr., guest of Councilman Richard Garrett. The Pledge of Allegiance was led by Councilman Ron Erb.

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; arrived 7:11 p.m.), 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

There were no special recognitions

ZONING PUBLIC HEARING

Councilman Garrett made a motion to conduct a public hearing to receive comments regarding a request for zone change. The motion was seconded by Councilman Chandler. There was no objection.

ORDINANCE 51-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of John Hadley for zone change on property located at the intersection of Wilma Rudolph Boulevard and Terminal Road from M-2 General Industrial District to C-5 Highway & Arterial Commercial District

John Hadley offered to answer questions; none were asked. There was no one present to express opposition to this request.

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

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 51-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris. The following vote was recorded:

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

The motion to adopt this ordinance on first reading 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 47-2019-20** (Second Reading) Authorizing transfer of South Second Street property interest to Bikers Who Care, Inc. *[Removed; See Finance Committee]*
2. **ORDINANCE 48-2019-20** (Second Reading) Amending the Official Code relative to Firefighter annual leave

3. **RESOLUTION 35-2019-20** Approving a Certificate of Compliance for Todd E. Morris for operation of Mulligan's

4. **RESOLUTION 36-2019-20** Approving a Certificate of Compliance for Ramesh Kasetty for operation of Caddy's Discount Liquor

5. **RESOLUTION 37-2019-20** Approving appointments to the Access Board of Appeals, Board of Adjustments & Appeals, Adult Oriented Establishment Board, Arts & Heritage Development Council, Common Design Review Board, Ethics Commission, and Human Relations Commission

- *Access Board of Appeals: Norm Brumbley, Charlie Gentry, Alex Morris, Matthew Kenny (Alternate) - January 2020 through December 2021*
- *Adjustments & Appeals Board: John Crabbe - January 2020 through June 2023*
- *Adult Oriented Establishment Board: Rachel Barrow - January 2020 through December 2020*
- *Arts & Heritage Development Council: Carolyn Ferrell, Valerie Hunter-Kelly, Thomasa Ross, Joel Wallace - January 2020 through June 2022*
- *Common Design Review Board: Sean Craft - January 2020 through December 2024*
- *Ethics Commission: Bishop Calvin Lockett - January 2020 through June 2022*
- *Human Relations Commission: Shawn'na Darden - January 2020 through June 2022; Lillian Vazquez - January 2020 through June 21*

6. Adoption of Minutes: December 5

Councilman Erb requested separate consideration of **ORDINANCE 47-2019-20**. Councilman Burkhart made a motion to adopt the Consent Agenda as amended. The motion was seconded by Councilman Garrett. The following vote was recorded:

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

The motion to adopt the Consent Agenda as amended unanimously passed.

FINANCE COMMITTEE

ORDINANCE 50-2019-20 (First Reading) Amending the Official Code relative to gas rates and interdistrict fees

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman Guzman. Councilman Burkhart offered an amendment to change the fee for "Firm Governmental Entity, Public or Private Utility" monthly meter charge from \$497.26 to \$12.050, and the usage charge per 100 cubic feet from \$0.110 to \$0.088. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

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

Councilman Burkhart's amendment unanimously passed. The following vote on the main motion as amended 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 as amended unanimously passed.

ORDINANCE 52-2019-20 (First Reading) Amending the 2019-20 Operating and Capital Budget for Governmental Funds for various uses

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 Chandler. The following vote was recorded:

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

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

RESOLUTION 34-2019-20 Asking the Tennessee Department of Transportation for improvements to SR237/Rossvie Road from east of International Boulevard to Hayes Lane

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

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

The motion to adopt this resolution unanimously passed.

RESOLUTION 38-2019-20 Approving the Participating Employer Agreement with the State of Tennessee for Employee Deferred Compensation Plan II

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

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

The motion to adopt this resolution unanimously passed.

ORDINANCE 47-2019-20 (Second Reading) Authorizing transfer of South Second Street property interest to Bikers Who Care, Inc.

This ordinance was removed from the original Consent Agenda. Councilman Burkhart made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Guzman.

Councilman Erb said there was no real plan for use of this property and the transfer would establish a precedent for future requests for donation of property. Councilwoman Smith noted the charity to receive the property had not yet been established. Councilman Chandler felt the City had followed proper procedure for this donation and made a motion to postpone action indefinitely to allow time for the non-profit organization to be officially formed. The motion was seconded by Councilman Henley. The following vote was recorded:

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

NAY: Allen, Burkhart, Guzman, Holleman, Norris, Pitts, Streetman

The motion to postpone indefinitely failed. The following vote on the main motion was recorded:

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

NAY: Chandler, Erb, Henley, Richmond

The motion to adopt this ordinance on second reading passed.

GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

Councillady Guzman shared the following monthly department statistics: 692 million cubic feet of natural gas (35% capacity), 506 million gallons treated water (60% capacity), 10,000+ calls, 100,000+ meter reads, 88,000+ bills and notices.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

Councilman Allen said the 2020 Point in Time Count was scheduled for January 22. A public meeting regarding the 2020 Consolidated Plan, 2020 Community Development Block Grant, and the Home Investment Partnership was scheduled for January 15. He said the City received its annual performance-assessment letter from Housing & Urban Development showing satisfactory progress for meeting the goals of the Consolidated Plan.

PARKS & RECREATION *Chairlady Valerie Guzman*

Councillady Guzman mentioned on-going activities including human resource and recreation center locations, and noted upcoming events including Snow Much Fun, Fit Fun Circuit Training, Johnsonville book launch, and Chocolate Affair,

PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

Councilman Henley shared the following monthly department statistics: Building & Codes - 1,803 inspections, 279 enforcement cases, 102 single-family permits, 15 abatement work orders; Fire Rescue - 1,220 runs; Police - 12,157 calls for service. Councilman Henley congratulated seven new cadets who recently graduated from the Tennessee Law Enforcement Academy.

STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

Councilman Chandler said 2019 Garage expenses were up \$14,000 as compared to 2018, but more work orders were completed in less time. Unleaded fuel was purchased at \$1.82 per gallon and diesel fuel was purchased at \$2.06 per gallon.

The Street Department completed 123 work orders including continuation of storm debris pickup.

TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councillady Smith said Clarksville Transit System provided 229 rides to the Christmas Eve Warm Souls event at Austin Peay State University. Three new hybrid buses were expected to be delivered in January. CTS was in the process of completing its Recipient Information Requests in preparation for its Federal Tri-Annual Review in June. A request for proposal was recently completed for technology equipment which would

provide better reporting, faster vehicle tracking, and real time passenger information application. She said CTS had partnered with Crime Stoppers to place an information kiosk at the Transit Center. During December 2019, CTS transported 50,617 passengers including 6,513 senior citizens and completed 3,247 demand responses.

INTERNAL SERVICE FUND GUIDELINES

ORDINANCE 29-2019-20 (First Reading; Postponed October 3) Repealing the Internal Service Fund Guidelines and amending the Official Code approving new Internal Service Fund Guidelines

Councilman Allen made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley.

In response to Councilwoman Smith's question, City Attorney Lance Baker said the Finance Committee had authority to obligate payments up to the budgeted amount for the Internal Service Fund and noted additional funding would require a budget amendment to be approved by the City Council. Mr. Baker also responded to Councilwoman Smith stating that the highest settlement offered during his tenure was \$650,000, which was rejected, and the highest actual payment made during his tenure was \$275,000.

Mr. Baker responded to Councilman Garrett stating the proposed levels of settlement authority were \$7,500 Risk Manager, \$30,000 City Attorney, and more than \$30,000 Finance Committee. Councilman Garrett offered an amendment to limit the authority for Finance Committee to \$49,999. The motion was seconded by Councilman Allen. Councilwoman Streetman and Councilman Chandler said it could be difficult to gather a quorum on a last minute meeting notice. Councilwoman Smith said all members of the City Council were elected to make decisions including settlements. Councilman Burkhart felt the \$50,000 limit was too low for Finance Committee authority.

Councilman Erb called for the question. The question was seconded. A voice vote was taken; there was no objection to ceasing discussion on the amendment. The following vote was recorded:

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

Councilman Garrett's amendment to limit the Finance Committee's Settlement authority to \$49,000 failed. Councilman Allen made a motion to postpone action to the February 6, 2020 regular session to allow additional time to study the proposed changes and allow members to prepare their amendments. 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 to the February regular session unanimously passed.

=

NORTHEAST CONNECTOR DONATION

Mayor Pitts said the current budget included funding for engineering, design, and right-of-way acquisition for the proposed Northeast Connector. Mayor Pro Tem Allen made a motion to consider **ORDINANCE 53-2019-20** on first reading. The motion was seconded by Councilman Garrett. Councilman Burkhart noted his intent to abstain from voting on this matter because he was part owner of the property being donated. The following vote was recorded:

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

ABSTAIN: Burkhart

The motion to consider passed with the required 3/4 majority approval.

ORDINANCE 53-2019-20 (First Reading) Accepting donation of property from Eagles Bluff Partnership for the Northeast Connector

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

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

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

MAYOR AND COUNCIL MEMBER ANNOUNCEMENTS

Mayor Pitts announced City Offices would be closed Wednesday, January 1, New Years Day, and Monday, January 20, Dr. Martin Luther King, Jr.'s Birthday.

Councilman Richmond thanked Mayor Pitts and members of the City Council for their support during his first year as the representative for Ward 2.

Mayor Pitts thanked the members for their work during 2019.

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

ORDINANCE 54-2019-20

AN ORDINANCE AMENDING PART II OF THE CITY OF CLARKSVILLE CODE OF ORDINANCES, TITLE 4 (BUILDING, UTILITY AND HOUSING CODES), CHAPTER 5 (PLUMBING CODE), RELATIVE TO RESIDENTIAL NEW CONSTRUCTION PLUMBING PERMIT FEE

WHEREAS, The City of Clarksville Gas and Plumbing Board met with stakeholders on October 22nd and discussed the fee structure for new residential construction; and

WHEREAS, the preponderance of the stakeholders present lobbied for a flat fee, similar to the rate structure at the Montgomery County Codes Office, establishing a regional standard; and

WHEREAS, the City of Clarksville Building and Codes Department wishes to support local plumbers by modifying the rate structure to include a flat rate; and

WHEREAS, the City Council finds that the interests of the City, and its residents, would best be served by the following city code amendment; and

WHEREAS, the City does not project an impact on permit revenues.

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

1. That City of Clarksville Code of Ordinances, Title 4 (Building, Utility and Housing Codes), Chapter 5 (Plumbing Codes), Section 4-503 (Rates, service fees, penalties, security deposits, and other charges), Subsection 12 (openings) is hereby amended by deleting same in its entirety and substituting therefor the following:

(12) Residential new construction plumbing permit: One hundred forty dollars (\$140.00) each.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 55-2019-20

AN ORDINANCE ACCEPTING DONATION OF CERTAIN REAL PROPERTY LOCATED ON INTERNATIONAL BOULEVARD FROM THE CLARKSVILLE-MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT BOARD FOR CLARKSVILLE POLICE DISTRICT 3 PRECINCT

WHEREAS, the Clarksville-Montgomery County Industrial Development Board has agreed to donate .13 acres of real property located on International Boulevard to the City of Clarksville for construction of Police District 3 Precinct; and

WHEREAS, the Montgomery County Commission, upon adoption of RESOLUTION 20-1-4 on January 13, 2020, has approved said donation; and

WHEREAS, the Industrial Development Board, Montgomery County Commission, and Clarksville City Council believe that this donation will further the purpose of the original intent of development of a competitive Industrial Park and will create a public safety complex to serve businesses and industries, current and future, as well as the surrounding residential areas; and

WHEREAS, the Clarksville City Council has determined that it is in the best interest of the City and its residents that the donation of this property from the Industrial Development Board 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 located on International Boulevard, as described in Exhibit A, from the Clarksville-Montgomery County Industrial Development Board for Police District 3 Precinct;
2. That upon acceptance of transfer documents, the City will assume ownership and responsibility for said property;
3. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

LAND DESCRIPTION OF A PORTION OF THE INDUSTRIAL DEVELOPMENT BOARD OF MONTGOMERY COUNTY PROPERTY

Being a parcel of land in the 6th Civil District of Clarksville, Montgomery County, Tennessee, said parcel being the Industrial Development Board of Montgomery County Property as recorded in Volume (Vol.) 1877, page 2324 Register's Office Montgomery County, Tennessee (ROMCT), said parcel being generally described as east of and adjacent to International Blvd., west of Rollow Lane, north of Rossvie Road in Clarksville, Tennessee, 37043, said parcel being more particularly described as follows:

Beginning an iron rod (old), said pin being the southwestern corner of the herein described parcel and the eastern right of way of International Blvd, said pin being N 19° 06' E for a distance of 2,246 feet from the centerline intersection of International Blvd. and Rossvie Road, said pin also having the coordinates of northing 814020.29 and easting of 1604800.62;

Thence, with said International Blvd. right of way, N 27° 10' 29" E a distance of 15.21 feet to a point on a line;

Thence, leaving said International Blvd. and along a new severance line, S 62° 49' 32" E for a distance of 366.64 feet to a point on a line;

Thence, continuing along a new severance line, S 27° 26' 09" W for a distance of 15.19 feet to an iron pin new, said point being the southeastern corner of the herein described parcel and having the coordinates of northing 813852.90 and easting of 1605126.74, said point being the north property line of the City of Clarksville property as described in Vol. 1891, page 409;

Thence, along said City of Clarksville property, N 62° 49' 32" W for a distance of 366.64 feet to the point of beginning, said parcel containing 5,573 Square Feet or 0.13 Acres, more or less.

Together with and subject to all right of ways, easements, restrictions, covenants and conveyances of record and not of record.



LOT 1: CITY OF CLARKSVILLE
DEED REF. #O.R.V. 1891, PG 409
TAX MAP NO. 39.0 PARCEL NO. 21.01
PLAT BOOK "H" PG 26

LOT 2: INDUSTRIAL DEVELOPMENT BOARD OF
MONTGOMERY COUNTY
DEED REF. #O.R.V. 1877, PG. 2324
TAX MAP NO. 39.0 PARCEL NO. 21.00

CURRENT ZONING: M-2
CIVIL DISTRICT: 6th

TOTAL ACREAGE: 131,151 SF (3.01 ± ACRES)
PROPOSED TOTAL ACREAGE: 136,724 SF (3.14 ± ACRES)



1. All utility locations based on location of utilities by local utility authorities and visible field location by others. There is no guarantee that no other utilities either public or private are not displayed on this survey.



REVISIONS

CITY OF CLARKSVILLE & IDB PROPERTY

EXHIBIT DRAWING
2941 INTERNATIONAL BLVD., CLARKSVILLE
MONTGOMERY COUNTY, TENNESSEE
November 22, 2019

November 22, 2019



MCKAY-BURCHETT
& COMPANY
ENGINEERS

1545 Madison Street
Clarksville, TN 37040
Ph # 931-245-3095

SHEET: PRE. 1.00

SHEET: PRE. 1.00

RESOLUTION TO DONATE A 0.31 ACRE PARCEL IN THE SOUTH INDUSTRIAL PARK TO THE CITY OF CLARKSVILLE FOR A POLICE PRECINCT

WHEREAS, the City of Clarksville, Montgomery County, Tennessee, and the Clarksville-Montgomery County Industrial Development Board (IDB), entered into a certain Interlocal Agreement dated November 29, 2001; and

WHEREAS, said Interlocal Agreement was entered into by the respective parties in an effort to develop an Industrial Park to attract new business to the area and provides for the payment of receipts from certain land sales to the City and County; and

WHEREAS, the competitive environment between political subdivisions to attract new industry has evolved since the signing of the above-described Interlocal Agreement dated November 29, 2001; and

WHEREAS, the Industrial Development Board has requested to donate 0.31 acres to the City of Clarksville in accordance with the Interlocal Agreement to be used exclusively for the development of a City of Clarksville Police Precinct; and

WHEREAS, the Commission believes that such donation furthers the purpose of the original intention of the development of a competitive Industrial Park and to attract new business to the area.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 13th day of January 2020, that the Clarksville-Montgomery County Industrial Development Board is authorized to execute all documents necessary to convey and donate this parcel to the City of Clarksville for the sole purpose set out above.

Duly passed and approved this 13th day of January 2020.



Sponsor

[Signature]

Commissioner

Joe / Creek

Approved

[Signature]

County Mayor

Attest

Kellie A. Jackson
County Clerk

(This Resolution was Amended by the following roll call vote.)

Motion to Adopt by Commissioner Gannon, seconded by Commissioner Johnson.

On Motion by Commissioner Gannon, seconded by Commissioner Harper, to Amend by changing “0.31 acres” to “0.13 acres” throughout the Resolution. The foregoing Amendment was Adopted by the following roll call vote:

District	Commissioner	Vote	District	Commissioner	Vote	District	Commissioner	Vote
1	John M. Gannon	Y	8	Tangi C. Smith	Y	15	David Harper	Y
2	Charles Keene	Y	9	Carmelle Chandler	Y	16	Loretta J. Bryant	Y
3	Joe Smith	Y	10	James R. Lewis	Y	17	Chris Rasnic	Y
4	Rickey Ray	Y	11	Joe L. Creek	Y	18	Jason D. Knight	Y
5	Rashidah A. Leverett	Y	12	Lisa L. Prichard	Y	19	Garland Johnson	Y
6	Arnold Hodges	Y	13	Walker R. Woodruff	Y	20	Jerry Allbert	---
7	Brandon Butts	Y	14	Joshua Beal	Y	21	Larry Rocconi	Y

Yeses – 20 Noes – 0 Abstentions – 0

ABSENT: Jerry Allbert

On Motion by Commissioner Beal, seconded by Commissioner Knight, the foregoing

Amended Resolution was Adopted by the following roll call vote:

District	Commissioner	Vote	District	Commissioner	Vote	District	Commissioner	Vote
1	John M. Gannon	Y	8	Tangi C. Smith	Y	15	David Harper	Y
2	Charles Keene	Y	9	Carmelle Chandler	Y	16	Loretta J. Bryant	Y
3	Joe Smith	Y	10	James R. Lewis	Y	17	Chris Rasnic	Y
4	Rickey Ray	Y	11	Joe L. Creek	Y	18	Jason D. Knight	Y
5	Rashidah A. Leverett	Y	12	Lisa L. Prichard	Y	19	Garland Johnson	Y
6	Arnold Hodges	Y	13	Walker R. Woodruff	Y	20	Jerry Allbert	---
7	Brandon Butts	Y	14	Joshua Beal	Y	21	Larry Rocconi	Y

Yeses – 20 Noes – 0 Abstentions – 0

ABSENT: Jerry Allbert

RESOLUTION 39-2019-20

A RESOLUTION AUTHORIZING RETIREMENT OF A PATROL SERVICE DOG
“LEONIDAS” FROM K-9 UNIT AND DONATION TO POLICE OFFICER GARY
MEFFORD

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 “Leonidas” approximately seven years ago; and

WHEREAS, Leonidas has several problems that will affect the rest of his career in law enforcement, to include a severe spinal condition known as lumbo-sacral vertebral arthritis, and right partial ACL tear. Because of his condition, he is no longer able to perform the duties of a patrol service dog. Additionally, Leonidas reached nine years of age on January 3, 2020, and the CPD has adopted a new standard of replacing canines when they reach the age of nine; and

WHEREAS, Leonidas should be retired from police work due to the aforesaid problems, as recommended by Ronald Whitford, DVM, St. Bethlehem Animal Clinic; and

WHEREAS, the long-term outlook or prospects for Leonidas 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, Leonidas 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 Leonidas is CPD Officer Gary Mefford, who has agreed to accept the donation of Leonidas 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 Leonidas to his main CPD Officer handler is in the best interest 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 Leonidas from the K-9 Unit and donate same to his main handler, CPD Officer Gary Mefford .

ADOPTED:

RESOLUTION 40-2019-20

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

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

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

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

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

ADOPTED:

MEMORANDUM OF UNDERSTANDING

Austin Peay Police Department

Original issue, November 15, 2019

First Revision, December 5, 2019

Austin Peay Police Department

And

City of Clarksville Tennessee Police Department

Purpose

This Memorandum of Understanding (MOU) establishes permissions and guidelines for the use of the City of Clarksville Tennessee, Police Department radio channels by Austin Peay State University Public Safety Department.

It imposes certain protocols, procedures, and obligations upon Austin Peay State University Public Safety Department hereby authorized to use licensed radio channels held by the City of Clarksville Tennessee Police Department.

This agreement supersedes any MOU or letter of authorization previously issued.

Authority

This MOU authorizes the use of City of Clarksville Tennessee Police Department licensed frequencies for the purpose of Austin Peay State University Public Safety Department having their own operating channel, coordination between emergency response agencies and resources. Such coordination may occur during interagency operations or on-incident communications in accordance with all laws of the State of Tennessee.

Understandings

City of Clarksville Tennessee Police Department will: Manage and maintain proper licenses for the use of frequencies identified by Clarksville Tennessee Police Department. Restrict access to the conventional repeater system. Allow access to a layer of the fail soft trunk system. Manage and maintain the operation and maintenance of said radio system and be responsible for programing all radios on the system.

Austin Peay State University Public Safety Department will: Use assigned radio channels authorized hereby for their intended purpose of having their own operating police radio channel for in department communication, coordination between emergency response agencies and resources. Such coordination may occur during interagency operations or on-incident. Austin Peay State University Public Safety Department will be allowed to have District 1, District 2, and District 3 of City of Clarksville Tennessee

Police Department, their own operating channel, and one event channel programed on their portable radios. Austin Peay State University Public Safety Department will be allowed to have dispatch operate on their assigned channel for all police duties in the Austin Peay Police Department. Dispatch will be able to receive only on Clarksville Tennessee Police Departments District 1, District 2, District 3 and the event channel. Austin Peay State University Public Safety Department will be responsible for all the cost of the radio equipment to be used by the department.

The parties mutually agree: Austin Peay State University Public Safety Department and the City of Clarksville Tennessee Police Department agree that their mutual interests will be furthered by continued coordination between Austin Peay State University Public Safety Department and the City of Clarksville Tennessee Police Department. Austin Peay State University Public Safety Department and the City of Clarksville Tennessee Police Department agree that this Memorandum of Understanding may be cancelled at any time, by written notice to the other party, or by subsequent agreements.

Entity of State. Austin Peay State University is a state-funded public institution of higher learning. As an entity of the State of Tennessee, under the Constitution and laws of the State of Tennessee it possesses certain rights and privileges, is subject to certain limitations and restrictions, and only has such authority as is granted to it under the Constitution and laws of the State of Tennessee. Notwithstanding any other provision to the contrary, nothing in this Agreement is intended to be, nor shall it be construed to be, a waiver of the sovereign immunity of the State of Tennessee or a prospective waiver or restriction of any of the rights, remedies, claims and privileges of the State of Tennessee. Moreover, notwithstanding the generality or specificity of any provision herein, the provisions of this Agreement as they pertain to the Vendor are enforceable only to the extent authorized by the Constitution and laws of the State of Tennessee.

Should Austin Peay State University Public Safety Department elect to withdraw from this MOU, notice shall be given by mail to The City of Clarksville Tennessee Police Department.

MOU Agreement This Memorandum of Understanding was agreed to this ____ day of _____, 20__.

Austin Peay State University Public Safety Department

Authorized Signature: _____

Print Name: _____

Title: _____

Address: _____

Phone: _____

E-mail: _____

City of Clarksville Tennessee Police Department

Authorized Signature: _____

RESOLUTION 41-2019-20

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND THE EAST MONTGOMERY UTILITY DISTRICT FOR SANITARY SEWERAGE SERVICES

WHEREAS, the City of Clarksville provides sanitary sewerage service to customers through its' Department of Gas & Water (CGW); and

WHEREAS, the East Montgomery Utility District (hereafter "EMUD") is a utility district that provides water services to its customers; and

WHEREAS, the City, through its' CGW, and EMUD (together the "Parties") desire that CGW provide sanitary sewerage service within the District's boundaries in Montgomery County, Tennessee, pursuant to the terms and provisions set forth in an agreement between the Parties (Interlocal Agreement For Sanitary Sewerage Service Billing And Collections), attached hereto and incorporated herein as **Attachment A**; and

WHEREAS, the Parties now desire to memorialize said agreement through approval / adoption and execution of said contract / interlocal agreement, attached hereto and incorporated herein as **Attachment A**, pursuant to Tennessee Code Annotated Section 12-9-108 pertaining to the adoption of interlocal agreements among governmental entities, and pursuant to all applicable federal, state, and local laws, to include City ordinances and resolutions, and such applicable regulations.

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

That the Clarksville City Council hereby authorizes and approves a contract / interlocal agreement, pertaining to the provision of sanitary sewerage service within the East Montgomery Utility District's boundaries in Montgomery County, Tennessee, pursuant to and under the terms and provisions set forth in the agreement between the parties (Interlocal Agreement For Sanitary Sewerage Service Billing And Collections) attached hereto and incorporated herein as **Attachment A**, said contract / interlocal agreement to be effective and binding upon execution by the Mayor and the appropriate representative with authority to bind EMUD.

ADOPTED:

Attachment A

**INTERLOCAL AGREEMENT FOR
SANITARY SEWERAGE SERVICE BILLING AND COLLECTIONS**

THIS INTERLOCAL AGREEMENT FOR SANITARY SEWERAGE SERVICE is entered into this the ____ day of _____, 2020, by and between the CITY OF CLARKSVILLE, TENNESSEE, a Tennessee Municipal Corporation, created and established by charter, most recently amended and restated by Chapter 24 of the Private Acts of 2015, (hereinafter, "Clarksville"), and the EAST MONTGOMERY UTILITY DISTRICT, a Tennessee Utility District and a municipal corporation, created and existing under and by virtue of Tenn. Code Ann. § 7-82-101, et Seq., whose official territory is located within the territorial boundaries of Montgomery County (hereinafter, the "District")(together, the "Parties).

WITNESSETH:

WHEREAS, the District is a utility district authorized by Tenn. Code Ann. § 7-82-101, et seq., with authority to provide water services within its boundaries in Montgomery County, Tennessee;

WHEREAS, the Parties desire that Clarksville provide sanitary sewerage services within the District's boundaries as shown and described on Exhibit A, attached hereto;

WHEREAS, Clarksville is authorized to own, acquire, construct, extend, equip, operate, and maintain a sewer system within or without the Clarksville corporate limits pursuant to Tenn. Code Ann. § 7-35-401, and further pursuant to Section 5(a)(52) of Clarksville's charter.

WHEREAS, Tenn. Code Ann. § 12-9-108 authorizes any public agency to contract with another public agency to perform any governmental service, activity, or undertaking, which each public agency is authorized by law to perform; and

WHEREAS, Clarksville desires that the District bill and collect sewer charges for Clarksville's sewer customers within the District's boundaries, and that the District terminate its

water service to Clarksville's sewer customers within the District for the nonpayment of Clarksville's sewer bills pursuant to Tenn. Code Ann. § 7-35-201;

WHEREAS, the Parties agree that Clarksville will provide sanitary sewerage service within the District, further being within the area shown and described on Exhibit A, attached hereto and incorporated herein, in a manner which serves the best interests of the people being provided or to be provided sanitary sewerage service and the citizens of Clarksville generally.

NOW, THEREFORE, in consideration of the premises, the requirements imposed on both parties by law, and their mutual undertakings, the parties hereto agree by and between themselves as follows:

1. Provision of service. Clarksville shall provide sanitary sewerage service within the District in accordance with Clarksville's ordinances, rules and regulations, policies, covenants, practices, and procedures and in accordance with applicable state and federal laws. The applicable provisions of the Clarksville City Code including, without limitation, Title 13, Chapters 3, 4, and 5, as may be amended from time to time, are incorporated by reference and made a part of this Interlocal Agreement.
2. Ownership. Clarksville shall own and control all public sewer system infrastructure and improvements located within the portion of the District located within Montgomery County. Ownership and maintenance of all sewer lateral lines from Clarksville's sewer system to any house, building, or other improvement shall lie with the property owner.
3. Computer System Upgrades. Any and all costs associated with sewer billing setup, including any associated future costs related to sewer billing, shall be the sole responsibility of the District to bear.

4. Metering. The District shall set and maintain all water meters within the District. The District shall read all meters and bill for sewer service where applicable.
5. Rates, billing, and collection.
 - a. Clarksville shall collect all fees for new sewer connections pursuant to Title 13, Chapter 3 of the Clarksville City Code, as may be amended from time to time.
 - b. Clarksville shall furnish the rates to be charged for sewer service and shall advise the District at least thirty (30) days prior to the revision of such rates.
 - c. All sewer shall be billed in gallons. The District shall bill for sewer at the same time and in the same manner as the District bills for water usage, and the sewer bill shall be due at the same time as the water bill.
 - d. The District shall charge and collect, from each customer, a monthly billing and collection fee equal to five percent (5%) of the total sewer charges billed each month, which billing and collection fees shall be retained by the District. Clarksville and the District shall review this fee annually to determine need for mutually agreed upon adjustments.
 - e. The District shall charge and collect a ten percent (10%) late payment penalty for Clarksville at the same time the District charges and collects late fees from its water customers due to late payments.
 - f. The District shall collect all interdistrict fees, as defined in Title 13, Chapter 3 of the Clarksville City Code, billing and collection fees, and monthly sewer fees and charges. On or before the twenty-fifth (25th) of the month, the District shall pay to Clarksville all the sewer fees collected for the previous month, minus all billing and collection fees. The District shall administer all partial payments and penalties and

terminate water service for nonpayment of sewer service in accordance with the District's rules and regulations for water service.

- g. The District shall furnish Clarksville with a monthly report on billing and all other reports Clarksville and/or the District may deem necessary. Clarksville shall have access to all relevant billing records during the District's regular business hours.
 - h. All sewer adjustments shall be coordinated between Clarksville and the District, with all sewer adjustments being administered pursuant to Clarksville's adjustment policies contained in Clarksville City Code § 13-314, as may be amended from time to time.
 - i. The District shall transfer all information related to sewer customer accounts concerning bad debt expense circumstances to Clarksville. Clarksville shall bear the sole responsibility of collections, write-offs, etc. involving said sewer customer accounts.
6. Disputes about sewer bill. The District shall refer all sewer bill, service, or system disputes to Clarksville for resolution. The District will continue to bill and collect from customer as typical, and will terminate water service for nonpayment after the customer has an opportunity to discuss the dispute with Clarksville. Clarksville will seek to resolve dispute with customer, to include refund if deemed necessary.
7. Termination of water service for reasons other than nonpayment. The District shall honor requests by Clarksville to terminate water service for reasons other than nonpayment of sewer charges after Clarksville provides an explanation of the reasons for such termination.
8. Sewer system approval. Clarksville, in accordance with its established policies and procedures, shall review and approve all sewer plans prior to construction and shall inspect

and approve all constructed sewer infrastructure prior to acceptance as part of Clarksville's sewer system. Said approval shall be in the sole discretion of Clarksville, subject only to applicable controlling law.

9. Lateral connections. Clarksville, in accordance with its established policies and procedures, shall inspect and approve all lateral sewer lines prior to connection into Clarksville's sewer system. The District shall coordinate all lateral inspections with Clarksville's Building & Codes Department. Further, Clarksville shall perform, or direct the performance of, all lateral connections into Clarksville's sewer system. Any approval shall be in the sole discretion of Clarksville, subject only to applicable controlling law.
10. Required connection. Clarksville and the District shall require the owner, tenant, or occupant of each lot or parcel of land that abuts upon a street or other public way containing a sewer line and upon which lot or parcel a building exists for residential, commercial or industrial use, to connect the building with Clarksville's sewer system pursuant to Tenn. Code Ann. § 7-35-201 and Clarksville City Code § 13-503, as may be amended from time to time.
11. Exemption from sewer connection and/or charges. An owner may request and be granted a waiver from sewer connection and/or charges by Clarksville, as pursuant to and contained in Clarksville City Code § 13-503, as may be amended from time to time. Any such waiver granted by Clarksville will be reported to the District.
12. Term. This Interlocal Agreement shall continue until terminated by subsequent agreement of the parties, or until such time as the District shall have built a sanitary sewerage treatment plant and has purchased Clarksville's sanitary sewerage system, in its entirety located within the District upon terms agreed to by the parties.

13. Records. The District and the City shall each be responsible for maintaining all water and sewer records respectively as required by law.

14. Severability. If any of the terms and conditions of this Interlocal Agreement are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this Interlocal Agreement are declared severable.

IN WITNESS WHEREOF, the parties hereto have executed this Interlocal Agreement as of the date first written above.

THE CITY OF CLARKSVILLE

By: _____
Joe Pitts, Mayor

ATTEST:

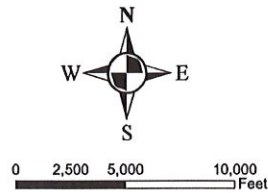
Sylvia Skinner, City Clerk

EAST MONTGOMERY UTILITY DISTRICT

By: _____
President of the Board of Commissioners

CLARKSVILLE/EMUD

Interlocal Sewer Agreement For Sanitary Sewer Service



US 41A

Montgomery County

Robertson County

I-24

Cheatham County

Hwy 12

RESOLUTION 42-2019-20

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND THE TODD COUNTY FISCAL COURT FOR NATURAL GAS INFRASTRUCTURE

WHEREAS, the City of Clarksville desires a redundant natural gas supply to serve customers through its' Department of Gas & Water (CGW); and

WHEREAS, Todd County, Kentucky desires to develop, construct, and maintain natural gas infrastructure within Todd County and its surrounding community; and

WHEREAS, the City, through its' CGW, and Todd County (together the "Parties") have determined that it may be mutually beneficial to the parties hereto to collaborate in a joint venture to provide natural gas infrastructure that will supply Todd county with natural gas and the City of Clarksville with a redundant supply of natural gas; and

WHEREAS, the Parties desire to assess the feasibility and sustainability of a collaborative venture to provide natural gas infrastructure for the benefit of the Parties, pursuant to the terms and provisions set forth in an agreement between the Parties (Memorandum Of Understanding), attached hereto and incorporated herein as **Attachment A**; and

WHEREAS, the Parties now desire to memorialize said agreement through approval / adoption and execution of said contract / interlocal agreement / memorandum of understanding, attached hereto and incorporated herein as **Attachment A**, pursuant to Tennessee Code Annotated Section 12-9-108 pertaining to the adoption of interlocal agreements among governmental entities, and pursuant to all applicable federal, state, and local laws, to include City ordinances and resolutions, and such applicable regulations.

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

That the Clarksville City Council hereby authorizes and approves a contract / interlocal agreement / memorandum of understanding, pertaining to the feasibility and sustainability of a collaborative venture to provide natural gas infrastructure for the benefit of the Parties, pursuant to and under the terms and provisions set forth in the agreement between the parties (Memorandum Of Understanding) attached hereto and incorporated herein as **Attachment A**, said contract / interlocal agreement / memorandum of understanding to be effective and binding upon execution by the Mayor and the appropriate representative with authority to bind Todd County, Kentucky.

ADOPTED:

ATTACHMENT A

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, made and entered into this _____ day of _____, 2020, by and between the Todd County Fiscal Court (hereinafter referred to as "Todd County"), and the City of Clarksville, Tennessee (hereinafter referred to as "Clarksville");

WITNESSETH:

WHEREAS, Todd County has enacted Ordinance Number 19-05 which created the Todd County Natural Gas District in order to plan for and develop natural gas infrastructure in Todd County and the surrounding community; and

WHEREAS, Todd County and Clarksville have determined that it may be mutually beneficial to the parties hereto to collaborate in a joint venture to provide natural gas infrastructure that will supply Todd County with natural gas and the City of Clarksville with a redundant supply of natural gas;

Now therefore, in consideration of the mutual benefit to be derived from the collaboration between Todd County and the City of Clarksville, is it hereby understood as follows:

1. Pursuant to Todd Fiscal Court Ordinance Number 19-05, and as amended by Ordinance Number 19-0____, the Todd County Natural Gas District and the corresponding Board of Directors was duly formed and organized.
2. Appointments to the Todd County Natural Gas District Board of Directors shall be made by the Todd County Judge Executive subject to approval by the Todd Fiscal Court. Four of the Nine Board of Director seats shall be appointed by the Judge Executive from qualified persons nominated by the Mayor of the City of Clarksville.

3. The City of Clarksville, at its expense, will conduct a feasibility study to assess the feasibility and sustainability of a collaborative venture to provide natural gas infrastructure for the benefit of the Todd County and Clarksville communities. Clarksville will share the results of said feasibility study with Todd County and/or its agent or designee for Todd County's consideration.

4. Should the feasibility study not support the collaborative venture, then any and all terms of this agreement or any other agreement(s) related to the collaborative venture for the provision of natural gas infrastructure shall be void absent a specific agreement otherwise.

5. Should the feasibility study support the collaborative venture, then the parties will in good faith negotiate the terms of an Interlocal Cooperative Agreement to further specify the respective obligations of the parties toward the venture.

Todd County Fiscal Court

Todd Mansfield, Judge Executive

City of Clarksville

Joe Pitts, Mayor

Prepared by:

Jeffrey B. Traugher
Todd County Attorney
207 E. McReynolds Drive
P.O. Box 129
Elkton, Kentucky 42220
Tel: (270) 265-5651
Fax: (270) 265-5652

RESOLUTION 43-2019-20

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY RELATIVE TO THE OPEN ROADS POLICY

WHEREAS, public safety is the highest priority when injuries and hazardous materials are involved in a motor vehicle crash or incident on Tennessee roadways; and

WHEREAS, the quality of life in the State of Tennessee, and certainly in the City of Clarksville, is heavily dependent upon the free movement of people, vehicles, and commerce; and

WHEREAS, the State of Tennessee and the City of Clarksville have the responsibility to do whatever is reasonable to reduce the risk to responders, secondary crashes, and delays associated with incidents, crashes, roadway maintenance, construction, and enforcement; and

WHEREAS, this Interlocal Agreement intends to complement the existing agreement between the Tennessee Department of Transportation and the Tennessee Department of Safety and Homeland Security dated February 16, 2012.

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

That the Clarksville City Council hereby approves an Interlocal Agreement, attached hereto as Exhibit A, with the Tennessee Department of Safety and Homeland Security relative to the Open Roads Policy.

ADOPTED:

EXHIBIT A

OPEN ROADS POLICY

State of Tennessee

"OPEN ROADS POLICY"

*Quick Clearance for Safety and Mobility
Between the Tennessee Department of Transportation,
Tennessee Department of Safety and Homeland Security, and
Tennessee Counties and Cities*

This Memorandum of Understanding (MOU) by and between the Tennessee Department of Transportation (TDOT), the Tennessee Department of Safety and Homeland Security (TDOSHS), County/City Law Enforcement and Fire and Rescue Agencies (City/County Agencies), establishes a policy for the Tennessee Highway Patrol (THP), TDOT, City/County Agencies to expedite the removal of vehicles, cargo, and debris from roadways on the State Highway System (roadways) to restore, in an URGENT MANNER the safe and orderly flow of traffic following a motor vehicle crash or incident on Tennessee's roadways. This MOU supersedes the 2012 Interagency Agreement on the Urgent Clearance of Highway Incidents signed on 2/16/12, and the previous Open Roads Policy agreement signed by TDOT and the TDOSHS on 10/12/2012. This MOU represents the consolidation and advancement of these previous agreements.

Whereas: Public safety is the highest priority and must be maintained especially when injuries or hazardous materials are involved. The quality of life in the State of Tennessee is heavily dependent upon the free movement of people, vehicles, and commerce. THP, TDOT, and City/County Agencies share the responsibility for achieving and maintaining the degree of order necessary to make this free movement possible. THP, TDOT, and City/County Agencies have the responsibility to do whatever is reasonable to reduce the risk to responders, secondary crashes, and delays associated with incidents, crashes, roadway maintenance, construction, and enforcement activities.

The following operating standards are based on the philosophy that the State Highway System will not be closed or restricted any longer than is absolutely necessary.

Be it resolved: Roadways will be cleared of damaged vehicles, spilled cargo, and debris as soon as it is safe to do so. It is understood that damage to vehicles or cargo may occur as a result of clearing the roadway on an urgent basis. While reasonable attempts to avoid such damage shall be taken, the highest priority is restoring traffic to normal conditions. Incident caused congestion has an enormous cost to society. This cost is significantly greater than the salvage value of an already damaged vehicle and its cargo.

Tennessee Highway Patrol Responsibilities

Members of the THP who respond to the scene of traffic incidents will make clearing the travel portion of the roadway a high priority. When an investigation is required, it will be conducted in as expedient a manner as possible considering the severity of the collision. Non-critical portions of the investigation may be delayed until lighter traffic conditions allow the completion of those tasks. The THP will only close those lanes absolutely necessary to conduct the investigation safely. Whenever practical, crashes on access controlled roadways will be removed to exit ramps, accident investigation sites or other safe areas for completion of investigations. In the enforcement of state laws and regulations, TDOSHS will try to minimize the impacts on traffic, especially during peak commuting periods, and will not block or restrict lanes except as necessary for safety or critical investigations. THP will coordinate with TDOT representatives to set up appropriate traffic control, establish alternate routes, expedite the safe movement of traffic trapped at the scene, and restore the roadway to normal as soon as possible.

Tow trucks will be requested as soon as it is evident that they will be needed to clear the roadway. The THP will assure that all authorized tow operators have met established competency levels and that the equipment is of appropriate size, capacity and design meeting the standards for the State of Tennessee to clear the travel portions of the roadway within 90 minutes, unless extenuating circumstances exist such as the presence of hazardous materials, serious bodily injury or a fatality.

The THP will not unnecessarily cause the delay in reopening all or part of a roadway to allow a company to dispatch their own equipment to off-load cargo or recover a vehicle or load that is impacting traffic during peak traffic hours or creating a hazard to the public. The THP and TDOT will cooperate in planning and implementing clearance operations in the most safe and expeditious manner.

The THP will encourage and assist other emergency responders in clearing incident scenes as soon as possible after their respective duties have been performed so as to reduce distractions for motorists and restore the roadway to normal operating conditions.

The THP will support the deployment of the National Traffic Incident Management Training Program in Tennessee, and include information about safe and efficient traffic incident management and urgent clearance of roadways in the training provided by the TDOSHS Training Academy.

Tennessee Department of Transportation Responsibilities

When requested by the THP or City/County Agencies, TDOT will respond and deploy resources to major traffic incidents 24 hours a day, 7 days per week. Each TDOT District will develop and implement response procedures to meet the goal of providing initial traffic control within 60 minutes of notification at all times within the district.

TDOT will dispatch HELP trucks to incident scenes within the areas served by the HELP program. Whenever possible, TDOT will also dispatch HELP trucks outside of the normal service areas when requested by TDOSHS. TDOT will also dispatch "Protect the Queue" (PTQ) vehicles when queue lengths from the primary incident are expected to exceed one quarter ($\frac{1}{4}$) mile or at the request of TDOSHS or HELP Operators.

TDOT, in cooperation with the THP, will determine and deploy the necessary heavy equipment and manpower to reopen the roadway if clearance of the travel lanes are being delayed or is determined that the task is beyond the capabilities of the wrecker service on scene. If cargo or non-hazardous spilled loads are involved, TDOT will make every effort to assist in the relocation of the materials in the shortest possible time, using whatever equipment necessary. All such materials or any vehicles relocated by TDOT will be moved as short a distance as possible to eliminate the traffic hazard.

TDOT personnel will document all hours and equipment used for traffic control, roadway clearance, and debris clean up. TDOT will place traffic control devices at the scene should any damaged vehicles or cargo remain adjacent to the travel lanes on the shoulder for removal at a later time.

When requested, TDOT will assist in establishing temporary detours and associated traffic control. TDOT will work to provide a way for traffic caught in an extended closure to exit the controlled access highway safely to an alternate route.

TDOT will install and maintain reference markers, signs and other FHWA-approved markings as requested by TDOSHS to allow quicker location of incidents and to facilitate investigation and reporting of incidents. This includes enhanced (every 0.2 mile) mile markers on all Interstate Highways.

TDOT will strive to minimize the traffic impacts of highway construction and maintenance and will consult with TDOSHS about ways to accomplish that objective. TDOT will advise TDOSHS as far in advance as possible of all construction and maintenance activities that may have a significant impact on traffic flow and safety along state highways.

Local Law Enforcement, Fire and Rescue Department Responsibilities

Members of City/County Agencies who respond to the scene of traffic incidents will make clearing the travel portion of the roadway a high priority. When investigating an incident, the investigation will be conducted in as expedient a manner as possible considering the severity of the collision (serious injuries, fatality, or hazardous materials). City/County Agencies will close only those lanes absolutely necessary to safely conduct the fire/rescue operations. City/County Agencies will coordinate with TDOT representatives to set up appropriate traffic control, establish alternate routes, expedite the safe movement of traffic trapped at the scene, and restore the roadway to normal conditions as soon as possible. As soon as TDOT has set up appropriate traffic control for the safety of the responders and travelers, City/County Agencies will move any fire/rescue apparatus or vehicles initially used to shield responders to appropriate areas.

All Agencies Shared Responsibilities:

Agencies will work together at incident scenes to promote urgent clearance, safety for motorists and emergency responders, and thorough investigations as required by the circumstances. Initial Incident Command will be established by the first responder arriving on the scene of an incident in accordance with the protocols and procedures of the NIMS.

Agencies understand that additional damage to vehicles or cargo may occur as the result of clearing the roadway on an urgent basis. The priority is treatment and recovery of injured parties, public and responder safety, and restoring the roadway to normal conditions as soon as possible. Agencies will carry out the processes and procedures for removal of vehicles, spilled cargo, or other personal property as outlined in TCA § 54-16-113.

Agencies will position emergency equipment at incident scenes to minimize the impacts on traffic flow and to avoid blocking or restricting lanes unnecessarily. Further, the parties will coordinate the use of emergency lights at incident scenes, as practical and consistent with on-scene safety, to minimize distractions to motorists. The parties will also encourage other emergency responders to position their equipment accordingly and practice light discipline.

For incidents involving hazardous materials, agencies will work together with TEMA, fire services, and other responsible agencies. Once public safety has been assured, the priority will shift to opening one lane of travel and restoring the roadway to full capacity as soon as possible.

TDOT and TDOSHS will work together to ensure that safe and efficient traffic incident management and urgent clearance of roadways is part of the training provided for all law enforcement, fire and emergency medical services, rescue squads, towing and recovery operators, and other incident responders in Tennessee through supporting the National Traffic Incident Management Training Program.

TDOT, TDOSHS, local responders, and other agencies as needed, will conduct after action review (AAR) meetings as early as possible for incidents involving the long term closure of Tennessee highways as agreed upon by the relevant responding partners. The intent of these AAR meetings is not to assign blame for failures, but to seek to learn how process improvements can be made together to support the quick clearance of incidents.

Agencies will advise their personnel of this Agreement and promote implementation at every level of their organizations through established channels and protocol. TDOT will distribute advisory memorandums to personnel in Headquarters, Regions, Districts and County Offices.

Therefore, it is agreed as follows:

The THP, TDOT, and City/County Agencies, will evaluate and continually update and modify their operating policies, procedures, rules, and standards to assure they are consistent with this **"OPEN ROADS POLICY"** MOU.

The THP, TDOT, and City/County Agencies, will research, evaluate and conduct training in the most advanced technologies, equipment, and approved methods for the documentation and investigation of crash or incident scenes. THP and City/County Agencies will prioritize the investigative tasks and reopen travel lanes upon completion of tasks that must be conducted, without the impediment of traffic flowing.

Roadways will be cleared as soon as possible. It is the goal of THP, TDOT, and City/County Agencies that all incidents be cleared from the roadway within 90 minutes of the arrival of the first responding officer. This goal is being made with the understanding that a more complex

scenario may require additional time for complete clearance. Incidents that extend beyond the 90 minute goal will be assessed every 30 minutes to determine an expected clearance time and reported to the appropriate communications center.

The THP, TDOT, and City/County Agencies, will determine the well-being of motorists in the event of a lengthy traffic queue and /or roadway closure and provide assistance to motorists within the stopped traffic queue whenever possible.

Agencies will meet periodically to discuss experiences with incident management and to work toward improvements. In addition to the AAR meeting described above, periodic working sessions will be held in each of the TDOT Region Offices with TDOSHS, TDOT, and other state and local agencies to discuss overall incident management and related issues. The goal will be to have a Regional TIM Taskforce (Workgroup) meeting quarterly in each of TDOT's four regions.

It is further agreed that:

The THP, TDOT, and City/County Agencies, will actively solicit and enlist other state, county, and local agencies, political subdivisions, industry groups, and professional associations to endorse and become party to this **"OPEN ROADS POLICY"** for the State of Tennessee.

MOU Execution:

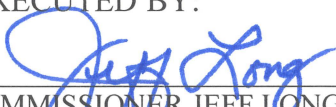
Use of Counterpart Signature Pages

This MOU, and any amendments hereto may be simultaneously executed in multiple counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument. Notwithstanding any other provision herein to the contrary, this MOU shall constitute an agreement amongst the parties that have executed a counterpart and parties listed but not executing shall not be deemed to be parties to the MOU.

In witness whereof, each party hereto has caused this document to be executed in its name and on its behalf by its duly authorized Chief Executive.

AGREED AND EXECUTED BY:


FOR TDOSHS:



COMMISSIONER JEFF LONG
TENNESSEE DEPARTMENT OF SAFETY
AND HOMELAND SECURITY

10/16/19

DATE:



COLONEL DERECK STEWART
TENNESSEE HIGHWAY PATROL

10-16-2019

DATE

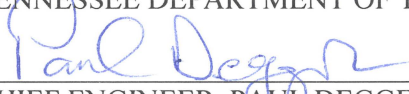
FOR TDOT



COMMISSIONER CLAY BRIGHT
TENNESSEE DEPARTMENT OF TRANSPORTATION

10/16/2019

DATE:



CHIEF ENGINEER, PAUL DEGGES
TENNESSEE DEPARTMENT OF TRANSPORTATION

10/16/19

DATE:

Tennessee's

"OPEN ROADS POLICY"
Quick Clearance for Safety and Mobility

Local Agency

By:

Print/Type Name:

Title:

Date:

ADDITIONAL SIGNATORIES

Name

Title

Date

Name

Title

Date

Name

Title

Date

Name

Title

Date

ORDINANCE 29-2019-20

AN ORDINANCE REPEALING THE “INTERNAL SERVICE FUND GUIDELINES,” AND AMENDING THE OFFICIAL CODE APPROVING NEW INTERNAL SERVICE FUND GUIDELINES

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.

POSTPONED:

October 3, 2019, to January 2, 2020 Regular Session

POSTPONED:

January 2, 2020 to February 6, 2020 Regular Session

FIRST READING:

SECOND READING:

EFFECTIVE DATE:



MEMORANDUM

TO: MEMBERS, CLARKSVILLE CITY COUNCIL

FROM: Joe Pitts

DATE: January 27, 2020

RE: Internal Service Fund guidelines proposal

We have had much public debate and discussion regarding potential changes to the Internal Service Fund guidelines, as proposed by Ordinance 29-2019-20. The discussion has been quite healthy in offering ideas to address the concerns shared by Councilman David Allen, sponsor of Ordinance 29. I want to commend you for your participation in the debates, your suggestions about amendments to the Ordinance, which have been welcomed by Councilman Allen, and your questions about how these or any changes, if enacted, would be implemented. All of your questions and comments have led me to develop an alternative proposal for your consideration.

To state the obvious, Ordinance 29 and my alternative proposal are borne from the City's mounting legal expenses in the complicated Robinson v. City of Clarksville case. What began as six issues or "claims," but are now nearing an end of the first round of legal challenges, have caused some on the Council to feel "left out" or "not in the know" concerning various legal developments and entanglements in the case. During our recent public discussions, some members of this body have openly suggested that the parties may have eventually arrived at a global settlement of the Plaintiffs' claims (thereby saving the City money in legal expenses), if the full membership of this body – as opposed to only the five members comprising the Finance & Administration Committee – had obtained or otherwise been privy to additional information or updates about the case. I can tell you, since January 2019, the City has attempted in good faith no less than four times to settle the matter with the Plaintiffs, but to no avail. The City's offers of \$650,000 cash and to give the alleged "alley" in dispute to the Plaintiffs (subject to full Council approval) have been rebuffed or ignored. There were, of course, additional efforts to settle the case, which occurred prior to January of 2019 and which were likewise unsuccessful. Consequently, we had no choice but to continue mounting a legal defense to the Plaintiffs' claims against the City (with the Plaintiffs seeking a judgment against the City in the amount of at least \$2.3 million and, according to Mr. Robinson's deposition testimony, over \$10 million).

Memorandum to City Council

Ultimately, the presiding judge ruled in the City's favor concerning five of the Plaintiffs' six claims, but as for the one issue concerning our wastewater line/pipe being all of 1 foot 9 inches onto the corporate Plaintiff's property (i.e., the "inverse condemnation" claim), we lost that particular claim at the trial court level, and are now going through the process of the judge ruling on the amount of attorney's fees the corporate Plaintiff is entitled to receive under the inverse condemnation statute.

At the heart of Councilman Allen's concerns are a couple of points he has made during our public meetings about the need for the changes contemplated by Ordinance 29. Those concerns I've heard are the following:

- 1) "We need to know what's going on," and
- 2) "We need to have a say," especially where lawsuits may cause the City to incur unusually high legal expenses or could possibly result in a significant monetary judgment against the City.

Those concerns have resonated with me and prompted me to look at solving them with a policy change versus a City Code change (Ordinance 29-2019-20, of course, proposes the latter). I recognize there is considerable interest in codifying the proposed changes to the Internal Service Fund guidelines, which has merit, but in thinking and working through the practical implementation of codification, I have concerns about how the process would work.

As a Mayor manages the day-to-day activities of our City government, he/she should keep a close watch on anything, including legal challenges and other potential liabilities that could cost the City in time, money and reputation. I am not overly concerned about gathering the full Council for special called meetings when there is an issue to be addressed, although that is unwieldy and will require members' forbearance. I am, however, sensitive to the significant legal and financial issues that are weighed when the Finance & Administration Committee (a smaller subset of the full Council that is more nimble and intimately focused) meets to deliberate on legal matters. Furthermore, I look at the ability of the Mayor, or his/her proxy, to address these things from a management, or executive perspective and not as a matter of legislative policy.

Taking all of these things into consideration, allow me to offer an alternative to Ordinance 29-2019-2020. I'll ask you to consider this a good faith and honest effort to balance the interests of the Council receiving information, while keeping our system healthy and flexible enough to deal with the hundreds, if not thousands, of details that usually arise from legal matters.

Specifically, I am proposing the following alternative for your consideration:

We will establish a policy that will cause the Mayor to report quarterly, in writing, as well as orally (at the Executive Session of the City Council), on the Internal Service Fund activities for

the previous quarter. That report will be required, at a minimum, to include the following elements:

1. A list of all lawsuits that are filed and active against the City, with a brief synopsis by the Legal Department of the issues and potential legal/financial exposure. The list will include, at a minimum, the names of plaintiffs, plaintiffs' attorneys, and the legal or financial exposure to the City.

The report will be distributed to the Council and an item will be added for the Executive Session of the full Council to ask questions, gather information, and suggest ideas or offer information the members may have that is pertinent to the case. There is the sensitive area of legal strategy by our legal counsel that would be omitted for obvious reasons.

The report will also list lawsuits that have been concluded in the previous quarter, and the outcome of those legal challenges.

2. The written report will also include general liability claims that have been filed against the City. Those claims usually address vehicle liability, claims of negligence or tort claims of any kind under federal, state, or local law, or any purported breach of contract like claims, or any other claims that should be paid out of the Internal Service Fund. The disposition of claims, including settlement amounts, will be a part of this report.

I can tell you we often have claims filed against the City for vehicle accidents, falling or tripping on City-owned properties, or general liability claims by individuals. These are never considered routine and are addressed under strict guidelines and scrutiny by the City's Risk Management position and the Legal Department. And many of these matters are "settled" under the existing legal limits in our guidelines by the Risk Manager position or the City Attorney, then reported to the Finance & Administration Committee, as it deals with the budget of the City.

3. The Mayor will also include any recommendations for revisions or changes to the Internal Service Fund guidelines and related policies. That will be a prominent feature of the report, so that both the issues at hand and our policies get a regular review.

The required quarterly "Internal Service Fund report" to the Council as proposed and described herein will raise the awareness of the Council to each and every challenge before us that is currently described in the Internal Service Fund guidelines in place since 1996. It will also give members a full understanding of the issues, and an opportunity to ask questions.

I offer this proposal to you as an opportunity to address the overriding concerns expressed during our public discussions about Ordinance 29. I am also recommending retaining the current settlement guidelines and limits that are as follows:

- \$5,000 or less: approved for payment by the City Risk Manager position
- Not to exceed \$20,000: approved for payment by the City Attorney
- All other payments above the \$20,000 threshold will require Finance & Administration Committee approval.

Finally, codifying the Internal Service Fund guidelines that have been in place for almost 25 years is a worthy endeavor on its face, but presents some challenges when day-to-day, and often hour-to-hour, negotiations are underway in fluid and time-sensitive legal scenarios. For instance, opposing counsel in a case proceeding rapidly to trial may make a settlement offer to our legal counsel with an automatic expiration date and time of merely a few hours (it has happened regularly during my few months on the job). These sometimes-attractive settlement offers need our ability to respond rapidly, either affirmatively or negatively. If we add a potentially complicating factor of full Council approval to our process, we may unduly encumber – and ultimately squander – an opportunity to resolve a dispute.

Furthermore, by accepting this proposal, the Council will hold the Mayor accountable to regularly report on the important matters that have legal, financial and policy implications. In addition, accepting this proposal will not restrict the Councilmembers' ability to receive information or to help with matters as they have been elected to do by the citizens of their respective Wards.

I appreciate your honest consideration of this alternative to Ordinance 29. I believe it will make the Legislative branch stronger by providing regular information, and it will address concerns that are expressed to you by your constituents. Thank you for your patience while examining this option and I look forward to exploring this opportunity.