



**CLARKSVILLE CITY COUNCIL  
EXECUTIVE SESSION  
SEPTEMBER 24, 2020, 4:30 P.M.**

**AGENDA**

**This meeting will be conducted in person, via Google Meets, and live-streamed on [cityofclarksville.com](http://cityofclarksville.com)**

*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*

**ABANDONMENT**

**RESOLUTION 24-2020-21** Approving abandonment of an alleyway located south of College Street, north of Main Street, and east of 9th Street; request of James Corlew, Sr. *RPC: Approval/Approval*

**ZONING**

**ORDINANCE 30-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Cody and Lindsey Heggie, Sydney Hedrick-Agent, for zone change on property located at the intersection of Madison Street and Liberty Parkway from O-1 Office District to C-2 General Commercial District *RPC: Approval/Approval*

**ORDINANCE 31-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Sandra Taylor and Rosalynd Greene, Rex Hawkins-Agent, for zone change on property located at the intersection of Trenton Road and Aspen Grove Way from AG Agricultural District to R-2 Single Family Residential District *RPC: Approval/Approval*

**ORDINANCE 32-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William and Virginia Scogin for zone change on property located at the intersection of Shelby Street and Providence Boulevard from R-3 Three Family Residential District to R-4 Multiple Family Residential District *RPC: Approval/Approval*

**ORDINANCE 33-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Winn Properties, Crabbe Homes/John Crabbe-Agent, for zone change on property located at the intersection of Fire Station Road and Trough Springs Road from C-4 Highway Interchange District to R-4 Multiple Family Residential District *RPC: Approval/Approval*

**ORDINANCE 34-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Morgan, Inc. for zone change on property located at the intersection of Hawkins Road and East Johnson Circle and the intersection of Hawkins Road and Edmondson Ferry Road from R-1 Single Family Residential District to R-2 Single Family Residential District *RPC: Approval/Approval*

**ORDINANCE 35-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William Belew, Jr. for zone change on property located at the intersection of Needmore Road and East Boy Scout Road from R-1A Single Family Residential District to R-4 Multiple Family Residential District *RPC: Approval/Approval*

**ORDINANCE 36-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of David Rittenberry and William Parker, Eddie Burchett-Agent, for zone change on property located at the intersection of Needmore Road and Centerstone Circle from AG Agricultural District and R-2 Three Family Residential to R-4 Multiple Family Residential District *RPC: Approval/Approval*

**ORDINANCE 37-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Daniel Hayes for zone change on property located at the intersection of Shannon Street and Ashbury Road from C-5 Highway & Arterial Commercial District to R-2 Single 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 10-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Faith Investments % Chris Blackwell for zone change on property located at the intersection of North Whitfield Road and Needmore Road from AG Agricultural District to R-4 Multiple Family Residential District
2. **ORDINANCE 18-2020-21** (Second Reading) Authorizing extension of city utilities to property located on Garrettsburg Road; request of Vernon Weakley
3. **ORDINANCE 20-2020-21** (Second Reading) Amending the Official Code relative to gas, water, and sewer charges, deposits, programs, adjustments, and installment plans
4. **ORDINANCE 21-2020-21** (Second Reading) Waiving credit processing fees Community Development
5. **ORDINANCE 22-2020-21** (Second Reading) Amending the Official Code relative to storage of inoperable vehicles on commercial property
6. **ORDINANCE 23-2020-21** (Second Reading) Authorizing sale of property located at 10 Jamestown Place to Habitat For Humanity
7. **ORDINANCE 24-2020-21** (Second Reading) Amending the Official Code relative to the Code of Ethics regarding payment of attorney fees
8. **ORDINANCE 25-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of J & N Enterprises, Inc., for zone change on property located north of Tiny Town Road at the western termini of Seagull Drive and Egret Drive from R-2 Single Family Residential District to R-2D Two Family Residential District
9. **ORDINANCE 26-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Habitat For Humanity, Syd Hedrick-Agent, for zone change on property located at the intersection of Washington Street and Greenwood Avenue from R-3 Three Family Residential District to R-6 Single Family Residential District
10. **ORDINANCE 27-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Habitat For Humanity, Syd Hedrick-Agent, for zone change on property located at the intersection of Beech Street and Providence Boulevard from C-2 General Commercial District to R-6 Single Family Residential District
11. **ORDINANCE 28-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Berry Hedrick, Syd Hedrick-Agent, for zone change on property located at the intersection of Crossland Avenue and Martin Street from C-2 General Commercial District to R-6 Single Family Residential District
12. Adoption of Minutes: September 3, 2020

3) FINANCE COMMITTEE *Chairman Jeff Burkhart*

1. **ORDINANCE 19-2020-21** (First Reading; Postponed September 3rd)  
Authorizing sale of property located at 1019 Main Street to Tangi Smith *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 COMMITTEE *Chairlady Valerie Guzman*

1. Department Report

7) PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

1. Department Reports

8) STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

1. **RESOLUTION 23-2020-21** Authorizing an agreement with TDOT for construction of 41A South sidewalks
2. Department Reports

9) TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

1. Department Reports

10) NEW BUSINESS

1. **ORDINANCE 29-2020-21** (First Reading; Postponed September 3rd)  
Amending ORDINANCE 29-2019-20 and the Official Code relative to Internal Service Fund settlement authority *Councilman Chandler*
2. **RESOLUTION 25-2020-21** Repealing RESOLUTION 2-2020-21 and approving a revised interlocal agreement with Montgomery County pertaining to shared expenses for autopsies *Councilman Henley*

11) MAYOR AND COUNCIL MEMBER COMMENTS

12) PUBLIC COMMENTS

*No requests were received.*

13) ADJOURNMENT

## CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: October 1, 2020. The public hearing will be held on: September 24, 2020.

CITY ORD. #: 30-2020-21      RPC CASE NUMBER: Z-36-2020

Applicant:      CODY AND LINDSEY HEGGIE

Agent:      Sydney Hedrick

Location:      Property fronting on the south frontage of Madison St., 725 +/- feet southeast of the Madison St. & Liberty Pkwy. intersection.

Ward #:      9

Request:      O-1 Office District  
to  
C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 31-2020-21      RPC CASE NUMBER: Z-37-2020

Applicant:      SANDRA TAYLOR ROSALYND GREENE, ROBERT DARDEN

Agent:      Rex Hawkins

Location:      A tract of land fronting on the East frontage of Trenton Road 725 +/- feet north of the Trenton Road & Aspen Grove Way intersection. The tract also is south of the terminus of Cross Ridge Drive.

Ward #:      12

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

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 32-2020-21      RPC CASE NUMBER: Z-38-2020

Applicant:      WILLIAM SCOGIN VIRGINIA SCOGIN

Agent:

Location:      Property fronting on the east frontage of Shelby St., 445 +/- feet north of the Shelby St. & Providence Blvd. intersection.

Ward #:      4

Request:      R-3 Three-Family Residential District  
to  
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 33-2020-21      RPC CASE NUMBER: Z-39-2020  
Applicant: WINN PROPERTIES L P  
Agent: Crabbe Homes- John Crabbe  
Location: Property located at the northwest corner of the Fire Station Rd. & Trough Springs Rd. intersection.  
Ward #: 10  
Request: C-4 Highway Interchange District  
to  
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 34-2020-21      RPC CASE NUMBER: Z-40-2020  
Applicant: MORGAN INC  
Agent:  
Location: Property located north of the Hawkins Rd. & E. Johnson Cir. intersection. Also fronting on the the west frontage of Edmondson Ferry Rd. 575+/- feet northeast of the Hawkins Rd. & Edmondson Ferry Rd. intersection and east terminus of Barry Dr.  
Ward #: 7  
Request: R-1 Single-Family Residential District  
to  
R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 35-2020-21      RPC CASE NUMBER: Z-41-2020  
Applicant: WILLIAM BELEW JR.  
Agent:  
Location: Property located southeast of the Needmore Rd. & E. Boy Scout Rd. intersection  
Ward #: 8  
Request: R-1A Single-Family Residential District  
to  
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 36-2020-21      RPC CASE NUMBER: Z-42-2020  
Applicant: DAVID RITTENBERRY WILLIAM PARKER 307 HAROLD DR. CLARKSVILLE, TN 37040  
Agent: Eddie Burchett  
Location: Property fronting on the south frontage of Needmore Rd., 250 +/- feet west of the Needmore Rd. & Centerstone Cir. intersection.  
Ward #: 9  
Request: AG Agricultural District / R-3 Three Family Residential District  
to  
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 37-2020-21      RPC CASE NUMBER: Z-43-2020

Applicant:      DANIEL HAYES

Agent:

Location:      Property located on the west frontage of Shannon St. 400 +/- feet north of the Shannon St. & Ashbury Rd. intersection.

Ward #:      3

Request:      C-5 Highway and Arterial Commercial District  
                 to  
                 R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE** 09/23/2020

**CASE NUMBER:** Z - 36 -2020

**NAME OF APPLICANT:**Cody And

Lindsey Heggie

**AGENT:** Sydney Hedrick

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**GENERAL INFORMATION**

**TAX PLAT:** 065-P-J

**PARCEL(S):** 6.00

**ACREAGE TO BE REZONED:** 0.69

**PRESENT ZONING:** O-1

**PROPOSED ZONING:** C-2

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property fronting on the south frontage of Madison St., 725 +/- feet southeast of the Madison St. & Liberty Pkwy. intersection.

**CITY COUNCIL WARD:** 9

**COUNTY COMMISSION DISTRICT:** 21

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** A long narrow parcel with a former home that has been converted to a business office

**APPLICANT'S STATEMENT** Private Beauty and Spa Studios  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Hilldale

**PREVIOUS ZONING HISTORY:** Z-2-1999 R-1 to O-1

# 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: RICHVIEW  
 HIGH SCHOOL: CLARKSVILLE

Moore Elem. School is in the 4th fastest growing region in Montgomery County. Richview & Clarksville High are in the 3rd fastest growing region of Montgomery County. Moore Elem. School is at 90% capacity & currently has 1 portable classroom. Richview Middle is at 100% capacity with 2 portable classrooms. Clarksville High is at 93% capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 & is at its highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school transportation needs. This development could add 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:** Minimal. C-2 permits mixed use residential to include Multi-family use.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Madison Street

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**0**

**7**

**POPULATION:**

**18**

**APPLICABLE LAND USE PLAN**

Hilldale Planning Area: One of the most stable single family residential areas of the city. Its central location gives its convenient proximity to most areas of the city & Sango Planning Area: Growth rate for this area is well above the overall county average.

**STAFF RECOMMENDATION:**      **APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan and the Madison Street Corridor Design Overlay goals.
- 2.** The proposed C-2 zoning request is compatible with surrounding uses.
- 3.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 4.**
- 5.**





**Z-36-2020**

**APPLICANT:**

**CODY & LINDSEY  
HEGGIE**

**REQUEST:**

**O-1**

**TO**

**C-2**

**MAP AND PARCEL**

**065P J 00600**

**+/- ACRES**

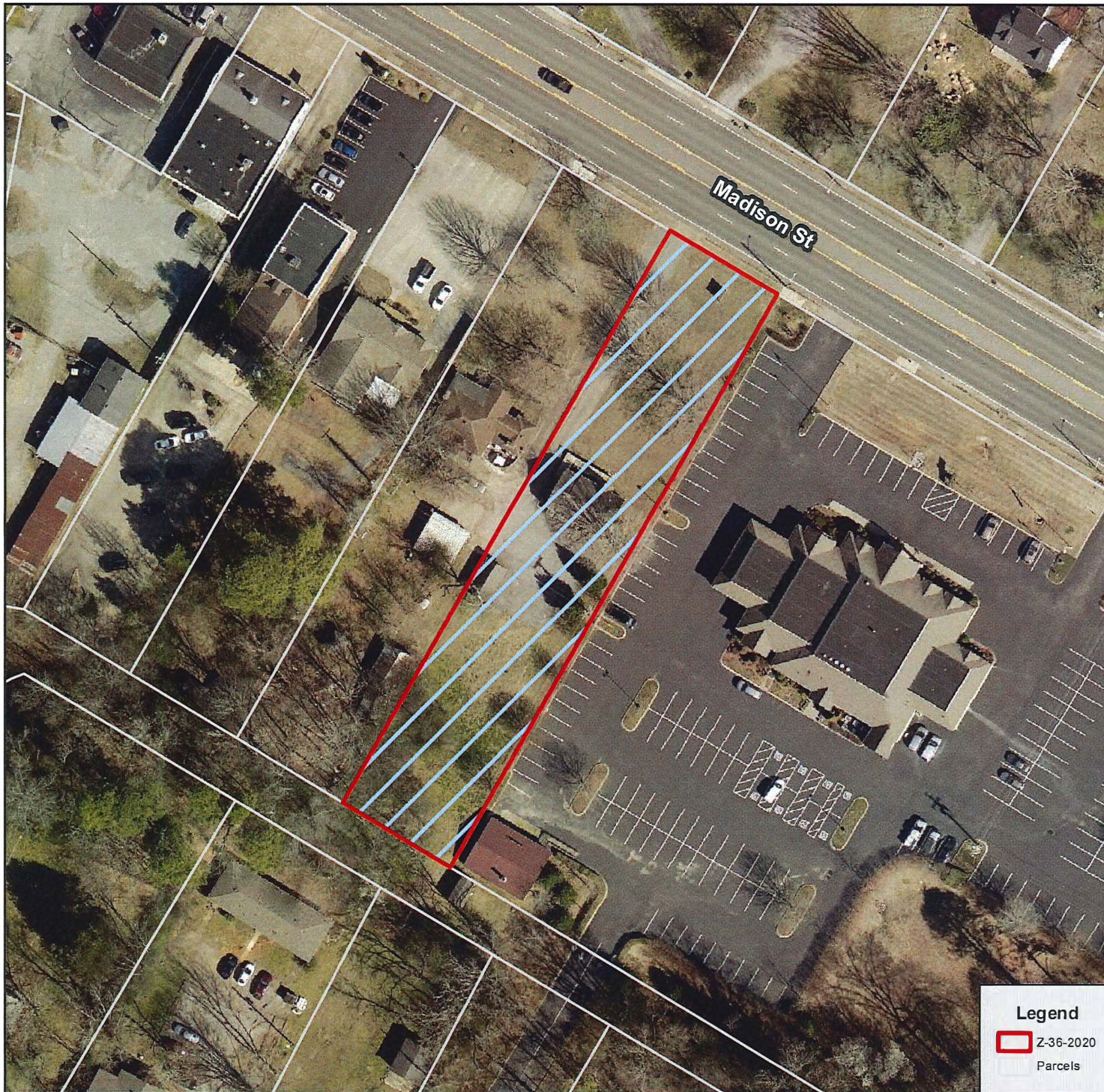
**0.69**

1:4,000



9/23/2020





**Z-36-2020**

**APPLICANT:**  
**CODY & LINDSEY**  
**HEGGIE**

**REQUEST:**  
**O-1**  
**TO**  
**C-2**

**MAP AND PARCEL**  
**065P J 00600**

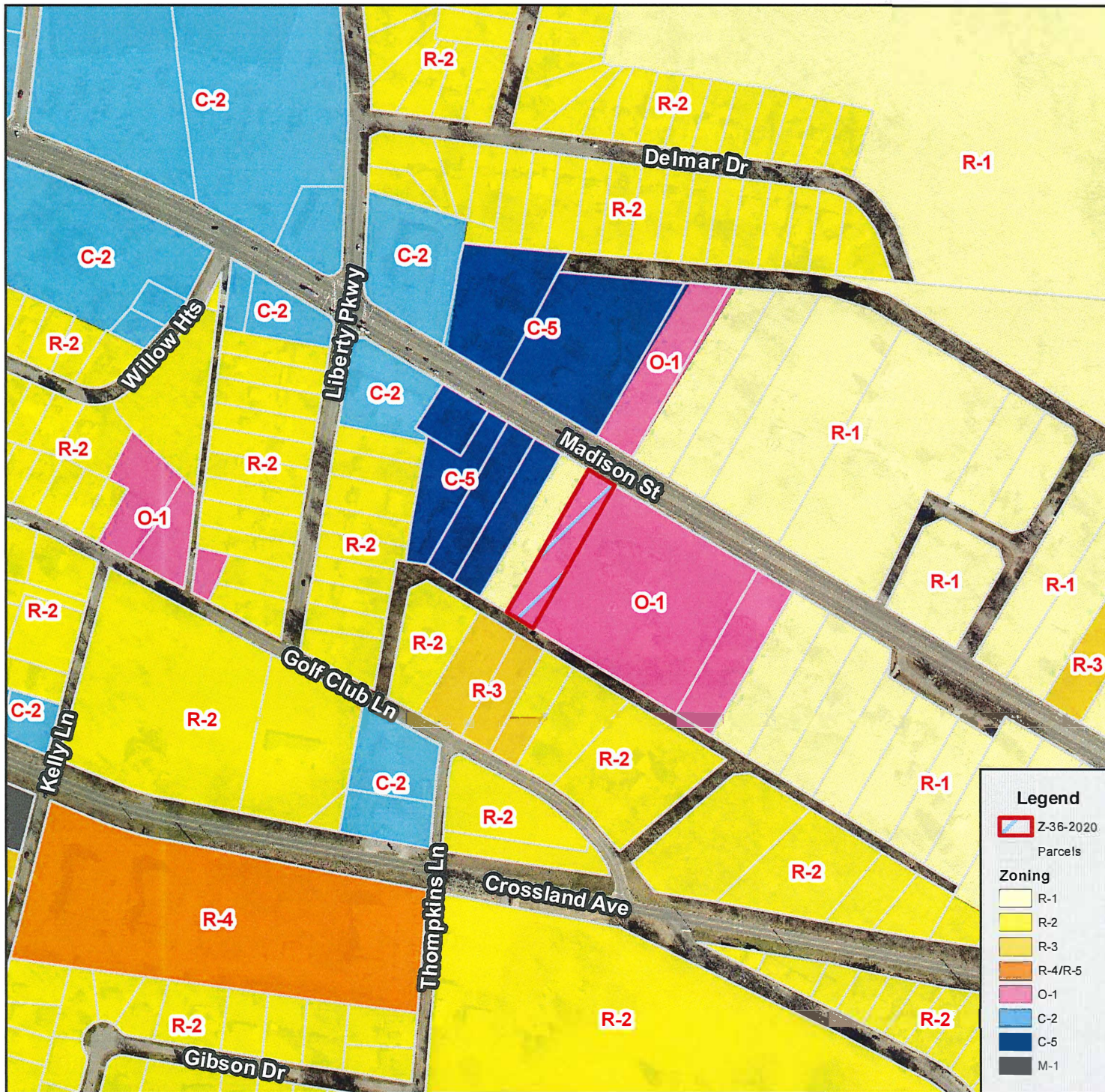
**+/- ACRES**  
**0.69**

1:1,000



9/23/2020





**Z-36-2020**

**APPLICANT:**  
CODY & LINDSEY  
HEGGIE

**REQUEST:**  
**O-1**  
TO  
**C-2**

**MAP AND PARCEL**  
065P J 00600

**+/- ACRES**  
**0.69**

1:4,000



9/23/2020

**CASE NUMBER:** Z 36 2020 **MEETING DATE** 09/23/2020

**APPLICANT:** Cody And Lindsey Heggie

**PRESENT ZONING** O-1 **PROPOSED ZONING** C-2

**TAX PLAT #** 065-P-J **PARCEL** 6.00

**GEN. LOCATION** Property fronting on the south frontage of Madison St., 725 +/- feet southeast of the Madison St. & Liberty Pkwy. intersection.

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**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 9/23/2020 (A.L.)



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 09/23/2020

**CASE NUMBER:** Z - 37 -2020

**NAME OF APPLICANT:**Sandra Taylor

Rosalynd Greene, Robert Darden

**AGENT:** Rex Hawkins

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**GENERAL INFORMATION**

**TAX PLAT:** 32

**PARCEL(S):** 5.00 & 5.02

**ACREAGE TO BE REZONED:** 25.98

**PRESENT ZONING:** AG

**PROPOSED ZONING:** R-2

**EXTENSION OF ZONING**

**CLASSIFICATION:** YES TO THE NORTH

**PROPERTY LOCATION:** A tract of land fronting on the East frontage of Trenton Road 725 +/- feet north of the Trenton Road & Aspen Grove Way intersection. The tract also is south of the terminus of Cross Ridge Drive.

**CITY COUNCIL WARD:** 12

**COUNTY COMMISSION DISTRICT:** 1

**CIVIL DISTRICT:** 2

**DESCRIPTION OF PROPERTY:** Wooded tract with varying topography

**APPLICANT'S STATEMENT** To match adjacent R-2 zoning  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Trenton

**PREVIOUS ZONING HISTORY:** Z-21-2018

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

May require sewer system upgrades.

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

Retaining wall in the road. 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:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

ELEMENTARY: ST. B.  
MIDDLE SCHOOL: NORTHEAST  
HIGH SCHOOL: NORTHEAST

Northeast Middle School is in the fastest growing region in Montgomery County. Northeast Middle is at 109% capacity & currently has 9 portable classrooms. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 and is at it's highest growth rate in 30 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 traffic light, noise & increased single family residential density.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Trenton Road & Cross Ridge Dr. (Blocked Street Stub)

**DRAINAGE COMMENTS:** east & north

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**74**

**POPULATION:**

**200**

**APPLICABLE LAND USE PLAN**

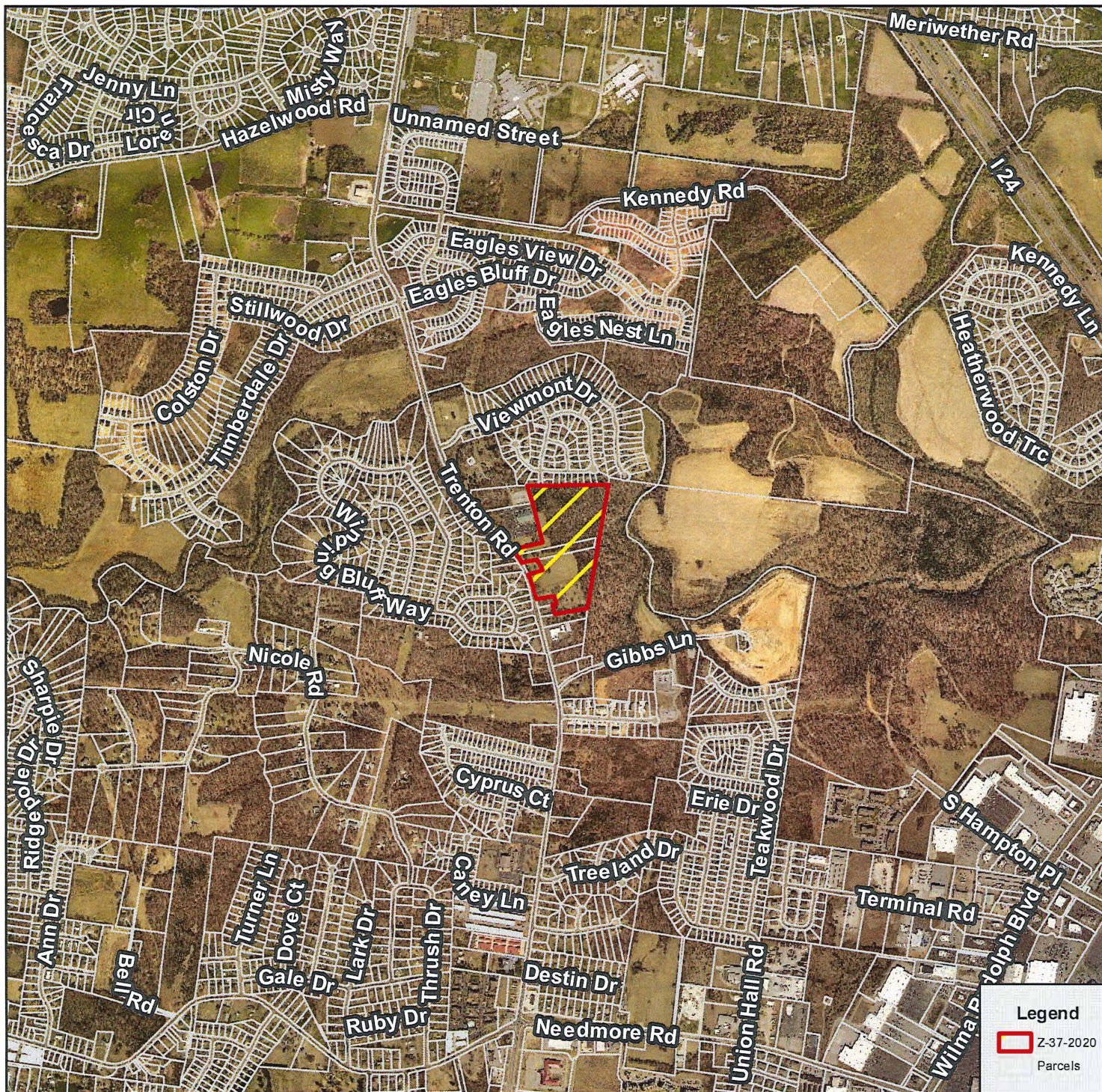
Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 1 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

**STAFF RECOMMENDATION:**      **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. Request is an extension of an existing R-2 Single Family Residential zoning district to the north & the proposed R-2 zoning district is not out of character with the surrounding area.
3. The adopted land use opinion map identifies this area for single family residential development.
4. No adverse environmental issues have been identified relative to this request.

5.





**Z-37-2020**

**APPLICANT:**

SANDRA TAYLOR,  
ROSALYND GREENE, &  
ROBERT L. DARDEN

**REQUEST:**

**AG**

**TO**

**R-2**

**MAP AND PARCEL**

032 00500

032 00502

**+/- ACRES**



**25.98**

1:20,000

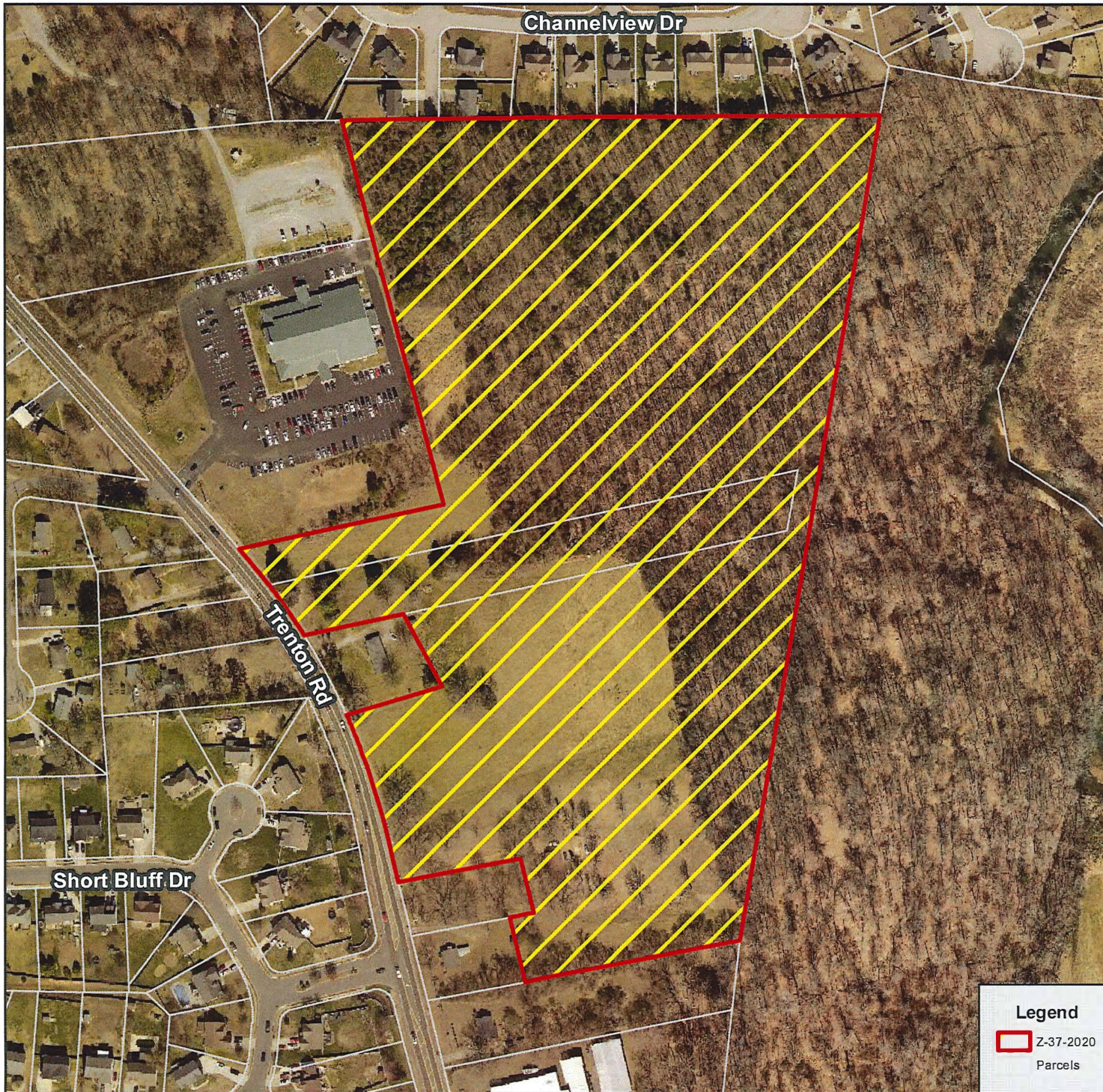


9/23/2020

**Legend**

 Z-37-2020  
 Parcels





**Z-37-2020**

**APPLICANT:**

**SANDRA TAYLOR,  
ROSALYND GREENE, &  
ROBERT L. DARDEN**

**REQUEST:**

**AG**

**TO**

**R-2**

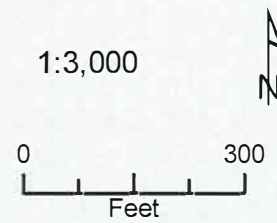
**MAP AND PARCEL**

**032 00500**

**032 00502**

**+/- ACRES**

**25.98**

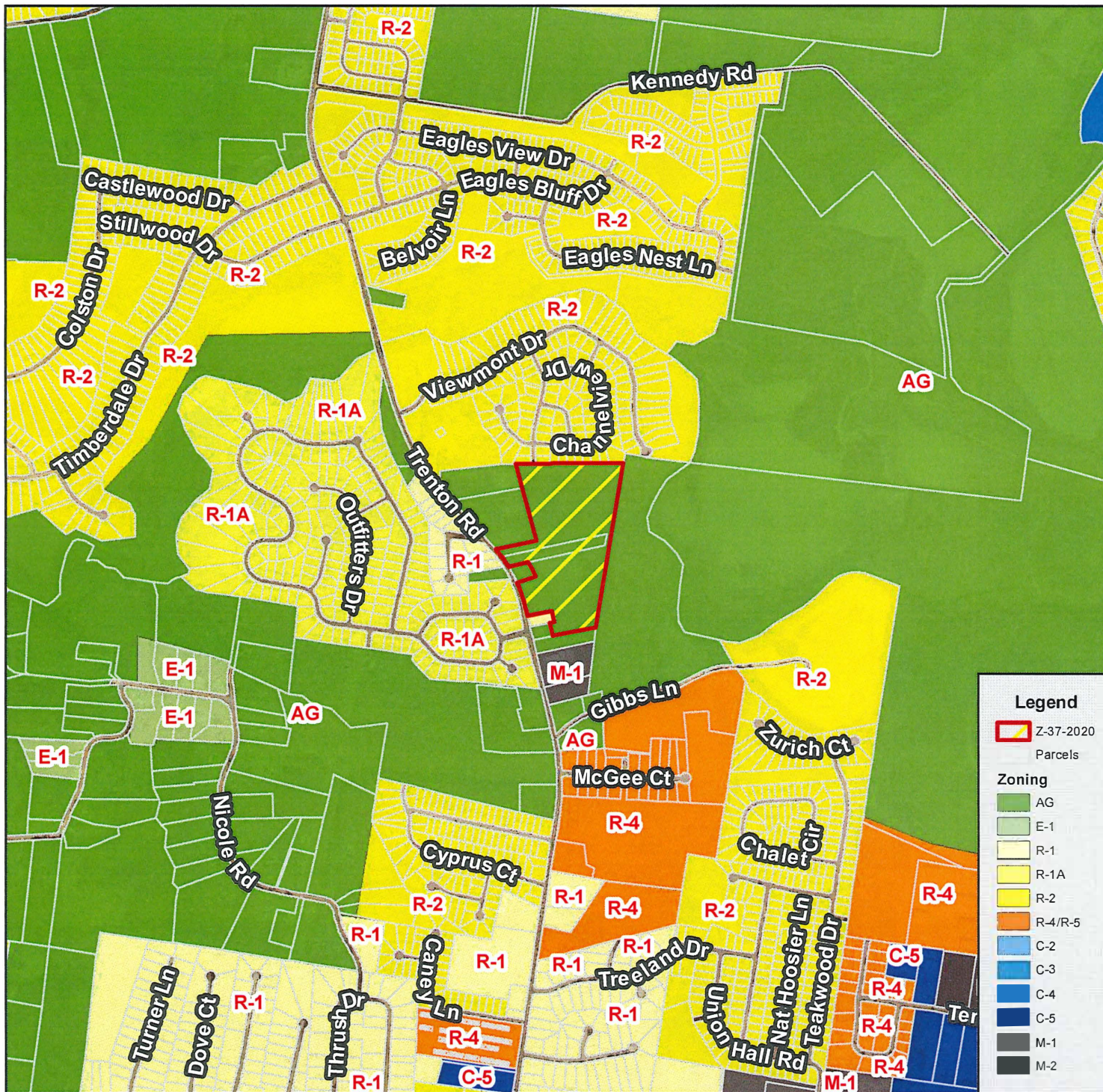


**9/23/2020**

**Legend**

**Z-37-2020  
Parcels**





**Z-37-2020**

**APPLICANT:**

SANDRA TAYLOR,  
ROSALYND GREENE, &  
ROBERT L. DARDEN

**REQUEST:**

**AG**

**TO**

**R-2**

**MAP AND PARCEL**

**032 00500**

**032 00502**

**+/- ACRES**

**25.98**

1:15,000



9/23/2020



**CASE NUMBER:** Z 37 2020

**MEETING DATE** 09/23/2020

**APPLICANT:** Sandra Taylor

Rosalynd Greene, Robert Darden

**PRESENT ZONING** AG

**PROPOSED ZONING** R-2

**TAX PLAT #** 32

**PARCEL** 5.00 & 5.02

**GEN. LOCATION** A tract of land fronting on the East frontage of Trenton Road 725 +/- feet north of the Trenton Road & Aspen Grove Way intersection. The tract also is south of the

\*\*\*\*\*

**PUBLIC COMMENTS**

A copy of e-mail is in the file.



**City  
of  
Clarksville**

**John Spainhoward** <john.spainhoward@cityofclarksville.com>

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**Re: Case Number Z-37-2020**

1 message

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**JENNIFER ALLEN** <jenalle03@bellsouth.net>  
To: john.spainhoward@cityofclarksville.com

Tue, Sep 22, 2020 at 10:45 PM

I received your letter dated September 8, 2020 concerning the application filed by Sandra Taylor and Rosalynd Greene to rezone a tract of land from AG Agricultural District to R-2 Single-Family Residential District. I am a proponent for the rezoning proposal. I believe rezoning the land will be beneficial to the the surrounding homeowners and residents of Montgomery County. For example, if a house or subdivision is constructed on the tract of land, it will increase the property values of nearby homes. I have no knowledge as to the plans for the land if it is rezoned to R-2, but I assume it will be used fo build a house(s). I think it is imperative that the Regional Commission considers the application to rezone the tract of land. Montgomery County. t will be unjust if the City of Clarksville denied the owners the opportunity to rezone their property when surrounding tracts of land have been rezoned from agricultural to residential. My wish is that the Regional Commission agree to the request to rezone the property.

Thank you,

J. Allen



**City  
of  
Clarksville**

John Spainhoward <john.spainhoward@cityofclarksville.com>

## Response to #z-37-2020

1 message

Steviemarie Carnes <steviemarienicole@icloud.com>

Tue, Sep 22, 2020 at 2:10 PM

To: John.spainhoward@cityofclarksville.com

To the Clarksville Montgomery County Planning Commission,

I am writing in response to zoning request #Z-37-2020, that was originally made in 2018 as request #Z-21-2018. As a homeowner in Creekview Village, I appreciate the Planning Commission's attention to my letter.

Currently, I disapprove of the zoning change because it does not adhere to the 2040 Adopted Growth Plan - Final Oct. 2019 intent or guidelines as conducted by The Clarksville Montgomery County Regional Planning Commission in coordination with the Clarksville Montgomery County Growth Coordinating Committee.

In the Land Use Plan, it was estimated that 100 acres of land would result in 284 new, single family homes being built for 766 residents. That would be 2.84 homes per acre and 2.6971 residents per home. Using case number #Z-21-2018, there would have been 64 new, single family homes built on 21.69 acres, or 2.95 houses per acre. The current case number #Z-34-2020, proposes to re-zone 25.98 acres. That would result in 76.65 new, single family homes being built with 2.6971 residents per home for a total of 206 residents.

With an unrealistic expectation that there will only be one car per home, there will be 76 additional vehicles on Trenton road – S.R. 48. Per Clarksville MTP 2045 - Table ES.3 'Fiscally Constrained Roadways' Trenton road, from Hazelwood to Needmore, would not be widened until Stage 3, 2037-2045.

Clarksville, Montgomery County and the state of Tennessee have not been able to keep pace with the growth so that infrastructure has not been adequately maintained or improved, and this is not to impugn the CMC TDOT, but to indicate how much work needs to be done in other areas, already zoned residential. We recently relocated to the Clarksville and purchased a home in Creekview Village. Since being here (1 month) we had a dump truck close the main road and construction that backs up traffic so far my commute to work takes an hour instead of 20 minutes. The dump truck diverted me so far it took almost two hours to get home from work. This is one month in our new neighborhood. We have one entrance to a large neighborhood off a very congested road. Is adding yet another neighborhood in the best interest of the existing housing communities or the area?

As a community member, I am concerned at the overburdened CMCSS. Citing the CMCSS 2019-2029 School Growth Estimates on page 12 of 17, our region has outgrown the other 4 regions by 60% and schools are over capacity. I am concerned for our teachers and our children as they navigate these physical limitations as well as technological limitations.

As a community member, I am concerned for our emergency responders. We have volunteer and professional fire departments that are constantly responding, which wears on their vehicles, their personal safety equipment, to say nothing of the cost to themselves or their families. Our police department has a plan to provide 2.10 officers per 1,000 residents and as of 2019, that was estimated to be 158,146, or 332.1 police officers. Currently, there are about 280. They are overburdened as well and traffic infractions seem rarer while crime seems more frequent.

"The question for the development and the home builder community is, 'Are we building what needs to be built where it needs to be built?' " (Page 13, Final 2040 Growth Plan ) and as a community member, approving this zoning request would be answering with a resounding 'NO' to the efforts and work of the Clarksville Montgomery County Planning Commission.

Please do not approve this zoning change and please avoid the 'unsustainable sequence of events' and focus on "development around already improved infrastructure, typically within or near the city limits, and by investing in maintenance, small fixes, and adding connections to existing road networks. (Page 9, Final 2040 Growth Plan ).

Thank you,  
Adam & Stevie Marie Wilson  
Residents and Homeowners  
317-341-4051  
Sent from my iPhone



**City  
of  
Clarksville**

**Angela Latta <angela.latta@cityofclarksville.com>**

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## **Rezoning Z 37 2020**

1 message

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**Gwendolyn Rodriguez** <barefoot.gwen@gmail.com>

Tue, Sep 22, 2020 at 4:28 PM

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

Dear Commission,

As a homeowner in the Creekview Village subdivision I am very concerned about the rezoning of the neighboring parcel of land. There is even something being put forward that would connect that subdivision to my own. It is already difficult for children to play in the neighborhood because we have no sidewalks. Many of them are on the street making driving difficult. We certainly do not need more cars driving through our neighborhood as it is planned. I am completely against this rezoning in the addition of multiple homes.

Thank you,

--

Sincerely,  
Gwendolyn Rodriguez  
*Certified Aromatherapist*

[barefoot.gwen@gmail.com](mailto:barefoot.gwen@gmail.com)  
931.249.5477  
[www.envisagearomatics.com](http://www.envisagearomatics.com)



**City  
of  
Clarksville**

John Spainhoward <[john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)>

## Letter to Planning Commission regarding Z-37-2020

1 message

Elena P. McCoy <[elena.plank@gmail.com](mailto:elena.plank@gmail.com)>

Tue, Sep 22, 2020 at 1:49 PM

To: [john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)

John,

Thank you for taking the time to respond so promptly to my phone call. I have included my letter to the planning commission below.

To the Clarksville Montgomery County Planning Commission,

I am writing in response to zoning request #Z-37-2020, that was originally made in 2018 as request #Z-21-2018. As a homeowner in Creekview Village, I appreciate the Planning Commission's attention to my letter.

Currently, I disapprove of the zoning change because it does not adhere to the [2040 Adopted Growth Plan - Final Oct. 2019](#) intent or guidelines as conducted by The Clarksville Montgomery County Regional Planning Commission in coordination with the Clarksville Montgomery County Growth Coordinating Committee.

**In the Land Use Plan, it was estimated that 100 acres of land would result in 284 new, single family homes being built for 766 residents. That would be 2.84 homes per acre and 2.6971 residents per home. Using case number #Z-21-2018, there would have been 64 new, single family homes built on 21.69 acres, or 2.95 houses per acre. The current case number #Z-34-2020, proposes to re-zone 25.98 acres. That would result in 76.65 new, single family homes being built with 2.6971 residents per home for a total of 206 residents.**

With an unrealistic expectation that there will only be one car per home, there will be 76 additional vehicles on Trenton road – S.R. 48. Per [Clarksville MTP 2045 - Table ES.3 'Fiscally Constrained Roadways'](#) Trenton road, from Hazelwood to Needmore, would not be widened until *Stage 3, 2037-2045*.

Clarksville, Montgomery County and the state of Tennessee have not been able to keep pace with the growth so that infrastructure has not been adequately maintained or improved, and this is not to impugn the CMC TDOT, but to indicate how much works needs to be done in other areas, already zoned residential.

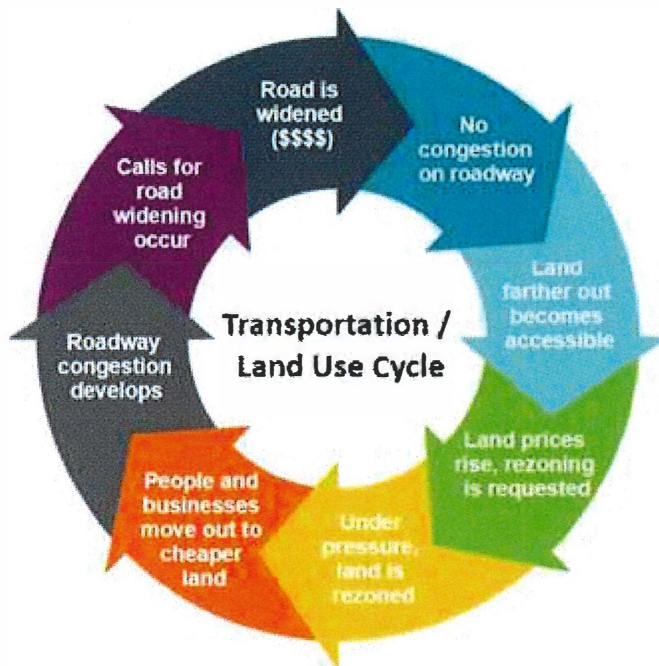
As a community member and a parent, I am concerned at the overburdened CMCSS. Citing the [CMCSS 2019-2029 School Growth Estimates](#) on page 12 of 17, our region has outgrown the other 4 regions by 60% and schools are over capacity. I am concerned for our teachers and our children as they navigate these physical limitations as well as technological limitations.

As a community member and parent, I am concerned for our emergency responders. We have volunteer and professional fire departments that are constantly responding, which wears on their vehicles, their personal safety equipment, to say nothing of the cost to themselves or their families. Our police department has a plan to provide 2.10 officers per 1,000 residents and as of 2019, that was estimated to be 158,146, or 332.1 police officers. Currently, there are about 280. They are overburdened as well and traffic infractions seem rarer while crime seems more frequent.

“The question for the development and the home builder community is, ‘Are we building what needs to be built where it needs to be built?’” (Page 13, Final [2040 Growth Plan](#)) and as a community member, approving this zoning request would be answering with a resounding ‘NO’ to the efforts and work of the Clarksville Montgomery County Planning Commission.

Please do not approve this zoning change and please avoid the ‘unsustainable sequence of events’ and focus on “development around already improved infrastructure, typically within or near the city limits, and by investing in maintenance, small fixes, and adding connectionsto existing road networks. (Page 9, Final [2040 Growth Plan](#))





## CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

September 8, 2020

Dear Citizen/Applicant:

RE: Case Number: Z-37-2020

An application has been filed with the Clarksville-Montgomery County Regional Planning Commission for the rezoning of land. To view a location map, please visit our web site @ [www.cmrpc.com](http://www.cmrpc.com)

**Applicant:** SANDRA TAYLOR ROSALYND GREENE

**Agent:** REX HAWKINS

**Location:** A tract of land fronting on the East frontage of Trenton Road 725 +/- feet north of the Trenton Road & Aspen Grove Way intersection. The tract also is south of the terminus of Cross Ridge Drive.

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

**Tax Map:** 32 **Parcel #:** 2.00 & 5.02

**Acreage:** 25.98

**County Commission District:** 1 **City Council Ward:** 12

**Reason for Request:** To match adjacent R-2 zoning

This case will be considered by the Planning Commission at the PLANNING COMMISSION MEETING ROOM (Basement - 329 Main Street), at its regular monthly meeting at 2:00 p.m., on: Wednesday, September 23, 2020.

The City Council will consider the Regional Planning Commission's recommendation at its formal meeting. The public hearing will be held at this time if you desire to speak regarding this case. The public hearing and first reading will be held on Thursday, October 1, 2020 at 7:00 p.m., in the City Council Chambers on Public Square.

The Planning Commission wants and needs your comments and input. You are welcome to participate in the public hearing portion of the meeting. However, discussion of pending cases should not occur with Planning Commissioners prior to the public hearing. If you cannot attend the public hearing and wish to submit comments, please contact our office. This process helps to ensure that all Commissioners receive the same information, at the same time, and not individually.

Both the Planning Commission and the City Council meetings are open to the public. You are invited to attend these meetings and express your views on this rezoning application. If the planning staff can be of any further assistance to you on this matter, please feel free to contact us prior to the day of the Planning Commission meeting.

Sincerely,

John F. Spainhoward  
Zoning Coordinator/Planner  
[john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)

**NOTE:** The Planning Commission and City Council have established deadlines for an applicant's request for deferral of zoning cases. To obtain these deadlines, please contact the Planning Commission office.

Sincerely,

Elena P. McCoy

9/22/2020

City of Clarksville Mail - Letter to Planning Commission regarding Z-37-2020

1136 Channelview Ct  
Clarksville, TN 37040



Elena P. McCoy

(518) 857-5088

Dickinson College, B.A. Policy Management, 2007  
Albany Academy for Girls, High School Diploma, 2003

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 09/23/2020

**CASE NUMBER:** Z - 38 - 2020

**NAME OF APPLICANT:** William Scogin

Virginia Scogin

**AGENT:**

---

**GENERAL INFORMATION**

**TAX PLAT:** 54-E-C

**PARCEL(S):** 13.01 & 13.02

**ACREAGE TO BE REZONED:** 0.659

**PRESENT ZONING:** R-3

**PROPOSED ZONING:** R-4

**EXTENSION OF ZONING**

**CLASSIFICATION:** Yes to the north & west

**PROPERTY LOCATION:** Property fronting on the east frontage of Shelby St., 445 +/- feet north of the Shelby St. & Providence Blvd. intersection.

**CITY COUNCIL WARD:** 4

**COUNTY COMMISSION DISTRICT:** 16

**CIVIL DISTRICT:** 7

**DESCRIPTION OF PROPERTY:** Property with multiple mobile homes & structures on the property.

**APPLICANT'S STATEMENT** To match neighboring zonings  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** New Providence

**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: BYRNS DARDEN  
 MIDDLE SCHOOL: KENWOOD  
 HIGH SCHOOL: KENWOOD

Kenwood Middle is in the fastest growing region of Montgomery County. Kenwood Middle is at 93% capacity. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school bus transportation needs in Montgomery County. This development could add 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 residential density. (multi-family)

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Shelby St.

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**8**

**POPULATION:**

**21**

**APPLICABLE LAND USE PLAN**

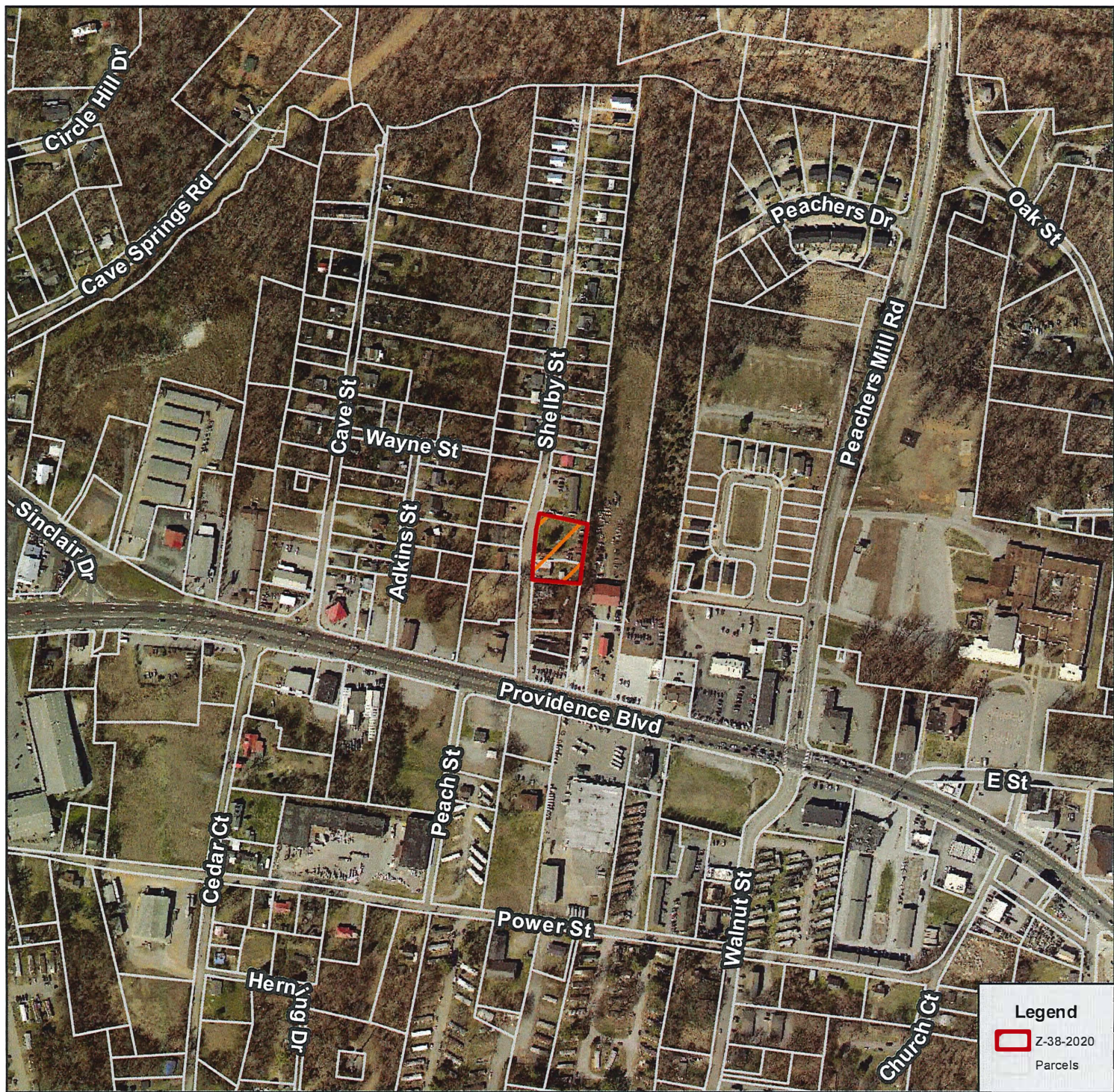
New Providence Planning Area is made up of a series of mature neighborhoods that center upon US 41A / Ft. Campbell Blvd. with multiple areas of strip commercialization along the arterial corridor.

**STAFF RECOMMENDATION:**      **APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** Zoning change is an extension of the R-4 zoning to the north and the west.
- 3.** The adopted Land Use Plan states that it is 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-38-2020**

**APPLICANT:**

**WILLIAM SCOGIN, JR  
AND VIRGINIA SCOGIN**

**REQUEST:**

**R-3**

**TO**

**R-4**

**MAP AND PARCEL**

**054E C 01301**

**054E C 01302**

**+/- ACRES**


**0.66**

1:5,000



9/23/2020

**Legend**

 **Z-38-2020**  
Parcels





**Z-38-2020**

**APPLICANT:**

**WILLIAM SCOGIN, JR  
AND VIRGINIA SCOGIN**

**REQUEST:**

**R-3**

**TO**

**R-4**

**MAP AND PARCEL**

**054E C 01301**

**054E C 01302**

**+/- ACRES**


**0.66**

1:1,000

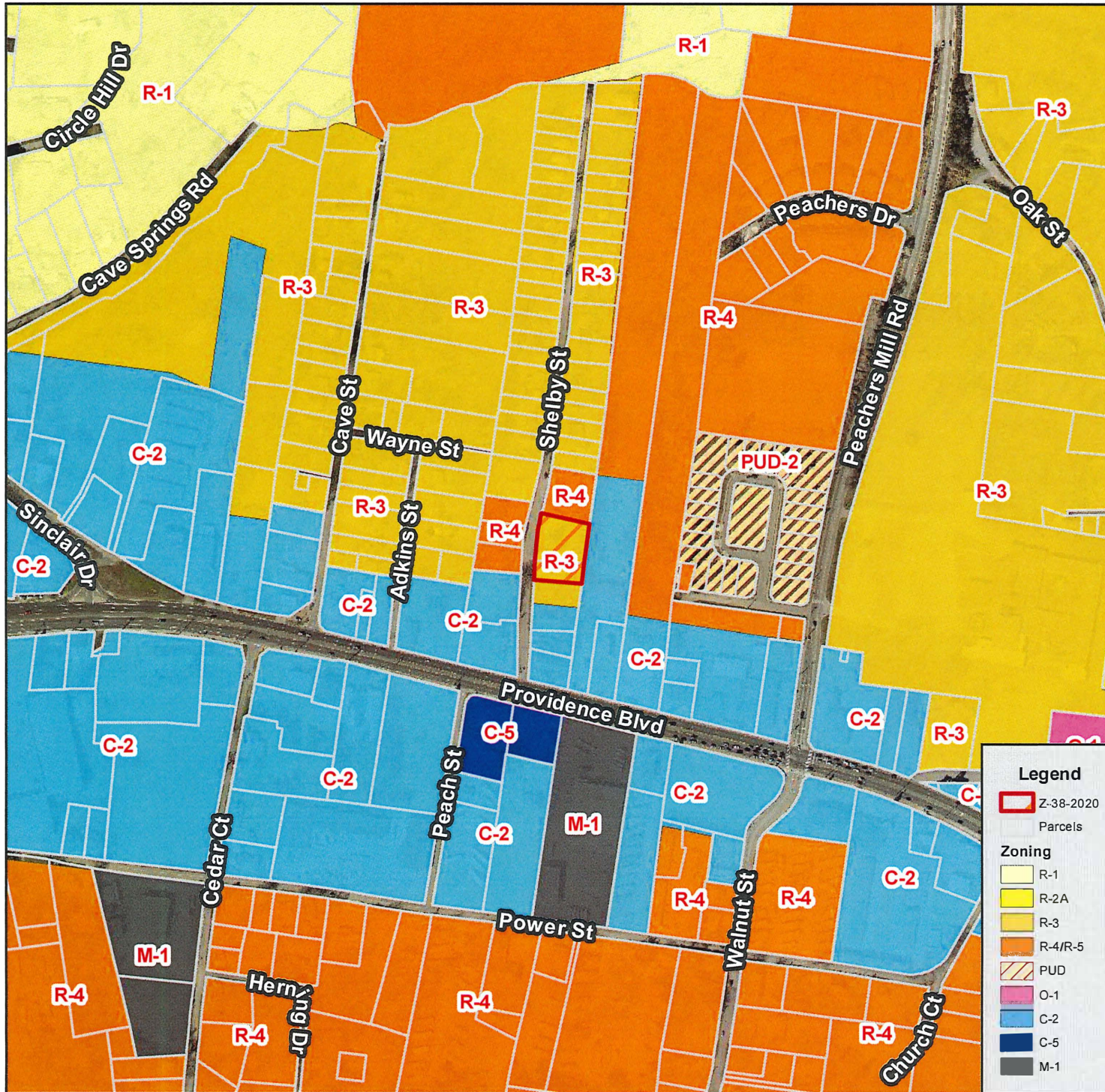


9/23/2020

**Legend**

 **Z-38-2020  
Parcels**





**Z-38-2020**

**APPLICANT:**

**WILLIAM SCOGIN, JR  
AND VIRGINIA SCOGIN**

**REQUEST:**

**R-3**

**TO**

**R-4**

**MAP AND PARCEL**

**054E C 01301**

**054E C 01302**

**+/- ACRES**

**0.66**

**Legend**

Z-38-2020

Parcels

**Zoning**

R-1

R-2A

R-3

R-4/R-5

PUD

O-1

C-2

C-5

M-1

1:5,000



9/23/2020



**CASE NUMBER:** Z 38 2020 **MEETING DATE** 09/23/2020

**APPLICANT:** William Scogin Virginia Scogin

**PRESENT ZONING** R-3 **PROPOSED ZONING** R-4

**TAX PLAT #** 54-E-C **PARCEL** 13.01 & 13.02

**GEN. LOCATION** Property fronting on the east frontage of Shelby St., 445 +/- feet north of the Shelby St. & Providence Blvd. intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 9/23/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE** 09/23/2020

**CASE NUMBER:** Z - 39 -2020

**NAME OF APPLICANT:**Winn Properties L P

**AGENT:** Crabbe Homes- John

---

**GENERAL INFORMATION**

**TAX PLAT:** 63

**PARCEL(S):** 78.00 p/o

**ACREAGE TO BE REZONED:** 8.86

**PRESENT ZONING:** C-4

**PROPOSED ZONING:** R-4

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property located at the northwest corner of the Fire Station Rd. & Trough Springs Rd. intersection.

**CITY COUNCIL WARD:** 10

**COUNTY COMMISSION DISTRICT:** 15

**CIVIL DISTRICT:** 11

**DESCRIPTION OF PROPERTY:** Grassland field with a wooded area surrounding a sinkhole.

**APPLICANT'S STATEMENT** Land more suitable for residential  
**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:

May require offsite sewer.

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

Traffic Assessment submitted and reviewed by the Clarksville Street Department.

#### 3. DRAINAGE COMMENTS:

Sinkhole onsite.

#### 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:

Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Richview Middle is at 100% capacity and currently has 2 portable classroom, Clarksville High is at 93% capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school bus transportation needs in Montgomery County. This development could 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 Minimal**  
**SURROUNDING DEVELOPMENT:**

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Fire Station Rd. & Through Springs Rd.

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**106**

**POPULATION:**

**286**

**APPLICABLE LAND USE PLAN**

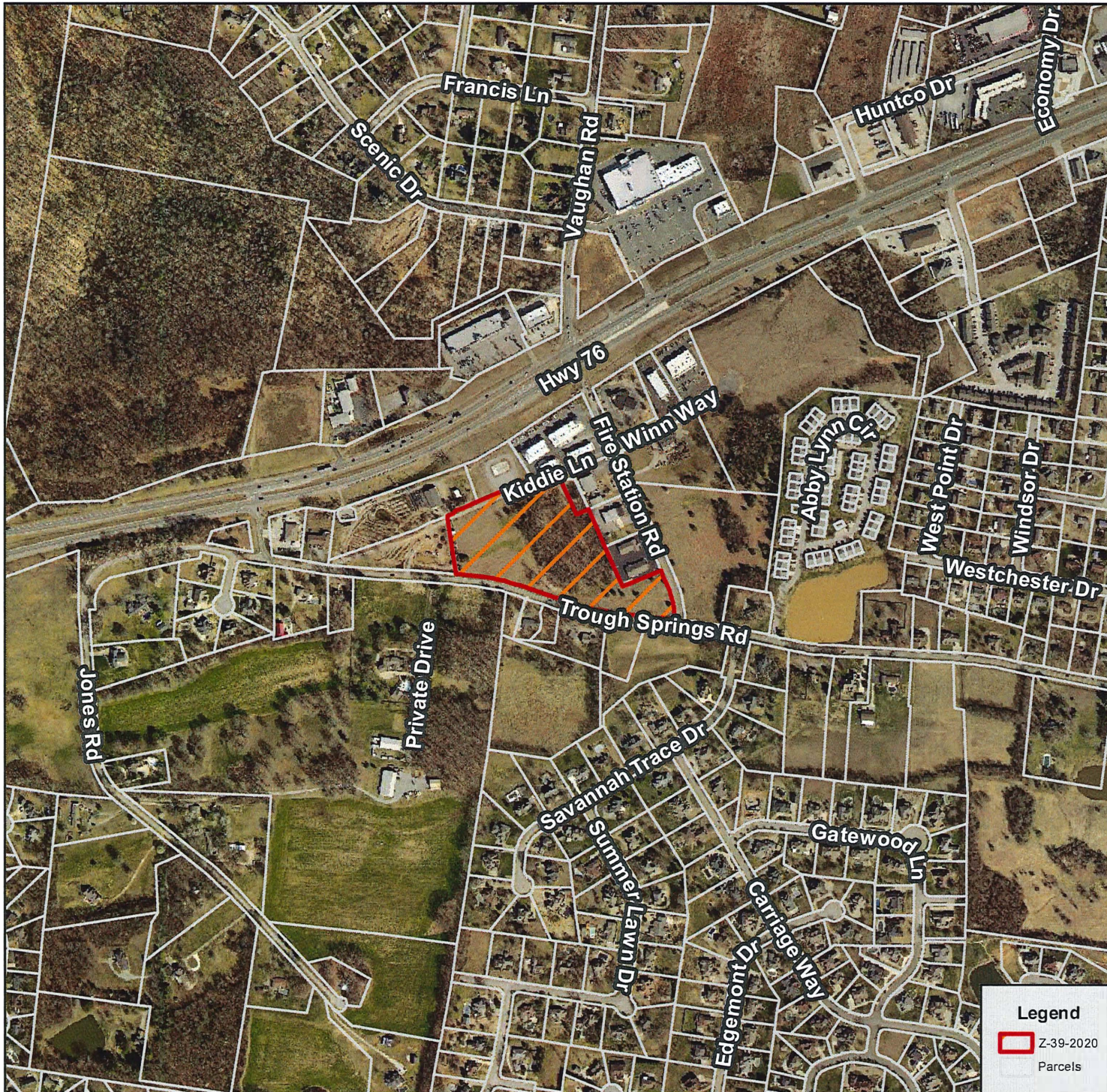
Sango Planning Area: Growth rate for this area is above the overall county average. US 41-A South is the major east-west corridor spanning this area & provides an alternative to I-24 as a route to Nashville. SR 12 is also a corridor that provides a good linkage to employment, shopping and schools and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

**STAFF RECOMMENDATION:      APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** The adopted Land Use Plan states that it is encouraged to maintain a desirable mixture of housing types throughout the community.
- 3.** The Proposed R-4 zoning is more compatible with the surrounding single family uses than the current C-4 zoning district.
- 4.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.

**5.**





**Z-39-2020**

**APPLICANT:**  
WINN PROPERTIES, LP

**REQUEST:**

**C-4**

**TO**

**R-4**

**MAP AND PARCEL**  
**063 07800 (P)**

**+/- ACRES**  
**8.86**

1:8,000



9/23/2020





**Z-39-2020**

**APPLICANT:**

**WINN PROPERTIES, LP**

**REQUEST:**

**C-4**

**TO**

**R-4**

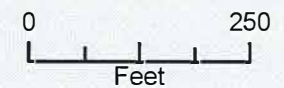
**MAP AND PARCEL**

**063 07800 (P)**

**+/- ACRES**

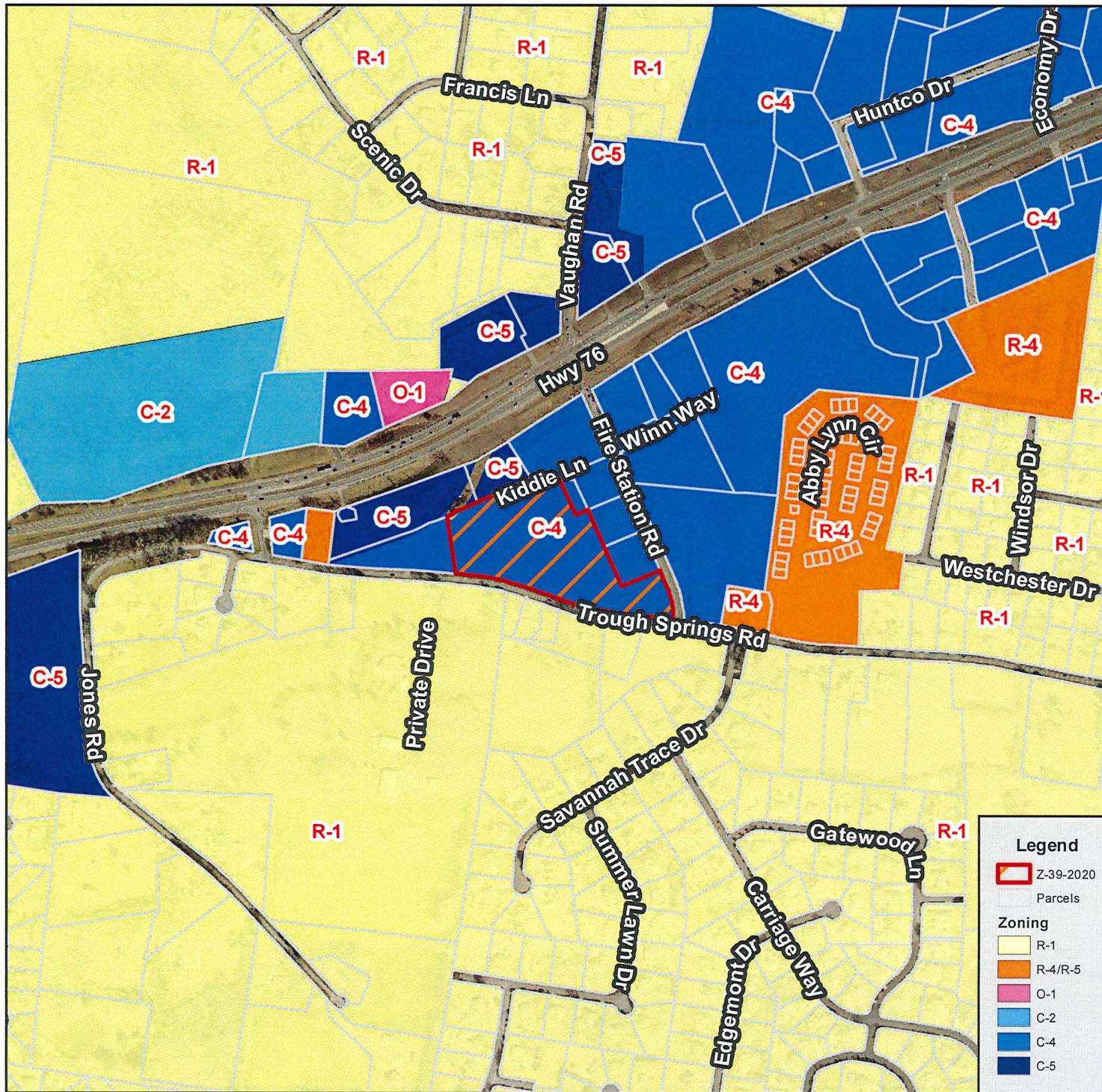
**8.86**

1:2,500



9/23/2020





**Z-39-2020**

**APPLICANT:**

**WINN PROPERTIES, LP**

**REQUEST:**

**C-4**

**TO**

**R-4**

**MAP AND PARCEL**

**063 07800 (P)**

**+/- ACRES**

**8.86**

**Legend**

Z-39-2020

Parcels

**Zoning**

R-1

R-4/R-5

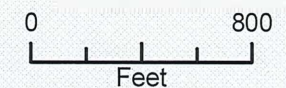
O-1

C-2

C-4

C-5

1:8,000



9/23/2020



**CASE NUMBER:** Z 39 2020 **MEETING DATE** 09/23/2020

**APPLICANT:** Winn Properties L P

**PRESENT ZONING** C-4

**PROPOSED ZONING** R-4

**TAX PLAT #** 63

**PARCEL** 78.00 p/o

**GEN. LOCATION** Property located at the northwest corner of the Fire Station Rd. & Trough Springs Rd. intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 9/23/2020 (A.L.)



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 09/23/2020

**CASE NUMBER:** Z - 40 - 2020

**NAME OF APPLICANT:** Morgan Inc

**AGENT:**

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**GENERAL INFORMATION**

**TAX PLAT:** 79

**PARCEL(S):** 41.00

**ACREAGE TO BE REZONED:** 20.06

**PRESENT ZONING:** R-1

**PROPOSED ZONING:** R-2

**EXTENSION OF ZONING**

**CLASSIFICATION:** Yes to the north, west & south

**PROPERTY LOCATION:** Property located north of the Hawkins Rd. & E. Johnson Cir. intersection. Also fronting on the the west frontage of Edmondson Ferry Rd. 575+/- feet northeast of the Hawkins Rd. & Edmondson Ferry Rd. intersection and east terminus of Barry Dr.

**CITY COUNCIL WARD:** 7

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** Semi-wooded irregular shaped tract with varying steep topography.

**APPLICANT'S STATEMENT** Single family housing  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Southern Hills

**PREVIOUS ZONING HISTORY:**

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**  
**DEPARTMENT COMMENTS**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> GAS AND WATER ENG. SUPPORT MGR.<br><input checked="" type="checkbox"/> GAS AND WATER ENG. SUPPORT COOR.<br><input type="checkbox"/> UTILITY DISTRICT<br><input checked="" type="checkbox"/> CITY STREET DEPT.<br><input checked="" type="checkbox"/> TRAFFIC ENG. - ST. DEPT.<br><input type="checkbox"/> COUNTY HIGHWAY DEPT.<br><input type="checkbox"/> CEMC<br><input checked="" type="checkbox"/> DEPT. OF ELECTRICITY (CDE) | <input type="checkbox"/> ATT<br><input checked="" type="checkbox"/> FIRE DEPARTMENT<br><input type="checkbox"/> EMERGENCY MANAGEMENT<br><input checked="" type="checkbox"/> POLICE DEPARTMENT<br><input type="checkbox"/> SHERIFF'S DEPARTMENT<br><input checked="" type="checkbox"/> CITY BUILDING DEPT.<br><input type="checkbox"/> COUNTY BUILDING DEPT.<br><input checked="" type="checkbox"/> SCHOOL SYSTEM OPERATIONS<br><input type="checkbox"/> FT. CAMPBELL | <input type="checkbox"/> DIV. OF GROUND WATER<br><input type="checkbox"/> HOUSING AUTHORITY<br><input type="checkbox"/> INDUSTRIAL DEV BOARD<br><input type="checkbox"/> CHARTER COMM.<br><input type="checkbox"/> Other... |
|---|--|---|

1. CITY ENGINEER/UTILITY DISTRICT: May require water system upgrade.
  
2. STREET DEPARTMENT/  
COUNTY HIGHWAY DEPARTMENT: Comments received from department and they had no concerns.
  
3. DRAINAGE COMMENTS: Drainage issues in the area to be addressed during subdivision design.
  
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:	NORMAN SMITH	<u>Montgomery Central Middle School is at 102% capacity &amp; currently has 4 portable classrooms. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 &amp; is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth &amp; school bus transportation needs in Montgomery County. This development will contribute additional students &amp; neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!</u>
MIDDLE SCHOOL:	MONTGOMERY	
HIGH SCHOOL:	MONTGOMERY	
  
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:** Hawkins Road, Edmondson Ferry Road & Barry Drive

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**62**

**POPULATION:**

**167**

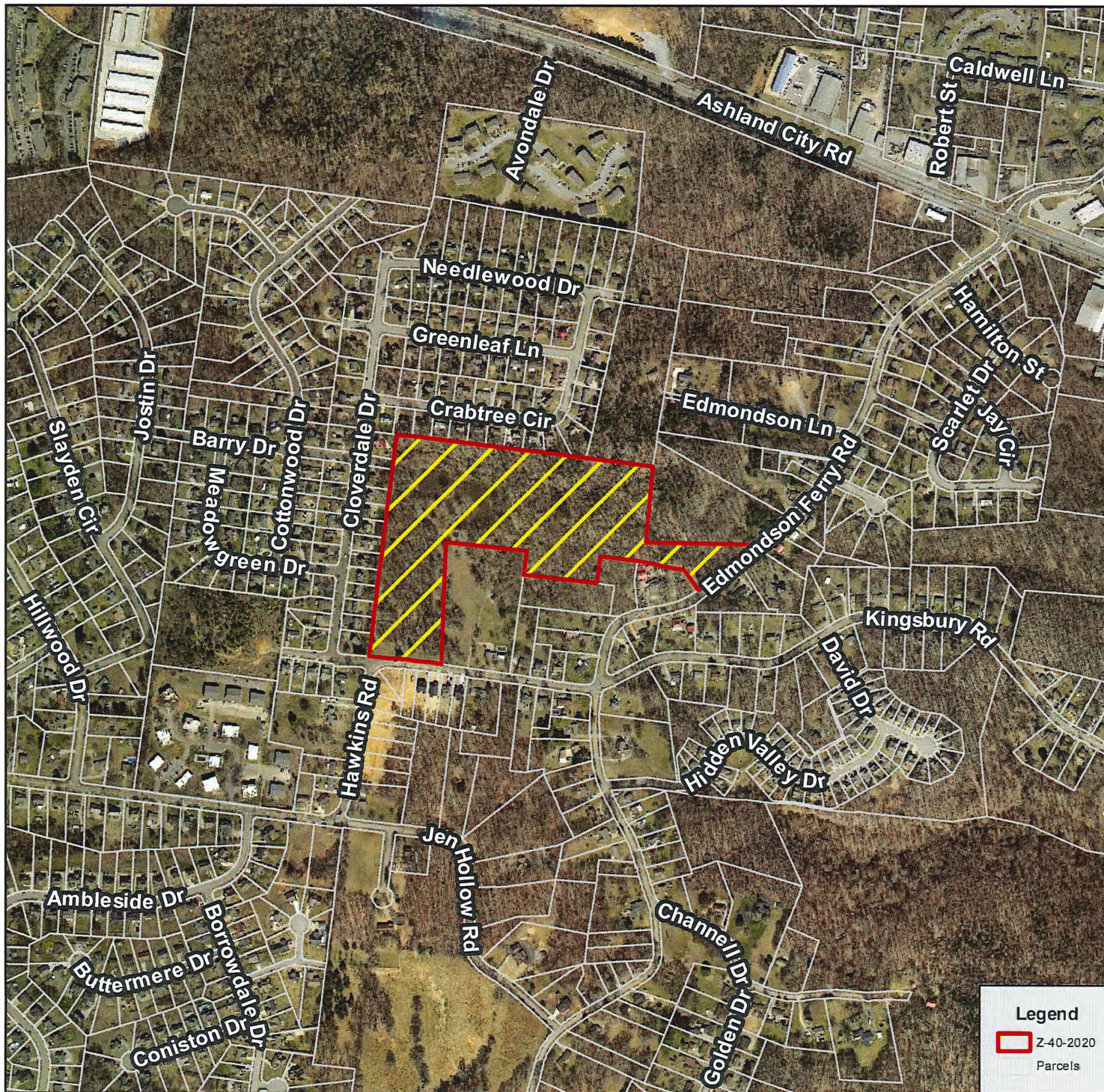
**APPLICABLE LAND USE PLAN**

Southern Hills- Large portions of area are in the Cumberland River flood plain along the western & southern boundaries. Relatively young subdivisions & other developments exist within the planning area. Most infrastructure is in good condition and readily extendable.

**STAFF RECOMMENDATION:**      **APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** Zoning change is an extension of the R-2 zoning to the north and the west.
- 3.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 4.**
- 5.**





**Z-40-2020**

**APPLICANT:**

**MORGAN, INC**

**REQUEST:**

**R-1**

**TO**

**R-2**


**MAP AND PARCEL**

**079 04100**

**+/- ACRES**

**20.06**

**Legend**

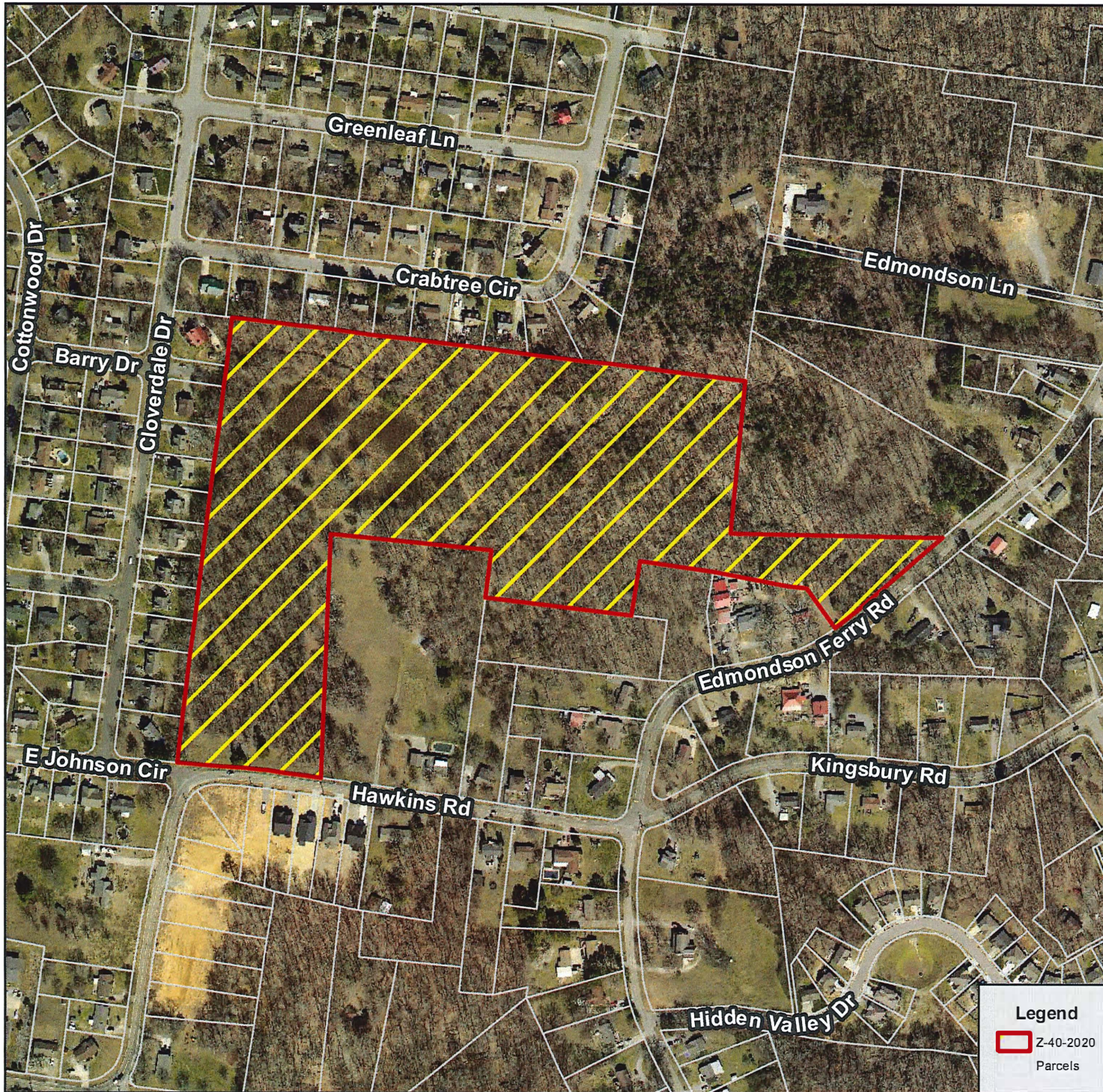
 Z-40-2020  
Parcels

1:8,000

0 800  
Feet

9/23/2020





**Z-40-2020**

**APPLICANT:**

**MORGAN, INC**

**REQUEST:**

**R-1**

**TO**

**R-2**

**MAP AND PARCEL**

**079 04100**

**+/- ACRES**

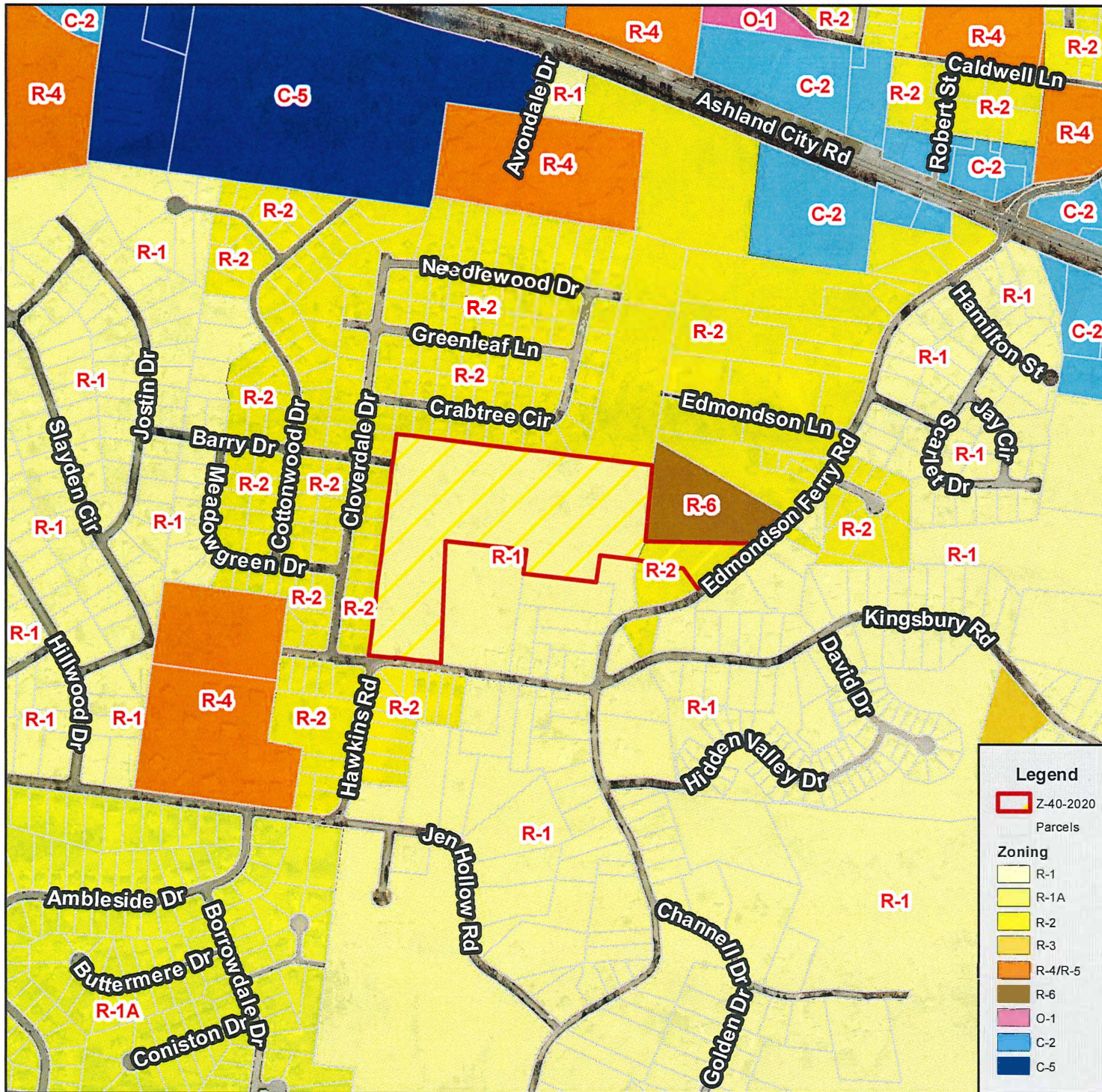
**20.06**

1:4,000



9/23/2020





**Z-40-2020**

**APPLICANT:**

**MORGAN, INC**

**REQUEST:**

**R-1**

**TO**

**R-2**

**MAP AND PARCEL**

**079 04100**

**+/- ACRES**

**20.06**

**1:8,000**



**9/23/2020**



**CASE NUMBER:** Z 40 2020 **MEETING DATE** 09/23/2020

**APPLICANT:** Morgan Inc

**PRESENT ZONING** R-1

**PROPOSED ZONING** R-2

**TAX PLAT #** 79

**PARCEL** 41.00

**GEN. LOCATION** Property located north of the Hawkins Rd. & E. Johnson Cir. intersection. Also  
fronting on the the west frontage of Edmondson Ferry Rd. 575+/- feet northeast of

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 9/23/2020 (A.L.)



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 09/23/2020

**CASE NUMBER:** Z - 41 - 2020

**NAME OF APPLICANT:** William Belew Jr.

**AGENT:**

---

**GENERAL INFORMATION**

**TAX PLAT:** 18

**PARCEL(S):** 42.00

**ACREAGE TO BE REZONED:** 30.84

**PRESENT ZONING:** R-1A

**PROPOSED ZONING:** R-4

**EXTENSION OF ZONING**

**CLASSIFICATION:** No

**PROPERTY LOCATION:** Property located southeast of the Needmore Rd. & E. Boy Scout Rd. intersection

**CITY COUNCIL WARD:** 8

**COUNTY COMMISSION DISTRICT:** 17

**CIVIL DISTRICT:** 2

**DESCRIPTION OF PROPERTY:** Tract has rolling hills & has been cleared of vegetation.

**APPLICANT'S STATEMENT** To allow multifamily development

**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Trenton

**PREVIOUS ZONING HISTORY:** Z-24-2019

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

May require water & sewer system upgrades.

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

Traffic assessment 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: PISGAH

MIDDLE SCHOOL: NORTHEAST

HIGH SCHOOL: NORTHEAST

Pisgah Elem. & Northeast Middle School is in the fastest growing region in Montgomery County. Pisgah Elem. is at 96% capacity. Northeast Middle is at 109% capacity & currently has 9 portable classrooms. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 and is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school transportation needs. This development could add at least 33 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 residential density. (multi-family)

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Needmore Road

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**370**

**POPULATION:**

**999**

**APPLICABLE LAND USE PLAN**

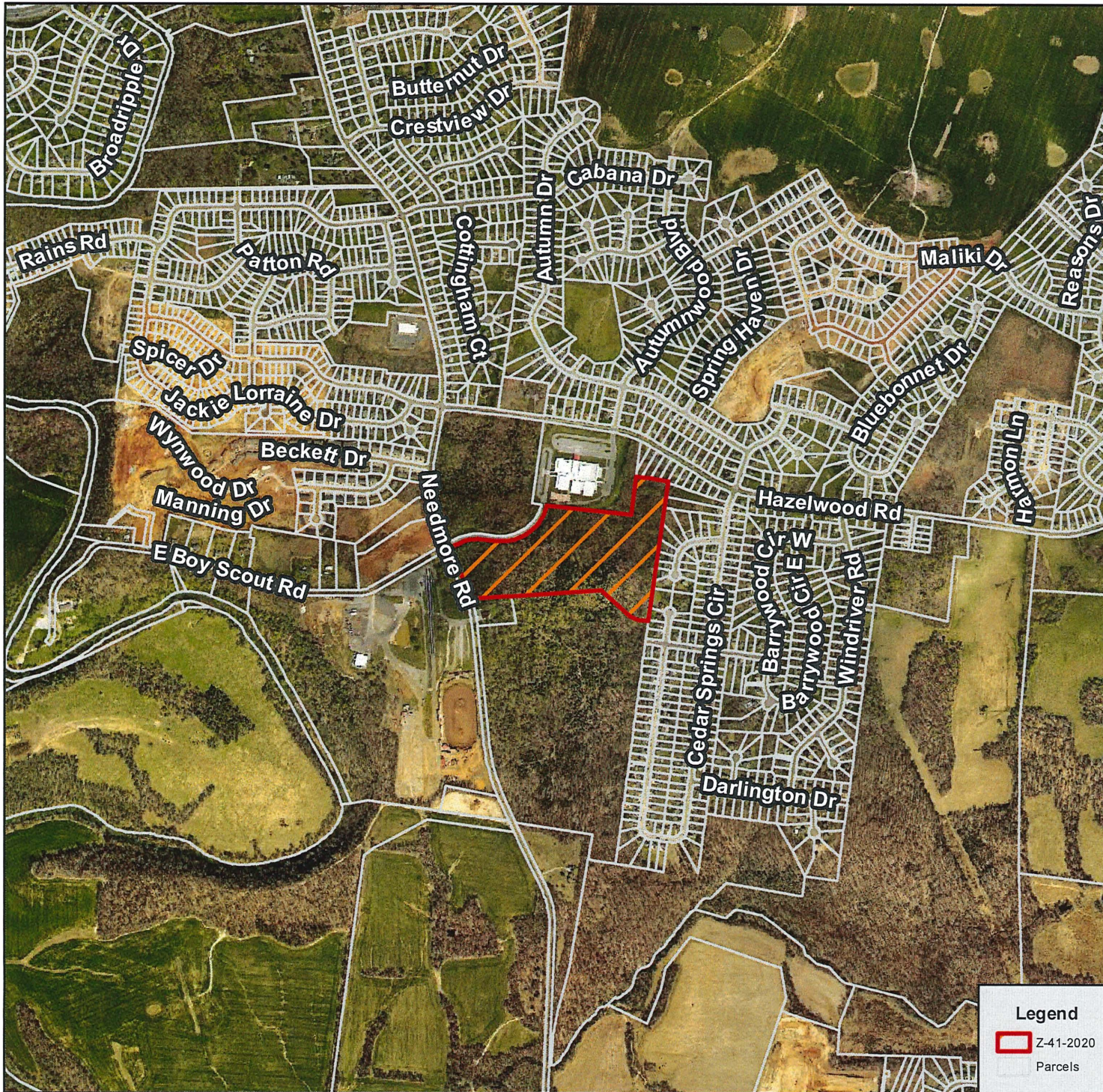
Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 1 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

**STAFF RECOMMENDATION:**      **APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** Proposed R-4 Multi-family & existing R-1A Single family development (as currently zoned) proposals will require infrastructure improvements to include but not limited to potential rights of way roadway/sidewalk, intersection signalization & offsite water/sewer upgrades prior to subdivision/development approvals.
- 3.** The adopted Land Use Plan states that it is encouraged to maintain a desirable mixture of housing types throughout the community.
- 4.** No adverse environmental issues have been identified as part of this request.

**5.**





**Z-41-2020**

**APPLICANT:**

**WILLIAM BELEW, JR**

**REQUEST:**

**R-1A**

**TO**

**R-4**

**MAP AND PARCEL**

**018 04200 (P)**

**+/- ACRES**

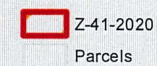
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1:15,000

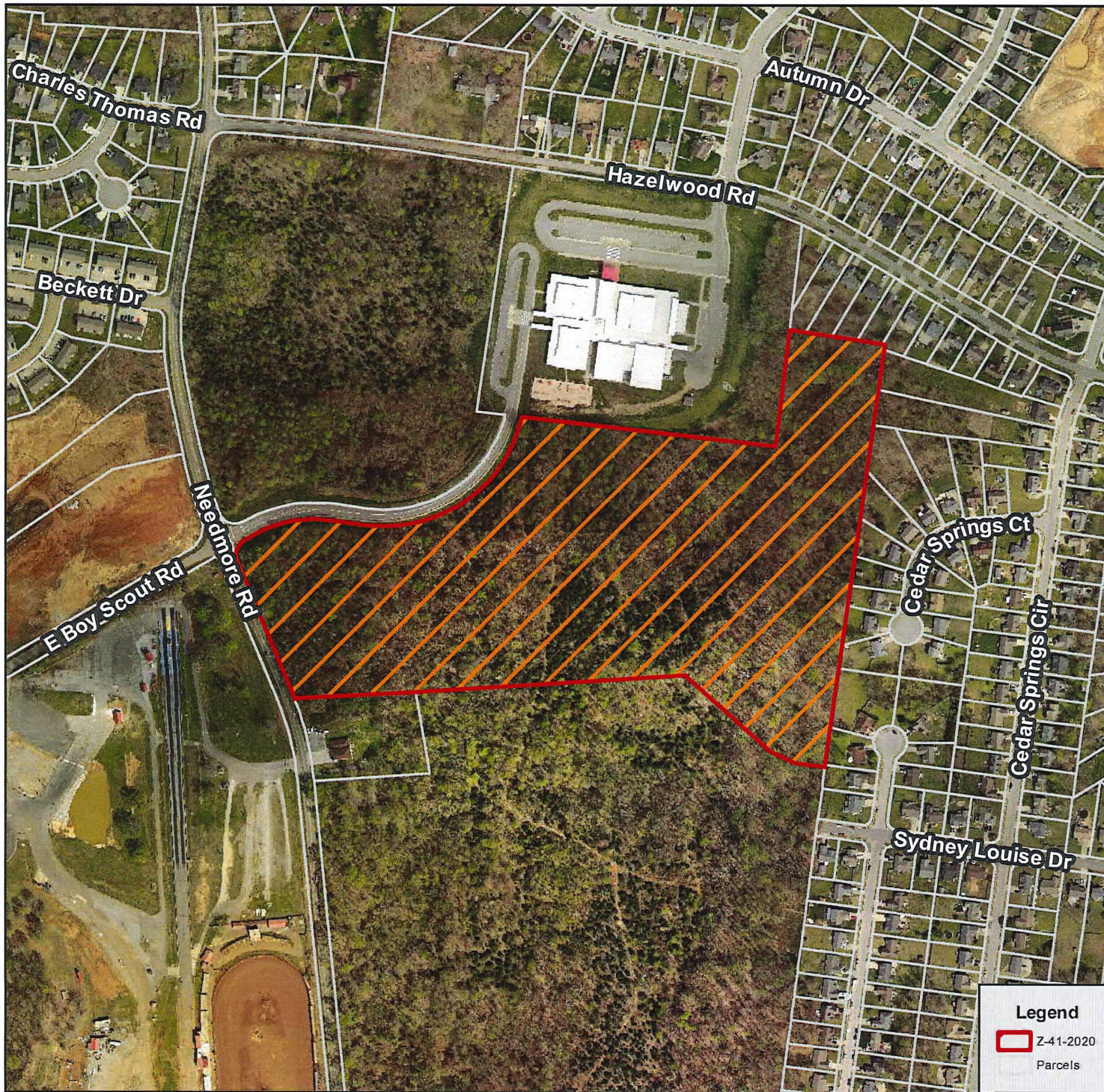


9/23/2020

**Legend**







**Z-41-2020**

**APPLICANT:**

**WILLIAM BELEW, JR**

**REQUEST:**

**R-1A**

**TO**

**R-4**

**MAP AND PARCEL**

**018 04200 (P)**

**+/- ACRES**

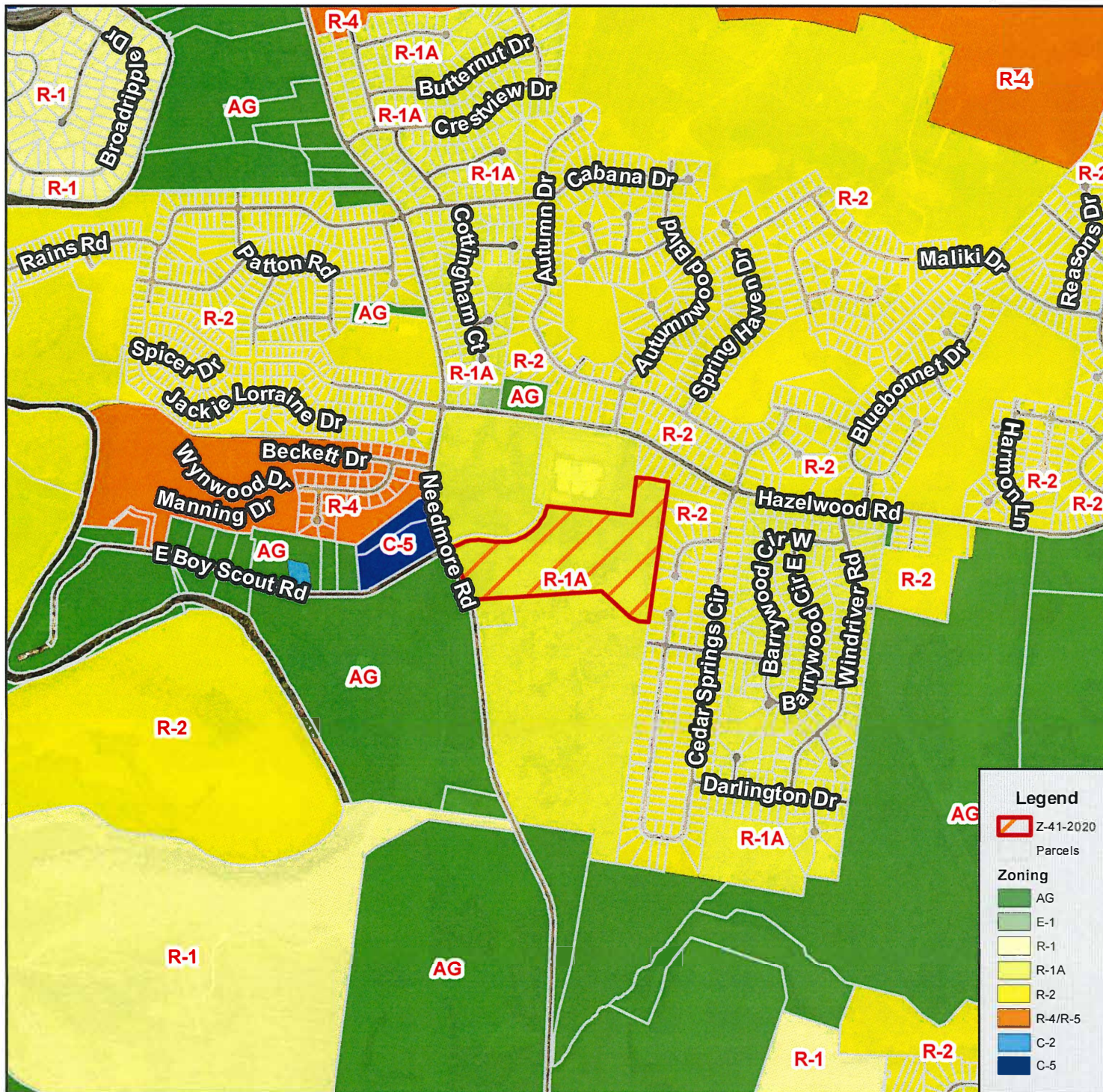
**30.84**

1:5,000



9/23/2020





**Z-41-2020**

**APPLICANT:**  
WILLIAM BELEW, JR

**REQUEST:**  
**R-1A**  
**TO**  
**R-4**  
**MAP AND PARCEL**  
018 04200 (P)

**+/- ACRES**  
**30.84**

1:15,000

0 1,500  
Feet

9/23/2020



**CASE NUMBER:** Z 41 2020 **MEETING DATE** 09/23/2020

**APPLICANT:** William Belew Jr.

**PRESENT ZONING** R-1A

**PROPOSED ZONING** R-4

**TAX PLAT #** 18

**PARCEL** 42.00

**GEN. LOCATION** Property located southeast of the Needmore Rd. & E. Boy Scout Rd. intersection

\*\*\*\*\*

**PUBLIC COMMENTS**

A copy of e-mail is in the file.



**City  
of  
Clarksville**

**John Spainhoward** <john.spainhoward@cityofclarksville.com>

---

**Case number: Z-41-2020**

1 message

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**Morgan B** <morgan09@gmail.com>  
To: john.spainhoward@cityofclarksville.com

Mon, Sep 21, 2020 at 3:57 PM

Hello,

We are AGAINST changing the zone to Multi-Family Residential. This change will affect our schools, Pisgah Elementary, Northeast Middle, and Northeast High. These school are not only reaching capacity, but this zone is also RIGHT behind Pisgah. It will affect traffic on Hazelwood and Needmore Road greatly which is already awful.

Thank you,  
Morgan & Austin Bush  
1743 Hazelwood Road



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 09/23/2020

**CASE NUMBER:** Z - 42 - 2020

**NAME OF APPLICANT:**David Rittenberry

William Parker

307 Harold Dr.

Clarksville, Tn 37040

**AGENT:** Eddie Burchett

---

**GENERAL INFORMATION**

**TAX PLAT:** 31

**PARCEL(S):** 49 & 50.00

**ACREAGE TO BE REZONED:** 2.72

**PRESENT ZONING:** AG R-3

**PROPOSED ZONING:** R-4

**EXTENSION OF ZONING**

**CLASSIFICATION:** Yes to the West & South

**PROPERTY LOCATION:** Property fronting on the south frontage of Needmore Rd., 250 +/- feet west of the Needmore Rd. & Centerstone Cir. intersection.

**CITY COUNCIL WARD:** 9

**COUNTY COMMISSION DISTRICT:** 14

**CIVIL DISTRICT:** 2

**DESCRIPTION OF PROPERTY:** Two tracts with multiple residential structures.

**APPLICANT'S STATEMENT FOR PROPOSED USE:** To extend the existing zoning for a multi family development

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Trenton Rd.

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

No gravity sewer.

#### 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: GLENELLEN  
MIDDLE SCHOOL: KENWOOD  
HIGH SCHOOL: KENWOOD

Glenellen Elementary & Kenwood Middle are in the fastest growing region of Montgomery County. Glenellen Elementary is at 101% capacity & has 4 portable classrooms, Kenwood Middle is at 93% capacity, CMCSS has not constructed a school since 2015 and is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school bus transportation needs in Montgomery County. This development could add 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 residential density. (multi-family)

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Needmore Road

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

<b>LOTS/UNITS:</b>	<b>32</b>
<b>POPULATION:</b>	<b>86</b>

**APPLICABLE LAND USE PLAN**

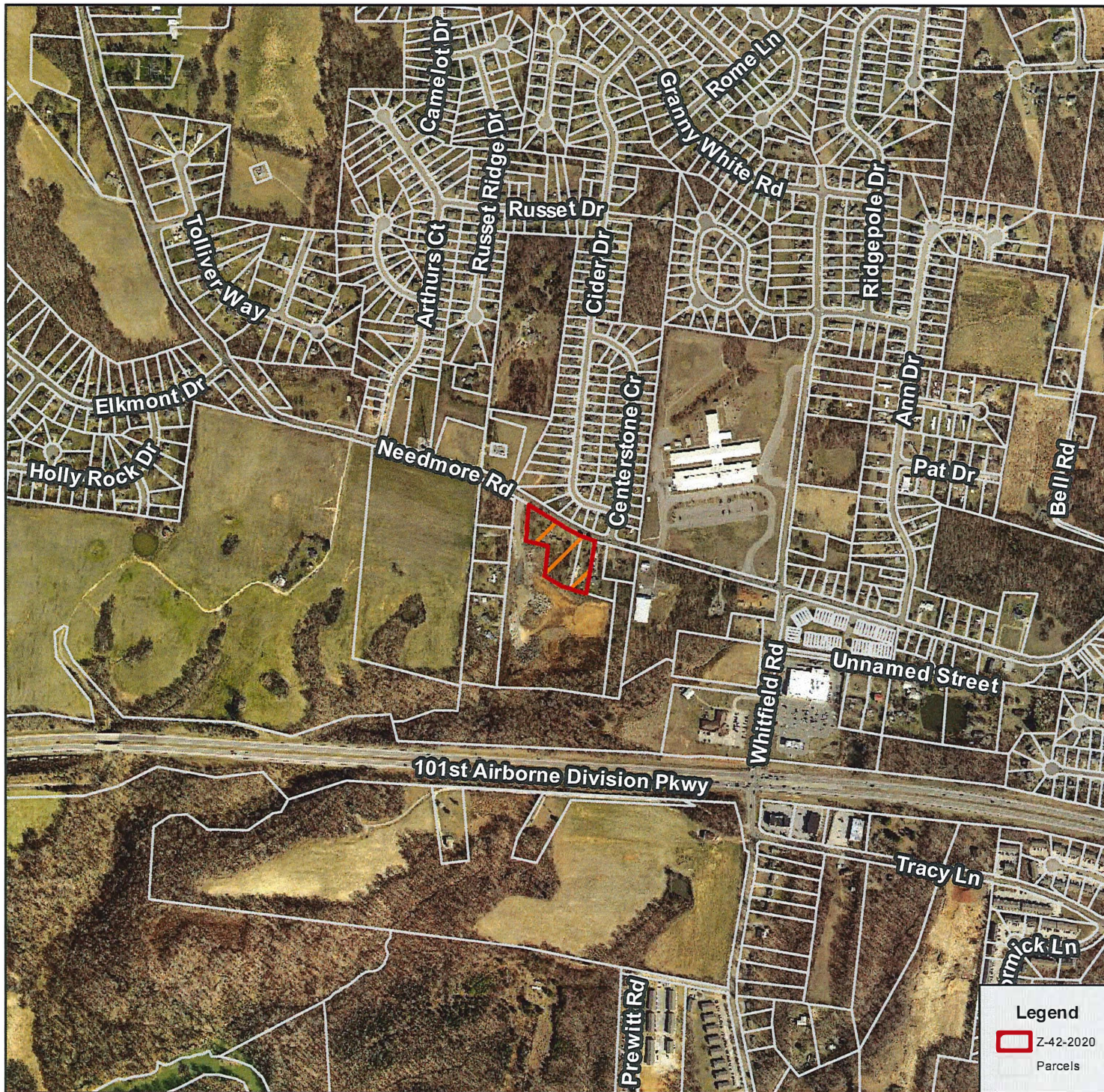
Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 1 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

**STAFF RECOMMENDATION:**      **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. Zoning change is an extension of the R-4 zoning to the south and the west.
3. The adopted Land Use Plan states that it is 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-42-2020**

**APPLICANT:**

**DAVID RITTENBERRY &  
WILLIAM PARKER**

**REQUEST:**

**AG/R-3**

**TO**

**R-4**

**MAP AND PARCEL**

**031 04900**

**031 05000**

**+/- ACRES**

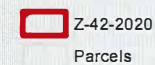
**2.72**

1:10,000

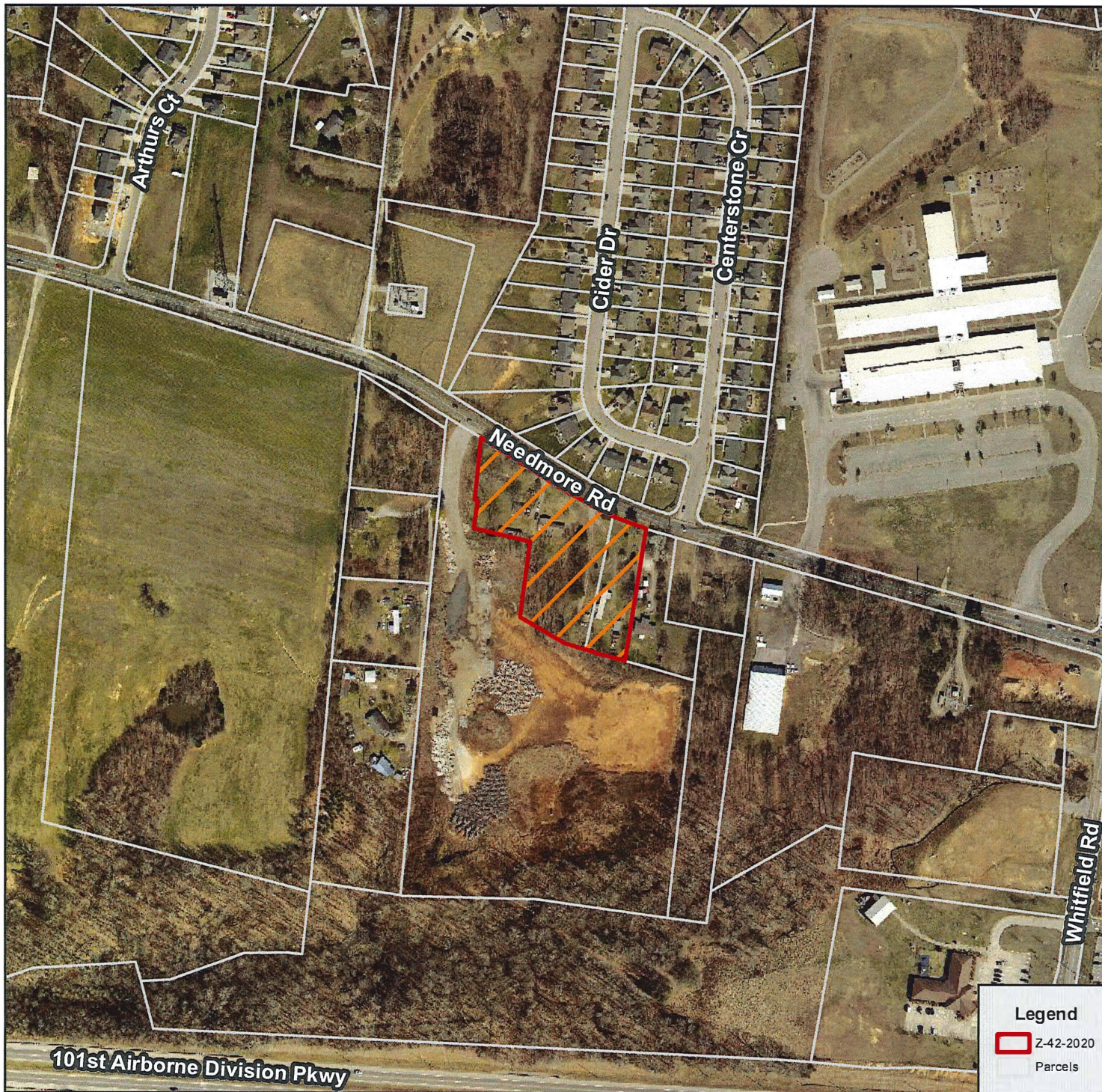


9/23/2020

**Legend**







**Z-42-2020**

**APPLICANT:**

**DAVID RITTENBERRY &  
WILLIAM PARKER**

**REQUEST:**

**AG/R-3**

**TO**

**R-4**

**MAP AND PARCEL**

**031 04900**

**031 05000**

**+/- ACRES**


**2.72**

1:4,000

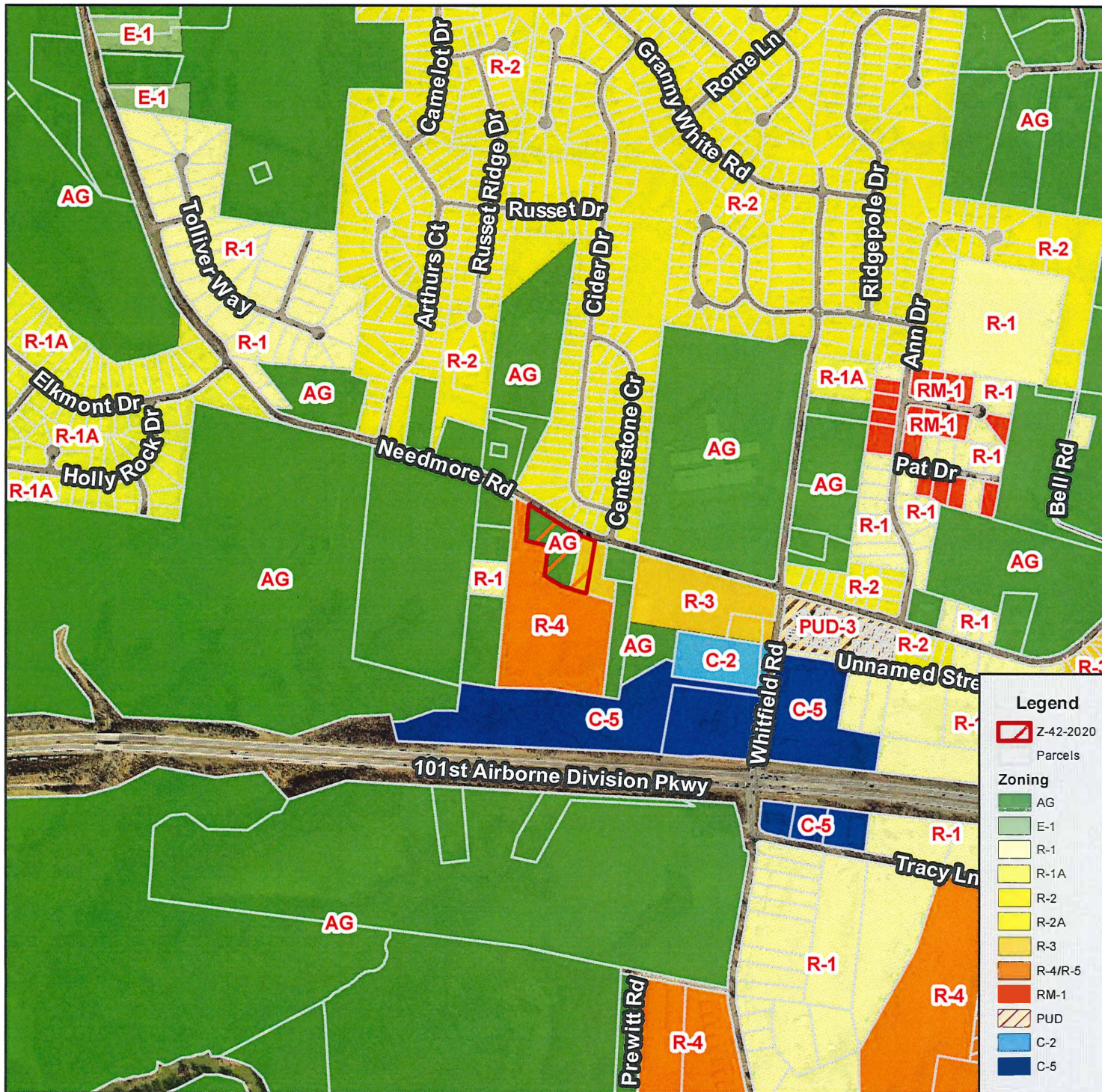


9/23/2020

**Legend**

 Z-42-2020  
Parcels





**Z-42-2020**

**APPLICANT:**

DAVID RITTENBERRY &  
WILLIAM PARKER

**REQUEST:**

**AG/R-3**

**TO**

**R-4**

**MAP AND PARCEL**

031 04900

031 05000

**+/- ACRES**

**2.72**

**Legend**

Z-42-2020

Parcels

**Zoning**

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

1:10,000

0 1,000  
Feet

9/23/2020



**CASE NUMBER:** Z 42 2020 **MEETING DATE** 09/23/2020

**APPLICANT:** David Rittenberry William Parker

**PRESENT ZONING** AG **PROPOSED ZONING** R-4

**TAX PLAT #** 31 **PARCEL** 49 & 50.00

**GEN. LOCATION** Property fronting on the south frontage of Needmore Rd., 250 +/- feet west of the  
Needmore Rd. & Centerstone Cir. intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 9/23/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 09/23/2020

**CASE NUMBER:** Z - 43 - 2020

**NAME OF APPLICANT:**Daniel Hayes

**AGENT:**

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**GENERAL INFORMATION**

**TAX PLAT:** 43-B-A

**PARCEL(S):** 14.00

**ACREAGE TO BE REZONED:** 0.44

**PRESENT ZONING:** C-5

**PROPOSED ZONING:** R-2

**EXTENSION OF ZONING**

**CLASSIFICATION:** No

**PROPERTY LOCATION:** Property located on the west frontage of Shannon St. 400 +/- feet north of the Shannon St. & Ashbury Rd. intersection.

**CITY COUNCIL WARD:** 3

**COUNTY COMMISSION DISTRICT:** 12

**CIVIL DISTRICT:** 3

**DESCRIPTION OF PROPERTY:** Vacant maintained grassland tract.

**APPLICANT'S STATEMENT FOR PROPOSED USE:** To gain two single family lots

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Peachers Mill

**PREVIOUS ZONING HISTORY:**



# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> GAS AND WATER ENG. SUPPORT MGR.<br><input checked="" type="checkbox"/> GAS AND WATER ENG. SUPPORT COOR.<br><input type="checkbox"/> UTILITY DISTRICT<br><input checked="" type="checkbox"/> CITY STREET DEPT.<br><input checked="" type="checkbox"/> TRAFFIC ENG. - ST. DEPT.<br><input type="checkbox"/> COUNTY HIGHWAY DEPT.<br><input type="checkbox"/> CEMC<br><input checked="" type="checkbox"/> DEPT. OF ELECTRICITY (CDE) | <input type="checkbox"/> ATT<br><input checked="" type="checkbox"/> FIRE DEPARTMENT<br><input type="checkbox"/> EMERGENCY MANAGEMENT<br><input checked="" type="checkbox"/> POLICE DEPARTMENT<br><input type="checkbox"/> SHERIFF'S DEPARTMENT<br><input checked="" type="checkbox"/> CITY BUILDING DEPT.<br><input type="checkbox"/> COUNTY BUILDING DEPT.<br><input checked="" type="checkbox"/> SCHOOL SYSTEM OPERATIONS<br><input type="checkbox"/> FT. CAMPBELL | <input type="checkbox"/> DIV. OF GROUND WATER<br><input type="checkbox"/> HOUSING AUTHORITY<br><input type="checkbox"/> INDUSTRIAL DEV BOARD<br><input type="checkbox"/> CHARTER COMM.<br><input type="checkbox"/> 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:** Kenwood Middle is in the fastest growing region of Montgomery County. Kenwood Middle is at 93% capacity. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school bus transportation needs in Montgomery County. This development could add additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

ELEMENTARY:	KENWOOD
MIDDLE SCHOOL:	KENWOOD
HIGH SCHOOL:	KENWOOD

**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:** Shannon Street

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**2**

**2**

**POPULATION:**

**5**

**APPLICABLE LAND USE PLAN**

Peachers Mill Planning Area - This area is a combination of mature and newly platted subdivisions, primarily single family in nature. The construction of the 101st Parkway has had an impact here as it vastly improved the linkage between US 41 A and US 79. Even though the Parkway has limited access, it is creating pressure for commercial nodes at its intersections with local roads.

**STAFF RECOMMENDATION:**      **APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 3.** The R-2 single family residential zoning request is compatible with surrounding land uses.
- 4.**
- 5.**





**Z-43-2020**

**APPLICANT:**

DANIEL HAYES

**REQUEST:**

**C-5**

**TO**

**R-2**

**MAP AND PARCEL**

**043B A 01400 (P)**

**+/- ACRES**

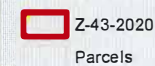
**0.44**

1:10,000



9/23/2020

**Legend**







**Z-43-2020**

**APPLICANT:**

**DANIEL HAYES**

**REQUEST:**

**C-5**

**TO**

**R-2**

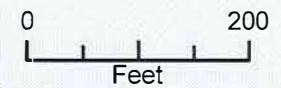
**MAP AND PARCEL**

**043B A 01400 (P)**

**+/- ACRES**


**0.44**

1:2,000

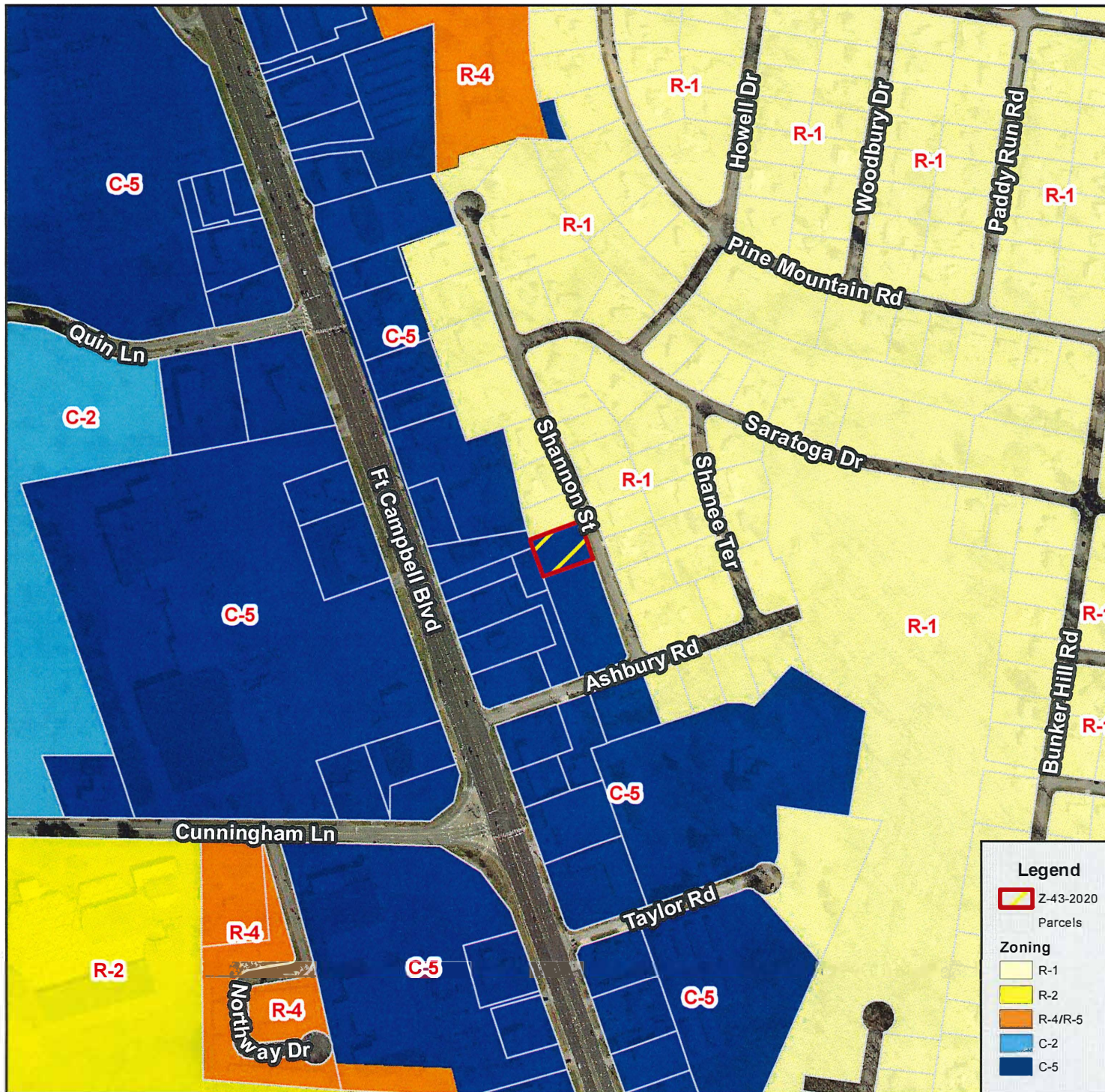


9/23/2020

**Legend**

 **Z-43-2020**  
Parcels





**Z-43-2020**

**APPLICANT:**

DANIEL HAYES

**REQUEST:**

**C-5**

**TO**

**R-2**

**MAP AND PARCEL**

**043B A 01400 (P)**

**+/- ACRES**

**0.44**

1:5,000



9/23/2020

**CASE NUMBER:** Z 43 2020 **MEETING DATE** 09/23/2020

**APPLICANT:** Daniel Hayes

**PRESENT ZONING** C-5

**PROPOSED ZONING** R-2

**TAX PLAT #** 43-B-A

**PARCEL** 14.00

**GEN. LOCATION** Property located on the west frontage of Shannon St. 400 +/- feet north of the  
Shannon St. & Ashbury Rd. intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 9/23/2020 (A.L.)



RESOLUTION 24-2020-21

A RESOLUTION APPROVING ABANDONMENT OF AN ALLEYWAY LOCATED SOUTH OF COLLEGE STREET, NORTH OF MAIN STREET, AND EAST OF 8TH STREET; REQUEST OF JAMES CORLEW, SR.

*WHEREAS,* Application was made by James Corlew, Sr. for abandonment of an alleyway, located south of College St, north of Main St and east of 8<sup>th</sup> St; being approximately 15 +/- ft. wide and 270 +/- ft. long, containing approximately 4,050 sq. ft.; also shown on Montgomery County tax map 066-F-C, south of parcels 1.00, 2.00 and 3.00 and north of parcels 36.00, 37.00 and 40.00; and

*WHEREAS,* the application was reviewed according to established procedures by the Regional Planning Commission on September 23, 2020, and was recommended for approval to the Clarksville City Council.

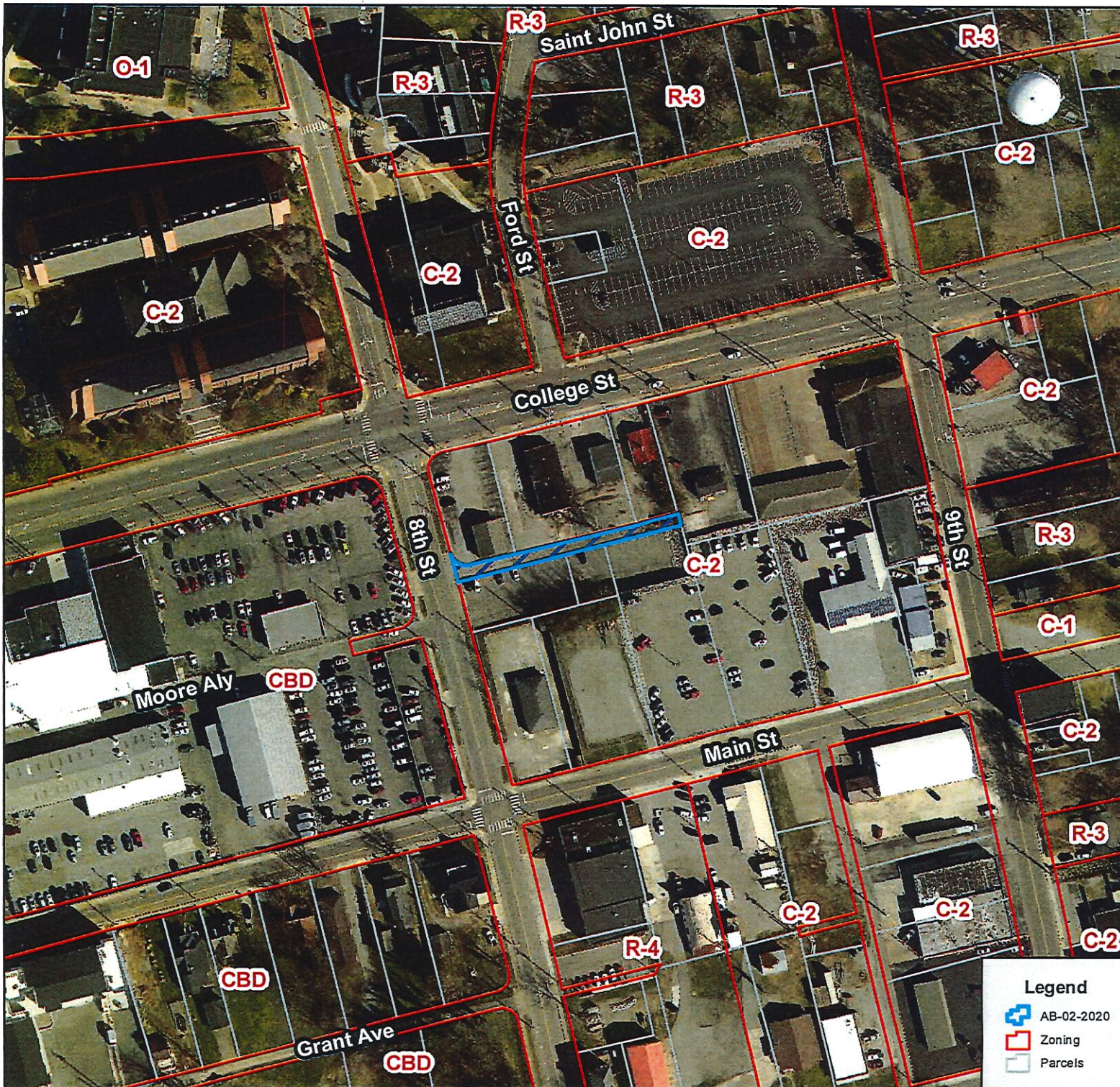
*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the above-described public right-of-way is hereby abandoned.

*PUBLIC HEARING:*

*ADOPTED:*





**AB-02-2020**

**JAMES CORLEW, SR**

**APPLICANT:  
JAMES CORLEW, SR**

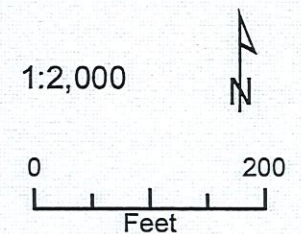
**AGENT/ENGINEER:**

**ZONING:  
C-2**

**MAP AND PARCEL:  
066F C 00100-00300  
066F C 036 & 0037  
066F C 04000**

**0.092 +/- ACRES**

**Legend**  
 AB-02-2020  
 Zoning  
 Parcels



**DATE: 9/23/2020**



ORDINANCE 30-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CODY AND LINDSEY HEGGIE FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF MADISON STREET AND LIBERTY PARKWAY

*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:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being 1,386 +/- feet southeast of the centerline of the Madison Street & Liberty Pkwy. intersection, said point further identified as the northeast corner of the Joy Ogles property and also located in the southern right to way of Madison Street, thence in a southeasterly direction 75 +/- feet with the southern right of way margin of Madison St. to a point, said point being the northwest corner of the Carriage Funeral Holding, Inc. property, thence in a southwesterly direction 801 +/- feet with the western boundary of the Carriage Funeral Holdings, Inc. property to a point, said point being the southwest corner of the Carriage Funeral Holdings Inc., property and in the northern margin of an unimproved alley, thence in a northwesterly direction 75 +/- feet with the northern margin of the unimproved alley to a point, said point being the southeast corner of the Joy Ogles property, thence in a northeasterly direction 801 +/- feet with the eastern boundary of the Ogles property to the point of beginning, said herein described tract containing 0.69 +/- acre.

ORDINANCE 31-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SANDRA TAYLOR AND ROSALYND GREENE, REX HAWKINS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF TRENTON ROAD AND ASPEN GROVE 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 AG Agricultural District, as R-2 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point in the northeast right-of-way line of SR 48, aka Trenton Road, said pin being located North 58 Degrees 02 Minutes West 115.7 feet from the centerline intersection of Trenton Road and Spring Creek Court; thence leaving margin of said road thence North 76 Degrees 29 Minutes 20 Seconds East 400.02 feet to a point; thence North 17 Degrees 46 Minutes 55 Seconds West 687.71 feet to a point; thence North 86 Degrees 33 Minutes 47 Seconds East 171.24 feet to a point; thence North 86 Degrees 42 Minutes 52 Seconds East 133.16 feet to a point; thence North 86 Degrees 40 Minutes 14 Seconds East 37.01 feet to a point; thence North 86 Degrees 41 Minutes 50 Seconds East 46.09 feet to a point; thence North 86 Degrees 41 Minutes 46 Seconds East 73.70 feet to a point; thence North 86 Degrees 42 Minutes 49 Seconds East 15.42 feet to a point; thence North 87 Degrees 18 Minutes 36 Seconds East 55.19 feet to a point; thence North 87 Degrees 09 Minutes 29 Seconds East 71.98 feet to a point; thence North 87 Degrees 24 Minutes 02 Seconds East 37.93 feet to a point; thence North 87 Degrees 06 Minutes 52 Seconds East 37.91 feet to a point; thence North 87 Degrees 01 Minutes 08 Seconds East 88.66 feet to a point; thence North 87 Degrees 01 Minutes 08 Seconds East 73.17 feet to a point; thence North 86 Degrees 57 Minutes 48 Seconds East 1.91 feet to a point; thence North 87 Degrees 18 Minutes 14 Seconds East 130.29 feet to a point; thence South 08 Degrees 05 Minutes 32 Seconds West 391.89 feet to a point; thence South 05 Degrees 56 Minutes 11 Seconds West 206.79 feet to a point; thence South 04 Degrees 04 Minutes 24 Seconds West 99.58 feet to a point; thence South 01 Degrees 56 Minutes 11



Seconds West 185.96 feet to a point; thence South 03 Degrees 36 Minutes 28 Seconds West 214.06 feet to a point; thence South 09 Degrees 58 Minutes 43 Seconds West 341.43 feet to a point; thence South 06 Degrees 57 Minutes 06 Seconds West 79.41 feet to a point; thence South 77 Degrees 43 Minutes 04 Seconds West 411.69 feet to a point; thence North 03 Degrees 09 Minutes 24 Seconds West 124.15 feet to a point; thence North 77 Degrees 43 Minutes 04 Seconds East 211.91 feet to a point; thence North 16 Degrees 59 Minutes 20 Seconds West 183.72 feet to a point; thence South 73 Degrees 00 Minutes 40 Seconds West 429.73 feet to a point; thence with a curve turning to the left with an arc length of 27.86 feet, with a radius of 2667.01 feet and with a chord of North 12 Degrees 48 Minutes 09 Seconds West 27.86 feet to a point; thence with a curve turning to the left with an arc length of 299.13 feet, with a radius of 1078.94 feet and with a chord of North 20 Degrees 26 Minutes 44 Seconds West 298.17 feet to a point; thence North 76 Degrees 47 Minutes 35 Seconds East 163.00 feet to a point; thence North 33 Degrees 10 Minutes 15 Seconds West 184.20 feet to a point; thence South 76 Degrees 47 Minutes 35 Seconds West 163.00 feet to a point; thence with a curve turning to the left with an arc length of 95.30 feet, with a radius of 793.08 feet and with a chord of North 40 Degrees 07 Minutes 59 Seconds West 95.24 feet to a point; thence North 43 Degrees 34 Minutes 31 Seconds West 57.76 feet to the point of beginning containing an area of 25.98 acres.

ORDINANCE 32-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF WILLIAM AND VIRGINA SCOGIN FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF SHELBY STREET AND PROVIDENCE 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-4 Multiple Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being 340 +/- feet north of the centerline of the Shelby St. & Providence Blvd. intersection and being the northwest corner of the Ruben Trejo property, said point also located in the eastern right of way margin of Shelby St., thence in a northerly direction 203 +/- feet with the eastern right of way margin of Shelby St. to a point, said point being the southwest corner of the John R. Dowlen property, thence in an easterly direction 296 +/- feet to a point, said point being in the western boundary of the Brian R. Wolff property, thence in a southerly direction 365 +/- feet with the western boundary of the Brian R. Wolff property to a point, said point being the northeast corner of the Ruben Trejo property, thence in a westerly direction 291 +/- feet with the northern boundary of the Ruben Trejo property to the point of beginning, said herein described tract containing 0.66 +/- acre.



ORDINANCE 33-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF WINN PROPERTIES, CRABBE HOMES/JOHN CRABBE-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF FIRE STATION ROAD AND TROUGH SPRINGS ROAD

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

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

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an iron pin in the northern right-of-way of Trough Spring Road, said pin being the southeast corner of the herein described tract; Thence with the northern right-of-way of Trough Springs Road the following calls: North 83 degrees 30 minutes 48 seconds West 304.03 feet to a point; With a curve to the right, with a radius of 700.00 feet and length of 159.95, and being subtended by a chord bearing North 76 degrees 58 minutes 02 seconds West 159.60 feet to a point; North 70 degrees 25 minutes 17 seconds West 203.36 feet to a point; With a curve to the left, with a radius of 1275.00 feet and length of 312.83, and being subtended by a chord bearing North 77 degrees 27 minutes 01 seconds West 312.05 feet to a point; Thence North 84 degrees 28 minutes 45 seconds West 38.17 feet to an iron pin at the southeast corner of Mary's Gardens, Volume 1329 Page 534; Thence with the eastern line of Mary's Gardens, North 8 degrees 27 minutes 04 seconds West 298.35 feet to the an iron pin at the northeast corner of Mary's Gardens, said pin being a southern corner of John Beach, Volume 1860 Page 2589 and Volume 646 Page 2010; Thence with the southern line of Beach with a curve to the left, with a radius of 571.92 feet and length of 22.70, and being subtended by a chord bearing North 46 degrees 43 minutes 48 seconds East 22.70 feet to an iron pin in the southern line of Beach; Thence continuing with the southern line of Beach and the southern line of Raymond Stuard, Volume 1860 Page 2587 and Volume 780 Page 368, North 65 degrees 55 minutes 30 seconds East to an iron pin at the southeast corner of Stuard, said pin being the southwest corner of Lot 1 of the Millan Property Fire Station Road, Plat Book J Page

142; Thence with the southern line of Lot 1 of the Millan property, South 88 degrees 24 minutes 25 seconds East 136.16 feet to an iron pin at the northwest corner of Leo Millan, Volume 1884 Page 1520; Thence with the western line of Millan, South 23 degrees 43 minutes 39 seconds East 192.63 feet to an iron pin at the southwest corner of Millan; Thence with the southern line of Millan, North 64 degrees 19 minutes 32 seconds East 63.94 feet to an iron pin at the northwest corner of the City of Clarksville, Volume 385 Page 2001; Thence with the western line of the City of Clarksville and Wellness I, LP, Volume 967 Page 632, South 23 degrees 35 minutes 38 seconds East 309.83 feet to the an iron pin at the northwest corner of a second tract owned by Wellness I, LP, Volume 967 Page 634; Thence with the western line of Wellness I, South 23 degrees 30 minutes 21 seconds East 100.00 feet to an iron pin at the southwest corner of Wellness I; Thence with the southern line of Wellness I, North 66 degrees 03 minutes 39 seconds East 200.00 feet to a point in the western right-of-way of Fire Station Road (disturbed pin 2.7 feet southwest of ROW); Thence with the western right-of-way of Fire Station Road, South 23 degrees 18 minutes 01 seconds East 67.00 feet to a point; Thence continuing with the western right-of-way of Fire Station Road, with a curve to the right, with a radius of 445.00 feet, and a length of 154.38 feet, and being subtended by a chord bearing South 14 degrees 20 minutes 15 seconds East 153.60 feet to a point; Thence continuing with the western right-of-way of Fire Station Road, with a curve to the right, with a radius of 25.00 feet, and length of 41.07 feet, and being subtended by a chord bearing South 45 degrees 50 minutes 39 seconds West 36.60 feet to the point of beginning, containing 385,757 square feet, or 8.86 acres.



ORDINANCE 34 -2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MORGAN, INC. FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF HAWKINS ROAD AND EAST JOHNSON CIRCLE

*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-2 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a ½" iron pin in the northern ROW of Hawkins Road, in the southeast corner of Cumberland Hills Section A, as recorded in Plat Book (PB) 12 PG 31 ROMCT. Said ½" iron pin being the southwest corner of herein described tract. Said POINT OF BEGINNING being North 60°54'25" West a distance of 77.98 feet from the intersection of the centerlines of Hawkins Road and East Johnson Circle. Thence, leaving said northern ROW of Hawkins Road and along the eastern line of said Cumberland Hills Section A, North 07°07'17" East a distance of 1081.01 feet to a ½" iron pin set capped "TTL." Said iron pin set being the northeast corner of said Cumberland Hills Section A, and being in the southern line of Cumberland Hills Section B, as recorded in PB 12 PG 126 ROMCT. Thence, leaving said Cumberland Hills Section A and along the southern line of Cumberland Hills Section B, South 82°38'37" East a distance of 691.40 feet to a ½" iron pin. Thence, continuing along said Cumberland Hills Section B, South 85°08'18" East a distance of 228.61 feet to a ½" iron pin. Said ½" iron pin being the southeast corner of said Cumberland Hills Section B, and the southwest corner of the Robert and Sheila Edmondson property, as recorded in ORV 1943 PG 2728 ROMCT. Thence, leaving said Cumberland Hills Section B, and along said Edmondson property, South 82°58'04" East a distance of 323.92 feet to a flagged nail. Said nail being the southeast corner of said Edmondson property, and being in the west line of the C. Blackwell Construction property, as recorded in ORV 1685, PG 79 ROMCT. Thence, leaving said Edmondson property, and along said C. Blackwell Construction property,

South 07°02'45" West a distance of 362.34 feet to a ½" iron pin capped "Weakley." Thence, continuing along said C. Blackwell property, South 87°38'18" East a distance of 520.55 feet to a ½" iron pin capped "Weakley." Said ½" iron pin being in the northern ROW of Hawkins Road. Thence, leaving said C. Blackwell Construction property, and along said north ROW of Hawkins Road, South 48°55'12" West a distance of 238.89 feet to a point in the ROW. Thence, continuing along said northern ROW of Hawkins Road, along a curve concave to the north, having a radius of 1750.0 feet, an arc distance of 98.81 feet, and being subtended by a chord bearing of S 51°01'51" West and a chord distance of 98.78 feet to a set ½" iron pin capped "TTL." Said iron pin set being in the eastern line of the Marilyn Strait property, as recorded in ORV 1487 PG 1078 ROMCT. Thence, leaving said northern ROW and along said Strait property, North 35°46'58" West a distance of 124.30 feet to an obliterated 1" pipe. Thence, continuing along said Strait property, North 79°46'07" West a distance of 229.07 feet to a 1" galvanized pipe. Said pipe being the northwest corner of said Straight property, and the northeast corner of the Sandra Simms property, as recorded in ORV 240 PG 43 ROMCT. Thence, leaving said Strait property, and along said Simms property, North 81°34'15" West a distance of 153.87 feet to a 30" double hackberry tree. Thence, continuing along said Simms property, South 08°54'38" West a distance of 132.04 feet to a ½" iron pin set capped "TTL." Thence, continuing along said Simms property, North 82°10'51" West a distance of 377.92 feet to a ½" iron pin set capped "TTL." Said iron pin set being the northwest corner of said Simms property, and being in the east line of the Misty Jackson property, as recorded in ORV 1644 PG 950 ROMCT. Thence, leaving said Simms property, and along said Jackson property, North 07°41'41" East a distance of 130.87 feet to a 30" tree stump. Thence, continuing along said Jackson property, North 83°47'39" West a distance of 404.99 feet to a ½" iron pin set capped "TTL." Thence, continuing along said Jackson property, South 02°59'22" West a distance of 623.93 feet to a ½" iron pin set capped "TTL." Said iron pin set being the southwest corner of said Jackson property, and being in the northern ROW of Hawkins Road. Thence, leaving said Jackson property, and along said north ROW of Hawkins Road North 83°02'59" West a distance of 327.37 feet to said POINT OF BEGINNING. Said parcel containing 873,811 SQ FT or 20.06 Acres, more or less.



ORDINANCE 35-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF WILLIAM BELEW, JR. FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF NEEDMORE ROAD AND EAST BOY SCOUT ROAD

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

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

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an iron pin (old), said pin being located in the east Needmore Road right of way, said pin also being the southwestern corner of the Clarksville Montgomery County School System Property as recorded in Vol. 1364, page 20 ROMCT, said pin being S 51° 49' E for a distance of 52 feet from the centerline intersection of E Boy Scout Road and Needmore Road, said pin also being the northwestern corner of the herein described parcel; Thence, leaving said Needmore Road right of way and along said Clarksville Montgomery County School System property for the next 7 calls, along a curve, said curve turning to the right through an angle of 59° 55' 00", having a radius of 50.00 feet, and whose long chord bears N 30° 34' 45" E for a distance of 49.94 feet to a point; Thence, N 60° 32' 19" E for a distance of 39.26 feet to the beginning of a curve; Said curve turning to the right through an angle of 36° 07' 41", having a radius of 375.00 feet, and whose long chord bears N 78° 36' 09" E for a distance of 232.56 feet; Thence, S 83° 20' 00" E for a distance of 96.20 feet to the beginning of a curve; Said curve turning to the left through an angle of 83° 40' 49", having a radius of 425.00 feet, and whose long chord bears N 54° 49' 34" E for a distance of 567.00 feet to a point of intersection with a non-tangential line; Thence, S 83° 20' 00" E for a distance of 787.52 feet to an iron rod (old), said rod having the coordinates of Northing 832384.56 and Easting of 1572734.27; Thence, N 06° 41' 30" E for a distance of 357.19 feet to an iron rod (old), said rod having the coordinates of Northing 832739.32 and Easting 1572775.89, said point being the southern lot line of lot 1133 of the Autumnwood Farms Section 1 subdivision as

described in Plat book E, page 219; Thence, leaving said Clarksville Montgomery County School System and along said Autumnwood Farms Section 1 subdivision lots 1133-1137, S 80° 54' 39" E for a distance of 289.50 feet to a point on a line, said point being the north east corner of the herein described parcel; Thence, leaving lot 1137 and along the western property line of the Cedar Springs Section 1 subdivision as described in Plat book E, page 216, lots 21,22,28-34 and lots 59-60, S 07° 42' 49" W for a distance of 1294.22 feet to a point on a line, said point being south east corner of the herein described parcel, Thence, leaving said Cedar Springs Section 1 subdivision and along a new zone line for the next 4 calls, N 82° 14' 41" W for a distance of 90.34 feet to a point on a line; Thence, N 64° 26' 16" W for a distance of 83.58 feet to a point on a line; Thence, N 48° 16' 52" W a distance of 344.83 feet to a point on a line; Thence, S 87° 55' 36" W for a distance of 792.15 feet to a point; Thence, S 87° 55' 17" W for a distance of 36.71 feet to an iron rod (new), said rod having the coordinates of Northing 831658.82 and Easting 1571637.41, said point being the north east corner of the City of Clarksville property as described in ORV 581, page 255; Thence, along said City of Clarksville property, S 84° 03' 23" W for a distance of 356.37 feet to the beginning of a non-tangential curve, said curve being east right of way of said Needmore Road and the south west corner of the herein described parcel; Thence, leaving said City of Clarksville property and along said east right of way of Needmore Road, said curve turning to the left through an angle of 03° 11' 13", having a radius of 1125.00 feet, and whose long chord bears N 21° 03' 37" W for a distance of 62.57 feet to a point of intersection with a non-tangential line; Thence, continuing along said Needmore Road right of way, N 22° 37' 12" W for a distance of 402.96 feet to the beginning of a non-tangential curve which is the point of beginning, said parcel containing 1,343,299 Square Feet or 30.84 Acres, more or less.



ORDINANCE 36-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF DAVID RITTENBERRY AND WILLIAM PARKER, EDDIE BURCHETT-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF NEEDMORE ROAD AND CENTERSTONE CIRCLE

*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 and R-2 Single Family Residential District, as R-4 Multiple Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being the southern right of way of Needmore Road, said point also being the northwestern corner of the Chris Harvey Properties as recorded in Vol. 1215, page 1112 ROMCT, said pin being N 75° 42' W for a distance of 1,164 from the centerline intersection of Whitfield Road and Needmore Road, said point also being the northeastern corner of the herein described parcel; Thence, leaving said Needmore Road right of way and along said Chris Harvey property, S 10° 20' 30" W for a distance of 331.67 feet to a point on a line, said point being the northern property line of the Morgan Brothers property as described in ORV 1527, page 2535, said point also being the south east corner of the said William Parker property and the south east corner of the herein described parcel; Thence, along a common property line of the said Morgan Brothers property and said William Parker property, N 73° 29' 35" W for a distance of 93.02 feet to a point on a line, said point being the south east corner of the said David Rittenberry property; Thence, leaving said William Parker property and along a common property line of the said Morgan Brothers property and the said David Rittenberry property for the next 7 calls, N 73° 18' 02" W for a distance of 50.52 feet to a point on a line; Thence, N 58° 13' 20" W for a distance of 125.16 feet to a point on a line; Thence, N 08° 09' 41" E for a distance of 183.51 feet to a point on a line; Thence, N 75° 44' 39" W for a distance of 138.00 feet to a point on a line; Thence, N 08° 15' 48" E for a distance of 70.00 feet to a point on a line; Thence, N 75° 15' 32" W for a distance of 7.03

feet to a point on a line; Thence, N 06° 01' 18" E for a distance of 149.76 feet to a point on a line, said point being the southern right of way of Needmore Road, said point also being the north west corner of the herein described parcel; Thence, along said Needmore Road right of way for the next 4 calls, S 57° 59' 07" E for a distance of 244.75 feet to the beginning of a non-tangential curve; Said curve turning to the left through 07° 35' 22", having a radius of 876.62 feet, and whose long chord bears S 61° 59' 55" E for a distance of 116.03 feet to the beginning of a curve; Said curve turning to the left through 06° 04' 22", having a radius of 804.92 feet, and whose long chord bears S 68° 38' 53" E for a distance of 85.27 feet to the beginning of a non-tangential curve; Said curve turning to the left through 00° 08' 16", having a radius of 1243.37 feet, and whose long chord bears S 71° 50' 43" E for a distance of 2.99 feet to the point of beginning, said parcel containing 118,727 Square Feet or 2.72 Acres, more or less.



ORDINANCE 37-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF DANIEL HAYES FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF SHANNON STREET AND ASHBURY ROAD

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

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

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being the southeastern corner of the said Daniel Hayes property, said point being N 23° 02' W for a distance of 468 from the centerline intersection of Ashbury Road and Shannon St., said point also be the western right of way of Shannon Street, said also being the northeastern corner of the herein described parcel; Thence, leaving said Daniel Hayes property and along said Shannon Street right of way, S 19° 25' 47" E for a distance of 120.00 feet to a point on a line; Thence, leaving said Shannon Street right of way and along a new zone line, S 70° 34' 06" W for a distance of 160.49 feet to a point on a line, said point being the eastern property line of the South Central Bell property as described in ROV 318, page 1853, said point also being the south western corner of the herein described parcel; Thence, along said South Central Bell property, N 19° 37' 53" W for a distance of 100.69 feet to an iron rod (old), said rod having the coordinates of Northing 819634.78 and easting of 1555326.08, said rod also being the south west corner of the Jimmy Seawright property as described in ORV 391, page 1422; Thence, along Jimmy Seawright property, N 19° 07' 58" W a distance of 19.31 feet to an iron pin, said pin being the south west corner of the said Daniel Hayes property, said pin also being the north west corner of the herein described parcel; Thence, leaving said Jimmy Seawright property and along said Daniel Hayes property, N 70° 34' 06" E for a distance of 160.70 feet to the point of beginning, said parcel containing 19,283 Square Feet or 0.44 Acres, more or less.

ORDINANCE 10-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF FAITH INVESTMENTS, C/O CHRIS BLACKWELL, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF NORTH WHITFIELD ROAD AND NEEDMORE ROAD

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

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

<i>PUBLIC HEARING:</i>	August 6, 2020
<i>POSTPONED:</i>	August 6, 2020 to September 3, 2020
<i>FIRST READING:</i>	September 3, 2020
<i>SECOND READING:</i>	<i>Scheduled for October 1, 2020</i>
<i>EFFECTIVE DATE:</i>	

EXHIBIT A

Beginning at a point said point being 375 +/- feet north of the centerline of the Needmore Rd. & N. Whitfield intersection, said point also being the northwest corner of the Orlando Rudolph Reed property, and also in the eastern ROW margin of N. Whitfield Rd. thence in a northerly direction 270 feet with the eastern margin of N. Whitfield Rd. to a point, said point being the southwest corner of the Patricia Ann Jackson Smith property, thence in an easterly direction 381 +/- feet with the southern boundary of the Patricia Ann Jackson Smith property to a point, said point being in the western boundary of the Donald W. Green property, thence in a southerly direction 311 +/- feet with the western boundary of the Donald W. Green property & others to a point, said point being the northeast corner of the Sonja Mae McGlown property, thence in a westerly direction 383 +/- feet with the northern boundary of the Sonja Mae McGlown property & other to the point of beginning, said herein described tract containing 2.5 +/- acres, further identified as current Tax Map 31, parcel 17.00



ORDINANCE 18-2020-21

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS FOR PROPERTY LOCATED ON GARRETTSBURG ROAD; REQUEST OF VERNON WEAKLEY

*WHEREAS,* proper application has been made by Vernon Weakley, P.E. for extensions of City utility service to property located at Cmap 029, Parcels 10.00 & 65.00 with the property address of Garrettsburg 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:*

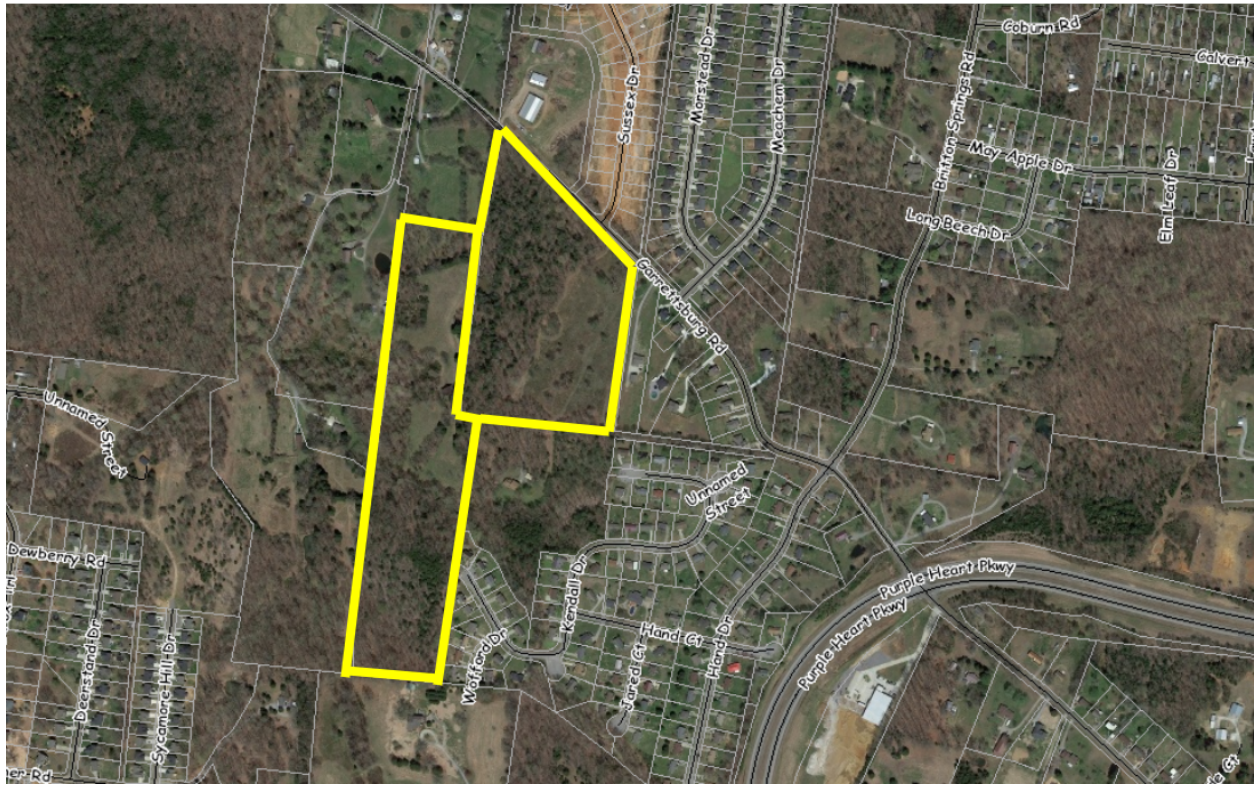
That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 029, Parcels 10.00 & 65.00 with the property address of Garrettsburg Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

*FIRST READING:* September 3, 2020

*SECOND READING:* Scheduled for October 1, 2020

*EFFECTIVE DATE*

# EXHIBIT A





ORDINANCE 20-2020-21

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES), TITLE 13 (UTILITIES AND SERVICE), CHAPTER 3 (GAS, WATER, AND SEWER SERVICE) AND CHAPTER 4 (WATER AND/OR SEWER SERVICE TO PARTICULAR AREAS OR SUBDIVISIONS) THE CITY OF CLARKSVILLE RELATIVE TO CHARGES, DEPOSITS, PROGRAMS, ADJUSTMENTS, INSTALLMENT PLANS, AND SERVICE EXTENSION APPROVAL

*WHEREAS*, The City of Clarksville (Gas and Water Department) has extensively reviewed internal policies and the city code, as it pertains to customers' accounts and service and/or more specifically related to charges, deposits, programs, adjustments, installment plans, and service extension outside of city limits; and

*WHEREAS*, the current policies and city code hinders the department's ability to provide the level of customer service deemed necessary and/or operate efficiently or effectively; and

*WHEREAS*, the City of Clarksville (Gas and Water Department) wishes to modify its policies and the city code in order to provide an acceptable level of customer service and operate more efficiently and effectively; 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) and Chapter 4 (Water and/or Sewer Service To Particular Areas or Subdivisions), in its entirety, is hereby amended by deleting same in its entirety and substituting therefor the following:

## Chapter 3 - GAS, WATER, AND SEWER SERVICE

### 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
Property Owners Account Program - water/gas	10.00/10.00
Security deposit	
Residential	



• Water and sewer .....	150.00
• Gas .....	200.00
Commercial water/gas .....	2x highest bill
Industrial water/gas .....	2x highest bill
Governmental entity, utility, or co-op gas .....	500.00
Credit Inquiry .....	6.00

### **Sec. 13-302. - Waiver of fees, penalties, and other charges.**

- (1) The general manager of the department of gas and water, or his/her designee(s) made in writing, shall have authority to make monetary adjustments to customer accounts, and to waive fees and penalties incurred by customers, due to errors made by the department.
- (2) The general manager of the department of gas and water, or his/her designee(s) made in writing, may approve a one-time deposit waiver for a customer whose current account has been deactivated for non-payment. As this waiver is per customer and location, a change in customer's service location shall renew qualification for a one-time deposit waiver.
- (3) As determined by the mayor in writing, in cases of war, rebellion, insurrection, civil emergency, or natural or man-made disaster, the general manager of the department of gas and water may be authorized by the mayor to waive any and all service fees or penalties, and to dispense with the requirement of payment of a security deposit, and to allow the payment of any bills due for service through installment payments, and to suspend the deactivation of accounts or termination of services, for a reasonable period of time to be determined by the mayor, irrespective of any error made by the department, for customers who provide proof of substantial damages or harm to their real or personal property, or significant interruption of their business, due to war, rebellion, insurrection, civil emergency, or natural or made-made disaster, in form satisfactory to the general manager, or his/her designee(s) made in writing.
- (4) The general manager of the department of gas and water, or his/her designee(s) made in writing, shall have authority to make monetary adjustments to residential customer accounts, and to waive fees and penalties incurred by said customers, which are the result of the customer inadvertently and by whatever means, directing the application of a payment to an account other than the intended account. Provided however that said payment is in an amount sufficient to satisfy all amounts due on customer's account and further provided that said customer has remained in good standing, to mean no late fees assessed, in the immediately preceding 12-month period. Request for an adjustment must be made within thirty (30) days of the fee or penalty being applied to the account.

### **Sec. 13-303. - City not liable for failure or condition of service.**

According to its source of supply and the condition of its water system, the city will make reasonable effort to furnish water to its consumers. But the city makes no guarantee to anyone as to supplying water nor its condition and it shall not be liable to anyone for any loss or failure or interruption of the supply of water, gas, and sewer service or its condition.

### **Sec. 13-304. - Authority to curtail or refuse service.**

The city reserves the right to restrict, curtail, or refuse water, gas, or sewer service for good and sufficient reasons.

### **Sec. 13-305. - Ownership and maintenance of gas and water meters.**

All gas and water meters hereafter installed, whether within or without the corporate limits of the city, shall be owned, serviced, and maintained by it. All meters whether or not owned by the city, used for measuring gas or water furnished by it, shall be subject to the city's inspection at all times, and shall be maintained, serviced, and repaired by it.

### **Sec. 13-306. - Tampering with equipment or meters.**

- (1) No authorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment, structure, appurtenance, or water or gas meter which is part of the water and/or gas department works of the City of Clarksville.
- (2) Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. Any customer, or his or her designee, found violating this provision shall be subject to related fees, disconnection of related service and/or held liable for damages produced by such actions.

### **Sec. 13-307. - Right to inspect property.**

Insofar as its rights and liabilities are concerned, the city shall have the right at reasonable hours to inspect properties to which it supplies water, gas, and sewer service.



**Sec. 13-308. - Application for service; service fees; security deposits; property owners account program; interdistrict fees; outstanding balances.**

- (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, as determined by current customer service software. 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 may be charged to each new customer and/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. The following security deposit criteria shall be applicable for each customer class:
  - (a) Residential: 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. Any inactivation of the customer's account for nonpayment shall be cause to restart the computation of the four-year time period for return of a customer's security deposit. A change in customer's service location shall not interrupt accumulation of continuous years of payment history.
  - (b) Commercial/Industrial: Upon application for service by a new commercial or industrial customer, a security deposit shall be payable in one lump sum. All commercial and/or industrial customers will be required to pay a security deposit for each water and/or gas service, including each location of a chain-type business or similar businesses owned by same individual(s), company, and/or corporation. Said security deposit shall be the greater amount of either two (2) times the highest billed or estimated month amount or \$250.00 for water and/or \$500.00 for gas. Two (2) times the highest billed or estimated month amount shall be determined by billing history of previous owner of same or similar business, similar chain-type business at different location, and/or engineering/plumbing estimate submitted for site/utility plan. Said security deposit will be maintained for the lifetime of the service, to be credited and/or returned only upon termination of said service.
- (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) Upon application of a property owner and/or property manager, the general manager for the department of gas and water, or his/her designee(s) established in writing, may enter into an agreement with said property owners and/or managers automatically transferring responsibility of active services from a departing tenant to said property owner and/or manager. Upon execution of agreement, the owner/manager agrees to pay a security deposit, in full, for each water and/or gas service established. No installment payments shall be allowed. Upon execution of agreement, the

owner/manager agrees to pay the property owners account program fee, per gas and/or water service, for each account meter to be read, service left on, and account transferred into owner's/manager's name when at such time a tenant properly terminates said service(s). Upon execution of agreement, the owner/manager shall be responsible for all usage, including all associated charges and fees, once a tenant notifies the gas and water department to terminate service(s). If a service in a tenant's name is deactivated for nonpayment, normal services fees shall apply. If a service in an owner's/manager's name is deactivated for nonpayment, normal services fees shall apply and a security deposit shall be charged. If any account in a property owner's/manager's name, and associated with this property owners account program, remains unpaid exceeding thirty (30) days beyond the billing due date, all normal fees and security deposits shall apply and all properties in said owner's/manager's name, and within said program, will be immediately removed from the property owners account program.

- (5) 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.
- (6) All customers shall be required to pay any and all outstanding balances from existing and/or past accounts, in perpetuity, prior to being allowed to establish service.

### **Sec. 13-309. - Fee for new connections; service line.**

- (a)
  - (1) The city shall charge connection fees for each metered customer added to the water and/or sewer system. Connection fees for all new construction shall be due and payable at the time the plumbing permit for connecting the structure to the outside water and/or sewer service is issued. No such permit shall be issued unless the connection fee is paid first. The following schedules shall be used for the various classifications of customers.
  - (2) Water and sewer connection fees for all new residential construction shall be based on the number of square feet of heated living area contained by the new construction. The area is to be computed as defined by the Veterans Administration. Mobile homes and other prefabricated structures that are moved onto a building site shall also be classified as new residential construction for this purpose. The fee per unit shall be as follows:  
  
New residential construction water connection fee: Twenty cents (\$0.20) per square foot.  
  
New residential construction sewer connection fee: Eighty cents (\$0.80) per square foot.
- (b) If inspection reveals a misrepresentation or understatement of the actual area of the permitted structure by an amount greater than five (5) percent, an adjustment of the fee shall be made and the additional area shall be charged to the holder of the building permit at twice the normal rate.
- (c) Water and sewer connection fees for existing residential construction and for new and existing commercial and industrial construction shall be based on the size of the primary water meter(s) serving the customer according to the following schedule:



		Sewer Connection Fee	
Meter Size	Water Connection Fee	New Construction	Existing Construction
¾"	\$ 400	\$ 800	\$ 600
1"	800	1,500	1,000
1½"	1,200	2,500	2,000
2"	1,800	4,000	2,500
3"	2,500	5,000	3,000
4"	3,500	8,000	5,000
6"	6,000	12,000	8,000
8"	10,000	20,000	15,000

(d) (1) Secondary meters, yard, and irrigation meters: In addition to the primary meter supplying the customer, meters may be installed to record water flows such as for yard irrigation which do not enter the sewer system and consequently these flows do not result in a sewer charge. Secondary meters may also be installed to separate flows that formerly went through one meter such as when a master meter for an existing apartment complex is replaced by individual meters. Each additional meter is charged only the following fee.

(2) Water connection fee for yard/irrigation meters for new and existing construction and for other secondary meters that are added to existing customers to separate flows for billing purposes:

Meter Size	Meter Fee
¾"	\$200.00
1"	250.00
1½"	500.00
2"	800.00

3"	2,000.00
4"	3,500.00
6"	5,000.00

- (e) (1) Connection fees are not charged where existing services are being replaced unless such replacement results in an increase of meter size in which case a fee is charged equal to the difference between the connection fees for the original meter size and the fee for the new meter size.
- (2) Connection fees are not charged where the applicable service is connected directly to a water or sewer main installed with Federal Community Development Grant funds.
- (3) The above connection fee prices include the cost of the meter and the charge for tapping the main where applicable. The city shall make all water and sewer taps on mains that have been accepted by the city for operation and maintenance. The customer shall be responsible for all excavation, provision, and installation of tap materials, and backfilling. Taps on new main installations not yet accepted by the city shall be made by the installing contractor.

- (f) In cases where a tap on a city main is made without the requirement for a meter, such as for main extensions or a fire service line, a connection fee is charged as follows:

Water Tap Size	Fee
¾"	\$150.00
1"	200.00
2"	250.00
3"	300.00
4"	350.00
6"	450.00
8"	650.00
10"	750.00



- (g)
  - (1) Buildings requiring a fire service line six (6) inches in size or less, shall be required to pay a connection fee as set forth in subsection F above. A backflow prevention device meeting the requirements of Title 8, Section 8-407(2), (3) of the Clarksville Municipal Code shall be installed at the property boundary and become part of the fire system. The chief utility engineer, at his sole discretion, may require the fire line be metered when it is determined to be in the city's best interest to do so.
  - (2) Buildings requiring a fire service line greater than six (6) inches shall be required to meter such service as well as meet the requirements of subsection (g)(1) above and pay a connection fee based on cost plus ten (10) percent. The cost includes the cost of the meter, all appurtenances, and a tapping fee as established in subsection F above.
  - (3) All fire service lines shall be separate and independent of any other water service line to the property/building.
- (h) Connections to city water mains by manipulating valves and adding fittings may be performed only when approved by the city engineer. Such approval shall not relieve the contractor of notifying any affected customer, nor of any other associated liability. Such connections shall be without charge unless a meter is required, in which case the appropriate water connection fee will be charged to the individual installing the meter set-up.
- (i) Meter box fees will be charged for all new meter installation including secondary meters based on actual cost plus ten (10) percent.
- (j) Connections to city sewer mains or manholes for the purpose of extending a main or replacing a service shall not be subject to a connection fee. Any new service extending from such a main or manhole shall be subject to the appropriate sewer connection fee. When a sewer tap is required on an existing main, it will be made by the city. The cost of such sewer tap is considered to be included in the applicable connection fee. If a tap is required to replace an existing service, an additional connection fee is not charged, but a tapping fee of fifty dollars (\$50.00) shall be charged.
- (k) Natural gas service and main extensions.
  - (1) Customers that have an existing service line up to their premises will only have to apply for proper permit and pay connection fee. Add-ons to present meters will be limited to permit and connection fee requirements.
  - (2) Customers' requests for relocation of mains, service lines, meters, or other services will be honored by the gas department. Property owners or contractors will be charged total costs for this type work.
  - (3) For each gas service connection, the customer shall apply for service at the Clarksville Gas and Water Department and pay twenty-five dollars (\$25.00) for each service line application. This application fee will be refunded if the customer wishes to withdraw their application. The application fee may be transferrable to the connection fee, if the tenant is the person whose name appears on the application.
  - (4) For new service line requests, the customer or contractor shall be required to pay a gas service connection fee plus a tapping fee of one hundred fifty dollars (\$150.00), which includes the first one hundred fifty feet (150) of the gas service line from the main to the meter as follows:

Service line size:

$\frac{3}{4}$ -inch and 1-inch—for base-load gas installations: The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged \$2.00 per foot of additional service line.

$\frac{3}{4}$ -inch and 1-inch—For less than base-load gas installations: The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged \$2.00 per foot of additional service lines. No refunds of tapping fee will be made to the customer.

Larger than 1-inch—The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged the actual cost to install the additional service line.

- (5) Base-load gas installations: For the purpose of determining who qualifies for base-load gas incentives, the base-load gas installation is defined as follows:

Residential: Water heating, gas air conditioning, or a combination of other appliances as deemed acceptable (to adequately increase base-load requirements) by the manager gas division.

Commercial: Water heating, gas air conditioning, cooking, or a combination of other appliances as deemed acceptable (to adequately increase base-load requirements) by the manager gas division.

Industrial: Water heating, gas air conditioning, or in the processing of manufacturer's materials or goods (to adequately increase base-load requirements) as deemed acceptable by the manager gas division.

Incentives: New residential/commercial customers who install new base-load gas appliances will be offered incentives per gas appliance. Existing customers who change over from electric/propane to base-load gas appliances will be offered the same incentives per gas appliance. The manager of the gas division and the general manager of the gas and water department shall offer these incentives throughout the year and for scheduled time periods as deemed appropriate by the manager of the gas division and the general manager of the gas and water department and approved by the mayor and the public utilities committee.

- (6) Main extensions for City of Clarksville: The first three hundred (300) feet will be installed at no cost to the customer. Any footage installed in excess of three hundred (300) feet will be required to make a contribution in aid of construction equal to three dollars (\$3.00) per foot. No refunds will be made for future customer connections to the gas main.
- (7) Main extensions for outside City of Clarksville: The first two hundred (200) feet will be installed at no cost to the customer. Any footage installed in excess of two hundred (200) feet will be required to make a contribution in aid of construction equal to five dollars (\$5.00) per foot. No refunds will be made for future customer connections to the gas main.



- (8) Main extensions for large commercial or industrial customers: Gas service lines or gas main extensions to large commercial or industrial customers that require service line or gas main extensions, additions, or improvements to the Clarksville Gas Department's distribution system will be furnished by the gas department if the main extension is deemed economically feasible by the manager gas division and/or general manager of Clarksville Gas and Water.
- (9) Main extensions—General:
- a. Customers who sign up for a main extension must be prepared to receive flowing gas through their meters within one hundred eighty (180) calendar days. If the customer does not meet this requirement due to environmental or geographic constraints, then he may request a thirty-day extension from Clarksville Gas and Water. If the customer does not have gas flowing through his meter within the required time frame, then the customer shall bear the entire cost of the main extension.
  - b. The Clarksville Gas Department reserves the right to determine the size of all gas main extensions. Gas main costs to the customer shall be based upon a two-inch polyethylene gas main. All gas mains installed larger than two (2) inches in diameter, or gas mains installed made with steel, are installed for the future benefit of the gas system or to improve pressure. When an extension requires a gas main in excess of two (2) inches in diameter or one made of steel, the Clarksville Gas Department will pay the difference between the cost of a two-inch polyethylene gas main and the actual cost of the new gas main to be installed.
  - c. All gas main extensions, additions, or improvements shall become the property of the Clarksville Gas Department, as they are installed, even though all or some part of the cost thereof is paid by parties other than the Clarksville Gas Department.
- (10) New subdivisions City of Clarksville: The gas department will install distribution mains within new subdivisions if an agreement between developer, home builder, and the gas department can be finalized, guaranteeing that a sufficient number of housing units will be installed to meet the following requirements:
- a. Housing units will meet the definition of base-load gas installation.
  - b. Housing units will be constructed within piped areas designated for natural gas use.
  - c. A minimum of one housing unit will use natural gas for each three hundred (300) feet of main installed to serve the subdivision.
  - d. Certain areas within the subdivision may be designated for natural gas use.
- The manager gas division and/or the general manager of Clarksville Gas and Water can approve exceptions or variances to these requirements.
- (11) The manager gas division and the general manager of [Clarksville] Gas and Water shall only authorize service to subdivisions outside the City of Clarksville where it is an economical advantage to the City of Clarksville to do so. Service to subdivisions that is not economically advantageous to the City of Clarksville, but may have other advantageous value, may be approved by the gas, water and wastewater committee of the city council. Service lines into subdivisions shall be installed under the guidelines set previously in this policy.

(12) The gas department, at its discretion, may install segments of distribution piping that would be an asset for future development. The gas department reserves the right to refuse service to any customer under this policy who is remotely located from existing facilities that service would not be economically feasible.

(13) Refund policy:

- a. Customers who make contributions in aid of construction shall not be entitled to refunds from main extensions (for additional customer additions to main) under the new main extension policy.
- b. Refunds for customers who made contributions in aid of construction prior to the new main extension policy and Ord. No. 7-1997-98, but after Ord. No. 4-1990-91, will be due refunds as follows:
  - (i) Customers who make contributions in aid of construction shall be entitled to refunds, if within three (3) years after construction additional customers services are connected to their specific gas main extension. In no case shall the customer making the payment be refunded more than he paid. The amount of the refund shall be two hundred dollars (\$200.00) for each additional total gas customer and one hundred dollars (\$100.00) for each less than total gas customer. If more than one customer makes contributions in aid of construction, the total refund shall be proportionately divided according to the original contributions.
  - (ii) There shall be no duplication of reimbursements, i.e., customers added to additional extensions of a gas main shall be a part of a separate contract and not included in calculating reimbursements for the initial extension.
  - (iii) The previous policy and its reimbursement features are effective only for mains that are extended subsequent to the effective date of Ord. No. 4-1990-91 and prior to this new main extension policy and Ord. No. 7-1997-98.

(14) A customer requesting the installation of an excess flow valve will be responsible for the payment of the actual cost associated with the installation of the excess flow valve and cost associated with the maintenance, if any, of the excess flow valve.

(I) Hazelwood Drainage Basin (HDB):

- (1) A special sewer assessment district is hereby established to be known as the Hazelwood Drainage Basin (HDB) and more fully defined as the general area outlined on exhibit "A." In addition to the current connection fee authorized under this section 13-309, a wastewater capacity fee based on the number of residential equivalent units (REU) demanded to equal the peak day anticipated volume, or part thereof, is hereby assessed in the HDB. A residential equivalent unit shall be defined as two hundred (200) gallons per day peak demand. The fee shall be one thousand five hundred dollars (\$1,500.00) per REU. The fee is due and payable prior to the issuance of a sewer connection permit. For commercial/industrial purposes the peak demand shall be based on fixture values as established in the latest publications of the American Water Works Association.



- (2) The following schedule shall prevail to establish a guide as to the number of residential equivalent units associated with certain types of activities:

Single family dwelling (home)	One unit
Apartment (each)	One unit
Motel Room (each)	One-half ( $\frac{1}{2}$ ) unit
Restaurant (order from menu)	Ten (10) units
Lounge	Five (5) units
Fast food restaurant	Eight (8) units
Laundromat	One-half ( $\frac{1}{2}$ ) unit per washer
Convenience store w/cooking	Five (5) units
Office building	One unit per three thousand (3,000) s.f. or portion thereof of total space
Warehouse	One unit per ten thousand (10,000) s.f. or portion thereof of total warehouse space plus one unit per two thousand (2,000) s.f. or portion thereof of office space
Carwash (full service)	Ten (10) units per bay
Carwash (self service)	Two (2) units per bay
Service station	Five (5) units
Manufacturing facility	Negotiated (based on one unit per each two hundred (200) G.P.D. peak demand)

- (3) This fee will apply to all branch or extension sewer mains connected to and flowing through the improvements. Together the improvements shall be referenced to as the Hazelwood Drainage Basin Improvements Project. The fee shall be collected until such time as Clarksville Gas and Water has recovered the total cost of said improvements. At such time as the total cost of said improvements has been fully and wholly recovered the aforementioned unit sewer capacity fee shall become zero dollars (\$0.00).

(m) Oakland Road Drainage Basin:

- (1) A wastewater drainage basin is hereby established to be known as the Oakland Road Drainage Basin and more fully defined as the general area outlined on exhibit "B." In addition to the current connection fee authorized under this section 13-309, a wastewater capacity fee based on the number of residential equivalent units (REU) demanded to equal the peak day anticipated volume, or part thereof, is hereby assessed in the HDB. A residential equivalent unit shall be defined as two hundred (200) gallons per day peak demand. The fee shall be two hundred seventy-five dollars (\$275.00) per REU. The fee is due and payable prior to the issuance of a sewer connection permit. For commercial/industrial purposes the peak demand shall be based on fixture values as established in the latest publications of the American Water Works Association.
- (2) The following schedule shall prevail to establish a guide as to the number of residential equivalent units associated with certain types of activities:

Single family dwelling (home)	One unit
Apartment (each)	One unit
Motel room (each)	One-half (½) unit
Restaurant (order from menu)	Ten (10) units
Lounge	Five (5) units
Fast food restaurant	Eight (8) units
Laundromat	One-half (½) unit per washer
Convenience store w/cooking	Five (5) units
Office building	One unit per three thousand (3,000) s.f. or portion thereof of total space



Warehouse	One unit per ten thousand (10,000) s.f. or portion thereof of total warehouse space plus one unit per two thousand (2,000) s.f. or portion thereof of office space
Carwash (full service)	Ten (10) units per bay
Carwash (self service)	Two (2) units per bay
Service station	Five (5) units
Manufacturing facility	Negotiated (based on one unit per each two hundred (200) G.P.D. peak demand)

- (3) This fee will apply to all branch or extension sewer mains connected to and flowing through the improvements. Together the improvements shall be referenced to as the Oakland Road Drainage Basin Improvements Project. The fee shall be collected until such time as Clarksville Gas and Water has recovered the total cost of said improvements. At such time as the total cost of said improvements has been fully and wholly recovered the aforementioned unit sewer capacity fee shall become zero dollars (\$0.00).

**Sec. 13-310. - Reserved.**

**Sec. 13-311. - Compliance with building code required.**

No water, gas, or sewer service from the city's distribution system shall be made available to any buildings hereafter constructed within a radius of five (5) miles of the corporate limits that do not conform to the city's building code. All private gas, water, and sewer services, for any buildings, to include residential structures, served by the city's distribution or collection systems, shall be inspected by the city's building codes department.

**Sec. 13-312. - Water and sewer rates; basis for charges; surcharges.**

- (1) *Water rate schedules.* Effective July 1, 2008 a customer charge shall be charged each month based on meter size in accordance with water rate schedule A, section II. In addition usage fees shall be charged in accordance with water rate schedule A, section I.

The following definitions shall be used to determine the applicable rate code:

*Residential service* means single private residences, including separate private units of apartment houses and other multiple dwellings, actually used for residential purposes, which are separately metered. A dwelling shall be considered nonresidential which has more than one apartment or condo on the same meter. A residential dwelling shall be considered commercial if in the water department's judgment such dwelling and/or usage is identifiable as being used primarily (more than fifty (50) percent) for business or professional purposes.

*Commercial service and small industrial* means customers engaged in selling, warehousing, or distributing a commodity or service in some business activity or profession or in some other form of economic or social activity. For example, and not by way of limitation, all local, state and federal governmental agencies, any organizations or institutions whether profit or non-profit, with uses other than those involving industrial or residential requirements are classified as commercial customers. Also included are offices, stores, schools, dormitories, hotels, restaurants, apartment houses, religious institutions, orphanages, clubs, boarding and rooming houses, communes, motor courts, camps, and rehabilitation organizations.

*Industrial service* means customers primarily engaged in a process that creates or changes raw or unfinished materials into another form or product, including the generation of electric power and who's usage exceeds a minimum of seven hundred fifty thousand (750,000) gallons of water per month as averaged over the previous twelve (12) months. Should the usage fall below seven hundred fifty thousand (750,000) gallons per month the customer shall be reclassified as a commercial service and small industrial customer and charged accordingly. The customer will be eligible for reclassification following twelve (12) consecutive months of water usage in excess of seven hundred fifty thousand (750,000) gallons of water per month.

WATER RATE SCHEDULE A  
WATER RATES AND FEES  
EFFECTIVE AUGUST 9, 2008

*Section I. Usage Fees (per 1,000 gallons):*

Residential	(Inside City)	\$3.54
	(Outside City)	\$7.08
Commercial	(Inside City)	\$3.54
	(Outside City)	\$7.08
Industrial	(Inside City) Rate shall be based on the latest audited operation and maintenance cost for production and supply (including the greater of depreciation or debt service principle).	
	(Outside City)	1.3 times inside city Industrial rate



*Section II. Customer charge (per month):*

Meter Size	
Up to ¾"	\$3.00
1"	5.00
1½"	10.00
2"	16.00
3"	44.00
4"	84.00
6"	175.00
8"	175.00
10"	175.00
12" or larger	Negotiated

- (2) *Basis for sewer charges.* The volume of water usage shall be the basis for sewer usage charges unless special metering is installed by the customer, with the prior approval of the utility department, to otherwise determine the volume of water that is being discharged to the sewer. The customer shall be responsible for the maintenance and accuracy of said meter. In the event of a discrepancy in the volume of wastewater metered by said device, the combined volume of potable water measured during the billing period shall be used as the basis for the sewer charges.
- (3) *Sewer rate schedules.* The charge for sewer usage or availability shall be in accordance with the following rate schedules:

For residential, commercial, and small industrial customers:

	Per 1,000 gallons (Effective July 1, 2013 to June 30, 2014)	
Usage (gallons)	Within City	Outside city but served directly by City
First 2,000	\$ 6.14	\$11.44
All over 2,000	6.14	10.23

	Per 1,000 gallons (Effective July 1, 2014 to June 30, 2015)	
Usage (gallons)	Within City	Outside city but served directly by City
First 2,000	\$ 6.73	\$12.53
All over 2,000	6.73	11.20

	Per 1,000 gallons (Effective July 1, 2015 to June 30, 2016)	
Usage (gallons)	Within City	Outside city but served directly by City
First 2,000	\$ 7.37	\$13.72
All over 2,000	7.37	12.26



	Per 1,000 gallons (Effective July 1, 2016)	
Usage (gallons)	Within City	Outside city but served directly by City
First 2,000	\$ 8.07	\$15.02
All over 2,000	8.07	13.43

The minimum bill per month shall be based on two thousand (2,000) gallons.

All industrial customers using a minimum of three hundred thousand (300,000) gallons of water per month shall be charged a rate per one thousand (1,000) gallons based on the cost per one thousand (1,000) gallons for operation, maintenance, and replacement of the sewer treatment plant according to the latest audit. This rate will be automatically revised each year upon receipt of the annual audit to reflect any changes.

Outside city industrial customers:

First 300,000 gallons ..... 1.3 x inside city industrial rate

Next 700,000 gallons ..... 1.2 x inside city industrial rate

Next 2,000,000 gallons ..... 1.1 x inside city industrial rate

All over 3,000,000 gallons ..... 1.0 x inside city industrial rate

The minimum monthly bill for the industrial rate will be based on three hundred thousand (300,000) gallons.

(4) Reserved.

(5) *Surcharge.* The surcharge for persons discharging excessive quantities and concentrations as established in the sewer use ordinance shall be as follows:

*Surcharge  
per pound*

BOD in excess of 300 mg/l ..... \$0.08

Suspended solids in excess of 325 mg/l ..... 0.08

Oils and grease in excess of 100 mg/l ..... 0.08

(6) *Review of charge system.* The water and sewer use charge system shall be reviewed annually and revised periodically by the city council as required in order to generate sufficient revenue to pay for the cost of operation, maintenance, and replacement of the water and sewer systems.

- (7) *Environmental compliance fee.* Each sewer customer shall be charged an environmental compliance fee of three dollars (\$3.00) per month effective July 1, 2005, four dollars (\$4.00) effective July 1, 2006, and five dollars (\$5.00) per month effective July 1, 2007. This fee is to be charged to each sewer customer in addition to their normal sewer usage and without regard to the volume of sewerage generated by the customer. It is intended to generate funds to offset mandated environmental expenses of the sewer system that do not otherwise lend to generating revenues.
- (8) *Backflow prevention testing fee.* Each commercial, industrial and residential customer who is required under section 8-407 to install and maintain a backflow prevention device shall be charged a backflow prevention testing fee per device that recovers the costs incurred by the department in conducting the tests. This fee will apply to new and annual backflow prevention tests. The first re-inspection of failed backflow tests will be at no charge to the customer. Fees incurred will be added to the customer's water and sewer bill.
- (9) *Grease management inspection fee.* Each customer who is required under section 13-702 to install and maintain a grease trap and/or inceptor shall be charged a grease management inspection fee per device that recovers the costs incurred by the department in conducting the tests. This fee will apply to new, semi-annual and annual inspection. The first re-inspection of a failed inspection will be at no charge to the customer. Fees incurred will be added to the customer's water and sewer bill.

**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 due 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 10th day following the due 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 due date of the bill, being 30 days following the calculation of such, or as otherwise may be agreed upon by the city and the other governmental entity in a written agreement.

**Sec. 13-314. - Bill adjustments for water and/or gas leakage, installment plans, lawn watering, pool filling, etc.**



The gas and water department may adjust bills as circumstances require, using the minimum cost established by audit and/or calculations as described below:

- a) *Water leakages.* Upon application of a customer, the department of gas and water may make adjustments to a customer's sewer bill for water leaks occurring through the customer's piping, in cases where it can be determined that said water leakage did not actually enter the sewer system. Adjustments shall be determined by calculating above-average usage, based on the average monthly usage at the customer's service location for the immediately preceding twelve (12) months. In the event that the customer does not have twelve (12) months of usage history, monthly usage shall be determined as follows: 2,000 gallons for one household resident; 1,800 gallons per resident, for households containing two or more residents. Two (2) adjustments per twelve (12) month period may be allowed, which may include a maximum of two (2) consecutive billing cycles per adjustment. The general manager for the department of gas and water, or his/her designee(s) established in writing, may approve an installment plan for payment of a customer's bill in cases involving a leakage adjustment. No water leakage installment plan shall continue for longer than six (6) calendar months. Prior to making any such adjustment and/or installment plan, the customer shall be required to provide documentation to prove that the leak has been repaired.
- (b) *One-time high water bill installment plan.* Upon application of a customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, may approve an installment plan for payment of a customer's water bill in cases involving unexplained water usage three (3) times the previous twelve (12) months monthly average usage. One (1) installment plan per account may be allowed per twelve (12) month period, which may include a maximum of two (2) consecutive billing cycles. No one-time high water bill installment plan shall continue for longer than six (6) calendar months.
- (c) *Back billing installment plan.* Upon application of the customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, shall approve an installment plan for payment of a customer's water bill in cases involving back billing of previously unbilled usage. A back billing installment plan shall be allowed for a period of time equal to, but no longer than, the determined extent of time taken to accrue the calculated amount of unbilled usage.
- (d) *One-time lawn watering.* Upon application of a customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, may make adjustments to a customer's sewer bill for water used in the course of establishing the lawn of a newly constructed home or re-establishing the lawn of an existing home. One adjustment may be allowed for the contractor, during construction of said home, and one for the customer, after account has been transferred into said customer's name. This adjustment is only valid within the first year of owning a new or existing home. Proof of purchase of seed or sod must be provided.
- (e) *Pool filling.* Upon application of a customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, may make adjustments to a customer's sewer bill for water used in the course of filling a swimming pool. One (1) adjustment per calendar year may be allowed, which may include a maximum of two (2) consecutive billing cycles per adjustment. The meter-readings at the beginning and conclusion of the pool filling or the gallon capacity of the pool shall be requested from the customer. In the event that the customer cannot provide this information, adjustments shall be determined by calculating above-average usage, based on the average monthly usage at the customer's service location for the immediately preceding twelve (12) months. In the event that the customer does not have twelve (12) months of

usage history, monthly usage shall be determined as follows: 2,000 gallons for one household resident; 1,800 gallons per resident, for households containing two or more residents. Fish ponds, hot tubs, kiddie pools, fountains, pet or animal waterers, power washers, and like types of structures and/or uses are excluded from qualification for this adjustment.

- (f) *One-time pool repair.* Upon application of a customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, may make adjustments to a customer's sewer bill for additional water used in association with a swimming pool repair. As one adjustment may be allowed per customer and location, a change in customer's service location shall renew qualification for this one-time adjustment. Proof or documentation of repair must be provided.
- (g) *Gas leakages.* There shall be no adjustment made to a customer's gas bill for natural gas leaks. In cases where the gas service is off, locked, and the service valve does not hold, the gas charge may be adjusted off by general manager for the department, or his/her designee(s) established in writing.

### **Sec. 13-315. - Authorization for pass through adjustment.**

The CGW Chief Financial Officer and the Gas Manager are hereby authorized to pass gas cost adjustments on to customers, whether increases or decreases, from the supplier of the city gas system to maintain the balanced efficiency of the gas department.

The PTA adjustment is intended to assure that the city gas and water department adjusts for these volatile changes in the commodity cost of gas.

The "commodity" cost of gas is the city gas and water department monthly city gate cost of gas. This includes the actual gas cost plus the interstate pipeline volumetric and storage costs involved in transporting the gas from the source of supply to our city gate regulator station.

The PTA will be calculated monthly on the last business day of each month to be applied to the first billing that follows.

Any balance over or under recovery of gas cost at the end of each month may be passed through the subsequent month PTA accordingly.

### **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).

### **Sec. 13-317. - Firm and interruptible transportation.**

- (a) *Firm transportation.*

*Availability:* To be eligible for firm transportation service under this section, customers must meet each of the following criteria:

- (1) The distribution mains owned and operated by the department must be suitable for supplying the desired service;
- (2) The customer must take deliveries of all gas at a single meter;
- (3) The customer must use at least one hundred (100) Mcf per day or three thousand (3,000) Mcf per month of natural gas;
- (4) The customer must have executed a written notice of election to receive firm transportation service under this ordinance for a minimum term of twelve (12) months;
- (5) The customer must have executed a Natural Gas Firm Transportation Agreement substantially in the form approved by the department for use by the department in connection with the provision of firm transportation service to eligible customers; and
- (6) The customer must have paid the department a fee of eight thousand dollars (\$8,000.00) for the installation of telemetry equipment to be owned and installed by the department at the customer's meter. Such fee shall be trued-up based on actual cost incurred by the department with any overpayment being reimbursed to the customer and any underpayment being due the department.

*Rates:* For each month of service provided during the term of the Natural Gas Firm Transportation Agreement the customer shall pay the rates set forth in that agreement and under section 13-316(2), including charges for firm transportation, for authorized interruptible overrun service, for daily and monthly balancing and for certain charges imposed by third parties.

*Minimum bill:* For service rendered under this section, the minimum monthly bill shall be the monthly demand charge as set forth in section 13-316(2) and shall be applied to the level of the customer's maximum daily quantity, which quantity will be the same for each month for the term of the Natural Gas Firm Transportation Agreement and will be set forth in that agreement.

*Contract period and billing:* Contracts shall be for a minimum period of one (1) year. A customer that has elected to receive service under this section shall not be allowed to switch to service under a different section or rate schedule without the department's written permission during the contract period.

(b) *Interruptible transportation.*

*Availability:* To be eligible for interruptible transportation service under this section, a customer must meet each of the following criteria:

- (1) The distribution mains owned and operated by the department must be suitable for supplying the desired service and must not displace firm load;
- (2) The customer must take deliveries of all gas at a single meter;
- (3) The customer must maintain in a usable condition facilities for substitute fuels or otherwise make provision for the curtailment of gas service and must agree to use such substitute facilities or other provision for curtailment of gas service in order to curtail the use of gas up to one hundred (100) percent of the customer's requirements immediately upon oral notice from the department, and after such curtailment to refrain from increasing the use of gas until permitted to do so by the department;
- (4) The service is not available for residential load;
- (5) The customer must use at least one hundred (100) Mcf per day or three thousand (3,000) Mcf per month of natural gas at its plant when not curtailed by the department;
- (6) The customer must have executed a written notice of election to receive interruptible transportation service under this ordinance for a minimum term of twelve (12) months;
- (7) The customer must have executed a Natural Gas Interruptible Transportation Agreement substantially in the form approved by the department for use by the department in connection with the provision of interruptible transportation service to eligible industrial and commercial customers; and
- (8) The customer must have paid the department a fee of eight thousand dollars (\$8,000.00) for the installation of telemetry equipment to be owned and installed by the department at the customer's meter. Such fee shall be trueed-up based on actual cost incurred by the department with any overpayment being reimbursed to the customer and any underpayment being due the department.

*Minimum bill:* For service rendered under this interruptible transportation rate schedule, the minimum monthly bill shall be as set forth in section 13-316(2). However, in order to remain eligible for service under this ordinance, the customer must maintain the minimum volume requirements



for the availability of interruptible transportation service set forth in this section during the term that the service is provided. If the customer fails to maintain such minimum volume requirements during the term of the interruptible transportation service, the department may terminate the availability of service under this ordinance.

*Contract period and billing:* Contracts shall be for a minimum period of one (1) year with monthly payment for service taken. A customer that has elected to receive service under this section shall not be allowed to switch to service under a different section or rate schedule without the department's permission during the contract period.

*Penalty for unauthorized use:* In the event a customer uses gas in excess of the daily volume allowed by the department during a curtailment period, the customer shall pay the amounts set forth in the Natural Gas Interruptible Transportation Agreement between the department and the customer. Each such unauthorized use of gas, whether occurring in the same month or in different months of a contract year, shall be subject to a separate penalty.

*Daily transportation balancing charges:* Customer shall pay a daily transportation balancing charge to the department as set forth in the Natural Gas Interruptible Transportation Agreement between the department and the customer for variances between the quantities that the customer has scheduled for transportation and the quantities that the customer uses at its plant each day. Customer understands and acknowledges that any takes of gas by customer at its plant on any day that are at variance with customer scheduled quantities on TGP for that day shall be accounted for by TGP as a variance amount under TGP's FERC Gas Tariff and Clarksville's Rate Schedule FT G service agreement with TGP and are subject to the daily load balancing provisions set forth in Section 8 of that rate schedule. As a result, any variance between the quantities of gas redelivered to customer as measured at the meter at customer plant, plus shrinkage, and the quantities of gas scheduled by customer on TGP for delivery to Clarksville, will be automatically injected into or withdrawn from Clarksville's contract storage under its FS MA firm storage agreement with TGP, as applicable for under takes or over takes, respectively. Accordingly, Clarksville shall charge and customer shall pay the daily transportation balancing charges set forth in Section 4.2 of the agreement as compensation to Clarksville for performance of this daily balancing service. The parties understand and recognize that customer intends to schedule on TGP for delivery to Clarksville daily transportation quantities at the beginning of each month that are somewhat in excess, but not greater than ten (10) percent in excess, of customer projected average daily use of gas at the plant, exclusive of shrinkage. It is the parties' intent that through this scheduling protocol, customer shall not at any time take gas supplies owned by Clarksville through automatic withdrawals from Clarksville's FS MA storage or otherwise. In the event customer on any day takes gas in excess of its scheduled quantities and it has not previously built up a balance of gas in Clarksville's FS MA storage sufficient to serve such takes as required by Section 2.4(a) of the agreement, Clarksville shall charge customer a penalty of five dollars (\$5.00) per Mcf in addition to any gas commodity cost, without limitation as to other rights and remedies that Clarksville may have under this agreement. Likewise, if on any day Clarksville takes gas belonging to customer, customer shall charge Clarksville a penalty of five dollars (\$5.00) per Mcf, without limitation as to other rights and remedies that customer may have under this agreement. In addition, customer shall not schedule gas on TGP for delivery to Clarksville in excess of its requirements at the plant such that the cumulative total of gas injected into storage less gas withdrawn from storage exceeds five (5) percent of customer average monthly requirements. In the event customer does so, Clarksville shall charge customer a penalty of fifty cents (\$0.50) per Mcf of such excess gas injected

into storage each day such excess remains in storage. Such charges shall be in addition to all other remedies that Clarksville has and actions Clarksville may take to bring customer back into balance under this agreement.

*Monthly gas balancing charges:* Monthly balancing of quantities of gas owned by the customer and delivered to the department and the quantities of gas used by the customer and charges associated with such balancing shall be as set forth in the Natural Gas Interruptible Transportation Agreement between the department and the customer.

The customer understands and recognizes that while variances between customer takes of gas as measured at the meter at its plant, plus shrinkage, and customer scheduled quantities on TGP for delivery at Clarksville's city gate are to be balanced daily under the agreement with respect to the swing transportation and storage service described in Section 2.4(a) of the agreement, and that the resulting daily transportation balancing charges under Section 4.2 of the agreement shall be assessed accordingly, balancing of the quantities of gas consumed by customer, plus shrinkage, and the quantities of gas scheduled for delivery on Clarksville's system by customer shall be performed monthly, not daily. This monthly balancing of the applicable quantities of gas shall be performed in accordance with the provisions of Section 4.3 of the agreement.

The charges and other provisions set forth in Section 4.3 of the agreement shall apply (i) if customer in any month has delivered more gas to Clarksville at Clarksville's city gate than customer has taken at the point of delivery exclusive of shrinkage (a "positive imbalance") or (ii) if customer in any month has delivered less gas to Clarksville's city gate than customer has taken at the point of delivery, plus shrinkage (a "negative imbalance"):

- (a) *Positive imbalances.* If customer at the end of any month has a positive imbalance of not greater than five (5) percent, Clarksville shall have the option (i) to cash out the imbalance using TGP's cash out provisions in Rate Schedule LMS-MA, Sections 7(d)(vii)(A) and (B) of TGP's FERC Gas Tariff, as amended, (ii) to carry forward the imbalance amount to the next month, or (iii) to deliver the positive imbalance amount to customer at the point of delivery during the next succeeding month. If the positive imbalance amount at the end of any month is greater than five (5) percent, Clarksville shall have the right to elect (i) to deliver the positive imbalance amount to customer during the next ensuing month or (ii) to pay customer a cash out amount equal to the "low price" using the imbalance tiers specified in TGP's FERC Gas Tariff, Rate Schedule LMS-MA, Sections 7(d)(vii)(A) and (D), as amended.
- (b) *Negative imbalances.* If customer at the end of any month has a negative imbalance of not greater than five (5) percent, Clarksville shall have the option (i) to cash out the imbalance using TGP's cash out provisions in Rate Schedule LMS-MA, Sections 7(d)(vii)(A) and (B) of TGP's FERC Gas Tariff, as amended, (ii) to carry forward the imbalance amount to the next month, or (iii) to require customer to make up the imbalance in kind during the next ensuing month. If the negative imbalance amount at the end of any month is greater than five (5) percent, Clarksville shall have the right to elect to require customer (i) to make up the negative imbalance in kind during the next ensuing month or (ii) to pay Clarksville an amount equal to the "high price" using the imbalance tiers specified in TGP's FERC Gas Tariff, Rate Schedule LMS-MA, Sections 7(d)(vii)(A) and (C), as amended.

- (c) *Notification.* At least ten (10) days prior to the end of any month, Clarksville shall notify customer by telephone and by fax which imbalance settlement option it has elected for the following month. Once a method has been selected, it will remain in place until further notice.

### **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 and 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 enter into and executes a written firm natural gas sales agreement with the City of Clarksville.

### **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 and 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 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 served 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.

**Secs. 13-320, 13-321. - Reserved.**

**Sec. 13-322. - Voluntary designation of money to fund recreational programs, etc. as option on utility bill.**

As part of its billing procedures, the gas, water and sewer department shall provide a method by which persons who receive services from the department may voluntarily designate an amount of money in excess of one dollar (\$1.00) to fund recreational programs, facilities, and activities in the City of Clarksville.

If a customer indicates a willingness to contribute any amount pursuant to this section, the amount designated by the customer shall be billed to the customer in the next billing cycle, and shall be remitted to, separately maintained and accounted for in the recreation special revenue fund in accordance with the provisions of Ordinance No. 61-1997-98.

Failure of a customer to honor any commitment made pursuant to this section shall not be grounds for termination of any services to the customer, nor shall the city pursue collection of any unpaid pledges by any manner whatsoever.

The gas, water and sewer department is hereby authorized to charge and collect an administrative fee for implementation of the provisions of this section in an amount not to exceed \$0.10 (ten cents) per transaction. For purposes of this section, "transaction" shall include any activity undertaken by the department to record an individual's intention to contribute to, and collect and remit any monies received in connection with such pledges.

**Sec. 13-323. - Natural gas interruptible transportation agreement—Modifications.**

The department, the mayor, and the utilities of the city council shall have the authority, under circumstances where it is economically feasible and beneficial for the city to do so, to modify the specific terms of the natural gas interruptible transportation agreement entered into between the department and a specific industrial end use consumer that is eligible for and has elected to receive interruptible transportation service as the department, the mayor, and the utilities committee of the city council

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 served by the department.

### **Sec. 13-324. - Sewer backup claims.**

- (1) *Purpose.* This section establishes city department of gas and water (hereafter "department") policy and procedures pertaining to payment of claims for sewer backups.
- (2) *Definitions.* As used in this section, "sewer backup" means any backup of sewage from the city owned and maintained sewer system. "Sewer backup" does not include storm water drainage system backups.
- (3) *General responsibility for maintaining sewer service lines.* The department is responsible for maintaining sewer lines, sewer mains, manholes, pump stations and force mains located on city rights-of-way, easements, and city owned property. Maintenance of sewer service lines from the city owned sewer system to a property owner's structure is the responsibility of the property owner.
- (4) *Payment of claims caused by sewer backup.* Subject to any order of a court or administrative tribunal of competent jurisdiction, and in accordance with and to the extent allowed by law, the city/department shall not be responsible for, shall not assume any liability for, and shall not pay any sewer service customer's claim for any damages or costs, direct or indirect, of whatever kind or nature whatsoever, associated in any manner with any sewage backup or blockage onto private property, unless such damages are caused by: (a) a dangerous or defective condition of the city sewer system located on land owned or controlled by the city, to include city rights-of-way and easements, and which such dangerous or defective condition the city/department had actual or constructive notice of prior to the occurrence of the sewer backup damage(s); or (b) the negligence of any city employee(s) acting within the scope of his employment, except as otherwise provided by law. It shall be the responsibility of the sewer service customer making a claim to submit sufficient and satisfactory evidence as determined by the city risk manager or city attorney to substantiate the claim.
- (5) *Procedure.* A department customer seeking to make a claim for sewer backup damages will be advised to submit a written claim to the city risk manager using claim forms as adopted by the risk manager. All claims must be filed within thirty (30) days of the incident/occurrence giving rise to the claim. The risk manager shall investigate the claim and may review same with the department general manager or his designee, and such others as the risk manager may determine appropriate, and may consult with the city attorney, and shall thereafter deny the claim, or approve payment of the claim in whole or in part, as is appropriate under the law and facts of each case and as consistent with the provisions herein, but any payment made shall not exceed the amount permitted by law. The risk manager authority to approve claim amounts shall be the same as that provided in the city internal service fund policy, and the city attorney shall have authority to approve the payment of any claim exceeding the authority of the city risk manager to the same extent as provided in the city internal service fund policy, and the gas and water committee of the city council shall have authority to approve payment of any claim exceeding the authority of the city attorney as established in the city internal service fund policy.

### **Sec. 13-325. - Authority to negotiate terms and to contract with large industrial consumers of large volumes of natural gas.**

Notwithstanding any other provisions in the Official Code of the city to the contrary, the city, through the department of gas and water, shall have the authority to negotiate individual contracts with large industrial or business consumers of natural gas, pertaining to the provision, sale and/or transportation of large volumes of natural gas, and which such contracts may contain terms, provisions and conditions different from or in conflict with other City Code sections pertaining to the provision of natural gas service, to the extent permitted by state and federal law. All such contracts shall be approved by both the mayor and the gas and water committee of the city council or any successor committee or board with authority over the city's department of gas and water. Only those customers with a minimum annual average usage or expected usage of three thousand (3,000) dekatherm per day shall be eligible for consideration under this provision. This provision shall not be construed to require the city to enter into any contract, or to agree to any specific terms, conditions, or provisions, with any natural gas customer.

## **Chapter 4 - WATER AND/OR SEWER SERVICE TO PARTICULAR AREAS OR SUBDIVISIONS**

### **Sec. 13-401. - Generally.**

- (1) *Plans required.* Any person desiring to have water and/or sanitary sewer service made available to a particular area or subdivision shall have detailed plans of the proposed system prepared by a person qualified under the terms of the act creating for the State of Tennessee a state board of architectural and engineering examiners and amendment to the registration law passed in the Tennessee Legislature on February 10, 1970, and shall have the necessary professional seal affixed.
- (2) *Plans to conform to city standards.* The plans of the proposed water and/or sanitary sewer systems shall conform to the regulations and specifications of the City of Clarksville and shall have the approval of the city engineer written thereon.
- (3) *Approval by state agency.* The plans shall meet the designs standards of the Tennessee Department of Environment and Conservation. Approval of the plans must be obtained from the Tennessee Department of Environment and Conservation except cases where the City of Clarksville has been delegated this authority by the Tennessee Department of Environment and Conservation, the city engineer may approve such plans and may collect a plans review fee as established by the public utilities committee, said fee not to exceed the fee that would otherwise be required and charged by the Tennessee Department of Environment and Conservation.
- (4) *Permit.* A permit shall be issued by the city engineer to persons qualified and having a thorough knowledge of utility construction for extensions of and connections to the water and/or sanitary sewer systems of the City of Clarksville including services. This work shall be inspected by the city,



and only after the work has been inspected and all irregularities corrected will the system or lines be served by the City of Clarksville.

- (5) *Cost breakdown; as-built plans.* Upon acceptance of the water and/or sanitary sewer system by the city engineer, the person designing the system or the owner shall furnish the city an itemized cost breakdown of the components of the system and a set of "as-built plans," showing in detail the location of all lines, line sizes, service connections, valves, fire hydrants, manholes, etc. Until these costs and plans are received, service to the system will be denied.
- (6) *Changes.* No changes in construction from that as shown on the plans approved by the city engineer will be allowed without his written permission.
- (7) *Taps.* The City of Clarksville shall make all taps for water service lines, and all sanitary sewer laterals, not larger than six (6) inches, on water and sanitary sewer mains that are accepted and owned by the City of Clarksville.
- (8) *Excavations.* All excavations for the installation, replacement, or repair of water service lines or sanitary sewer laterals located in the paved portions of streets, roads or highways maintained by the City of Clarksville, Montgomery County, or the State of Tennessee shall be backfilled entirely with crushed stone.
- (9) *Tapping fees.* There shall be charged and collected the cost of all taps made by the City of Clarksville and the cost of all service lines or laterals that have been installed by the City of Clarksville prior to any person connecting thereto.
- (10) *CCTV inspection fee.* There shall be a fee established by the general manager, or his designated representative, and approved by the gas and water committee for the cost of closed circuit television inspections and other equipment necessary to perform closed circuit television inspections of sewer lines.
- (11) *Maintenance.* Each customer/owner shall be responsible for the normal routine maintenance and inspection of the sanitary sewer service line serving the property from the building to the point where it connects to the city's main sewer. In cases where the customer or customer's plumber cannot clear the line outside of the customer's property by normal sewer rodding methods or it becomes necessary to replace the noted portion of service line, the city will assume responsibility for major maintenance, repair, or replacement of that applicable portion of the sewer service from the city sewer main to the point it crosses onto the owner's property. Each customer/owner is required at his expense to repair/replace the domestic sanitary sewer service if found defective by the city during inspections of the sanitary sewer system. The city will give written notification of the defective sanitary sewer service to the person responsible under this section for the repair/replacement of the defective domestic sanitary sewer service. Correction shall be made within sixty (60) days after notification. If the correction has not been made within sixty (60) days following the date of notification, the city shall assess a fine in accordance with the general penalty clause of this Code for each day that the repair/replacement has not been made or terminate the water service to the residence.
- (12) *Exceptions to permit requirement.* No permit will be required for work done by employees of the City of Clarksville or by persons having a contract to do such work with the City of Clarksville.
- (13) *Penalty for illegal connections.* Any person who without the knowledge of the city engineer connects to any water and/or sanitary sewer line, or appurtenance thereto that is owned and

operated by the City of Clarksville, shall be guilty of a misdemeanor, and in addition to pecuniary penalties provided in the general penalty clause for this code.

### **Sec. 13-402. - Connection with the city system and execution of agreements.**

Upon the execution of agreements and delivery of the conveyance provided herein, the city shall:

- (1) **Connectors.** Permit the distribution/collector system and/or trunk lines to be connected with the city's water and/or sewer system and be serviced by the distribution/collector system and/or trunk lines after the installation of city-owned water meter for each service.
- (2) **Charges.** Charge for water and/or sewer service at the rate being charged other customers in similar locations.
- (3) The developer of the water and/or sewer system shall be responsible for all costs associated with the water and/or sewer infrastructure or improvements, including both on-site and off-site cost. The city may require that water and/or sewer infrastructure or improvements be designed and installed larger or differently than that immediately necessary (upgrade) to serve the subdivision or area under development in order for any utility or service to be extended to other developments or areas in the future. The developer shall be responsible for the full cost of any upgrades required by the city. However, the developer may be eligible for reimbursement of the cost of the upgrades as provided in section 13-403. At the city's discretion, reimbursement cost, when allowed, shall include all labor, equipment, supplies and other incidentals necessary for construction of the project and shall exclude any engineering, surveying, legal or administrative costs.
- (4) Pump stations and force mains are not allowed if the development can be served by the extension of gravity sewer.
- (5) Should the development require any existing water and/or sewer infrastructure or improvements be upgraded, the developer will be responsible for all of the costs associated with the upgrade to the existing infrastructure or improvements. No reimbursement of any type will be made.

### **Sec. 13-403. - Eligibility and method of reimbursement.**

- (1) **Eligibility.** The developer must strictly adhere to the city's purchasing guidelines (bid process) to qualify for any reimbursement. Reimbursement shall be based on actual costs of the infrastructure or improvements and shall require full supporting documentation to support any request for reimbursement. The only cost that shall qualify for reimbursement is the cost of any upgrade as required in subsection 13-402(3). On projects requiring upgrades, and for which reimbursement is requested, any reimbursement for consideration must be based upon the publicly bid price of the infrastructure or improvements without the required upgrades (base bid) and the publicly bid price of the infrastructure or improvements with the required upgrades. The amount of eligible reimbursement shall be determined by the cost differential calculated by subtracting the base bid amount from the upgrade bid amount.

- (2) *Method of reimbursement.* Projects that meet the eligibility requirements for reimbursement shall be approved by Clarksville Gas and Water prior to the bid process. Upon completion of the project and acceptance by the city, and submittal of all required documentation by the developer, the city and developer shall enter into an agreement that specifies the amount of reimbursement available. A basin fee shall be established for the area that necessitated the upgrades, inclusive of the developer's project based on the future development potential of the area and the cost of the upgrades required. The basin fee shall be in addition to any other fees, rates, or payments required by the city. The basin fees paid to the city in the month prior to connect to the water and/or sewer improvements in the area that necessitated the upgrades shall determine the amount of the monthly reimbursement payable to the developer. When reimbursement is allowed, the developer reimbursement will be monthly for a period not exceeding five (5) years from the date the water and/or sewer infrastructure or improvements are accepted by the city, or the developer has fully recovered the actual costs eligible for reimbursement, whichever occurs first. Notwithstanding anything herein to the contrary, no reimbursement may be made after the passing of five (5) years from the date the water and/or sewer infrastructure or improvements are accepted by the city.

**Sec. 13-404. - Reserved.**

**Sec. 13-405. - Areas serviced outside the city.**

The city shall be under no obligation to enter into any contract for, or to provide, any water or sewer system or service outside the city limits; however, in areas outside the city limits where the city has utility service rights, the general manager of the department of gas and water, or his/her designee(s) made in writing, may approve the extension of water or sewer service when sufficient capacity exists, or can be feasibly made to exist, and when the extension will benefit the city by increased revenues or the avoidance of future system costs required by annexation. Requests for extension of city water or sewer systems or service outside of city limits shall be made by submittal of construction plans depicting said proposed extension(s) to the gas, water and sewer department. The gas, water, and sewer department shall review the submitted plans and make a decision to approve or disapprove the plans. If approved, said approval shall be for a period of one (1) year beginning on the approval date stamped on the construction plans. An applicant's failure to start construction within one (1) year of approval of construction plans by the gas, water and sewer department shall render the prior approval of extension of water or sewer service null and void. All standards for plans submission, construction, and reimbursement shall be the same as for developments within the city; however, all water and sewer usage rates shall be at the outside-of-city rates.

**Sec. 13-406. - City reserves right of eminent domain.**

The city reserves all of its rights of eminent domain and condemnation.

<i>FIRST READING:</i>	September 3, 2020
<i>SECOND READING:</i>	<i>Scheduled for October 1, 2020</i>
<i>EFFECTIVE DATE:</i>	



ORDINANCE 21- 2020-21

AN ORDINANCE WAIVING CREDIT CARD PROCESSING FEES FOR COMMUNITY DEVELOPMENT

*WHEREAS,* In accordance with Title 9, Chapter 1, Section 108 of *Tennessee Code Annotated*, the City of Clarksville is provided with the ability to receive payment by credit card or debit card; and

*WHEREAS,* *TCA 9-1-108* currently states any municipal entity collecting payment by credit/debit card “shall” set and collect a processing fee. Also, provided for is a waiver of the processing fee by the governing body; and

*WHEREAS,* Under certain situations, generally where a consumer is paying for a service or the processing fees may limit the ability to utilize a credit card, the costs associated with credit/debit card acceptance is included as a normal cost of operations. A waiver to collect processing fees is required; and

*WHEREAS,* Community Development is in the process of implementing acceptance of credit cards for loan payments through their housing program.

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

The City waives the requirement to collect credit/debit card processing fees for citizens making loan payments for programs in our Community Development Department.

*BE IT FURTHER ORDAINED:*

This waiver in no way prohibits a City Department from changing their credit card acceptance model to include credit/debit card processing fees.

*FIRST READING:* September 3, 2020

*SECOND READING:* Scheduled for October 1, 2020

*EFFECTIVE DATE:*

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, PART II (CODE OF ORDINANCES), TITLE 14 (BUILDING, UTILITY, AND HOUSING CODES), CHAPTER 6 (PROPERTY MAINTENANCE CODE), SECTION 4-603. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES, REGARDING CARE OF PREMISES AND STORAGE OF INOPERABLE VEHICLES ON COMMERCIALLY ZONED PROPERTY

*WHEREAS*, the City Council finds that long term storage of inoperable vehicles on commercially zoned properties can create a nuisance, is attractive to criminal elements, and creates an unsightly appearance without proper fencing or screening; and

*WHEREAS*, the City Council finds it to be in the best interest of the City and public safety, health, and welfare to adopt fencing and / or screening requirements with regard to commercially zoned properties where inoperable vehicles are stored.

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

(1) That Title 14 (Building, Utility, And Housing Codes), Chapter 6 (Property Maintenance Code), Section 4-603. Minimum Standards For Basic Equipment And Facilities, sub-section (g) *Sanitation requirements*, Sub-sub-section (4) *Care of premises*, is hereby deleted in its entirety, and a new sub-sub-section (4) is substituted therefore as follows:

Title 14 (Building, Utility, And Housing Codes), Chapter 6 (Property Maintenance Code), Section 4-603. Minimum Standards For Basic Equipment And Facilities, Sub-section (g) *Sanitation requirements*, Sub-sub-section (4) *Care of premises*

i. It shall be unlawful for the owner or occupant of a residential / nonresidential building, structure, or premises to utilize the property for open storage of any inoperable motor vehicle, ice box, refrigerator, stove, glass, building material(s), building rubbish or similar items. Every owner or occupant shall keep the premises of such property clean and shall remove from the premises all such items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the housing official.

ii. In commercially zoned properties, to include Automotive Repair Facilities, such inoperable vehicles shall not be stored on the lot for more than ninety (90) days: All unclaimed vehicles will be granted additional storage time with applicable documentation from the state, and the owner or operator of the facility shall maintain a register listing the owner of each vehicle, date of arrival and date of departure, and description (year, make, VIN). The register shall at all times be kept open for the inspection and examination by authorized persons such as police, insurance investigators, and city officials. The storage and parking lot for all such vehicles shall be screened from off-site view by placement in an

enclosed building or behind a wall or fence at least six (6) feet in height. Any chain link fence used to satisfy the requirements of this subsection shall contain slats of at least one-fourth ( $\frac{1}{4}$ ) inch thick, which shall be installed over no less than two-thirds ( $\frac{2}{3}$ ) of the surface area of the fence. Slats shall be made of plastic, vinyl, or metal. Natural objects such as trees or other plantings may also be used to satisfy the screening requirements, as shown on an approved Landscape Plan. Fences and screening shall be maintained in good condition. All commercially owned properties in existence upon the effective date of the ordinance from which this section derives shall have one hundred twenty (120) days from that date to be in compliance with all provisions contained herein.

iii. The provisions of this sub-section shall not apply to prohibit any activity lawfully permitted by zoning regulations applicable to a parcel of property.

<i>FIRST READING:</i>	September 3, 2020
<i>SECOND READING:</i>	<i>Scheduled for October 1, 2020</i>
<i>EFFECTIVE DATE:</i>	



ORDINANCE 23-2020-21

AN ORDINANCE AUTHORIZING SALE OF PROPERTY LOCATED AT 10 JAMESTOWN PLACE TO HABITAT FOR HUMANITY FOR COMMUNITY DEVELOPMENT

*WHEREAS*, the Community Development Committee was established by the Mayor and City Council to identify community needs and to recommend affordable housing programs for community development and;

*WHEREAS*, Community Development Block Grants help communities provide decent housing, a suitable living environment, expanded economic opportunities, principally for persons of low and moderate income; and

*WHEREAS*, Housing and Urban Development awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development and providing improved community facilities and services; and

*WHEREAS*, the City proposes to have the city sell the property located at 10 Jamestown Place (Map, Group and Parcel 043K B 02400 00) to the Habitat for Humanity of Montgomery County, Tennessee, Inc.; and

*WHEREAS*, providing housing for low-income families is consistent with the goals and objectives of the Community Development Block Grant program.

*WHEREAS*, proceeds from the sale shall be used to pay any balance of delinquent property taxes due to Montgomery County or the City of Clarksville.

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

That the Clarksville City Council hereby authorizes sale of property known as 10 Jamestown Place to Habitat for Humanity of Montgomery County, Tennessee, Inc. for ten thousand (\$10,000.00) dollars.

*FIRST READING:* September 3, 2020

*SECOND READING:* Scheduled for October 1, 2020

*EFFECTIVE DATE:*

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE  
PERTAINING TO THE CITY CODE OF ETHICS

*WHEREAS*, the City Council finds that amendments to the City Ethics Code are in order to further clarify ethical duties and obligations; and

*WHEREAS*, the City Council finds that it is in the best interests of the City and its residents to amend the City Ethics Code in order to permit the City Council to have discretion to approve the reimbursement of expenses and costs for those City officials and employees who are charged with ethics violations; and

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

1. That Title 1 (Administration, Officers, and Personnel) of the Official City Code, Chapter 6 (Code of Ethics), Section 1-621 (Procedures for filing and evaluation of ethics complaints), sub-section b. (Hearing procedures), sub-subsection (1), sub-subsection (e) is deleted in its entirety.

**Section 1-621. Procedures for filing and evaluation of ethics complaints**

*b. Hearing procedures*

(1)

(e) Each party shall have the right to represent themselves, and to have the assistance of legal counsel, **but may not be represented by non-attorneys**. The City Council may, by ordinance, advance expenses, or provide reimbursement of any expenses, to any person who is the subject of an ethics complaint before the ethics commission through any stage of the proceedings related to such ethics complaint. In determining whether to provide any such advancement or reimbursement of expenses, the Council shall take into account (i) the seriousness of the ethics violation alleged in the proceedings, (ii) whether the action that is the subject of the complaint was undertaken within the scope of such person's official position with the city; (iii) whether the person who is the subject of the proceeding acted in good faith, (iv) the totality of the circumstances related to the alleged ethics violation, and (v) any other factors the City Council believes are relevant. If upon a final determination of the ethics complaint, whether by the ethics commission in the proceedings under this Section, or by a court of law, there is a finding that the person who is the subject of the ethics complaint violated the ethics code in any material way, the City Council will be entitled to seek reimbursement for any expenses advanced or reimbursed to such person.

The provisions of this Ordinance shall apply to all future complaints filed with the Commission and shall also apply to all complaints currently pending before the Commission.

*FIRST READING:*

September 3, 2020

*SECOND READING:*

*Scheduled for October 1, 2020*

*EFFECTIVE DATE:*

ORDINANCE 25-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF J & N ENTERPRISES, INC., FOR ZONE CHANGE ON PROPERTY LOCATED NORTH OF TINY TOWN ROAD AT THE TERMINI OF SEAGULL DRIVE AND EGRET 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-2 Single Family Residential District, as R-2D Single Family Residential District.

*PUBLIC HEARING:* September 3, 2020  
*FIRST READING:* September 3, 2020  
*SECOND READING:* Scheduled for October 1, 2020  
*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point in the west line of the Triple J Partners Property (Volume 1648, Page 1757), said point having TN State Plane Coordinates of North 838205.00, East 1576508.79, thence on a new division as follows: North 77 Degrees 23 Minutes 07 Seconds West 355.26 feet to a point; thence North 02 Degrees 47 Minutes 35 Seconds East 2695.49 feet to a point; thence South 42 Degrees 44 Minutes 13 Seconds East 296.76 feet to a point; thence South 80 Degrees 00 Minutes 16 Seconds East 139.33 feet to a point; thence South 02 Degrees 47 Minutes 35 Seconds West 2447.73 feet to a point; thence South 02 Degrees 45 Minutes 16 Seconds West 83.00 feet to the point of beginning and containing an area of 20.71 +/- acres.



ORDINANCE 26-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HABITAT FOR HUMANITY, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF WASHINGTON STREET AND GREENWOOD AVENUE

*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 to R-6 Single Family Residential District.

*PUBLIC HEARING:* September 3, 2020  
*FIRST READING:* September 3, 2020  
*SECOND READING:* Scheduled for October 1, 2020  
*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being 298 +/- feet west of the centerline of the intersection of Greenwood Ave. and Washington St., said point further identified as the northwest corner of the Wesley Chapel Christian Methodist Episcopal Church property, and the northeast corner of the herein described tract, thence in a southerly direction 171 +/- feet with the western boundary of the Wesley Chapel Christian Methodist Episcopal Church to a point in the northern boundary of the Shaun M Robertson property, thence in a westerly direction 47 +/- feet with the northern boundary of Shaun M Robertson properties to a point, said point being the northeast corner of the Loaves and Fishes of Clarksville Inc. property, thence in a westerly direction 69 +/- feet to a point, said point being the southeast corner of the Gregory R Zieren property, thence in a northerly direction 173 +/- feet with the eastern boundary of the Gregory R Zieren property to a point, said point being the northeast corner of the Gregory R Zieren property and said point being located in the southern right-of-way margin of Washington Street, thence in an easterly direction 91 +/- feet with the southern right-of-way margin of Washington Street to the point of beginning, said herein described tract containing 0.42 +/- acres.

ORDINANCE 27-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HABITAT FOR HUMANITY, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF BEECH STREET AND PROVIDENCE 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 C-2 General Commercial District, as R-6 Single Family Residential District.

*PUBLIC HEARING:* September 3, 2020  
*FIRST READING:* September 3, 2020  
*SECOND READING:* *Scheduled for October 1, 2020*  
*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being 380 +/- feet south of the centerline of the intersection of Providence Blvd. and Beech St., said point further identified as the southeast corner of the Survivors Trust TUA property, and the northeast corner of the herein described tract, thence in a southerly direction 135 +/- feet with the western right-of-way margin of Beech Street to a point, said point being the northeast corner of the JAG Contractors property and the southeast corner of the herein described tract, thence in a westerly direction 206 +/- feet with the northern boundary of the JAG Contractors property to a point, said point being the southeast corner of the Laquita Oneal property and the southwest corner of the herein described tract, thence in a northerly direction 113 +/- feet to a point, with the Laquita Oneal eastern boundary & other, said point being the northeast corner of the Cheret D Collins property and the northwest corner of the herein described tract, thence in an easterly direction 205 +/- feet with the southern boundary of the Survivors Trust TUA property to the point of beginning, said herein described tract containing 0.58 +/- acres.

ORDINANCE 28-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF BERRY HEDRICK, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF CROSSLAND AVENUE AND MARTIN 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 C-2 General Commercial District, as R-6 Single Family Residential District.

*PUBLIC HEARING:* September 3, 2020  
*FIRST READING:* September 3, 2020  
*SECOND READING:* Scheduled for October 1, 2020  
*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an iron pin set located at the point of intersection of the eastern right of way of Elder Street with the southern right of way of Crossland Avenue; thence measured with the southern right of way of Crossland Avenue South 83 degrees 59 minutes 48 seconds East 293.12 feet to an iron pin set at the point of the intersection fo the southern right of way of Crossland avenue and the western right of way of Martin Street; thence as measured with the western right of way of Martin Street 04 degrees 13 minutes 47 seconds West 46 feet to a set iron pin; thence on a new line North 84 degrees 00 minutes 00 seconds West 295.24 feet to a set iron pin in the eastern right of way of Elder Street; thence as measured by the eastern right of way of Elder Street North 06 degrees 52 minutes 33 seconds East 46.00 feet to the point of beginning, said herein described tract containing 0.61 +/- acre





**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
SEPTEMBER 3, 2020, 7:00 P.M.**

**AGENDA**

**PUBLIC COMMENTS**

James Lewis asked the City Council to consider banning open burning inside the city limits. Christian Black had requested to speak, but cancelled earlier in the day.

**CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, September 3, 2020, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councillady Wanda Smith; the Pledge of Allegiance was led by Councilman Ron Erb.

**ATTENDANCE**

IN PERSON: Richard Garrett (Ward 1), Ron Erb (Ward 3), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), David Allen, Mayor Pro Tem (Ward 8), Jeff Henley (Ward 9), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (Ward 12)

VIA GOOGLE MEETS: Vondell Richmond (Ward 2), Tim Chandler (Ward 4), Travis Holleman (Ward 7)

**APPROVAL OF ELECTRONIC MEETING**

*"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."*

Councilman Henley made a motion to authorize the electronic meeting. The motion was seconded by Council lady Smith. The following vote was recorded:

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

The motion to authorize the electronic meeting unanimously passed.

## SPECIAL RECOGNITIONS

There were no special recognitions.

## ZONING PUBLIC HEARING

Councilman Garrett made a motion to conduct a public hearing to receive comments regarding requests for zone change. The motion was seconded by Councilman Henley. The following vote was recorded:

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

The motion to conduct a public hearing unanimously passed.

**ORDINANCE 25-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of J & N Enterprises, Inc., for zone change on property located north of Tiny Town Road at the western termini of Seagull Drive and Egret Drive from R-2 Single Family Residential District to R-2D Two Family Residential District

No one requested to speak in support of or in opposition to this change.

**ORDINANCE 26-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Habitat For Humanity, Syd Hedrick-Agent, for zone change on property located at the intersection of Washington Street and Greenwood Avenue from R-3 Three Family Residential District to R-6 Single Family Residential District

Syd Hedrick said this property was gifted to Habitat For Humanity and noted the R-6 classification would increase the density of the property. No one requested to speak in opposition to this change.

**ORDINANCE 27-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Habitat For Humanity, Syd Hedrick-Agent, for zone change on property located at the intersection of Beech Street and Providence Boulevard from C-2 General Commercial District to R-6 Single Family Residential District

Syd Hedrick said the R-6 classification would increase the density of the property and would further the mission of Habitat For Humanity. No one requested to speak in opposition to this change.

**ORDINANCE 28-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Berry Hedrick, Syd Hedrick-Agent, for zone change on property located at the intersection of Crossland Avenue and Martin Street from C-2 General Commercial District to R-6 Single Family Residential District

Syd Hedrick said the R-6 classification would be similar to current developments in the area. No one requested to speak in opposition to this change.

Councilman Garrett made a motion to revert to regular session. The motion was seconded by Councilman Allen. The following vote was recorded:

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

The motion to revert to regular session unanimously passed.

#### ADOPTION OF ZONING

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 25-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. There was no discussion. The following vote was recorded:

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

NAY: Erb

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 26-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhardt. There was no discussion. The following vote was recorded:



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

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

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 27-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. There was no discussion. The following vote was recorded:

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

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

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 28-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. There was no discussion. The following vote was recorded:

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

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

## ZONING POSTPONED

**ORDINANCE 10-2020-21** (First Reading; Postponed August 6, Public Hearing held August 6) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Faith Investments % Chris Blackwell for zone change on property located at the intersection of North Whitfield Road and Needmore Road from AG Agricultural District to R-4 Multiple Family Residential District

First reading on this ordinance was postponed August 6, 2020 to allow more time for the public to become aware of the potential change. Councilman Allen said during that meeting the high grass decreased visibility of the sign. The recommendations of the Regional Planning Staff and Commission were for disapproval. Councilman Garrett made a motion to postpone action to the next regular session. The motion was seconded by Councilman Holleman. Mayor Pitts noted this ordinance had already been postponed one month and there were no additional issues. Councilman Garrett and Councilman Holleman withdrew the motion and second to postpone. Councilman Garrett then made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhardt. Councilman Allen said the developer had agreed not to begin

construction until the intersection was improved. Councilman Chandler felt the area was already over-developed. Councilman Henley said he had not received any objection from residents and noted the owner was willing to donate road improvement easements. The following vote was recorded:

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

NAY: Chandler, Guzman

The motion to adopt this ordinance on first reading passed.

## CONSENT AGENDA

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

1. **ORDINANCE 1-2020-21** (Second Reading) Amending the Official Code to establish regulations pertaining to short term rentals
2. **ORDINANCE 5-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wm. Hoosier, Todd Morris-Agent, for zone change on property located at the terminus of Prewitt Lane from AG Agricultural District to R-1 Single Family Residential District
3. **ORDINANCE 6-2020-21** (Second Reading) Authorizing extension of utility services to 1551 Woodlawn Road; request of Patricia Murphy
4. **ORDINANCE 7-2020-21** (Second Reading) Repealing ORDINANCE 152-2006-07 establishing the Capital Projects Revenue District and the Capital Improvement Fund
5. **ORDINANCE 8-2020-21** (Second Reading) Amending the Official Code relative to fireworks
6. **ORDINANCE 9-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Carol Stevens, Derrick Stevens-Agent, for zone change on property located at the southern terminus of West Thompkins Lane from R-1 Single Family Residential District to R-3 Three Family Residential District
7. **ORDINANCE 11-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Joe Roberts, Cal McKay/Burchett & Company-Agent, for zone change on property located at the intersection of Old Ashland City Road and Martha Lane from R-3 Three Family Residential District to R-6 Single Family District

8. **ORDINANCE 12-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Syd Hedrick, Syd Hedrick-Agent, for zone change on property located at the intersection of Greenwood Avenue and Woodmont Boulevard from R-3 Three Family Residential District to R-6 Single Family Residential District and R-4 Multiple Family Residential District

9. **ORDINANCE 13-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mary Davis Holt, Bobby Powers/Greenspace Partners-Agent, for zone change on property located at the intersection of Ashland City Road and Avondale Drive from C-5 Highway & Arterial Commercial District to R-6 Single Family Residential District and R-2 Single Family Residential District

10. **ORDINANCE 14-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mary Davis Holt, Bobby Powers/Greenspace Partners-Agent, for zone change on property located at the intersection of Ashland City Road and Avondale Drive from R-1 Single Family Residential District to C-2 General Commercial District

11. **ORDINANCE 15-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Luke Baggett, Syd Hedrick-Agent, for zone change on property located at the intersection of Seven Mile Ferry Road and Edmondson Ferry Road from C-2 General Commercial District and R-1 Single Family Residential District to R-6 Single Family Residential District

12. **ORDINANCE 16-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of River Chase Marine Terminal, LLC for zone change on property located at the intersection of Ashland City Road and Beacon Drive from R-4 Multiple Family Residential District to R-2A Single Family Residential District

13. **ORDINANCE 17-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Re4e Holdings, LLC, for zone change on property located at the intersection of Lafayette Road and Lillie Belle Lane from R-1 Single Family Residential District to R-6 Single Family Residential District

14. **RESOLUTION 19-2020-21** Approving appointments to the Parking Commission *[Removed; see New Business]*

- *Housing Authority: Trina Hill - September 2020 through September 2022; Dr. Gregory Stallworth - October 2020 through September 2025*
- *Parking Commission: Andrea Herrera - September 2020 - August 2022*

15. Adoption of Minutes: August 6

Councillady Streetman offered a statement regarding comments made during the August 6, 2020 Regular Session in reference to **ORDINANCE 1-2020-21**. She said there was no violation of the Open Meetings Act regarding questions from other members of the City Council to which she responded the answers should be given during a public meeting.



Mayor Pitts requested separate consideration of **RESOLUTION 19-2020-21**.

Councilman Chandler registered a “nay” vote on **ORDINANCE 5-2020-21**. Councilman Garrett, Councilman Allen, Councilwoman Smith, and Councilman Richmond registered a “nay” vote on **ORDINANCE 1-2020-21**.

The following vote was recorded:

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

The motion to adopt the Consent Agenda as amended passed.

FINANCE COMMITTEE *Chairman Jeff Burkhardt*

**ORDINANCE 19-2020-21** (First Reading) Authorizing sale of property located at 1019 Main Street to Tangi Smith

The recommendation of the Finance Committee was for approval. Councilman Burkhardt made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Garrett. Councilman Burkhardt made a motion to postpone action on this ordinance to the next regular session [October 1, 2020]. The motion was seconded by Councilwoman Streetman. Some members had previously expressed concern regarding the details of the purchase contract and options for selling the property. The following vote was recorded:

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

The motion to postpone action on this ordinance to the next regular session unanimously passed.

**ORDINANCE 20-2020-21** (First Reading) Amending the Official Code relative to gas, water, and sewer charges, deposits, programs, adjustments, and installment plans

The recommendations of the Finance Committee and the Gas & Water Committee were for approval. Councilman Burkhardt made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris. There was no discussion. The following vote was recorded:

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

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

**ORDINANCE 21-2020-21** (First Reading) Waiving credit processing fees Community Development

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

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

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

**ORDINANCE 23-2020-21** (First Reading) Authorizing sale of property located at 10 Jamestown Place to Habitat For Humanity

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris. There was no discussion. The following vote was recorded:

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

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

**RESOLUTION 10-2020-21** Authorizing an interlocal agreement with Montgomery County Emergency Management Agency for use of radio frequencies for emergency responses

The recommendations of the Finance Committee and the Public Safety Committee were for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Henley. There was no discussion. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

**RESOLUTION 11-2020-21** Authorizing an interlocal agreement with Montgomery County Emergency Medical Services for use of radio frequencies for emergency responses

The recommendations of the Finance Committee and the Public Safety Committee were for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Henley. There was no discussion. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

**RESOLUTION 21-2020-21** Authorizing an interlocal agreement with Montgomery County pertaining to division of 2020 Byrne Justice Assistance Grant fund allocations and administration and use of such funds

The recommendation of the Finance Committee was for approval. Councilman Burkhardt made a motion to adopt this resolution. The motion was seconded by Councilwoman Guzman. There was no discussion. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

**GAS & WATER COMMITTEE** *Chairwoman Valerie Guzman*

**ORDINANCE 18-2020-21** (First Reading) Authorizing extension of city utilities to Garrettsburg Road; request of Vernon Weakley

The recommendation of the Gas & Water Committee was for approval. Councilwoman Guzman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. There was no discussion. The following vote was recorded:

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

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

Councilwoman Guzman shared the following monthly department statistics: 197 million cubic feet of natural gas, 590 million gallons of treated water, 14,000 call center responses.

**HOUSING & COMMUNITY DEVELOPMENT COMMITTEE** *Councilman David Allen*

Mayor Pitts welcomed Dennis Newburn, recently hired Director of Housing & Community Development.

Councilman Allen said the Office of Housing & Community development was re-evaluating the department's programs to be able to better leverage federal dollars in an effort to create more housing and economic opportunities for low and moderate income persons, to expand services for homeless, to increase short-term transitional housing, and expand support services. The staff was also creating a redevelopment program targeting legacy neighborhoods, adopting a re-use plan for the Frosty Morn property, and offering technical assistance to non-profit organizations using CDBG and HOME funds.

**PARKS & RECREATION COMMITTEE** *Chairwoman Valerie Guzman*

Councilwoman Guzman said the committee met recently to discuss ongoing and upcoming projects and vacant positions within the department.



PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

**ORDINANCE 22-2020-21** (First Reading) Amending the Official Code relative to storage of inoperable vehicles on commercial property

The recommendation of the Public Safety Committee was for approval. Councilman Henley made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris. Councilman Chandler later expressed appreciation to Building & Codes Interim Director David Smith and City Attorney Lance Baker for their assistance in developing this ordinance. There was no discussion. The following vote was recorded:

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

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

**RESOLUTION 20-2020-21** Adopting the Montgomery County Multi-Jurisdictional Hazard Mitigation Plan

The recommendation of the Public Safety Committee was for approval. Councilman Henley made a motion to adopt this resolution. The motion was seconded by Councilwoman Streetman. There was no discussion. The following vote was recorded:

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

The motion to adopt this resolution unanimously passed.

Councilman Henley shared the following monthly department statistics: Building & Codes - 2,658 inspections, 290 enforcement cases, 92 abatement work orders, 95 single family permits, 31 multi-family permits, 20 commercial permits; Fire Rescue - 1,199 emergency runs; Police - 11,569 service calls.

Councilman Henley welcomed 13 new police cadets.

STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

Councilman Chandler announced the Dunbar Cave Bridge was being replaced by the State of Tennessee and the new Riverview Cemetery retaining wall was substantially complete. Sidewalk construction on Armistead Drive and Kirby Drive was nearing completion. Utility relocation at the intersection of Dunlop Lane and International Boulevard was complete with the traffic signal scheduled to be installed within two weeks. He said utility relocation had begun along Rossvie Road with a target completion date of Spring 2021. Meriwether Road & Trenton Road intersection improvements were underway.

Councilman Chandler said City Garage expenses were currently under budget.

#### TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councilwoman Smith shared the following monthly department statistics: 36,363 passengers including 6,551 senior citizens, 2,125 demand responses. She announced CTS had implemented the "Adopt a Stop" program to help keep the city clean. In response to Councilman Allen's question, Councilwoman Smith said the department was reviewing the need for sidewalks at the bus stop at Needmore Road and Tiny Town Road intersection.

#### NEW BUSINESS

##### CODE OF ETHICS

Mayor Pitts introduced Attorney Saul Solomon, Klein Solomon & Mills, LLC, who had been hired to serve as City Attorney Pro Tem in light of a recent ethics complaint against City Attorney Lance Baker, Mayor Pitts, and members of the Finance Committee.

**ORDINANCE 24-2020-21** (First Reading) Amending the Official Code relative to the Code of Ethics regarding payment of attorney fees

Councilman Norris made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman Streetman. Councilman Norris made a motion to amend this ordinance by deleting the existing language as follows:

*b. Hearing procedures*

- (1) (e) *Each party shall have the right to represent themselves, and to have the assistance of legal counsel, but may not be represented by non-attorneys. The City Council may approve payment or reimbursement of attorney fee expenses for officials and employees who are charged with an alleged ethics violation.*

And by substituting instead the following language:

*b. Hearing procedures*

- (1) (e) *Each party shall have the right to represent themselves, and to have the assistance of legal counsel. The City Council may, by ordinance, advance expenses, or provide reimbursement of any expenses, to any person who is the subject of an ethics complaint before the ethics commission through any stage of the proceedings related to such ethics complaint. In determining whether to provide any such advancement or reimbursement of expenses, the Council shall take into account (i) the seriousness of the ethics violation alleged in the proceedings, (ii) whether the action that is the subject of the complaint was undertaken within the scope of such person's official position with the city; (iii) whether the person who is the subject of the proceeding acted in good faith, (iv) the totality of the circumstances related to the alleged ethics violation, and (v) any other factors the City Council believes are*

*relevant. If upon a final determination of the ethics complaint, whether by the ethics commission in the proceedings under this Section, or by a court of law, there is a finding that the person who is the subject of the ethics complaint violated the ethics code in any material way, the City Council will be entitled to seek reimbursement for any expenses advanced or reimbursed to such person.*

*The provisions of this Ordinance shall apply to all future complaints filed with the Commission and shall also apply to all complaints currently pending before the Commission.*

The motion was seconded by Councilman Henley. There was no objection to hearing from Mr. Solomon who explained this proposed amendment.

In response to Councilman Garrett's question, Mr. Solomon said prepayment of attorney fees would prevent a burden on the employee. Also responding to Councilman Garrett, Mr. Solomon said the Ethics Commission would only make recommendations to the City Council, but official consequences would be determined by the governing body.

In response to Councilman Allen's question regarding an accused elected official, Mr. Solomon said the individual could state for the record that "their vote answers only to their conscience and their obligation to their constituents and the citizens that the body represents." Councilman Allen felt it would be a conflict of interest for currently accused members of the City Council to vote on this ordinance.

In response to Councilwoman Smith's question, Mr. Solomon said the deletion of "may not be represented by non-attorneys" was an error, and this specific language should be retained.

Councilman Allen objected to using taxpayer dollars to defend an employee or official that is accused of an ethics violation by a member of the public. He said anyone accused should be responsible for their own attorney fees.

Councilwoman Smith felt the amendment should not be considered until after the current ethics complaints were resolved.

Mayor Pitts said the City attempted several times to settle the Robinson v. City case and said city employees should not be subject to harassment. He said he would not ask the City to pay for his legal fees to defend him against the complaint.

Councilman Henley, Councilwoman Streetman, Councilman Burkhart, Councilman Chandler, Councilwoman Guzman, and City Attorney Lance Baker said they would not ask the City to pay for their legal fees with regard to the pending ethics complaint.

Councilman Erb called for the question. The question was seconded by Councilwoman Smith. The following vote was recorded:



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

The motion to cease discussion on Councilman Norris' amendment unanimously passed. The following vote on the amendment was recorded:

AYE: Burkhart, Chandler, Erb, Guzman, Henley, Holleman, Norris, Pitts, Streetman

NAY: Allen, Garrett, Smith

ABSTAIN: Richmond

The amendment passed.

Councilman Garrett felt amendments to this policy should be made after the current complaints have been resolved. He said the City should not be responsible for defending an employee or official accused of an ethics violation and felt a recommendation from the Ethics Commission would not require expensive legal representation.

Councilman Burkhart called for the question. The question was seconded by Councilwoman Streetman. The following vote was recorded:

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

NAY: Allen

The motion to cease discussion passed. The following vote on the main motion as amended was recorded:

AYE: Burkhart, Chandler, Erb, Guzman, Henley, Norris, Holleman, Pitts, Streetman

NAY: Allen, Garrett

ABSTAIN: Richmond, Smith

The motion to adopt this ordinance on first reading passed.

Mayor Pitts withdrew his proposed amendment which was included in the agenda but was not officially presented.

#### INTERNAL SERVICE FUND SETTLEMENT AUTHORITY

**ORDINANCE 29-2020-21** (First Reading) Amending ORDINANCE 29-2019-20 and the Official Code relative to Internal Service Fund settlement authority

Councilman Chandler made a motion to postpone action on this ordinance to the next regular session [October 1, 2020]. The motion was seconded by Councilman Henley. The following vote was recorded:

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

The motion to postpone action this ordinance to the next regular session unanimously passed.

## CITY LEGISLATIVE AGENDA

**RESOLUTION 22-2020-21** Approving the City of Clarksville's Legislative Agenda to be presented to the 112th Tennessee General Assembly

Councilman Chandler made a motion to consider **RESOLUTION 22-2020-21** which had not been presented during the August 27, 2020 Executive Session. The motion was seconded by Councilman Allen. The following vote was recorded:

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

The motion to consider this resolution passed by the required 3/4 majority approval. Councilman Burkhardt made a motion to adopt this resolution. The motion was seconded by Councilman Norris.

Councilman Garrett made a motion to amend this resolution by adding the following agenda items:

1. *Discontinue disenfranchising convicted felons by no longer taking away their right to vote or hold public office.*
2. *Make convicted felons a protected class as it relates to housing and employment discrimination.*
3. *Make it mandatory for all law enforcement officers to wear body cameras when on duty.*
4. *Require law enforcement officers to undergo a more thorough background check that includes social media. Any ties to racist and/or terrorist groups would be a disqualification for employment.*

The motion was seconded by Councilman Richmond. Councilman Allen was concerned that mandating body cameras for state-wide law enforcement may not be financially feasible for some cities or counties. Councilman Garrett felt that convicted felons should have their rights restored after they have served their due diligence.

Councilwoman Guzman felt that felony sex offenders should be excluded from the protected class relating to housing and employment (Garrett Amendment Item #2); Councilwoman Smith felt officers who had been decommissioned or fired should not be hired again as a law enforcement officer (Garrett Amendment Item #4). Both were offered as amendments to Councilman Garrett's amendment to the resolution. Councilman Allen made a motion to suspend the rules to allow

both amendments to be considered simultaneously. The motion was seconded by Councilman Garrett. The following vote was recorded:

AYE: Allen, Garrett, Holleman, Norris, Pitts, Richmond, Smith

NAY: Chandler, Erb, Guzman, Henley, Streetman, Burkhart

The motion to suspend the rules passed. Councillady Streetman said the Montgomery County Commission included restoring voting rights for convicted felons and state funding for body work cameras on their list of requests. The following vote on Councillady Guzman's and Councillady Smith's amendments was recorded:

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

The motion to adopt both amendments unanimously passed. The following vote on Councilman Garrett's amendment as amended was recorded:

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

NAY: Burkhart, Streetman

ABSTAIN: Henley, Pitts

The motion to adopt Councilman Garrett's amendment as amended passed. The following vote on the main motion as amended was recorded:

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

NAY: Erb

ABSTAIN: Henley

The motion to adopt this resolution as amended passed.

## BOARD APPOINTMENTS

### **RESOLUTION 19-2020-21** Approving appointments to the Parking Commission

This resolution was removed from the Consent Agenda. Councilman Garrett made a motion to adopt this resolution. The motion was seconded by Councilman Norris. Mayor Pitts made a motion to amend this resolution by adding and approving appointments of Syd Hedrick, Lawson Mabry, and Bert Singletary to the Land Regulation Advisory Committee, with terms effective September 2020 through August 2022. The motion was seconded by Councillady Streetman. The following vote was recorded:

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



The amendment unanimously passed. The following vote on the 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 resolution as amended unanimously passed.

#### MAYOR AND COUNCIL MEMBER COMMENTS

Councilman Garrett invited the City Council and the public to the grand opening of the Mosaic Church.

Mayor Pitts reminded members of the Legislative Reception scheduled for September 22.

#### ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

ORDINANCE 19-2020-21

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY LOCATED AT 1019 MAIN STREET TO TANGI SMITH

*WHEREAS,* The City of Clarksville has previously obtained through a tax sale the property located at 1019 Main Street (Map & Parcel 66F C 02000), the Decree Confirming Sale, Divesting and Vesting Title to said property being attached hereto as Exhibit A; and

*WHEREAS,* The City of Clarksville desires to sell said property and return it to the tax rolls; and

*WHEREAS,* Ms. Tangi Smith has expressed an interest in purchasing said real property for the sum of NINE THOUSAND AND 00/100 DOLLARS (\$9,000.00) as accordance with Exhibit B attached hereto.

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

That the Clarksville City Council hereby authorizes the sale of property more particularly described in Exhibit A, attached hereto, to Tangi Smith for the sum of Nine Thousand and 00/100 Dollars (\$9,000.00).

*POSTPONED:* September 3, 2020 to October 1, 2020

*FIRST READING:* Scheduled for October 1, 2020

*SECOND READING:*

*EFFECTIVE DATE:*

RESOLUTION 23-2020-21

A RESOLUTION ACCEPTING THE PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF SIDEWALKS ON US-41A/SR-112 FROM MCADOO CREEK ROAD TO EAST OF SR76

*WHEREAS*, the Tennessee Department of Transportation proposes to construct a project in the City of Clarksville for State Project No. 63021-3224-04 and 63021-2224-04; and

*WHEREAS*, the above referenced project is described as sidewalks on US-41A//SR-112 from McAdoo Creek Road to east of SR-76; and

*WHEREAS*, the City of Clarksville agrees to cooperate with TDOT as set forth in this proposal so that the general highway program may be carried out in accordance with the intent of the Tennessee General Assembly.

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

That the Clarksville City Council hereby accepts the proposal, attached hereto as Exhibit A. from the Tennessee Department of Transportation for State Project No. 63021-3224-04 and 63021-2224-04, known as Sidewalks on US-41A//SR-112 from McAdoo Creek Road to east of SR-76.

*ADOPTED:*





STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
REGION 3 RIGHT OF WAY DIVISION  
6601 CENTENNIAL BOULEVARD  
NASHVILLE, TENNESSEE 37243-0360  
(615) 350-4200

CLAY BRIGHT  
COMMISSIONER

BILL LEE  
GOVERNOR

DATE: SEPTEMBER 03, 2020

Mayor Joe Pitts  
City of Clarksville  
POB 928  
Clarksville, TN 37040

RE: **Proposal for Acceptance**  
STATE PROJ. #: **63021-2224-04, 63021-3224-04**  
FED PROJ. #:  
COUNTY(s) **Montgomery**  
PIN #: **101285.05**  
DESCRIPTION: **(US-41A), From McAdoo Creek Road to East of SR-76 in  
Clarksville (Sidewalks) Route: SR-112**

Dear Mayor Pitts:

Enclosed you will find an original and two (2) copies of a proposal to be presented before your agency councilmembers for acceptance of same by Ordinance or Resolution, whichever is applicable.

Following acceptance, two (2) copies of the proposals should be returned to me, each accompanied by a **certified copy** of the Ordinance or Resolution, whichever is applicable. Please note on the original Ordinance or Resolution the book and page number where same has been properly **recorded**. A sample Resolution is enclosed should the city not already have one available.

It is important that this proposal be accepted as soon as possible in order not to delay the project from being let to contract as scheduled. If you have any questions or anticipate any delay in the acceptance of the proposal, please feel free to call me.

Sincerely yours,

Becky White by Jan Harrison

TDOT Regional ROW Transportation Manager II  
Phone: 615-350-4225

Enclosures: Proposals (Originals & 2 copies)  
Sample Resolution  
Plans

**P R O P O S A L**

**OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE**

**TO THE CITY OF CLARKSVILLE, TENNESSEE:**

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter “DEPARTMENT”, proposes to construct a project in the City of Clarksville, Tennessee, hereinafter “CITY”, designated as Federal Project No. , State Project No. 63021-3224-04,63021-2224-04 , that is described as “(US-41A), From McAdoo Creek Road to East of SR-76 in Clarksville (Sidewalks) Route: SR-112”, provided the CITY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee, 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.

2. The CITY will close or otherwise modify any of its roads, or other public ways if indicated on the project plans, as provided by law.

3. The CITY will transfer or cause to be transferred to the DEPARTMENT, without cost to the DEPARTMENT, all land owned by the CITY or by any of its instrumentalities as required

for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes.

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right-of-way of any road or other public way owned by the CITY or any of its instrumentalities, the CITY agrees that it will take any action necessary to require the removal or adjustment of any of the above-described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the CITY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the CITY.

The foregoing does not apply to those utility facilities which are owned by the CITY or one of its instrumentalities, it being understood that the CITY has the duty to relocate or adjust such facilities, if required, provided the CITY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the CITY.

5. The CITY will maintain any frontage road to be constructed as part of the project;

6. After the project is completed and open to traffic, the CITY will accept jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map.

7. The CITY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the



DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the CITY for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the CITY that all traffic control signs for the control of traffic on a street under the jurisdiction of the CITY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the CITY.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the CITY.

11. If, as a result of acquisition and use of right-of-way for the project, any building and/or structure improvements become in violation of a CITY setback line or building and/or structure requirement, including, but not limited to, on-premise signs, the CITY agrees to waive enforcement of the CITY setback line or building and/or structure requirement and take other proper governmental action as necessary to accomplish such waiver.

12. If, as a result of acquisition and use of right-of-way for the project, any real property retained by any property owner shall become in violation of a CITY zoning regulation or requirement, the CITY agrees to waive enforcement of the CITY zoning regulation or requirement and take other proper governmental action as necessary to accomplish such waiver.

13. The CITY will not authorize encroachments of any kind upon the right-of-way, nor will the CITY authorize use of the easements for the project in any manner which affects the DEPARTMENT's use thereof.

14. The CITY will obtain the approval of the DEPARTMENT before authorizing parking

on the right-of-way and easements for the project.

15. The CITY will not install or maintain any device for the purpose of regulating the movement of traffic on the roadway except as warranted and in conformity with the Manual on Uniform Traffic Control Devices.

16. If the project is classified as full access control (i.e. a project which has no intersecting streets at grade), then the DEPARTMENT will maintain the completed project. If the project is not classified as full access control, then the DEPARTMENT will maintain the pavement from curb to curb where curbs exist, or will maintain the full width of the roadway where no curbs exist. The CITY agrees to maintain all other parts of non-access control projects; provided, however, that any retaining walls, box culverts, or other like structures constructed as part of the project that support the structural integrity or stability of the roadway surface shall be maintained by the DEPARTMENT.

17. If a sidewalk is constructed as a component of this project, the CITY shall be responsible for maintenance of the sidewalk and shall assume all liability for third-party claims for damages arising from its use of the sidewalk or premises beyond the DEPARTMENT'S maintenance responsibilities as set forth in section 16 of this Proposal.

18. When said project is completed, the CITY thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation, or governmental agency, without first obtaining the approval of the DEPARTMENT.

19. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation for damage or civil actions of which the Attorney General has received the notice and pleadings provided for herein; provided, however, that if the project is being constructed pursuant to a contract administered by the DEPARTMENT's Local

Programs Development Office, the terms of that contract shall control in the event of a conflict with this Proposal..

20. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the CITY.

21. The acceptance of this proposal shall be evidenced by the passage of a resolution or by other proper governmental action, which shall incorporate this proposal verbatim or make reference thereto.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

THE CITY OF \_\_\_\_\_, TENNESSEE

BY: \_\_\_\_\_  
MAYOR

DATE: \_\_\_\_\_

STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
CLAY BRIGHT  
COMMISSIONER

DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

BY: \_\_\_\_\_  
JOHN REINBOLD  
GENERAL COUNSEL

DATE: \_\_\_\_\_



ORDINANCE 29-2020-21

AN ORDINANCE TO AMEND ORDINANCE 29-2019-20 WHICH REPEALED THE OLD “INTERNAL SERVICE FUND GUIDELINES,” AND AMENDED THE OFFICIAL CODE BY ESTABLISHING A NEW INTERNAL SERVICE FUND LAW

*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 Council, pursuant to Ordinance 29-2019-20 repealed the old “internal service fund guidelines,” and amended the official code by establishing a new internal service fund law; 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*, the City Council finds that the best interests of the citizens requires that the Ordinance 29-2019-20, as previously adopted by the City Council, should be amended.

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

1. That Ordinance 29-2019-20 (as may be codified, or is to be codified, at City Code Section 6-514) be amended as set forth below.

#### **Section 6-514. Internal Service Fund.**

- (a) There is hereby established an General Liability account as a part of the Internal Service Fund to serve as a mechanism and accounting account for the purpose of administering and paying, as determined by appropriate authorities as set forth herein below, claims 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 General Liability account of 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 General Liability account as determined by the City Attorney, as well as outside counsel fees, expert fees, court reporter fees, court costs, and other costs associated with any such claims or litigation.
- (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 Chief Financial Officer, and his / her assistants, shall be responsible for administering and collecting sufficient sums from the various departments, in a fair and equitable manner, 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 Chief Financial Officer, in order to fund and maintain the General Liability account of the Internal Service Fund in an amount sufficient to pay claims on an annual budget basis. Said General Liability account of the Internal Service Fund shall be a separate account within the Internal Service Fund, and shall be accounted for separately from the City general fund and other funds. The Chief Financial Officer may establish procedures for the requisition and documentation of payments made out of the General Liability account, 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 with regard to payments to claimants, but not including the payment of court ordered or other administrative tribunal judgments, or City retained outside counsel, expert, and / or court reporter fees, which shall be subject only to the approval of the City Attorney and the Mayor, subject to appropriated budget funding, 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 shall be handled in accordance with the City of Clarksville on-the-job (OJI) injury 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) (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, in any amount greater than \$30,000.00 (THIRTY THOUSAND DOLLARS) but less than the budgeted amount for the Internal Service Fund, may be approved for payment by the Finance and Administration Committee 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 and shall apply to any existing or pending lawsuits or claims, and to any new lawsuits and claims filed or submitted on or after the effective date of this ordinance.

<i>POSTPONED:</i>	September 3, 2020 to October 1, 2020
<i>FIRST READING:</i>	<i>Scheduled for October 1, 2020</i>
<i>SECOND READING:</i>	
<i>EFFECTIVE DATE:</i>	

*OLD ORDINANCE 29-2019-20 SHOWING CHANGES IN RED BELOW*

**Section 6-514. Internal Service Fund.**

(a) There is hereby established an General Liability account as a part of the Internal Service Fund to serve as a mechanism and accounting account for the purpose of administering and paying, as determined by appropriate authorities as set forth herein below, claims 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 General Liability account of 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 General Liability account as determined by the City Attorney, as well as outside counsel fees, expert fees, court reporter fees, court costs, and other costs associated with any such claims or litigation.

(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 Chief Financial Officer, and his / her assistants, shall be responsible for administering and collecting sufficient sums from the various departments, in a fair and equitable manner, 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 Chief Financial Officer, in order to fund and maintain the General Liability account of the Internal Service Fund in an amount sufficient to pay claims on an annual budget basis. Said General Liability account of the Internal Service Fund shall be a separate account within the Internal Service Fund, and shall be accounted for separately from the City general fund and other

funds. The Chief Financial Officer may establish procedures for the requisition and documentation of payments made out of the General Liability account, 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 with regard to payments to claimants, but not including the payment of court ordered or other administrative tribunal judgments, or City retained outside counsel, expert, and / or court reporter fees, which shall be subject only to the approval of the City Attorney and the Mayor, subject to appropriated budget funding, 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 shall be handled in accordance with the City of Clarksville on-the-job (OJI) injury 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, ~~up to an amount of \$150,000.00 (ONE HUNDRED FIFTY THOUSAND DOLLARS) or less~~ in any amount greater than \$30,000.00 (THIRTY THOUSAND DOLLARS) but less than the budgeted amount for the Internal Service Fund, may be approved for payment by the Finance and Administration Committee of the City Council.

~~(5) 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 \$150,000.00 (ONE HUNDRED FIFTY 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~~ and shall ~~only~~ apply to ~~any existing or pending lawsuits or claims, and to any~~ 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.~~

RESOLUTION 25-2020-21

A RESOLUTION REPEALING RESOLUTION 2-2020-21 AND AUTHORIZING AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND MONTGOMERY COUNTY RELATED TO SHARED EXPENSES FOR AUTOPSIES

*WHEREAS,* the City Council finds it in the best interest of the City to share in the cost of autopsies with Montgomery County; and

*WHEREAS,* the City and County wish to formalize an ongoing practice in the shared expenses of autopsies as set forth in the Interlocal Agreement attached hereto, and incorporated herein as Exhibit A; and

*WHEREAS,* *Tennessee Code Annotated (TCA) Section 12-9-108* authorizes local governments to contract with each other to perform any governmental service, activity, or undertaking, which each is authorized by law to perform, provided that such contract is authorized by the governing body of each party to the contract.

*WHEREAS,* it has become necessary to repeal RESOLUTION 2-2020-21, adopted by the Clarksville City Council on July 2, 2020, and to amend the interlocal agreement to allow either party to terminate the agreement with 90 days' written notice.

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

The Interlocal Agreement, attached hereto as Exhibit A, pertaining to shared expenses for autopsies between Montgomery County, and the City of Clarksville, Tennessee, attached hereto and incorporated herein, is hereby approved and adopted subject to the approval of same by the Montgomery County Commission and same shall be effective as of the date of the last date of the last signature of both Mayors.

*BE IT FURTHER RESOLVED* that RESOLUTION 2-2020-21, adopted on July 2, 2020, is hereby repealed.

*ADOPTED:*

## INTERLOCAL AGREEMENT

This agreement entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between the City of Clarksville, Tennessee, hereinafter referred to as “City” and Montgomery County Government, Montgomery County, Tennessee, hereinafter referred to as “County”.

### WITNESSETH

In order to memorialize the formal obligations of the City and County concerning the process of autopsies, the parties contract and agree as follows:

1. County shall be financially responsible for all expenses incurred for the costs of autopsies requested by the Montgomery County Sheriff’s Office or the District Attorney General’s Office for the 19<sup>th</sup> Judicial District of Tennessee; and
2. County will be financially responsible for one-half (1/2) of all expenses incurred for the cost of autopsies requested by the Clarksville Police Department and the City shall be responsible for one-half (1/2); and
3. County shall notify City of any price increase in the cost of autopsies by notifying the City in writing as soon as is practicable after receiving notification from the State.
4. This agreement remains in effect in perpetuity or until such time both-as either party elects to terminate this agreement with 90 days’ notice in writing to the other party.  
~~parties agree to amend or end this agreement.~~

In witness thereof, the parties have signed this agreement on the day and date first written above.

City of Clarksville

Montgomery County, Tennessee

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor