



**CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
MARCH 26, 2020, 4:30 P.M.**

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

AGENDA

IN AN EFFORT TO FACILITATE THE RESPONSE TO CORONAVIRUS DISEASE 2019 (COVID-19), THIS MEETING WILL BE CONDUCTED VIA GOOGLE MEETS AND LIVE STREAMED ON CITYOFCLARKSVILLE.COM. AN AUDIO/VIDEO RECORDING OF THE PROCEEDINGS WILL BE MADE AVAILABLE TO THE PUBLIC WITHIN 48 HOURS. MEMBERS OF THE PUBLIC ARE, BY LAW, ALLOWED TO ATTEND MEETINGS OF THE CLARKSVILLE CITY COUNCIL BUT ARE STRONGLY DISCOURAGED TO DO SO AT THIS TIME.

In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak.

1) PLANNING COMMISSION *RPC Director Jeff Tyndall*

- 1. ORDINANCE 64-2019-20** (First Reading; Postponed March 5) Amending the City Zoning Ordinance as it pertains to Historic Overlay District and the appeals process contained therein
- 2. ORDINANCE 69-2019-20** (First Reading; Postponed March 5) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Claudelle B. Wooten Living Trust/William N. Wooton, Robert Mallory-Agent, for zone change on property located at the intersection of Warfield Boulevard and Rossview Road from O-1 Office District to C-2 General Commercial District

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 62-2019-20** (Second Reading) Authorizing extension of utility services to 255 Harper Road; request of Karen McKay

2. **ORDINANCE 63-2019-20** (Second Reading) Amending the Official Code pertaining to a prohibition on electric motorized bicycles, scooters, and skateboards

3. **ORDINANCE 65-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Providence Builders, LLC, Jacquelyn Elliott-Agent, for zone change on property located at the intersection of Whitfield Road and Prewitt Lane from AG Agricultural District to R-2 Single Family Residential District

4. **ORDINANCE 68-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Richard Tucker, Et Ux, for zone change on property located at the intersection of Parkway Place and Stonecrossing Drive from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District

5. **ORDINANCE 70-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Rex Hawkins for zone change on property located south of Arrowood Drive, west of Quin Lane, north of Cunningham Lane, and east of Panorama Drive from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

6. **RESOLUTION 46-2019-20** Approving appointments to Beer Board, Gas & Plumbing Board, and Regional Planning Commission

- *Beer Board: Terri Clore (replace Mary Rives-term expired), John Hancock (replace Mark Hodges (term expired) - April 2020 through March 2022*
- *Gas & Plumbing Board: Mark Deering (replace Danny Alford-term expired), Chris Steffens (replace Ted Roberts-term expired) - April 2020 through March 2023*
- *Regional Planning Commission: Maria Jiminez (fill unexpired term of Amanda Walker-resigned) - April 2, 2020 through January 10, 2022*

7. **RESOLUTION 50-2019-20** Approving a Certificate of Compliance for retail liquor sales for The Wine Cellar (4 Leland Drive) *CPD: No Criminal History*

8. Adoption of Minutes March 5, March 18, and March 23

3) FINANCE COMMITTEE *Chairman Jeff Burkhart*

1. **ORDINANCE 71-2019-20** (First Reading) Amending the FY20 Parks & Recreation Operating and Capital Projects budget for repairs to Burt Cobb and Crow Recreation Centers *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)MAYOR AND COUNCIL MEMBER COMMENTS

11) PUBLIC COMMENTS

The Clarksville City Code allows members of the public to offer comments to the City Council, but citizens are strongly discouraged to do so at this time.

12) ADJOURNMENT

ORDINANCE 64-2019-20

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, TENNESSEE, AS IT PERTAINS TO SECTION 9.3, HISTORIC OVERLAY DISTRICT, AND THE APPEALS PROCESS CONTAINED THEREIN

WHEREAS, the Tennessee Historical Commission State Historic Preservation Office has provided professional guidance to the City of Clarksville and to the Clarksville-Montgomery Regional Planning Commission Staff regarding the appropriate legal process to appeal a decision of the Clarksville-Montgomery County Regional Historic Zoning Commission.

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

That the following amendment is hereby made to the Clarksville City Zoning Ordinance:

- 1) Chapter 9, "Overlay Districts," Section 9.3, "Historic Overlay District," is hereby amended by removing in its entirety all existing language in Subsection 18, "Appeals from Decision of the Regional Historic Zoning Commission" and replacing it with "Reserved."

PUBLIC HEARING:

March 5, 2020

POSTPONED:

March 5, 2020 to April 2, 2020

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 69-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CLAUDELLE B. WOOTEN LIVING TRUST/WILLIAM N. WOOTEN, ROBERT MALLORY-AGENT, FOR ZONE CHANGE LOCATED AT THE INTERSECTION OF WARFIELD BOULEVARD AND ROSSVIEW 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 O-1 Office District, as C-2 General Commercial District.

PUBLIC HEARING: March 5, 2020
POSTPONED: March 5, 2020 to April 2, 2020
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an old iron pin located in the east right-of-way line of Warfield Boulevard, said pin being located North 66 Degrees 40 Minutes 00 Seconds East 204.32 feet from the centerline intersection of Warfield Boulevard and Rossview Road; thence along Warfield Boulevard right-of-way line for the next five calls as follows: North 04 Degrees 44 Minutes 28 Seconds East 495.05 feet to a concrete monument; thence North 16 Degrees 17 Minutes 53 Seconds East 30.01 feet to an old iron pin; thence North 14 Degrees 37 Minutes 31 Seconds East 503.59 feet to a concrete monument; thence North 19 Degrees 52 Minutes 11 Seconds East 697.78 feet to a new iron pin; thence North 09 Degrees 41 Minutes 39 Seconds East 364.11 feet to an old iron pin; thence leaving said right-of-way along the Jesse Burney Family Partners Property (recorded in volume 689, page 120) North 88 Degrees 48 Minutes 40 Seconds East 427.84 feet to an old iron pin; thence along Roanoke Subdivision (recorded in plat book F, page 802) and Virginia Hills, Section 1 (recorded in plat book 13, page 36A, plat 36) South 14 Degrees 58 Minutes 31 Seconds East 596.51 feet to an old iron pin, said pin being located in the north right-of-way line of Bristol Court; thence along the terminus of Bristol Court and the Virginia Hills, Section 1 (recorded in plat book 13, page 36A, plat 36) South 02 Degrees 08 Minutes 54 Seconds West 306.50 feet to an old iron pin; thence continuing

along the Virginia Hills, Section 1 (recorded in plat book 13, page 36A, plat 36) South 02 Degrees 09 Minutes 18 Seconds West 395.45 feet to an old iron pin; thence along the James Lanford Property (recorded in volume 1580, page 2696) for the next three calls as follows: South 87 Degrees 16 Minutes 39 Seconds West 401.03 feet to an old iron pin; thence South 07 Degrees 12 Minutes 27 Seconds East 191.85 feet to an old iron pin; thence South 07 Degrees 10 Minutes 13 Seconds East 30.46 feet to an old iron pin, said pin being the northwest corner of the Suzanne Simpson Property (recorded in volume 1236, page 779); thence along the James Langford Property (recorded in volume 1762, page 1293) and the James Langford Property (recorded in volume 497, page 405) South 87 Degrees 18 Minutes 32 Seconds West 304.47 feet to an old iron pin; thence along the James Langford Property (recorded in volume 497, page 405) South 14 Degrees 32 Minutes 22 Seconds West 607.61 feet to an old iron pin, said pin being located in the north right-of-way line of Rossvie Road; thence along said right-of-way line for the next two calls as follows: North 88 Degrees 50 Minutes 25 Seconds West 83.51 feet to a new iron pin; thence North 54 Degrees 16 Minutes 12 Seconds West 144.89 feet to the point of beginning containing an area of 27.41 acres

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

STAFF REVIEW - ZONING

RPC MEETING DATE: 2/26/2020

CASE NUMBER: Z - 10 - 2020

NAME OF APPLICANT: Claudell B Wootton

William N Wootton

AGENT: Robert

Mallory

GENERAL INFORMATION

TAX PLAT: 040

PARCEL(S): 032.02 & 032.04

ACREAGE TO BE REZONED: 27.41 +/-

PRESENT ZONING: O-1

PROPOSED ZONING: C-2

EXTENSION OF ZONING

CLASSIFICATION: YES

PROPERTY LOCATION: Property fronting on the east frontage of Warfield Blvd. from the intersection of Warfield Blvd. & Warfield Blvd Ct. south to the intersection of Warfield Blvd. & Rossview Rd.

CITY COUNCIL WARD: 12

COUNTY COMMISSION DISTRICT: 1

CIVIL DISTRICT: 6

DESCRIPTION OF PROPERTY Wooded tract with varying topography with 2,150 +/- feet of frontage along Warfield
AND SURROUNDING USES: Blvd.

APPLICANT'S STATEMENT This is an extension of the existing zone classification from the north and west. The
FOR PROPOSED USE: change would give the developer the option for a mixed use application.

GROWTH PLAN AREA: CITY

PLANNING AREA: Rossview Planning Area

PREVIOUS ZONING HISTORY: Z-34-1987 & Z-34-2014

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:

Will require off site sewer upgrades.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

A traffic assessment was required & deemed acceptable by the Clarksville Street Dept. The Driveway Access Ordinance will limit driveway access.

3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

4. CDE/CEMC:

No Comment(s) Received

5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

6. POLICE DEPT/SHERIFF'S OFFICE:

No Comment(s) Received

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: ROSSVIEW
MIDDLE SCHOOL: ROSSVIEW
HIGH SCHOOL: ROSSVIEW

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

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: Whitfield Road and Bristol Court

DRAINAGE COMMENTS: Southeast

<u>RESIDENTIAL DEVELOPMENT</u>	<u>APPLICANT'S ESTIMATES HISTORICAL ESTIMATES</u>
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LOTS/UNITS:	5
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POPULATION:	13
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ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: **APPROVAL**

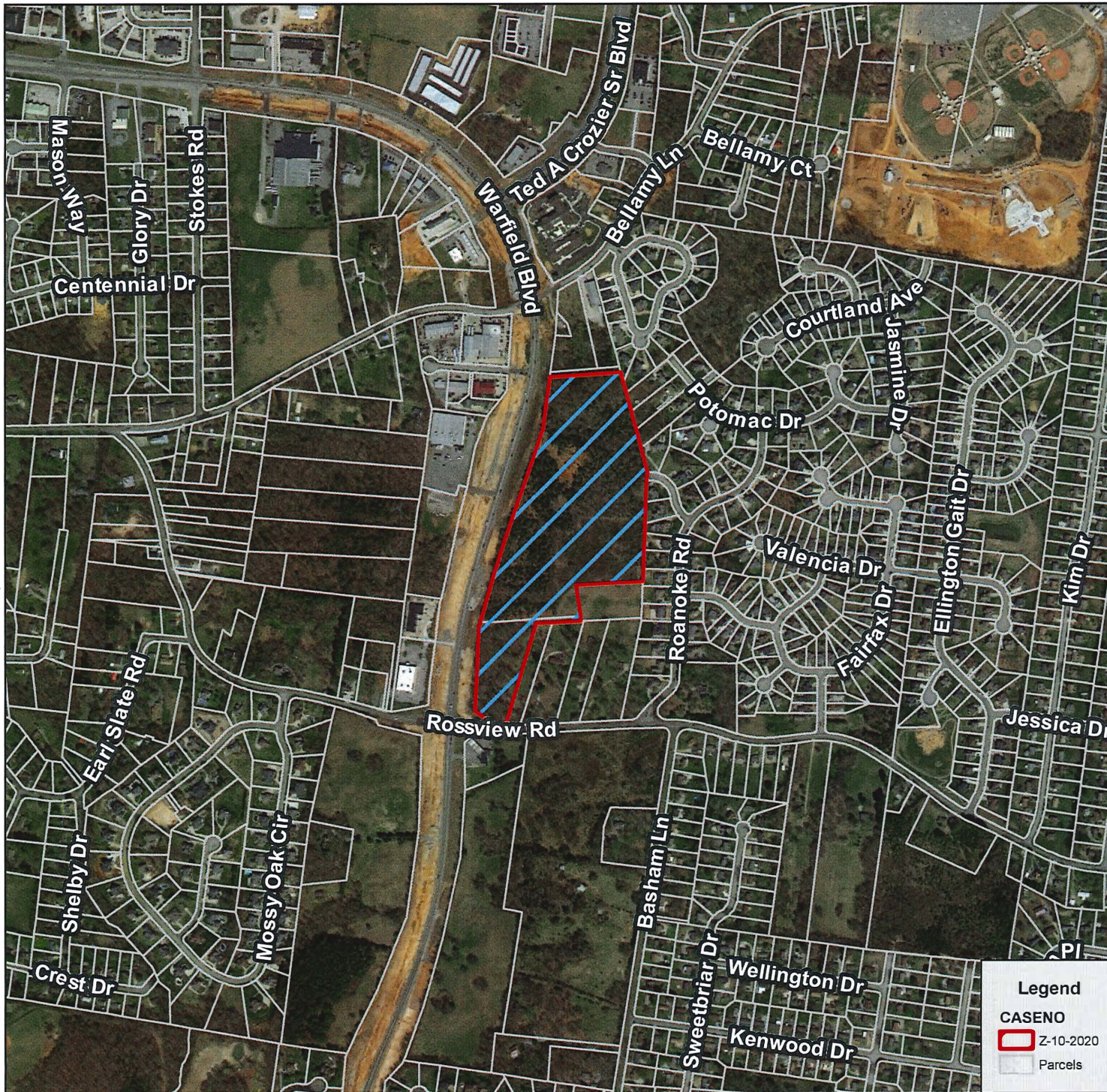
1. The proposed zoning request is consistent with the adopted Land Use Plan.

2. The proposed R-2 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-10-2020

APPLICANT:

CLAUDELL B WOOTTON
LIVING TRUST / WILLIAM
N WOOTTON

REQUEST:

O-1

TO

C-2

MAP AND PARCEL

040 03202

040 03204

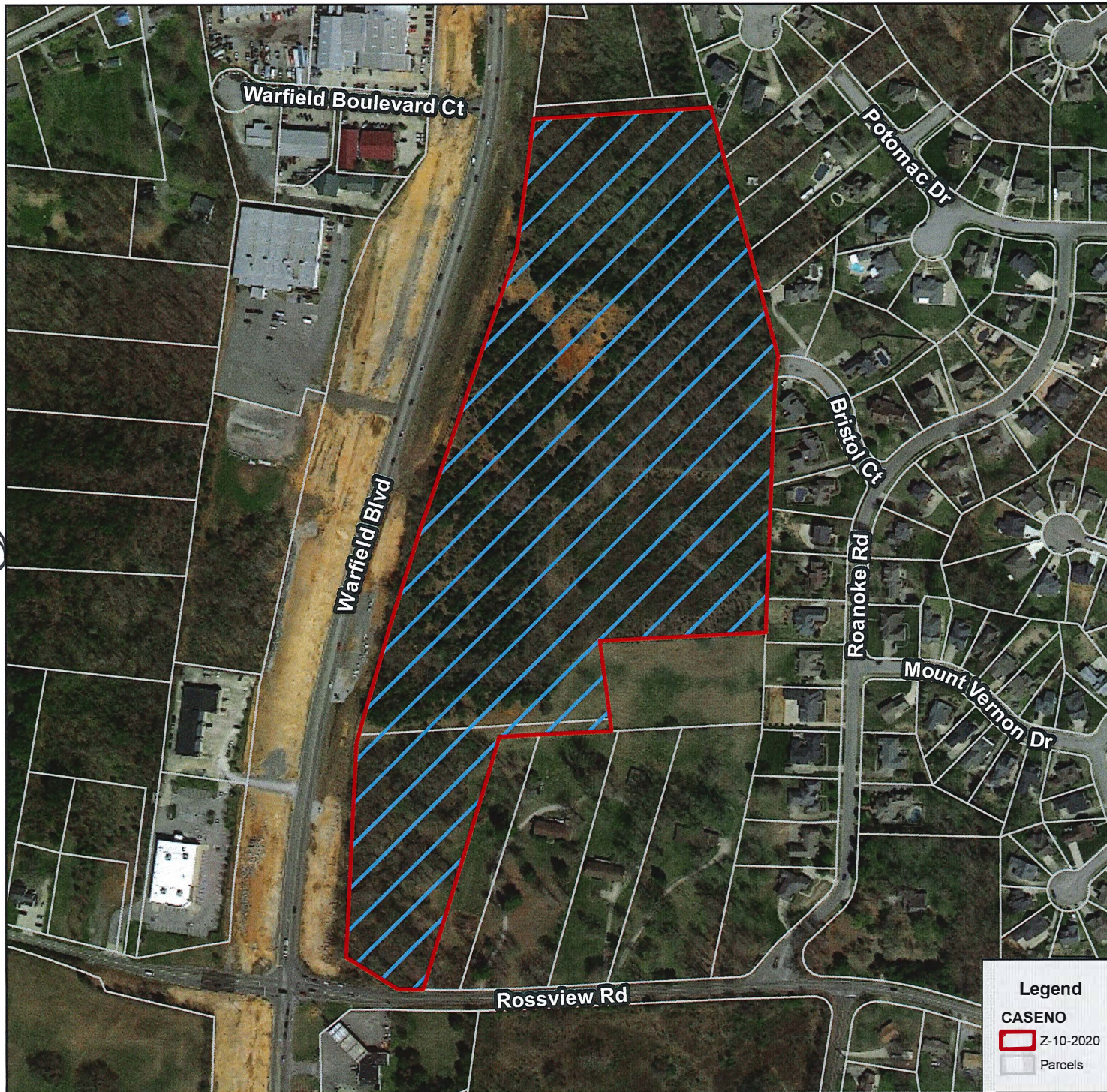
+/- ACRES

27.41

1:10,000

0 1,000
Feet

2/26/2020



Z-10-2020

APPLICANT:

CLAUDELL B WOOTTON
LIVING TRUST / WILLIAM
N WOOTTON

REQUEST:

O-1

TO

C-2

MAP AND PARCEL

040 03202

040 03204

+/- ACRES

27.41

1:4,000



2/26/2020

**CONTOURS
(5 FT INTERVAL)**

eld Boulevard Ct

Potomac Dr

Bristol Ct

Roanoke Rd

Mount Vernon Dr

Warfield Blvd

Rossvie Rd

Legend

Contours_5ft

CASENO

Z-10-2020

Parcels

Z-10-2020

APPLICANT:

**CLAUDELL B WOOTTON
LIVING TRUST / WILLIAM
N WOOTTON**

REQUEST:

O-1

TO

C-2

MAP AND PARCEL

040 03202

040 03204

+/- ACRES

27.41

1:3,600

0 400
Feet

2/26/2020

Z-10-2020

APPLICANT:

CLAUDELL B WOOTTON
LIVING TRUST / WILLIAM
N WOOTTON

REQUEST:

O-1

TO

C-2

MAP AND PARCEL

040 03202

040 03204

+/- ACRES

27.41

Legend

CASENO

Z-10-2020

Parcels

Zoning

AG

R-1

R-1A

R-2

R-2D

R-3

R-4/R-5

R-6

PUD

O-1

C-1

C-2

C-5

1:10,000

0 1,000
Feet

2/26/2020

CASE NUMBER: Z 10 2020 **MEETING DATE** 2/26/2020

APPLICANT: Claudell B Wootton Living Trust William N Wootton

PRESENT ZONING O-1

PROPOSED ZONING C-2

TAX PLAT # 040

PARCEL 032.02 & 032.04

GEN. LOCATION Property fronting on the east frontage of Warfield Blvd. from the intersection of Warfield Blvd. & Warfield Blvd Ct. south to the intersection of Warfield Blvd. &

PUBLIC COMMENTS

None received as of 10:00 A.M. on 2/26/2020 (A.L.)

ORDINANCE 62-2019-20

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF KAREN WILSON MCKAY FOR PROPERTY LOCATED AT 255 HARPER ROAD

WHEREAS, proper application has been made by Karen Wilson McKay for extensions of City utility service to property located at Cmap 081, Parcel 185.00 with the property address of 255 Harper Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

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

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

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

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

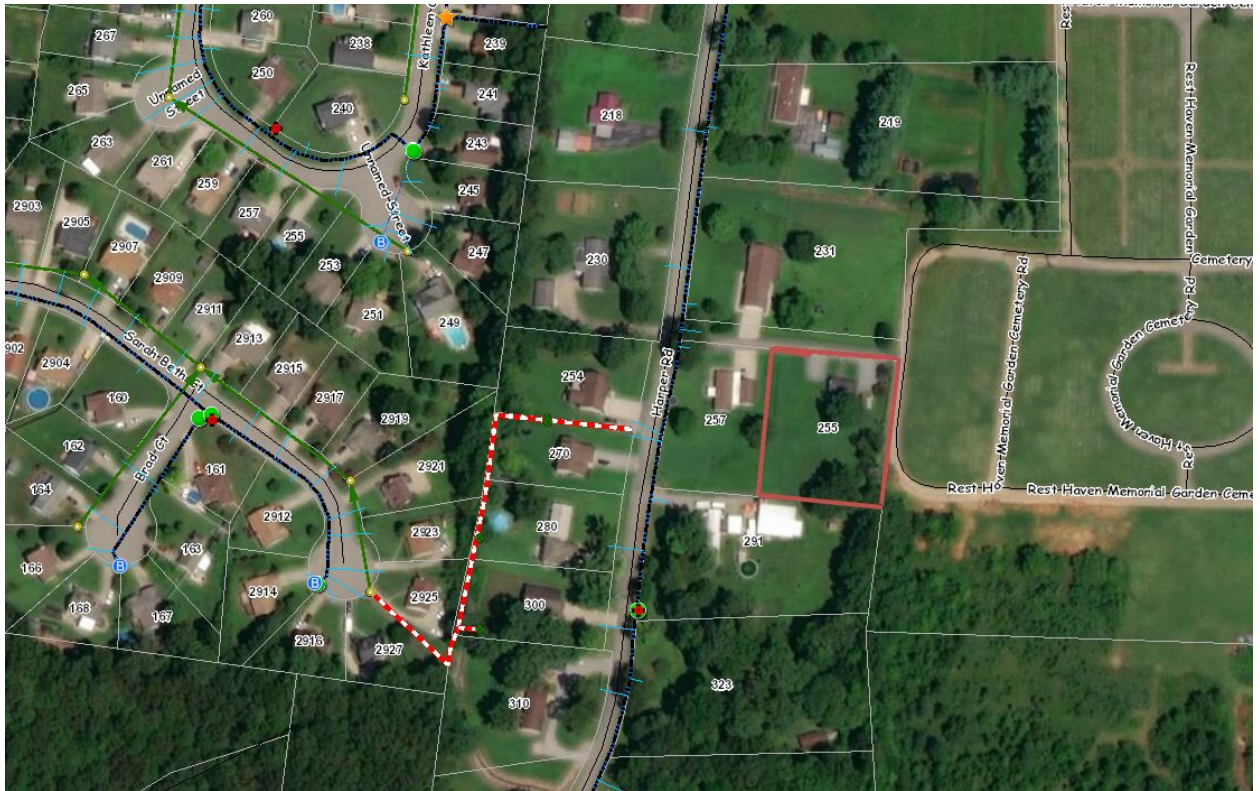
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 081, Parcel 185.00 with the property address of 255 Harper Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING: March 5, 2020

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



ORDINANCE 63-2019-20

AN ORDINANCE TO AMEND THE CITY CODE PERTAINING TO A PROHIBITION ON ELECTRIC MOTORIZED BICYCLES, SCOOTERS, AND SKATEBOARDS

WHEREAS, the state law private act Charter of the City of Clarksville, at Article I, Section 4, and Section 5, sub-sections (19), (26), (28), (34), (35), (53), and (57) provides authority to the City to provide for and to protect public health, safety, and general welfare, and to regulate motorized vehicles, streets, alleys, trails, parks, and sidewalks, *inter alia*; and

WHEREAS, the City Council finds that recent transportation and technology innovations have led to new mobility options for people and have created a new market for both privately owned, and commercial on-demand, shared, dockless, small vehicles and vehicle systems, which may include, but is not limited to, electric motorized bicycles, scooters, and / or skateboards; and

WHEREAS, the City Council finds that although this new low-emission transportation technology platform offers some benefits to the public, the use of this new transportation technology often results in shared dock-less small vehicles being placed, dropped off, and left unattended, virtually anywhere in the public right-of-way, to include on or along public streets, parks, and sidewalks, in a haphazard, dangerous, chaotic, and unsafe manner for pedestrians, motorists, and other small vehicle users, and the operator themselves; and

WHEREAS, the City Council further finds that the use of said shared dock-less small vehicles wherein said vehicles are placed, dropped off, and left unattended can impede both vehicular and pedestrian traffic, to include the traversing of City streets and sidewalks by persons with disabilities sometimes even making them inaccessible, and creates generally a tripping, stumbling hazard and nuisance to the public, and the potential for motor vehicle / pedestrian accidents and / or property damage from careless or negligent use or placement of said vehicles; and

WHEREAS, the City Council further finds that the use of said shared dock-less small vehicles wherein said vehicles are placed, dropped off, and left unattended can impede commercial foot traffic to local merchants, stores, restaurants, and entertainment venues by generally blocking access and egress, and creating blockages along sidewalks and at doorways; and

WHEREAS, the City Council further finds that when said vehicles are placed, dropped off, and left unattended the effect is to create a cluttered environment and an unappealing aesthetic look; and

WHEREAS, the City Council finds that numerous other cities who have had extensive experience with said vehicles and vehicle systems and the regulation of same have encountered numerous safety problems and regulatory enforcement problems, to include several cities in Tennessee such as Nashville and Chattanooga; and

WHEREAS, the City Council finds that the detriments and costs to the City and the public outweigh any potential benefits from the use of such vehicles and vehicle systems, and that the use and / or operation of such vehicles and / or vehicle systems, or the rental of, or offering to rent, such vehicles and / or vehicle systems, should be prohibited on and along City public streets, roads, alleys, right-of-ways, or sidewalks within the Central Business District as established, and as may be amended from time to time, in the City zoning code, and on and along all arterial or collector roads as listed in Appendix H (Access Regulations) of the City Code and all public sidewalks running along said roads, and in all City owned parks, and the City owned Clarksville Greenway trail system.

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

1. That Title 9 (Motor Vehicles and Traffic) of the Official City Code should be and is hereby amended by adding a new chapter seven (Chapter 7. Electric Motorized Bicycles, Scooters, and Skateboards) as follows:

Chapter 7. Electric Motorized Bicycles, Scooters, and Skateboards.

Section 9-701. Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings set forth below:

- a. *“Dockless Small Vehicle System”* shall mean a system or equipment which provides electric motor powered bicycles or scooters, and / or electric or gasoline motor powered skateboards, or similar types of small electrically powered or partially powered vehicles for public use, to include for short-term rentals, which may be locked and unlocked without the requirement of a bicycle rack or other docking station, designed for shared use utilizing the Global Positioning System (GPS) or other similar technology.
- b. *“Dockless Small Vehicle”* shall mean an electric motorized bicycle or scooter, or electric or gas motorized skateboard, or other similar type of small electrically powered or partially powered vehicle which may be locked and unlocked without the requirement of a bicycle rack or other docking station, designed for shared use utilizing the Global Positioning System (GPS) or similar technology, but shall not include a motorized wheelchair, or other personal mobility device designed for and used by a disabled person.
- c. *“Electric Motorized Bicycle”* shall mean two- or three wheeled small vehicle that has handlebars, and a seat for the rider, that is powered by an electric motor either wholly or in conjunction with human power, but shall not include a motorized wheelchair, or other personal mobility device designed for and used by a disabled person.

- d. *“Electric Motorized Scooter”* shall mean any two- or three-wheeled small vehicle that has handlebars, and a floorboard or deck designed to be stood upon while being ridden or used as a mode of transportation, that is powered by an electric motor either wholly or in conjunction with human power, but shall not include a motorized wheelchair, or other personal mobility device designed for and used by a disabled person.
- e. *“Electric or Gas Motorized Skateboard”* shall mean a self-propelled small vehicle or platform device that has at least two tandem wheels that has a floorboard or deck designed to be stood upon while being ridden or used as a mode of transportation, that is powered by a electric or gasoline operated motor, but shall not include a motorized wheelchair, or other personal mobility device designed for and used by a disabled person.

Section 9-702. Dockless Small Vehicles and Vehicle Systems Use Prohibited.

a. It shall be unlawful to provide, or to offer for use or rent, or to rent, a Dockless Small Vehicle, either standing alone, or in connection with, or as a part of, a Dockless Small Vehicle System, on and along City public streets, roads, alleys, right-of-ways, or sidewalks within the Central Business District as established, and as may be amended from time to time, in the City zoning code, and on and along all arterial or collector roads as listed in Appendix H (Access Regulations) of the City Code and on all public sidewalks running along said roads, and in all City owned parks, and the City owned Clarksville Greenway trail system.

b. It shall be unlawful to park, leave standing, leave lying, or to abandon, or to otherwise place or locate a Dockless Small Vehicle on and along City public streets, roads, alleys, right-of-ways, or sidewalks within the Central Business District as established, and as may be amended from time to time, in the City zoning code, and on and along all arterial or collector roads as listed in Appendix H (Access Regulations) of the City Code and on all public sidewalks running along said roads, and in all City owned parks, and the City owned Clarksville Greenway trail system.

c. It shall be unlawful to use or operate any Dockless Small Vehicle on and along City public streets, roads, alleys, right-of-ways, or sidewalks within the Central Business District as established, and as may be amended from time to time, in the City zoning code, and on and along all arterial or collector roads as listed in Appendix H (Access Regulations) of the City Code and on all public sidewalks running along said roads, and in all City owned parks, and the City owned Clarksville Greenway trail system.

Section 9-703. Citation to City Court; Civil Fine for Violation; Impoundment.

a. Any City law enforcement office, and / or any City Parking Commission agent, is hereby empowered to issue a citation to any person or business entity for any violation of any of the provisions of this chapter. Citations so issued may be delivered in person to the alleged violator, or the citation may be delivered by registered mail to person so charged if they cannot be readily found, or to the registered agent for any business entity. Any citation

so delivered or mailed shall direct the alleged violator to appear in City Court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) calendar days of mailing same. Citations issued for violations of any provisions of this chapter shall be tried in the City Court. The City Court Judge shall determine whether the City has proven by a preponderance of the evidence that the alleged violator has in fact committed the alleged violation, and if so, the City Court Judge shall impose a civil monetary fine as penalty against any person or business entity found to have violated any provision of this Chapter, said fine not to exceed FIFTY DOLLARS AND ZERO CENTS (\$50.00) for each violation. Each day of violation, and each incident involving a separate Dockless Small Vehicle, shall be deemed a separate and distinct violation.

2. This ordinance is adopted pursuant to the City of Clarksville state law private act Charter and state law of general application. If any section, sub-section, or sub-part, sentence, clause, or phrase is declared invalid or otherwise void by a court of competent jurisdiction, it shall not affect any remaining provision hereof. In this regard the City Council finds and declares that it would have adopted this ordinance notwithstanding any partial invalidity hereof.
3. In the case of conflict between this ordinance or any part hereof, and the whole or any part of any other existing ordinance of the City, the provision that establishes the higher or stricter standard shall prevail.
4. This ordinance shall take effect immediately upon final passage on second reading by the City Council.

FIRST READING: March 5, 2020
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 65-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF PROVIDENCE BUILDERS, LLC, JACQLYN ELLIOTT-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF WHITFIELD ROAD AND PREWITT 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 AG Agricultural District, as R-2 Single Family Residential District

PUBLIC HEARING: March 5, 2020

FIRST READING: March 5, 2020

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin located in the westerly right of way margin of Whitfield Road, said iron pin being 350 +/- feet southeast from Cynthia K. Toon property of record in ORBV 594, page 1458, ROMCT; thence along the westerly right of way margin of Whitfield rd. S 26 degrees 05 minutes 43 seconds E 298.19' to an iron pin; thence leaving the westerly right of way margin of Whitfield Road S 88 degrees 29 minutes 36 seconds W 39.90 feet to an iron pin; thence 88 degrees 55 minutes 25 seconds W 73.66 feet to an iron pin; thence n 88 degrees 49 minutes 29 seconds W 292.78 feet to an iron pin; thence N 2 degrees 29 minutes 47 seconds W 263.21 feet to an iron pin; thence N 89 degrees 43 minutes 38 seconds E 263.63 feet to the point of beginning, containing 2.05 +/- acres

ORDINANCE 68-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RICHARD TUCKER, ET UX, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF PARKWAY PLACE AND STONECROSSING DRIVE

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

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

PUBLIC HEARING: March 5, 2020

FIRST READING: March 5, 2020

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin being the northernmost common corner between Lot 389 of Meadowbrook Section K-2 and Lot 11 of Parkway Place; THENCE North 15°51'26" East, 79.16 feet to a point; THENCE North 5°23'20" East, 447.13 feet to a point; THENCE South 84°36'40" East, 14.68 feet to a point; THENCE on a curve to the left, said curve having a radius of 50.00 feet and arc length of 133.25 feet, being subtended by a chord having a bearing of South 71°48'47" East for a distance of 97.17 feet to a point; THENCE on a curve to the right, said curve having a radius of 25.00 feet and arc length of 27.86 feet, being subtended by a chord having a bearing of North 63°46'13" East for a distance of 26.44 feet to a point; THENCE South 84°21'44" East, 209.19 feet to a point; THENCE South 84°13'19" East, 172.59 feet; THENCE on a curve to the right, said curve having a radius of 25.01 feet and arc length of 38.68 feet, being subtended by a chord having a bearing of South 39°57'56" East for a distance of 34.94 feet to a point; THENCE on a curve to the left, said curve having a radius of 644.19 feet and arc length of 122.95 feet, being subtended by a chord having a bearing of South 1°06'01" East for a distance of 122.77 feet to a point; THENCE South 6°34'04" East, 400.10 feet to a point; THENCE North 82°36'31" West, 297.28 feet to a point; THENCE North 82°36'31" West, 352.86 feet to a point; Containing contains 6.958 acres, more or less.

ORDINANCE 70-2019-20

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF REX HAWKINS FOR ZONE CHANGE ON PROPERTY LOCATED SOUTH OF ARROWOOD DRIVE, WEST OF QUIN LANE, NORTH OF CUNNINGHAM LANE, AND EAST OF PANORAMA DRIVE

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

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

PUBLIC HEARING: March 5, 2020

FIRST READING: March 5, 2020

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing iron pin at the south margin of Arrowood Drive, thence leaving margin of said road thence South 13 Degrees 30 Minutes 26 Seconds East 1050.25 feet to a point at the southwest terminus of Quin Lane; thence with margin of said road North 78 Degrees 41 Minutes 06 Seconds East 45.72 feet to a point; thence North 78 Degrees 41 Minutes 06 Seconds East 235.50 feet to a point; thence with a curve turning to the right with an arc length of 303.55 feet, with a radius of 400.00 feet, and with a chord of South 79 Degrees 34 Minutes 29 Seconds East 296.32 feet to a point; thence with a curve turning to the left with an arc length of 246.37 feet, with a radius of 400.00 feet, and with a chord of South 75 Degrees 28 Minutes 46 Seconds East 242.50 feet to a point; thence leaving margin of said road South 08 Degrees 31 Minutes 41 Seconds East 285.22 feet to a point; thence South 78 Degrees 38 Minutes 02 Seconds West 479.25 feet to a point; thence South 19 Degrees 27 Minutes 29 Seconds East 833.92 feet to a point; thence South 89 Degrees 59 Minutes 37 Seconds West 547.25 feet to a point; thence South 00 Degrees 26 Minutes 37 Seconds East 190.12 feet to a point; thence with a curve turning to the left with an arc length of 38.76 feet, with a radius of 25.00 feet, and with a chord of South 44 Degrees 51 Minutes 22 Seconds East 34.99 feet to a point; thence North 89 Degrees 16 Minutes 07 Seconds West 220.37 feet to a point; thence North 01 Degrees 46 Minutes 26 Seconds West 900.71 feet to a point; thence South 78 Degrees 37 Minutes 56 Seconds West 32.02 feet to a point; thence North 01 Degrees 27 Minutes 14 Seconds

West 16.94 feet to a point; thence North 89 Degrees 04 Minutes 07 Seconds West 791.35 feet to a point; thence North 00 Degrees 42 Minutes 12 Seconds East 511.29 feet to a point; thence North 11 Degrees 17 Minutes 16 Seconds West 71.82 feet to a point; thence North 11 Degrees 05 Minutes 06 Seconds West 666.18 feet to a point; thence North 72 Degrees 02 Minutes 42 Seconds East 228.42 feet to a point; thence with a curve turning to the left with an arc length of 139.92 feet, with a radius of 530.00 feet, and with a chord of North 64 Degrees 28 Minutes 54 Seconds East 139.52 feet to a point; thence North 60 Degrees 44 Minutes 08 Seconds East 101.45 feet to a point; thence North 60 Degrees 14 Minutes 04 Seconds East 38.91 feet to a point; thence with a curve turning to the right with an arc length of 133.37 feet, with a radius of 470.00 feet, and with a chord of North 68 Degrees 21 Minutes 49 Seconds East 132.92 feet to a point; thence North 76 Degrees 29 Minutes 34 Seconds East 246.25 feet to a point; thence South 13 Degrees 20 Minutes 26 Seconds East 10.00 feet to the point of beginning, having an area of 2166524.99 square feet, 49.74 acres.

RESOLUTION 46-2019-20

A RESOLUTION APPROVING APPOINTMENTS TO THE BEER BOARD, GAS & PLUMBING BOARD AND REGIONAL PLANNING COMMISSION

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

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

Beer Board: Terri Clore, John Hancock - April 2020 through March 2022

Gas & Plumbing Board: Mark Deering, Chris Steffens - April 2020 through March 2023

Maria Jiminez - April 2, 2020 through January 10, 2022

ADOPTED:

RESOLUTION 50-2019-20

A RESOLUTION APPROVING A RETAIL LIQUOR STORE CERTIFICATE OF COMPLIANCE FOR OPERATION OF THE WINE CELLAR

WHEREAS, Jesse A. Davie, Sr. has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for operation of The Wine Cellar, 4 Leland Drive; and

WHEREAS, according to a local criminal history check, the applicant who are to be in actual charge of said business has not been convicted of a felony within a ten year period immediately preceding the date of the application and, if a corporation, that the executive officers, or those in control, have not been convicted of a felony within a ten year period immediately preceding the date of the application; and further that it is the undersigned's opinion that the applicant will not violate any provisions of *Tennessee Code Annotated, Title 57, Chapter 3*; and

WHEREAS, the applicant has secured a location which complies with all restrictions of the laws, ordinances, or resolutions; and

WHEREAS, the issuance of this license will not exceed the numerical limit established in City Code Sec. 2-205.

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Jesse A. Davie, Sr. for operation of The Wine Cellar, 4 Leland Drie, Clarksville, Tennessee.

ADOPTED:



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
MARCH 5, 2020, 7:00 P.M.**

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

AGENDA

PUBLIC COMMENTS:

During the public comment period prior to the meeting, Phil Stilke shared his concern about fast traffic on Ringgold Road. Janice Butts had requested to speak, but was not present.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, March 5, 2020, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Kenneth Burkhart, Needmore Church of Christ, guest of Councilman Jeff Burkhart.

The Pledge of Allegiance was led by Scout Troops 546 and 1019 along with Troop Leader Kim McPhearson.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Ron Erb (Ward 3), Tim Chandler (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), David Allen, Mayor Pro Tem (Ward 8), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (Ward 12)

ABSENT: Vondell Richmond (Ward 2; excused), Jeff Henley (Ward 9; excused)

SPECIAL RECOGNITIONS

Mayor Pitts proclaimed March as “Procurement Month” and presented the proclamation to Camille Thomas, Director of Purchasing, along with Katina Spainhoward and Heather Fleming.

Mayor Pitts welcomed Sh’Niya Horn who was recently named Miss Black Clarksville.

PLANNING COMMISSION PUBLIC HEARING

Councilman Garrett made a motion to conduct a public hearing to receive comments regarding a change in the Regional Historic Zoning Commission’s appeal process and requests for zone change. The motion was seconded by Councilman Holleman. There was no objection.

ORDINANCE 64-2019-20 (First Reading) Amending the City Zoning Ordinance as it pertains to Historic Overlay District and the appeals process contained therein

No one spoke for or against this change.

ORDINANCE 65-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Providence Builders, LLC, Jacqlyn Elliott-Agent, for zone change on property located at the intersection of Whitfield Road and Prewitt Lane from AG Agricultural District to R-2 Single Family Residential District

Bryce Powers said the proposed development included six homes with one access from Whitfield Road and noted a traffic study was not required for six lots.

No one spoke against this request.

ORDINANCE 66-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Rufus S. Johnson, III, for zone change on property located at the intersection of Memorial Drive and Richaven Road from MLUD Mixed Land Use Development to C-2 General Commercial District

Roger Maness spoke on behalf of the applicant noting the adjacent property was zoned C-5 Highway & Arterial Commercial District. He said Mr. Johnson had agreed to donate land to build a road through both parcels, connecting Memorial Drive to Highway 76.

Bryce Sanders, resident of Richaven Road, said there was no current funding for construction of the road and expressed concern for the additional commercial opportunities that would be available in a C-2 General Commercial District. Mr. Sanders said the residents of Richaven Road did not oppose a residential or office development.

Eric Byrd, resident of Rudolphtown, read Mr. Maness' December 4, 2008 letter to Mayor Johnny Piper stating several provisions regarding the 2008 zone change and recognized those in the audience who were opposed to this change.

In rebuttal, Mr. Maness confirmed he had written the letter mentioned earlier and noted some commercial uses allowed in the C-2 classification were also allowed in the current MLUD Mixed Land Use Development classification.

In rebuttal, Mr. Byrd said area residents opposed both the C-1 and C-2 classifications.

Councilman Allen made a motion to temporarily revert to regular session to seek responses from Regional Planning Director Jeff Tyndall. The motion was seconded by Councillady Smith. A voice vote was taken; the motion passed without objection. Mr. Tyndall explained that MLUD zone must be balanced with commercial and residential uses and noted the MLUD zone allows fewer commercial uses than the C-2 zone. Councillady Smith made a motion to revert back to public hearing. The motion was seconded by Councilman Garrett. A voice vote was taken; the motion passed without objection.

ORDINANCE 67-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Iron Horse Belleglade, LLC, Lewis Whitley-Contact, for zone change on property located at the intersection of Fort Campbell Boulevard and Wallace Boulevard from R-4 Multiple Family Residential District to C-5 Highway & Arterial Commercial District

Paul Chase said this proposed development would fill a need for aesthetically recreational vehicle homes with a total of 108 units.

Roderick Gochett expressed concern for elderly residents regarding additional traffic and increased crime in the area.

In rebuttal, Mr. Chase said the ten acres in question would allow 160 units and the new zoning would allow 108 units.

ORDINANCE 68-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Richard Tucker, Et Ux, for zone change on property located at the intersection of Parkway Place and Stonecrossing Drive from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District

Richard Tucker said rezoning would increase the market for residential development of this property. No one expressed opposition.

ORDINANCE 69-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Claudelle B. Wooten Living Trust/William N. Wooton, Robert Mallory-Agent, for zone change on property located at the intersection of Warfield Boulevard and Rossview Road from O-1 Office District to C-2 General Commercial District

Robert Mallroy said this property was the remainder of his family farm and the new zone classification would increase interest for sale of the land.

Fred Mathews felt the current zoning of O-1 Office District was the best fit for the property. He expressed concern for traffic problems if a road was built to connect to the Virginia Hills Subdivision. Ginger Fitting expressed concern about traffic congestion and overcrowding at Rossview schools.

In rebuttal, Mr. Mallory said there were no plans to build a road that would connect to Bristol Court in Virginia Hills. He said a C-2 zone would broaden future potential uses.

In rebuttal, Ms. Fitting Said opposing citizens were concerned because they had not been made aware of the intended use for the property.

ORDINANCE 70-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Rex Hawkins for zone change on property located south of Arrowood Drive, west of Quin Lane, north of Cunningham Lane, and east of Panorama Drive from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

Vernon Weakley offered to answer questions on behalf of the applicant. In response to Mayor Pitts' question regarding effects on the Veterans Home, Mr. Weakley said the C-2 zone would eliminate high-noise uses. No one expressed opposition.

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

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 64-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Allen restated his support of the current process which allows citizens to appeal decisions of the Regional Historic Zoning Commission to the City Council. Mayor Pitts said he would reach out to the Tennessee Historical Commission regarding the City's designation as a Certified Local Government and made a motion to postpone first reading to the April regular session. The motion was seconded by Council Lady Smith. The following vote was recorded:

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

NAY: Henley, Richmond

The motion to postpone first reading on this ordinance to the April regular session passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 65-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Allen. Councilady Smith felt this change would increase the already congested traffic on Whitfield Road. Councilman Norris said this was a good example of in-fill development. Councilady Guzman said there would be only one access to the property from Whitfield Road. The following vote was recorded:

AYE: Burkhart, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Streetman

NAY: Allen, Chandler, Smith

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 66-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilady Streetman felt this change would worsen Richview Middle School dropoff and pick up traffic and a C-2 zoning would allow more commercial uses than the current MLUD zone. Councilman Chandler said a proposed road could already be built under the current zoning. Councilman Burkhart said he owned property across the street and would abstain from voting. The following vote was recorded:

AYE: Allen, Chandler, Garrett, Guzman, Smith

NAY: Erb, Holleman, Norris, Pitts, Streetman

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading failed due to lack of a majority.

The recommendation of the Regional Planning Staff was for disapproval of **ORDINANCE 67-2019-20**; the recommendation of the Regional Planning Commission was for approval. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Burkhart said RV's were not allowed in the R-4 zone and made a motion to postpone first reading to the April regular session. The motion was seconded by Councilady Streetman. Councilman Chandler made a motion to go out of regular session to allow answers from Regional Planning Director Jeff Tyndall. The motion was seconded by Councilman Allen. There was no objection. Mr. Tyndall said the applicant had previously contact the Building & Codes Department to determine the appropriate zoning for an RV park. Councilman Burkhart said there was a definite need for this type of housing, but he opposed a change to a C-5 zoning. Councilady Smith made a motion to revert to regular session. The motion was seconded by Councilman Burkart. There was no objection. The following vote on Councilman Burkhart's motion was recorded:

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

The motion to postpone first reading to the April regular session failed. Councilman Allen made a motion to postpone action indefinitely. The motion was seconded by Councilman Burkhart. In response to Councilman Garrett's question, City Attorney Lance Baker said establishing a new zone classification for RV parks would require a three month process and taking no action on this ordinance within 100 days of the public hearing would deny the requested change. Councilman Garrett made a motion to amend Councilman Allen's motion by postponing first reading on this ordinance to the next regular session. This motion was not seconded. The following vote on Councilman Allen's motion was recorded:

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

NAY: Chandler

The motion to postpone first reading on this ordinance indefinitely passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 68-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 69-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Burkhart said Briston Court in the Virginia Hills Subdivision could currently be connected to another thoroughfare and made a motion to postpone first reading to the next regular session. The motion was seconded by Councilman Streetman. The following vote was recorded:

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

NAY: Allen

The motion to postpone first reading on this ordinance to the next (April) regular session passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 70-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Burkhart said he was a partner in this development and would abstain from voting. The following vote was recorded:

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

NAY: Chandler, Erb

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

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 29-2019-20** (Second Reading) Repealing the Internal Service Fund Guidelines and amending the Official Code approving new Internal Service Fund Guidelines *[Removed; see end of minutes]*
2. **ORDINANCE 54-2019-20** (Second Reading) Amending the Official Code relative to residential new construction plumbing permit fee
3. **ORDINANCE 55-2019-20** (Second Reading) Accepting donation of property from the Industrial Development Board and Montgomery County Commission for Police District 3
4. **ORDINANCE 56-2019-20** (Second 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
5. **ORDINANCE 57-2019-20** (Second 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
6. **ORDINANCE 58-2019-20** (Second 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
7. **ORDINANCE 59-2019-20** (Second 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

8. **ORDINANCE 60-2019-20** (Second 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

9. **ORDINANCE 61-2019-20** (Second 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

10. **RESOLUTION 45-2019-20** Approving a Certificate of Compliance for operation of Riverbend Wine & Spirits (1206 Highway 48) *CPD: No Criminal History*

11. Adoption of Minutes: February 6

Mayor Pitts requested separate consideration of ORDINANCE 29-2019-20. Councilman Burkhart made a motion to adopt the Consent Agenda with the exception of ORDINANCE 29-2019-20. The motion was seconded by Councillady Guzman. The following vote was recorded:

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

The motion to adopt the Consent Agenda as amended passed.

FINANCE COMMITTEE *Chairman Jeff Burkhart*

Councilman Burkhart said 2019 property tax collections through February 29th totaled \$30.2 million or 92% of actual billing. December 2019 Local Option Sales Tax collections were \$9.6 million, a 23.8% increase over the previous year and the largest collection in the City's history.

GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

ORDINANCE 62-2019-20 (First Reading) Authorizing extension of utility services to 255 Harper Road; request of Karen McKay

The recommendation of the Gas & Water Committee was for approval. Councillady Guzman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

Councilman Allen said the Office of Housing & Community Development conducted a public meeting as a part of the five-year 2020-24 Consolidated Plan which offers the public's input. Mayor Pro Tem Allen said Housing & Urban Development hosted the FY20 CDBG and HOME and announced the City of Clarksville's allocation of \$1,021,544 for CDBG and \$489,225 for HOME.

PARKS & RECREATION COMMITTEE *Chairlady Valerie Guzman*

No report.

PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

ORDINANCE 63-2019-20 (First Reading) Amending the Official Code pertaining to a prohibition on electric motorized bicycles, scooters, and skateboards

The recommendation of the Public Safety Committee was for approval. Councilman Erb made a motion to adopt this ordinance on first reading. The motion was seconded by Councillady Streetman. Councilman Holleman said he did not support a permanent ban on scooters. Councillady Streetman said she had received several comments from the public for support of the ban and felt scooter traffic would have a negative effect on downtown businesses. Following discussion, Councillady Guzman called for the question. The question was seconded by Councilman Chandler. A voice vote was taken; the motion to cease discussion passed without objection. The following vote was recorded:

AYE: Allen, Burkhart, Erb, Garrett, Guzman, Pitts, Smith, Streetman

NAY: Chandler, Holleman, Norris

The motion to adopt this ordinance on first reading passed.

Councilman Erb shared the following monthly department statistics: Fire Rescue - 1,132 emergency runs; Police - 13,151 responses; Building & Codes - 1,916 inspections, 197 code enforcement cases, 101 single-family permits, 9 multi-family permits, 12 commercial permits, and 25 abatement work orders.

STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

Councilman Chandler said city-wide vehicle expenses totaled \$130,915; unleaded gas \$1.61 per gallon and diesel fuel \$1.69 per gallon. The Street Department closed 357 work orders with sidewalk repairs ongoing.

TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councilady Smith shared the following monthly department statistics: Clarksville Transit System - 52,446 passengers including 6,607 senior citizens and 3,347 demand responses.

INTERNAL SERVICE FUND

ORDINANCE 29-2019-20 (Second Reading) 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 second reading. The motion was seconded by Councilman Garrett. Mayor Pitts made a motion to amend this ordinance by clarifying language relative to on-the-job injuries. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

The amendment passed. The following vote was recorded on the original motion as amended:

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

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

MAYOR AND COUNCIL MEMBER COMMENTS

Councilman Burkhart asked the Council to consider moving zoning public comments to executive sessions instead of regular sessions.

Councilman Erb announced the tree giveaway at the Smith-Trahern Mansion on March 6 in recognition of Arbor Day.

ADJOURNMENT

The meeting was adjourned at 9:36 p.m.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
MARCH 18, 2020**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Wednesday, March 18, 2020, at 3:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

PRAYER

A prayer was offered by Councilman Jeff Burkhart; the Pledge of Allegiance was led by Councilwoman Valerie Guzman.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Vondell Richmond (Ward 2), Ron Erb (Ward 3), Tim Chandler (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), David Allen, Mayor Pro Tem (Ward 8), Jeff Henley (Ward 9), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (Ward 12)

MAYOR'S EXECUTIVE ORDER #001

"Our nation and our world face an unprecedented event that will define our generation. COVID-19, or the coronavirus, is a serious disease that threatens everyone without discrimination. While we have the best science and scientists in the world working on prevention and a cure, we know there are certain irrefutable facts. Washing your hands helps and keeping a safe distance from others also is helpful. Protect and be kind to one another during these times. Don't trade misinformation or partial information or rumors, and if your faith is important to you, please pray for the continued safety of our community. I'm convinced it is the fervent prayers of righteous people that avail much.

Today I ask you to consider and ratify the Executive Order before you that declares a State of Emergency in our City. The Order gives some latitude to make emergency purchases, protects employees by offering them flexible work schedules, and generally allows the Mayor Office to react to circumstances that arise each day. The Emergency Order is effective through the times stated the time stated in the Order and can be renewed often. And as we've said before, this will be our finest hour."

RESOLUTION 47-2019-20 Approving and adoption Mayoral Executive Order No. 001 declaring a Local State of Emergency due to the Novel Coronavirus in order to prevent the spread of and to facilitate the containment of the COVID-19 disease

Councillady Smith made a motion to adopt this resolution. The motion was seconded by Councilman Burkhart. In response to Councilman Allen's questions, Mayor Pitts said the Order gives the Mayor the authority to renew the State of Emergency in seven day increments through April 2, 2020. 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.

NON PROFIT AGENCY UPDATE

Councillady Guzman shared information regarding local non-profit agencies including Mana Cafe, Urban Ministries, and Community Action Agency. She asked for citizen donations of N-95 masks for use by the agency volunteers.

ADJOURNMENT

The meeting was adjourned at 3:09 p.m.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
MARCH 23, 2020, 5:00 P.M.**

IN AN EFFORT TO FACILITATE THE RESPONSE TO CORONAVIRUS DISEASE 2019 (COVID-19), THIS MEETING WILL BE CONDUCTED VIA CONFERENCE CALL. AN AUDIO/VIDEO RECORDING OF THE PROCEEDINGS WILL BE MADE AVAILABLE TO THE PUBLIC WITHIN 48 HOURS. MEMBERS OF THE PUBLIC ARE, BY LAW, ALLOWED TO ATTEND MEETINGS OF THE CLARKSVILLE CITY COUNCIL BUT ARE STRONGLY DISCOURAGED TO DO SO AT THIS TIME.

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Monday, March 23, 2020, at 5:00 p.m. via conference call from the Mayor's Conference Room, 1 Public Square, Clarksville, Tennessee.

A prayer was offered by Councillady Valerie Guzman.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Vondell Richmond (Ward 2), Ron Erb (Ward 3), Tim Chandler (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), David Allen, Mayor Pro Tem (Ward 8), Jeff Henley (Ward 9), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (Ward 12)

All members responded verbally and were connected to the conference call.

ELECTRONIC MEETING AUTHORIZATION

In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, Councillady Smith made a motion that the governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak. The motion was seconded by Councilman Burkhart. A voice vote was taken; the motion unanimously passed.

RESOLUTION 49-2019-20 Approving Mayoral Executive Order No. 002 proclaiming a civil emergency to prevent the spread of the COVID-19 Disease

Mayor Pitts offered the following statement:

The Executive Order before you mirrors much of what Tennessee Governor Bill Lee put in his Executive Order issued yesterday, March 22, 2020. After considerable discussion with Montgomery Council Mayor Jim Durrett, we felt we should reflect the steps the Governor has outlined in order to reduce confusion for our citizens. There are other provisions in the Order that are consistent across the City and the County. This process in the environment we are in is unprecedented and obviously very fluid as evidenced by the Governor issuing another Executive Order today and we will discuss that in more detail later. We may need more stringent measures in the future, but this is the right next step to take to protect our community. We've discussed these measures such as requiring a mandatory closing of certain businesses and there is concern that doing so would be disastrous for the business and the employees. I can tell you that Mayor Durrett has reached out to most of the manufacturing companies in our city regarding keeping their employees safe. Most have responded very positively to the request. Some will temporarily shut down production, others have extraordinary measures in place to protect their employees. We've asked them to communicate with their employees and, for safety reasons, we won't be sharing those details with the public so that the employees will understand they are being protected. All of us have seen the email traffic of employees and families of employees who are concerned. Hopefully when these companies communicate with their employees, it will reduce email traffic.

Councillady Smith made a motion to adopt this resolution as presented. The motion was seconded by Councillady Guzman.

City Attorney Lance Baker said the Mayor's Executive Order incorporates the Executive Orders of the Governor, specifically regarding, but not limited to, the open meetings law, operations of restaurants and bars, gyms and fitness centers, nursing home visitation, social gatherings and businesses allowing employees to work from home when feasible. He noted the Mayor's Executive Order also required movie theaters, performing arts theaters, yoga and dance studios, bowling alleys, and arcades to close access to the general public, as well as closing the interior of malls and established a maximum occupancy law. Mr. Baker said no prohibitions were ordered for medical or pharmacy businesses, blood collection and there were exemptions for businesses, etc., deemed critical for infrastructure, national security, or public health and welfare. The Order did

not apply to Fort Campbell Military Reservation. The Mayor's Executive Order strongly encouraged citizens to comply with the Centers For Disease Control guidelines and remain calm and to resist panic purchasing. The effective date of the Order was 12:01 a.m. Wednesday, March 25, 2020, and, unless extended, would expire at 12:01 a.m. on April 1, 2020.

Answering Councillady Guzman's question, Mayor Pitts said stores at Governor's Square Mall that had an exterior entrance would be allowed to conduct business, but access to the interior of the mall would be closed to the general public.

In response to Councillady Smith's question, Mayor Pitts said there were no official restrictions regarding church congregational meetings and noted that Governor Bill Lee urged citizens to limit gatherings to more than ten people.

Councilman Garrett asked about the City's policing powers. Mayor Pitts said the local Executive Order was in line with the Governor's Executive Order. Mr. Baker said the Mayor's and City Council's powers are authorized by *Tennessee Code Annotated* and the Official Charter and Code of the City of Clarksville. He said local officials have authority to enforce the Governor's Executive Orders.

In response to Councilman Garrett's question, Mayor Pitts said Montgomery County Mayor Jim Durrett had reached out to local factories and day care centers and encouraged operators to exercise recommended precautions. Mr. Baker added that City regulations cannot conflict with the Governor's Executive Order and said maximum occupancy rules would apply.

Mayor Pitts replied to Councilman Allen stating the Mayor's Executive Order does not specifically address church meetings, but includes them in recommendations of social gatherings of no more than ten people.

Mr. Baker responded to Councilman Richmond stating the City Code established local curfews for minors. Mayor Pitts noted mandatory curfews were not addressed in the local Executive Order.

Councilman Richmond also asked about local virus testing sites. Mayor Pitts said he would obtain and share information from the Montgomery County Health Department.

Councillady Guzman expressed appreciation to the staff of Housing & Community Development for sharing information regarding non-profit agencies. Mayor Pitts thanked faith-based organizations for their efforts.

Councillady Smith said she was aware that some area church congregations were exercising social distancing by leaving space between seats.

Replying to Councilman Henley, Mayor Pitts said the restrictions for building occupancy were established by the Governor's Executive Order.

Mayor Pitts responded to Councilman Henley saying the effective date of the Mayor's Executive Order was determined to allow affected businesses time to prepare for the new restrictions.

Mayor Pitts said future meetings of the City Council would likely be conducted via conference calls or Google Meets.

After discussion, the following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

ADJOURNMENT

The meeting was adjourned at 5:39 p.m.

ORDINANCE 71-2019-20

AN ORDINANCE AMENDING THE 2019-20 OPERATING AND CAPITAL BUDGET (ORDINANCE 76-2018-19) FOR THE GOVERNMENTAL FUNDS IN THE AMOUNT OF \$450,000 FOR PARKS AND RECREATION CAPITAL PROJECTS (BURT COBB AND CROW RECREATION CENTER REPAIRS)

WHEREAS, The Crow Recreation is in dire need of work done to the exterior and interior walls to eliminate moisture seepage. Last year the roof was repaired and sealed in an attempt to eliminate the moisture issue. The moisture is seeping through the walls making the interior paint peel off the walls; and

WHEREAS, the Burt Cobb Recreation Center was previously budgeted to repair the roof but requires a roof replacement. This is the original roof from the original construction of the Center. Operating funds of \$75,000 were budgeted for this purpose, will now necessitate capital; and

WHEREAS, there are excess funds in salaries and wages that can be returned to the general fund.

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

The following budget amendment be made:

<u>Capital Projects Fund</u>			
Crow Community Center			
40450003-4450-17504	Construction Services	Increase	\$250,000
Burt Cobb Recreation Center Roof (create project)			
40450003-4450-20504	Construction Services	Increase	\$200,000
<u>General Fund</u>			
10451003-4450-815	Construction Services	Decrease	\$ 75,000
10451001-4112	Salaries (part-time)	Decrease	\$250,000

BE IT FURTHER ORDAINED \$325,000 will be returned to the general fund thereby increasing the fund balance. The capital project additional funds will be provided from prior debt issuances for a total of \$450,000 – no new debt will be issued.

FIRST READING:

SECOND READING:

EFFECTIVE DATE: