



## CLARKSVILLE CITY COUNCIL REGULAR SESSION

NOVEMBER 5, 2020, 7:00 P.M.

### AGENDA

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

#### PUBLIC COMMENTS

- 6:55 pm Barbara Samuels

1) CALL TO ORDER *Mayor Joe Pitts*

2) PRAYER *Councilman Richard Garrett*

3) PLEDGE OF ALLEGIANCE *Councilman Jeff Henley*

4) 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."*

5) CMCSS UPDATE *Mr. Millard House, Director of Schools*

PUBLIC HEARING: ZONING AND ANNEXATION

1. **ORDINANCE 43-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mark Holleman and John Hampel, Houston Smith-Agent, for zone change on property located at the intersection of Golf Club Lane and Colonial Court and the intersection of Paradise Hill Road and Highland Circle from R-1 Single Family Residential District to R-6 Single Family Residential District *RPC: Approval/Approval*

*FOR:* Mark Holleman, Houston Smith

*OPPOSE:* *No Requests Submitted*

2. **ORDINANCE 44-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ava Homes, LLC/Amber Frederick, Amber Fredrick and Bryan Gerwitz-Agents, for zone change on property located at the terminus of Dodd Street from R-3 Three Family Residential District to R-6 Single Family Residential District *RPC: Approval/Approval*

*FOR:* *No Requests Submitted*

*OPPOSE:* *No Requests Submitted*

3. **ORDINANCE 45-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Christopher Colburn for zone change on property located at the intersection of North Seven Mile Ferry Road and Ashland City Road from R-1 Single Family Residential District to C-2 General Commercial District *RPC: Approval/Approval*

*FOR:* Christopher Colburn

*OPPOSE:* *No Requests Submitted*

4. **ORDINANCE 46-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Re4e Holdings, LLC, Acklen Property Group, LLC-Agent, for zone change on property located at the intersection of Hickory Grove Boulevard and Hickory Heights from R-2 Single Family Residential District to R-6 Single Family Residential District *RPC: Disapproval/Disapproval*

*FOR:* *No Requests Submitted*

*OPPOSE:* *No Requests Submitted*

5. **RESOLUTION 26-2020-21** Annexing territory off Britton Springs Road near Center Road; request of Marie-Laur Killebrew, Ronald Killebrew, and Marjorie Tanner

*FOR:* *No Requests Submitted*

*OPPOSE:* *No Requests Submitted*

6. **RESOLUTION 27-2020-21** Adopting a Plan of Service for annexed territory off Britton Springs Road near Center Road

*FOR: No Requests Submitted*

*OPPOSE: No Requests Submitted*

#### ANNEXATION REAPPORTIONMENT

1. **ORDINANCE 41-2020-21** (First Reading) Amending the Official Code reapportioning the City of Clarksville for the purpose of electing persons for the office of city council member for annexed territory off Britton Springs Road near Center Road

#### 7) 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 19-2020-21** (Second Reading) Authorizing sale of property located at 1019 Main Street to Tangi Smith and Women Elevated

2. **ORDINANCE 30-2020-21** (Second 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

3. **ORDINANCE 31-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Sandra Taylor, Rosalynd Greene, and Robert Darden, 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

4. **ORDINANCE 32-2020-21** (Second 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

5. **ORDINANCE 33-2020-21** (Second 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

6. **ORDINANCE 34-2020-21** (Second 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

7. **ORDINANCE 35-2020-21** (Second 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

8. **ORDINANCE 36-2020-21** (Second 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-3 Three Family Residential to R-4 Multiple Family Residential District

9. **ORDINANCE 37-2020-21** (Second 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

10. **RESOLUTION 34-2020-21** Approving appointments to the Senior Citizens Board of Directors

- *Senior Citizens Board: Jason Bell (new member) - November 2020 through April 2023, Freda Colon (fill unexpired term of Dick Stovall) - November 2020 through April 2021*

11. Adoption of Minutes: Special Session October 1, Regular Session October 1, Special Session October 5

#### 8) FINANCE COMMITTEE *Chairman Jeff Burkhart*

1. **ORDINANCE 40-2020-21** (First Reading) Amending the Official Code relative to adoption of the updated Codes of the International Code Council (Building Code, Gas Code, Plumbing Code, Residential Code, and Mechanical Code) *Finance Committee and Public Safety Committee: Approval*

2. **ORDINANCE 42-2020-21** (First Reading) Amending the Official Code relative to valet parking *[Proposed Amendment] Finance Committee: Approval*

3. **RESOLUTION 28-2020-21** Repealing RESOLUTION 25-1991-92, adopting Sick Leave Transfer Personnel Procedure 91-4, and adopting Personnel Procedure 20-1, establishing the Sick Leave Bank *Finance Committee: Approval*

4. **RESOLUTION 29-2020-21** Adopting Personnel Policy 20-3 pertaining to HIPPA Privacy Policy *Finance Committee: Approval*



5. **RESOLUTION 30-2020-21** Adopting Personnel Policy 20-4 pertaining to HIPPA Security Policy *Finance Committee: Approval*

6. **RESOLUTION 32-2020-21** Adopting Personnel Policy 20-6 pertaining to Equal Employment Opportunity *[Proposed Amendment] Finance Committee: Approval*

7. **RESOLUTION 33-2020-21** Adopting Personnel Policy 20-8 pertaining to Abusive Conduct Prevention *Finance Committee: Approval*

9) GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

1. Department Report

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

1. Department Report

11) PARKS & RECREATION COMMITTEE *Chairlady Valerie Guzman*

1. Department Report

12) PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

1. Department Reports

13) STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

1. Department Reports

14) TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

1. Department Report

15) NEW BUSINESS

1a. Approval to consider **ORDINANCE 47-2020-21** on first reading (¾ majority approval required) *Mayor Pitts*

1b. **ORDINANCE 47-2020-21** (First Reading) Temporarily waiving credit card processing fees for property tax collection *Mayor Pitts*

16) ROURK/SONS OF CONFEDERATE VETERANS V. CITY

1a. Non-Public Meeting (If Necessary)

1b. **RESOLUTION 31-2020-21** Approving a settlement agreement in the Heyward L. Rourk and Cpt. Frank P. Gracey Camp 233 Sons of Confederate Veterans v. City case  
*Finance Committee: Approval*

17)MAYOR AND COUNCIL MEMBER COMMENTS

18)ADJOURNMENT

## CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: November 5, 2020. The public hearing will be held on: October 29, 2020.

CITY ORD. #: 43-2020-21      RPC CASE NUMBER: Z-35-2020

Applicant:      MARK HOLLEMAN JOHN HAMPEL 299 MAYHEW DR. CLARKSVILLE, TN 37040

Agent:      Houston Smith

Location:      Property fronting on the the South frontage of Golf Club Ln. south of the Golf Club Ln. & Colonial Ct. intersection & also fronting on the north frontage of Paradise Hill Rd. 415 +/- feet west of the Paradise Hill Rd. & Highland Cir. intersection.

Ward #:      9

Request:      R-1 Single-Family Residential District  
to  
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 44-2020-21      RPC CASE NUMBER: Z-44-2020

Applicant:      AVA HOMES LLC AMBER FREDERICK

Agent:      Amber Frederick Bryan Gerwitz

Location:      Property fronting on the south frontage of Dodd St. at the east terminus of Dodd St.

Ward #:      6

Request:      R-3 Three-Family Residential District  
to  
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 45-2020-21      RPC CASE NUMBER: Z-45-2020

Applicant:      CHRISTOPHER COLBURN

Location:      Property fronting on the west frontage of North Seven Mile Ferry Rd., 465 +/- feet north of the Ashland City Rd. & North Seven Mile Ferry Rd. intersection.

Ward #:      7

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

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 46-2020-21      RPC CASE NUMBER: Z-46-2020

Applicant:      RE4E HOLDINGS, LLC AGENT: ACKLEN

Agent:      Acklen Property Group, Llc

Location:      Property fronting on the east/south frontage of Hickory Heights, 415 +/- feet north of the Hickory Grove Blvd. & Hickory Heights intersection.

Ward #:      6

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

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: DISAPPROVAL

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**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE** 10/28/2020

**CASE NUMBER:** Z - 35 -2020

**NAME OF APPLICANT:**Mark Holleman

John Hampel

299 Mayhew Dr.

Clarksville, Tn 37040

**AGENT:** Houston Smith

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**GENERAL INFORMATION**

**TAX PLAT:** 80-A-E

**PARCEL(S):** 6.00 p/o & 7.00

**ACREAGE TO BE REZONED:** 10.2

**PRESENT ZONING:** R-1

**PROPOSED ZONING:** R-6

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:**

Property fronting on the the South frontage of Golf Club Ln. south of the Golf Club Ln. & Colonial Ct. intersection & also fronting on the north frontage of Paradise Hill Rd. 415 +/- feet west of the Paradise Hill Rd. & Highland Cir. intersection.

**CITY COUNCIL WARD:** 9

**COUNTY COMMISSION DISTRICT:** 21

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** Long narrow parcel with single family home & pond on site.

**APPLICANT'S STATEMENT** Single Family Housing  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Hilldale

**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:

Traffic Assessment required

#### 3. DRAINAGE COMMENTS:

Drainage issues 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: 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. Over 1,000 lots have already been approved in this region. 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:** Increased single family residential density.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Paradise Hill Rd. & Golf Club Ln.

**DRAINAGE COMMENTS:** Varies

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**71**

**POPULATION:**

**191**

**APPLICABLE LAND USE PLAN**

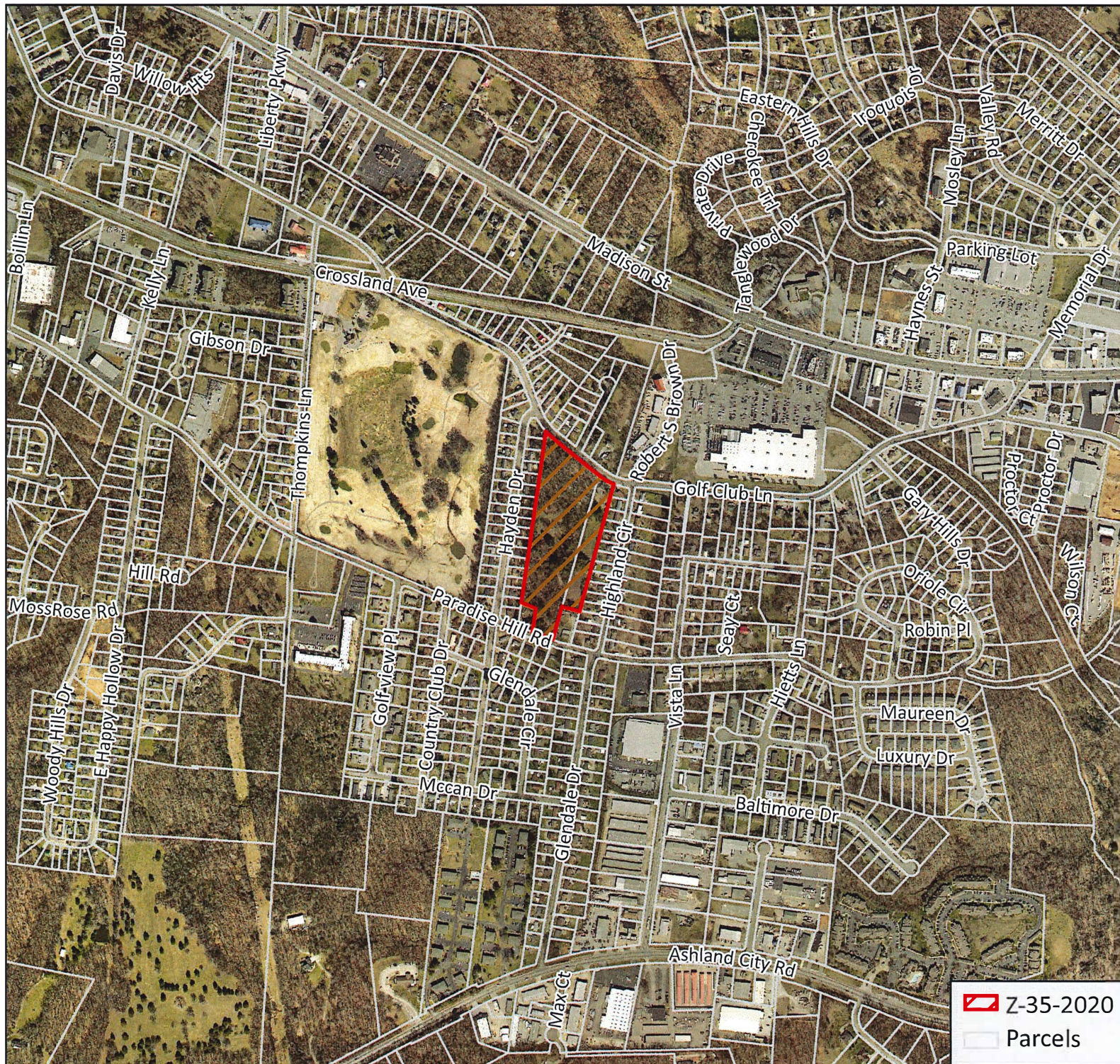
Hilldale Planning Area: One of the most stable single family residential areas of the city. Its central location gives its convenient proximity to most areas of the city & Sango Planning Area: Growth rate for this area is well above the overall county average.

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

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The R-6 single family zoning classifications are not out of character with the surrounding area or established uses.
3. Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
4. No adverse environmental issues have been identified as part of this request.

5.





**Z-35-2020**

**APPLICANT:**

MARK HOLLEMAN

**REQUEST:**

**R-1**

**TO**

**R-6**

**MAP & PARCEL**

080A E 00600 (P)

080A E 00700

**ACRES +/-**

10.2

Scale: 1:10,000



0 500 1,000  
Feet

10/28/2020





**Z-35-2020**

**APPLICANT:**

MARK HOLLEMAN

**REQUEST:**

**R-1**

**TO**

**R-6**

**MAP & PARCEL**

080A E 00600 (P)

080A E 00700

**ACRES +/-**


10.2

Scale: 1:2,600



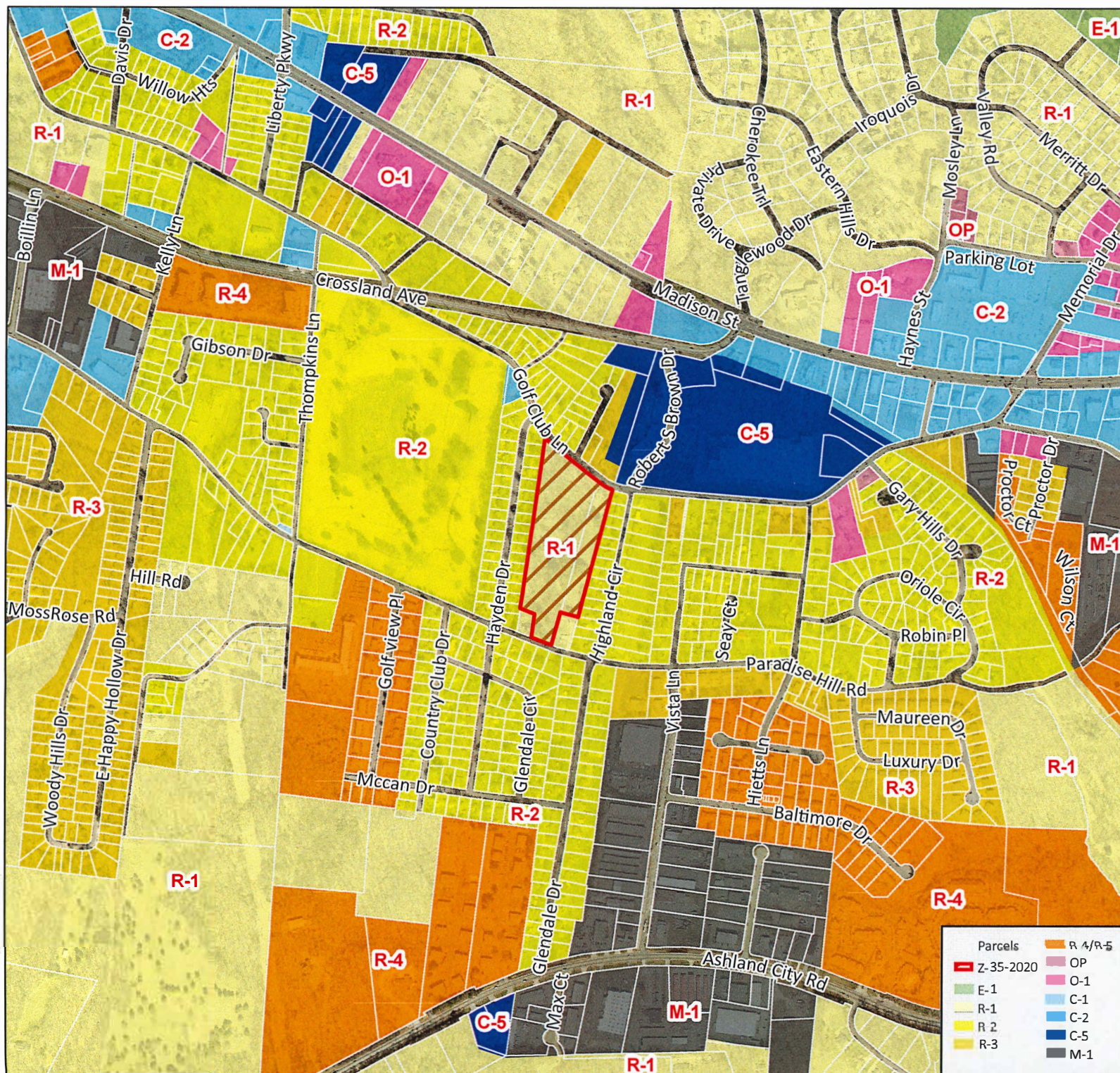
0 130 260  
Feet

Parcels

 Z-35-2020

10/28/2020





**Z-35-2020**

**APPLICANT:**

MARK HOLLEMAN

**REQUEST:**

**R-1**

**TO**

**R-6**

**MAP & PARCEL**

080A E 00600 (P)

080A E 00700

**ACRES +/-**

10.2

Scale: 1:10,000



10/28/2020



**CASE NUMBER:** Z 35 2020

**MEETING DATE** 10/28/2020

**APPLICANT:** Mark Holleman

John Hampel

**PRESENT ZONING** R-1

**PROPOSED ZONING** R-6

**TAX PLAT #** 80-A-E

**PARCEL** 6.00 p/o & 7.00

**GEN. LOCATION** Property fronting on the the South frontage of Golf Club Ln. south of the Golf Club Ln. & Colonial Ct. intersection & also fronting on the north frontage of Paradise Hill Rd. 415 +/-

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**PUBLIC COMMENTS**

A copy of e-mail is in the file.



**City  
of  
Clarksville**

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

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**Fwd: Case Number Z-35-2020**

2 messages

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**b. j. Worthington** <[bjwvolunteer@gmail.com](mailto:bjwvolunteer@gmail.com)>  
To: [john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)

Fri, Sep 11, 2020 at 11:41 AM

Mr. Spainhoward,  
I have questions about the proposed zone change on this property.

I own a house on Hayden Drive and it, along with a number of houses on that street, receive considerable water overflow from the area to which I think this case is referring.

I had a city worker come and look at the house after we bought it and he stated he had been called to the street residences many times before, but it was not something the City could fix. It is not only my house, but others also. We built a drain around our house and widened an existing drainage ditch to help alleviate some of the water flow.

My concern is what will happen if structures are built on this property and nothing is done to rectify the existing problem.

Thank you and I look forward to hearing from you. my number is 931-980-2633

B. J. Worthington

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**John Spainhoward** <[john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)>  
Draft To: "b. j. Worthington" <[bjwvolunteer@gmail.com](mailto:bjwvolunteer@gmail.com)>

Tue, Sep 15, 2020 at 4:10 PM

[Quoted text hidden]



**John T. Spainhoward, Jr.** *Deputy Director of Planning*

*Clarksville Montgomery County Regional Planning Commission*

931.645.7448 [john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)

329 Main Street Clarksville, TN 37040

[cmcrpc.com](http://cmcrpc.com)

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

**RPC MEETING DATE:** 10/28/2020

**CASE NUMBER:** Z - 44 - 2020

**NAME OF APPLICANT:**Ava Homes Llc

Amber Frederick

**AGENT:** Amber Frederick

Bryan Gerwitz

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**GENERAL INFORMATION**

**TAX PLAT:** 066-E-M

**PARCEL(S):** 7.00

**ACREAGE TO BE REZONED:** 0.41

**PRESENT ZONING:** R-3

**PROPOSED ZONING:** R-6

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property fronting on the south frontage of Dodd St. at the east terminus of Dodd St.

**CITY COUNCIL WARD:** 6

**COUNTY COMMISSION DISTRICT:** 21

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** Vacant residential lot with overgrown grass.

**APPLICANT'S STATEMENT** To allow infill development on vacant parcel  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Red River

**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:** Comments received from department and they had no concerns.

**8. SCHOOL SYSTEM:**

ELEMENTARY: <span style="border: 1px solid black; padding: 2px;">M O O R E</span> MIDDLE SCHOOL: <span style="border: 1px solid black; padding: 2px;">R O S S V I E W</span> HIGH SCHOOL: <span style="border: 1px solid black; padding: 2px;">R O S S V I E W</span>	<u>Moore Elem. is in the 3rd fastest region in Mont. Co. Rossview Middle &amp; Rossview High are in the 2nd fastest growing region. Moore Elem. is at 90% capacity and currently has 1 portable, RMS is at 117% capacity and currently has 11 portables, RHS is at 110% capacity &amp; currently has 6 portables. CMCSS has not constructed a schools since 2015 in this region. There are over 1,000 lots already approved in this region. This continued growth necessitates additional action to address building capacity &amp; bus transportation needs in Mont. Co. This development could add additional students &amp; require additional infrastructure &amp; funding. If a new school can be approved by Aug. 2022 the capacity at the schools could possibly be reduced by 10% to 20% after a comprehensive rezoning. However with the current and future growth of Mont. County, there is no way to predict this until such time as the homes are occupied. In addition, Rossview Rd. transitions from 5 to 2 lanes at Rossview Campus and traffic volume will only increase.</u>
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**9. FT. CAMPBELL:**

**10. OTHER COMMENTS:**

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

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Increased single family residential density

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Dodd Street

**DRAINAGE COMMENTS:** East

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**3**

**POPULATION:**

**8**

**APPLICABLE LAND USE PLAN**

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

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

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





**Z-44-2020**

**APPLICANT:**

AVA HOMES, LLC

**REQUEST:**

**R-3**

**TO**

**R-6**

**MAP & PARCEL**

066E M 00700

**ACRES +/-**

0.41

Scale: 1:10,000

0 500 1,000  
Feet

10/28/2020





**Z-44-2020**

**APPLICANT:**

AVA HOMES, LLC

**REQUEST:**

**R-3**

**TO**

**R-6**

**MAP & PARCEL**


066E M 00700


**ACRES +/-**

0.41

Scale: 1:1,500

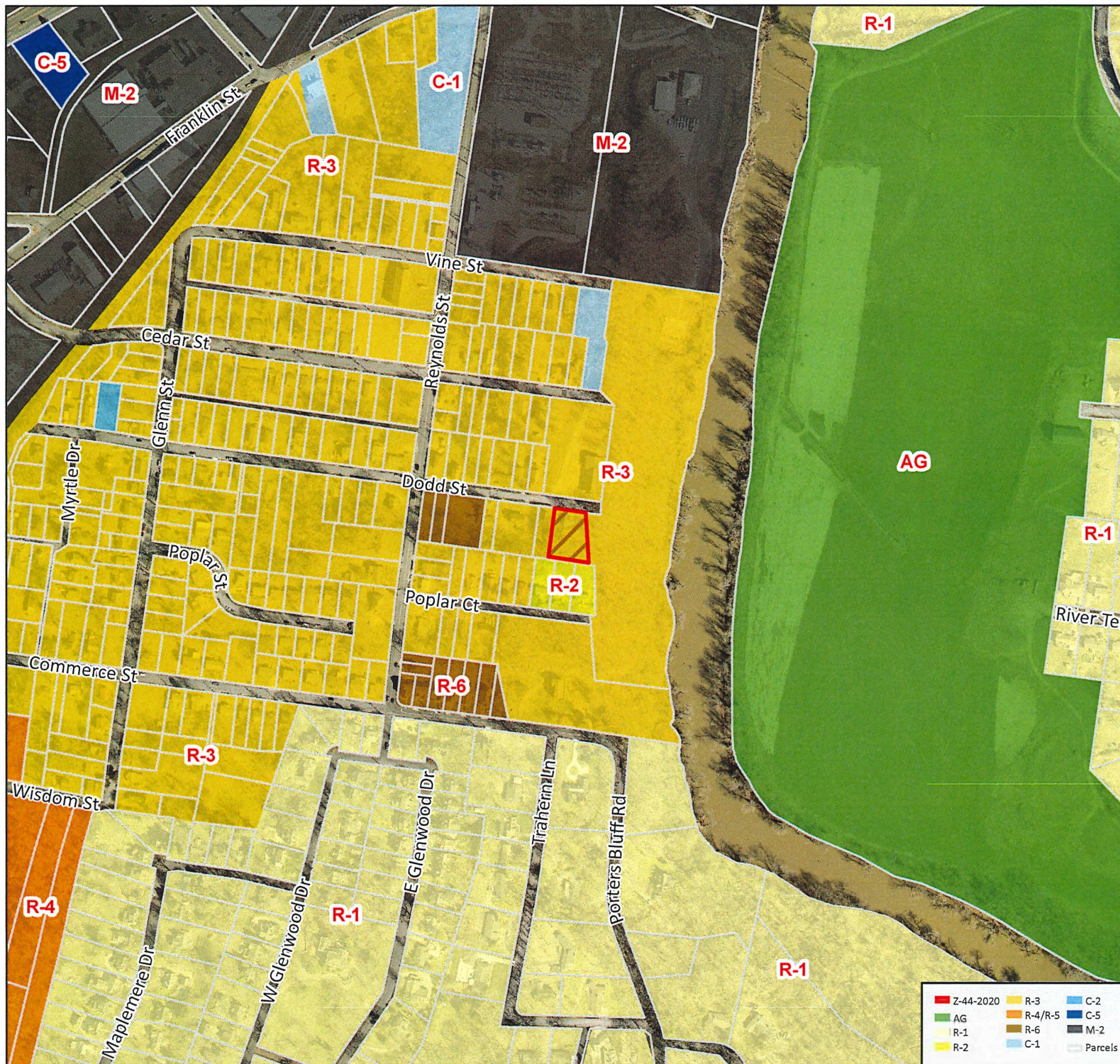


 Z-44-2020

 Parcels

10/28/2020





**Z-44-2020**

**APPLICANT:**

AVA HOMES, LLC

**REQUEST:**

**R-3**

**TO**

**R-6**

**MAP & PARCEL**

066E M 00700

**ACRES +/-**

0.41

Scale: 1:5,000



10/28/2020



**CASE NUMBER:** Z 44 2020 **MEETING DATE** 10/28/2020

**APPLICANT:** Ava Homes Llc Amber Frederick

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

**TAX PLAT #** 066-E-M **PARCEL** 7.00

**GEN. LOCATION** Property fronting on the south frontage of Dodd St. at the east terminus of Dodd St.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 10/28/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 10/28/2020

**CASE NUMBER:** Z - 45 - 2020

**NAME OF APPLICANT:**Christopher Colburn

**AGENT:**

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**GENERAL INFORMATION**

**TAX PLAT:** 079-L-B

**PARCEL(S):** 19.00

**ACREAGE TO BE REZONED:** 0.33

**PRESENT ZONING:** R-1

**PROPOSED ZONING:** C-2

**EXTENSION OF ZONING**

**CLASSIFICATION:** YES TO THE SOUTH & WEST

**PROPERTY LOCATION:** Property fronting on the west frontage of North Seven Mile Ferry Rd., 465 +/- feet north of the Ashland City Rd. & North Seven Mile Ferry Rd. intersection.

**CITY COUNCIL WARD:** 7

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** Vacant cleared lot.

**APPLICANT'S STATEMENT FOR PROPOSED USE:** Development of an office/warehouse.

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** South Clarksville

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

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

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

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

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

Comments received from department and they had no concerns.

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

Comments received from department and they had no concerns.

#### **3. DRAINAGE COMMENTS:**

Comments received from department and they had no concerns.

#### **4. CDE/CEMC:**

No Comment(s) Received

#### **5. FIRE DEPT/EMERGENCY MGT.:**

Comments received from department and they had no concerns.

#### **6. POLICE DEPT/SHERIFF'S OFFICE:**

Comments received from department and they had no concerns.

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

Comments received from department and they had no concerns.

#### **8. SCHOOL SYSTEM:**

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

#### **9. FT. CAMPBELL:**

#### **10. OTHER COMMENTS:**

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

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON Minimal**  
**SURROUNDING DEVELOPMENT:**

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** North Seven Mile Ferry Rd.

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**POPULATION:**

**APPLICABLE LAND USE PLAN**

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

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

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed C-2 Zoning District is an extentsion of the established C-2 Zoning District to the West & South.
3. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 4.
- 5.





**Z-45-2020**

**APPLICANT:**

CHRISTOPHER COLBURN

**REQUEST:**

**R-1**

**TO**

**C-2**

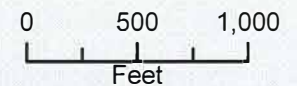
**MAP & PARCEL**



079L B 01900

**ACRES +/-**

0.33

Scale: 1:10,000



 Z-45-2020  
 Parcels

10/28/2020





**Z-45-2020**

**APPLICANT:**  
CHRISTOPHER COLBURN

**REQUEST:**

**R-1**  
**TO**  
**C-2**

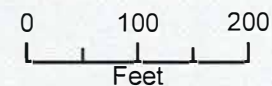
**MAP & PARCEL**

079L B 01900



**ACRES +/-**

0.33

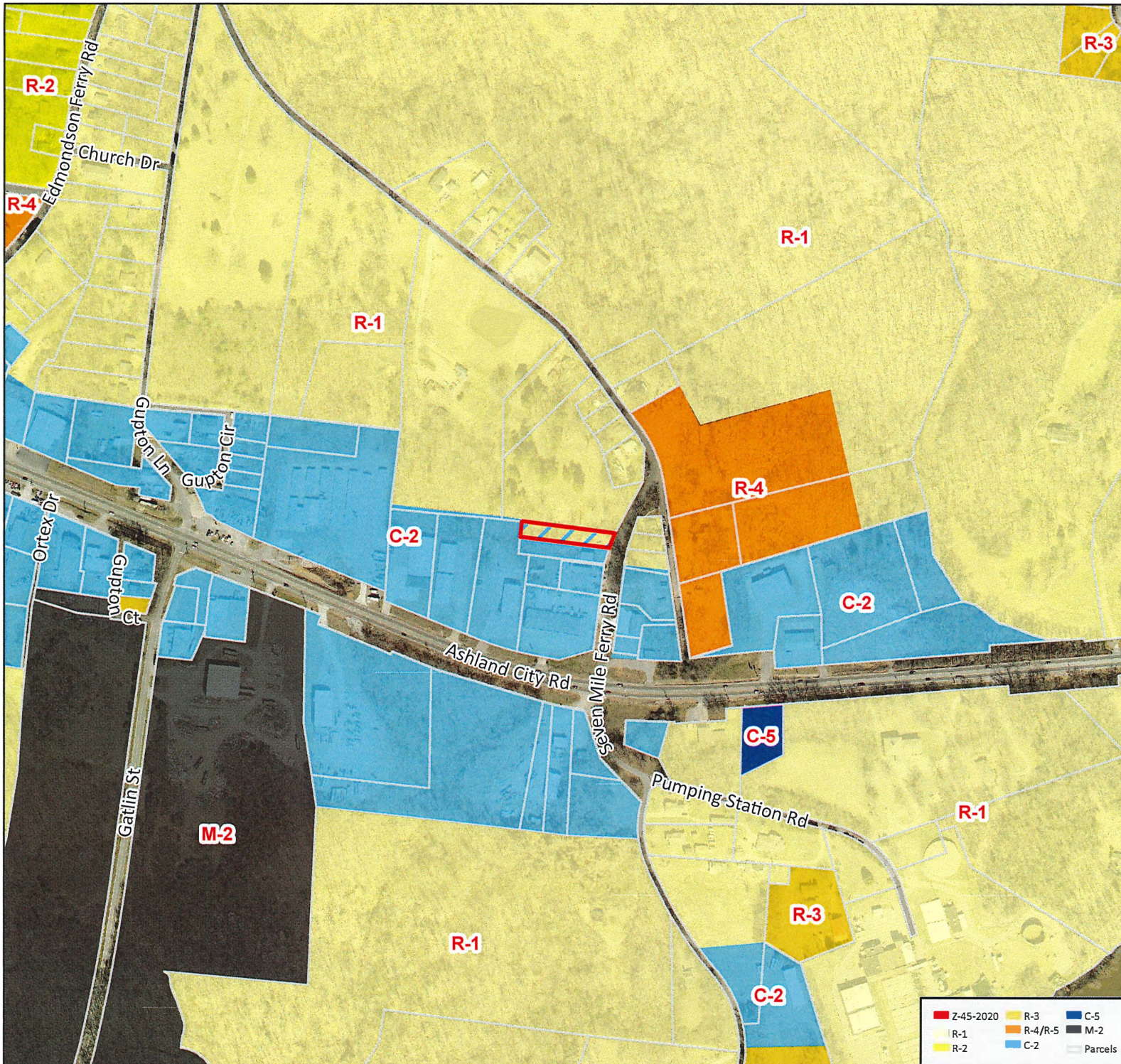
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10/28/2020

 Z-45-2020  
 Parcels





**Z-45-2020**

**APPLICANT:**

CHRISTOPHER COLBURN

**REQUEST:**

**R-1**

**TO**

**C-2**

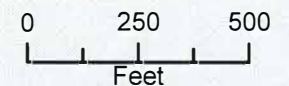
**MAP & PARCEL**

079L B 01900

**ACRES +/-**

0.33

Scale: 1:5,000



10/28/2020



**CASE NUMBER:** Z 45 2020 **MEETING DATE** 10/28/2020

**APPLICANT:** Christopher Colburn

**PRESENT ZONING** R-1

**PROPOSED ZONING** C-2

**TAX PLAT #** 079-L-B

**PARCEL** 19.00

**GEN. LOCATION** Property fronting on the west frontage of North Seven Mile Ferry Rd., 465 +/- feet north of the Ashland City Rd. & North Seven Mile Ferry Rd. intersection.

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**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 10/28/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 10/28/2020

**CASE NUMBER:** Z - 46 - 2020

**NAME OF APPLICANT:**Re4e Holdings, Llc

**AGENT:** Acklen Property Group,

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**GENERAL INFORMATION**

**TAX PLAT:** 079 B C

**PARCEL(S):** 001.00

**ACREAGE TO BE REZONED:** 0.85

**PRESENT ZONING:** R-2

**PROPOSED ZONING:** R-6

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property fronting on the east/south frontage of Hickory Heights, 415 +/- feet north of the Hickory Grove Blvd. & Hickory Heights intersection.

**CITY COUNCIL WARD:** 6

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** A large lot single family home site with mature trees and steep topography.

**APPLICANT'S STATEMENT** Subdivide into single family lots.  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** South Clarksville

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

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

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

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

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

Comments received from department and they had no concerns.

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

Comments received from department and they had no concerns.

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

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

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

Montgomery Central Middle School is at 102% capacity and currently has 4 portable classrooms. This development could add additional students and require additional infrastructure and funding.

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:

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

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Increased single family residential density

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Hickory Heights

**DRAINAGE COMMENTS:**

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**5**

**POPULATION:**

**13**

**APPLICABLE LAND USE PLAN**

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

**STAFF RECOMMENDATION:**      **DISAPPROVAL**

- 1.** The proposed zoning request is inconsistent with the adopted Land Use Plan.
- 2.** The adopted Land Use Plan indicates that the present R-2 zoning is assumed to be correct unless the proposed zone is more consistent with the land use plan, the parcel was incorrectly zoned in the first place, or major changes of an economic, physical or social nature were not considered in the present plan which have substantially altered the character of the area.
- 3.** The potential for increased density exists with the present R-2 Single Family Zoning classification.
- 4.** Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
- 5.**





**Z-46-2020**

**APPLICANT:**

RE4E HOLDINGS, LLC

**REQUEST:**

**R-2**

**TO**

**R-6**

**MAP & PARCEL**

079B C 00100

**ACRES +/-**

0.85

Scale: 1:10,000



10/28/2020





**Z-46-2020**

**APPLICANT:**

RE4E HOLDINGS, LLC

**REQUEST:**

**R-2**

**TO**

**R-6**

**MAP & PARCEL**

079B C 00100


**ACRES +/-**

0.85

Scale: 1:2,000

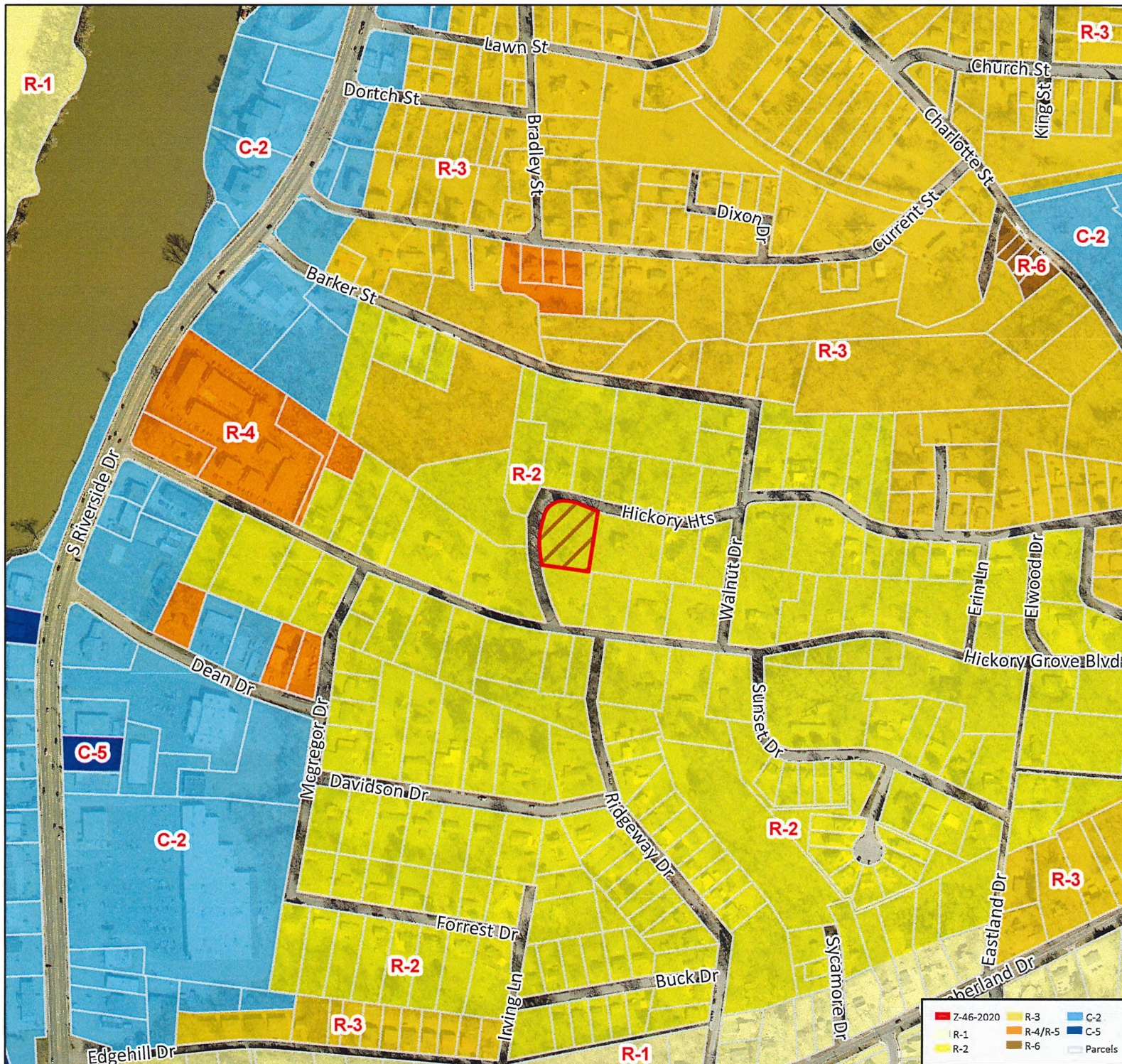


 Z-46-2020

 Parcels

10/28/2020





**Z-46-2020**

**APPLICANT:**

RE4E HOLDINGS, LLC

**REQUEST:**

**R-2**

**TO**

**R-6**

**MAP & PARCEL**

079B C 00100

**ACRES +/-**

0.85

Scale: 1:5,000



10/28/2020



**CASE NUMBER:** Z 46 2020 **MEETING DATE** 10/28/2020

**APPLICANT:** Re4e Holdings, Llc

**PRESENT ZONING** R-2

**PROPOSED ZONING** R-6

**TAX PLAT #** 079 B C

**PARCEL** 001.00

**GEN. LOCATION** Property fronting on the east/south frontage of Hickory Heights, 415 +/- feet north of the Hickory Grove Blvd. & Hickory Heights intersection.

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**PUBLIC COMMENTS**

None received as of 9:30 A.M. on 10/28/2020 (A.L.)

ORDINANCE 43-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARK HOLLEMAN AND JOHN HAMPEL, HOUSTON SMITH-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF GOLF CLUB LANE AND COLONIAL COURT AND THE INTERSECTION OF PARADISE HILL ROAD AND HIGHLAND 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-6 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Being a tract of land located in the 12TH Civil District of the city of Clarksville, County of Montgomery, TN. Being a portion of the Mark Holleman property as recorded in ORV 1734, Page 2589 ROMCT, and the John Hampel property as recorded in ORV 1516, Page 2189 ROMCT being described as being located south of Crossland Ave, east of Hayden Drive, north of and adjacent to Paradise Hill Road, south of and adjacent to Golf Club Lane, said tract being more particularly described as follows; Beginning at a ½ seconds iron pin in the north right of way of Paradise Road, said point of beginning being further described as the southwest corner of Lot 1 of Highland Circle as recorded in Plat Book (PB) 4, PG. 10, ROMCT, also lying North 71 degrees 06 minutes 12 seconds West 306.84 feet from the intersection of the centerlines of Paradise Hill Road and Highland Circle, also being the southeast corner of herein described tract; Thence, leaving said Lot 1 and along the north right of way of Paradise Hill Road, North 70 degrees 56 minutes 43 seconds West for 42.63 feet to a point; Thence, North 68 degrees 50 minutes 39 seconds West for 93.96 feet to a ½ seconds iron pin capped “DBS & Assoc.”, said iron pin being the southeast corner of the property recorded in ORV 805, PG 827, ROMCT; Thence leaving north right of way on a new severance line, North 07 degrees 39 minutes 10 seconds East for 150.00 feet to a point; Thence continuing on a new severance line, North 67 degrees 37 minutes 22 seconds West for 100.00 feet to a point, said point lying in the

east boundary line of the Country Club Estates Section 1 lot #20, as recorded in PB 8, PG 80, ROMCT; Thence along the east boundary line for the five calls: Thence North 08 degrees 19 minutes 32 seconds East for 22.79 feet to an existing iron pin; Thence North 08 degrees 22 minutes 23 seconds East 195.06 feet to an existing iron pin; Thence North 08 degrees 03 minutes 50 seconds East 65.09 feet to an existing iron pin; Thence, North 08 degrees 06 minutes 07 seconds East 259.85 feet to an existing iron pin; Thence continuing with said Country Club Estates Section 1 and with the east boundary line of Country Club Estates Section 2 as recorded in PB 12, PG 141, ROMCT, North 08 degrees 16 minutes 50 seconds East for 568.12 feet to an existing iron pin in the south right of way of Golf Club Lane. Said existing iron pin being the northwest corner of herein described tract; Thence leaving said Country Club Estates Section 2 and with the south right of way of Golf Club Lane for the next four calls: South 46 degrees 50 minutes 50 seconds East for 113.57 feet to point; Thence South 50 degrees 39 minutes 42 seconds East 212.70 feet to a point; Thence South 50 degrees 45 minutes 31 seconds East 48.87 feet to a point; Thence South 56 degrees 09 minutes 41 seconds East 60.29 feet to an existing iron pin, said iron pin being the northwest corner of the John T. and Rebecca Hampel property as recorded in ORV 1516, PG 2189 ROMCT; Thence continuing along the south right of way of Golf Club Lane for the following two (2) calls as follows: South 56 degrees 09 minutes 41 seconds East 68.88 feet to a point, Thence on a curve to the left having a radius of 365.12 feet, an arc length of 39.34 feet, delta of 06 degrees 17 minutes 29 seconds, chord bearing of South 65 degrees 07 minutes 22 seconds East for 39.32 feet to an existing iron pin, being the northwest corner of the Highland Circle lot 2 as recorded in PB 4, Page 10 ROMCT; Thence leaving Golf Club Lane, along the west boundary of Highland Circle, South 14 degrees 33 minutes 12 seconds West for 848.71 feet to a point, lying in the west boundary of lot 14, also being the northeast corner of Highland Circle lot 1; Thence leaving lot 14 along lot 1 north property line North 79 degrees 06 minutes 07 seconds West for 118.62 feet to a 12" Hackberry tree being the northwest corner of said Lot 1 and the southwest corner of said Hampel property; Thence along west property line of lot 1, South 15 degrees 45 minutes 38 seconds West for 210.98 feet to the point of beginning. Said tract-containing 10.20 acres more or less.

ORDINANCE 44-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF AVA HOMES, LLC/AMBER FREDERICK, AMBER FREDRICK AND BRYAN GERWITZ-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE TERMINUS OF DODD STREET

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an iron pin on the south right of way of Dodd Street said pin lies 1.6 minutes south of centerline and also being the northeast corner of the Sandy Porter property as recorded in Volume 1101, Page 1366, thence with said right of way South 83 degrees 14 minutes 08 seconds East, a distance of 100.00 feet to an iron pin set; thence, with the west line of the City of Clarksville property south 04 degrees 10 minutes 35 seconds east, a distance of 160 .00 feet to an iron pin set on the north right of way of a 10 unimproved alley; thence with said alley, north 82 degrees 18 minutes 48 seconds west, a distance of 130.00 feet to an iron pin set; thence with the east line of the said Porter property north 06 degrees 37 minutes 21 seconds east, a distance of 155.00 feet to the point of beginning, said herein described tract containing 0.41 +/- acres

ORDINANCE 45-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CHRISTOPHER COLBURN FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF NORTH SEVEN MILE FERRY ROAD AND ASHLAND CITY ROAD

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

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

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Being a parcel of land lying in the 12th Civil District of Montgomery County, Tennessee. Said parcel being the property shown on Tax Map 079L, Group B, Parcel 019.00. Said parcel belonging to Christopher and Dee Ann Colburn and is of record in Official Record Volume (ORV) 1944, Page (PG) 130 Register's Office Montgomery County, Tennessee (ROMCT). It can be generally described as being east of Gupton Lane, south of Seven Mile Ferry Road, west of and adjacent to North Seven Mile Ferry Road, north of Ashland City Road, and being further described below. Beginning at a found ½" iron pin capped "DN Young." Said POINT OF BEGINNING being South 34°55'01" West a distance of 227.9 feet from the centerline intersections of Seven Mile Ferry Road and Old Seven Mile Ferry Road. Said ½" iron pin being the southeast corner of the James Vertrees property, as recorded in ORV 1571, PG 1398 ROMCT, being in the western right of way (ROW) of North Seven Mile Ferry Road, and being the northeast corner of herein described tract. Thence, leaving said Vertrees property, and along said western ROW of North Seven Mile Ferry Road, South 20°14'55" West a distance of 51.00 feet to a found ½" iron pin capped "DN Young." Said iron pin being the southeast corner of herein described tract and being the northeast corner of the Matthew Sheppard property, as recorded in ORV 1848 PG 2325 ROMCT. Thence, leaving side ROW, and along the north line of said Sheppard property, North 83°42'45" West a distance of 283.40 feet to a ½" iron pin. Said ½" iron pin being the southwest corner of herein described tract, the



northwest corner of said Sheppard property, and in the east line of the Wayne and Sandra Bulledge property, as recorded in ORV 582 PG 1301 ROMCT. Thence, leaving said Sheppard property, and along said Bulledge property, North 05°33'21" East a distance of 49.81 feet to a ½" iron pin. Said ½" iron pin being the northeast corner of said Bulledge property, being the northwest corner of herein described tract, and being in the south line of said Vertrees property. Thence, leaving said Bulledge property, and along said Vertrees property, South 83°39'11" East a distance of 296.34 feet to said POINT OF BEGINNING. Said portion of parcel containing 14,393 SQ FT or 0.33 Acres, more or less.

ORDINANCE 46-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RE4E HOLDINGS, LLC, ACKLEN PROPERTY GROUP, LLC-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF HICKORY GROVE BOULEVARD AND HICKORY HEIGHTS

*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-6 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an iron pin located in the east margin of Hickory Heights, said iron pin also being located 214.00 feet +/- north of the centerline of Hickory Grove Blvd. as measured along the east margin of Hickory Heights; thence with the margin of the same as follows: north 8 degrees 20 minutes 00 seconds west 81.30 feet to a hub; north 1 degree 33 minutes 20 seconds west 50.00 feet to a hub; north 13 degrees 16 minutes 40 seconds east 50.00 feet to a hub; north 48 degrees 31 minutes 10 seconds east 50.00 feet to a hub; south 77 degrees 09 minutes 40 seconds east 80.80 feet to an iron pin, thence leaving the south margin of Hickory Heights south 3 degrees 10 minutes 30 seconds east 203.00 feet to an iron pin; thence north 88 degrees 23 minutes 50 seconds west 175.77 feet to the point of beginning, said herein described tract containing 0.85 +/- acres

RESOLUTION 26-2020-21

A RESOLUTION ANNEXING TERRITORY OFF BRITTON SPRINGS ROAD NEAR CENTER ROAD

*WHEREAS,* the City of Clarksville is considering annexation of an area described in attached legal description (See “Exhibit A”) as requested by property owners Marie-Laur Killebrew, Ronald Killebrew, and Marjorie Tanner; and

*WHEREAS,* the annexation of this territory is deemed beneficial to the welfare of the residents and property owners thereof and to the City of Clarksville as a whole.

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

That pursuant to authority conferred by *6-51-102, Tennessee Code Annotated*, there is hereby annexed to the City of Clarksville, Tennessee, and incorporated within the same corporate boundaries thereof, the territory described by “Exhibit A” attached, adjoining the present corporate boundaries.

*BE IT FURTHER ORDAINED* that this resolution shall be effective from and after its final passage and publication in accordance with *Article III, Section 6* of the Official Charter of the City of Clarksville, Tennessee.

*PUBLIC HEARING:*

*ADOPTED:*

*EFFECTIVE DATE:*

## **EXHIBIT A**

Being a parcel of land in the 3rd Civil District of Clarksville, Montgomery County, Tennessee, said parcel being tax map 29 parcel 32.00, said parcel being the Marjorie Tanner Property as recorded in Volume (Vol.) 912, page 346 and Vol. 1984, page 1677 Register's Office Montgomery County, Tennessee (ROMCT), said parcel being generally described as north of and adjacent to Britton Springs Road, west of Fort Campbell Boulevard in Clarksville, Tennessee, 37042, said parcel being more particularly described as follows:

Beginning at a point, said point being the north right of way of Britton Springs Road, said point also being the western property line of Julie Ashby property as described in ORV 1831, page 446, said point being S 75° 14' E for 220' from the centerline intersection of Britton Springs Road and Center Road, said point also being the south east corner of the herein described parcel;

Thence, along said Britton Springs Road right of way, N 83° 42' 16" W for a distance of 494.69 feet to a point on a line, said point being the south east corner of the Marjorie Tanner property as described in ORV 986, page 2366, said point also being the south west corner of the herein described parcel;

Thence, leaving said Britton Springs Road right of way and along said Marjorie Tanner property for the next 7 calls, N 09° 51' 25" E for a distance of 293.98 feet to a point on a line;

Thence, N 73° 40' 57" W for a distance of 205.72 feet to a point on a line;

Thence, N 16° 16' 11" E for a distance of 89.98 feet to a point on a line;

Thence, S 74° 12' 54" E for a distance of 192.98 feet to a point on a line;

Thence, N 10° 28' 22" E for a distance of 204.07 feet to a point on a line;

Thence, N 05° 40' 33" W for a distance of 483.35 feet to a point on a line;

Thence, N 80° 21' 43" W for a distance of 375.36 feet to a point on a line, said point being the eastern property line of the United States of America as described in ORV 1617 page 2387;

Thence, leaving said Marjorie Tanner property and along said United States of America property, N 04° 50' 47" E for a distance of 1370.55 feet to a point on a line, said point being the north west corner of the herein described parcel;

Thence, continuing along said United States of America for the next 2 calls, S 82° 23' 01" E for a distance of 1,642.10 feet to a point on a line.

Thence, S 82° 23' 01" E for a distance of 100.00 feet to a point on a line, said point being the western property line of the Tiffany Smith property as described in ORV 594, page 2379, said point also being the north east corner of the herein described parcel;

Thence, leaving said United States of America property and along said Tiffany Smith property for the next 4 calls, S 55° 10' 18" W a distance of 147.59 feet to a point;

Thence, S 12° 43' 36" W for a distance of 314.48 feet to a point on a line;

Thence, S 12° 36' 15" W for a distance of 1315.60 feet to a point on a line;

Thence, S 04° 46' 47" W for a distance of 249.67 feet to a point on a line, said point being the south east corner of the herein described parcel, said point also being the north east corner of the Christopher Hood property as described in ORV 1617 page 2615;

Thence, leaving said Tiffany Smith property and along said Christopher Hood property, N 59° 52' 25" W for a distance of 260.05 feet to a point on a line, said point being the north east corner of the Bonnie Messer property as described in ORV 1889 page 791;

Thence, leaving said Christopher Hood property and along said Bonnie Messer property, N 84° 03' 15" W for a distance of 88.78 feet to a point on a line, said point being the north east corner of the Julie Ashby property as described in ORV 1831, page 446;

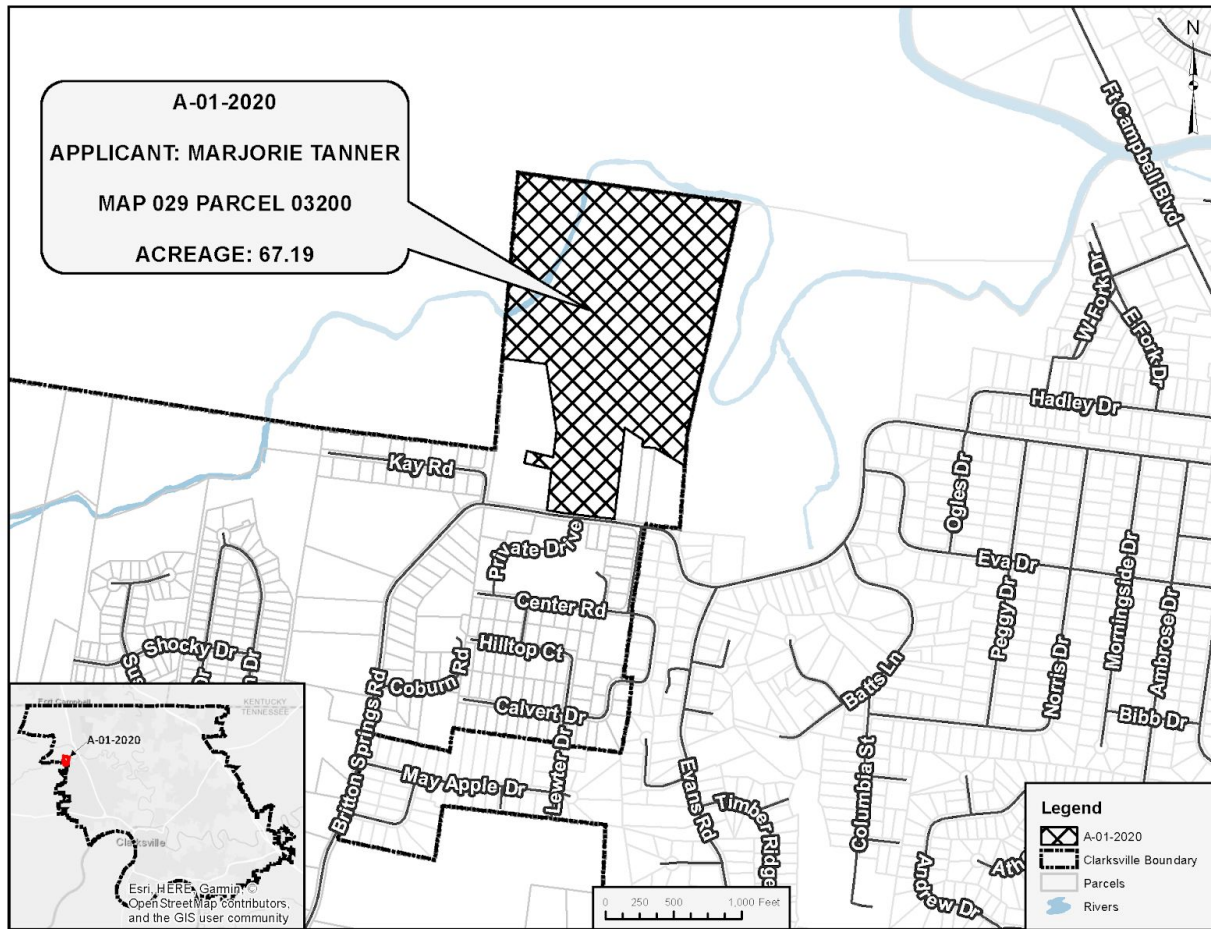
Thence, leaving said Bonnie Messer property and along said Julie Ashby property for the next 3 calls, N 04° 51' 34" E for a distance of 55.15 feet to a point on a line;

Thence, N 48° 54' 57" W for a distance of 159.87 feet to a point on a line;

Thence, S 08° 45' 48" W for a distance of 698.96 feet to the point of beginning, said parcel containing 2,926,943 Square Feet or 67.19 Acres, more or less.

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

## EXHIBIT B





## RESOLUTION 27-2020-21

### A RESOLUTION ADOPTING A PLAN OF SERVICE FOR ANNEXED TERRITORY OFF BRITTON SPRINGS ROAD NEAR CENTER ROAD

*WHEREAS*, T.C.A. Section 6-51-102 requires that a plan of services be adopted by the governing body of a city; and

*WHEREAS*, the City of Clarksville is considering annexation of an area described in attached legal description (See “Exhibit A”) as requested by property owners Marie-Laur Killebrew, Ronald Killebrew, and Marjorie Tanner;

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

**SECTION 1.** Pursuant to the provisions of Section 6-51-102, *Tennessee Code Annotated*, there is hereby adopted, for the area bounded as described in “Exhibit A” and shown on “Exhibit B”, the following plan of service.

#### POLICE

Clarksville Police Department will handle the annexation if approved with the current hiring plan relying on accurate census/population information and a goal of 2.2 officers per 1,000 citizens.

#### FIRE

Clarksville Fire Rescue has effective support in the surrounding area. This property is in the service area of the busiest station. CFR should be able to respond in a timely manner as long as adequate roadway access and width are in place, with appropriate hydrant spacing.

#### CUMBERLAND ELECTRIC MEMBERS COOPERATIVE – CEMC

CEMC does not currently serve any members within the proposed annexation area.

#### CLARKSVILLE DEPARTMENT OF ELECTRICITY

Within the next fiscal year CDE Lightband expects to extend its existing overhead three-phase electric power line and fiber optic cable infrastructure along Britton Springs Road to serve the anticipated developments in this area. The estimated cost for this line extension will be approximately \$30,000.

#### GAS, WATER, AND SEWER (CGW)

The 67.19 +/- acres encompassed by the property known as 989 Britton Springs Road that are being considered for annexation into the City limits of Clarksville, Tennessee currently lie within the service area of Clarksville Gas and Water (CGW). CGW owns, operates, and maintains water, sanitary sewer, and natural gas mains currently present along Britton Springs Road. Any public main extensions of these utilities into the proposed annexation area would be the responsibility of the developer of the property, including any and all costs. Upon completion of public utility main extension work by the developer, CGW would assume ownership of the new mains.

## CITY FINANCE DEPARTMENT

There would be no impact to Finance and Revenue Department needs with this annexation.

Based on estimated units and population of single family homes the City would anticipate receiving an additional \$118,584.68 in sales tax and real estate property tax from the proposed annexation.

## ASSESSOR

An effective date for taxation is set as January 1 the next calendar year to begin the tax roll in line with TCA requirements. This avoids pro-rations of taxes which is time consuming for the assessor's office and is confusing to the land owners.

## ELECTION COMMISSION

As this area goes through the process with City Council it should be included, in whole, in the City Ward 3 boundary.

## BUILDING AND CODES

On the effective date of annexation the Building and Codes Department will provide the following services:

- (1) Construction and Sign Permits, Administration, and Inspections – minimal impact expected; City Building and Codes staff will issue building permits associated with Residential and Commercial construction. Inspection services will be provided to the respective trades of the construction industry to include; building, plumbing, water and sewer, mechanical, and electrical. These services will be adsorbed by the existing staff.
- (2) Code Enforcement, Property Maintenance and Abatement – minimal impact expected; Code Enforcement Division will patrol and enforce property maintenance violations as necessary. Department will continue to enforce applicable codes and ordinances dealing with environmental issues. These services will be adsorbed by the existing staff.
- (3) Planning and Zoning – No impact; the Building & Codes office will continue to regulate the Zoning Ordinance and shall be interpreted and administered by the building official of the City.

## PARKS AND RECREATION

The City of Clarksville Parks and Recreation Department does not adequately serve this area of the city to comply with our desired standards. We do not have park property in City Council Ward 3 in which this proposed annexation is included. The closest City Park property that would serve this area would be Heritage Sports Complex located at the corner of Peachers Mill Rd and the 101<sup>st</sup> Parkway. Heritage Park borders Ward 3 residing in Ward 5.

According to National Standards, there should be one acre of parkland per 1,000 citizens. A new park in this area would bring us closer to that goal and provide a need in this underserved area. The equipment and manpower to maintain this park property cannot be determined at this point in the planning process because no land is currently being sought for development.



It is the opinion of Park and Recreation that the annexation of the 67.18 acres and addition of approximately 108 youth and 222 adults will not significantly change the current need for park land in this area of town.

**SECTION 2.** This resolution shall be effective 30 days from and after its adoption (December 5, 2020).

*PUBLIC HEARING:*

*ADOPTED:*

*EFFECTIVE DATE:*

## **EXHIBIT A**

Being a parcel of land in the 3rd Civil District of Clarksville, Montgomery County, Tennessee, said parcel being tax map 29 parcel 32.00, said parcel being the Marjorie Tanner Property as recorded in Volume (Vol.) 912, page 346 and Vol. 1984, page 1677 Register's Office Montgomery County, Tennessee (ROMCT), said parcel being generally described as north of and adjacent to Britton Springs Road, west of Fort Campbell Boulevard in Clarksville, Tennessee, 37042, said parcel being more particularly described as follows:

**Beginning** at a point, said point being the north right of way of Britton Springs Road, said point also being the western property line of Julie Ashby property as described in ORV 1831, page 446, said point being S 75° 14' E for 220' from the centerline intersection of Britton Springs Road and Center Road, said point also being the south east corner of the herein described parcel;

Thence, along said Britton Springs Road right of way, N 83° 42' 16" W for a distance of 494.69 feet to a point on a line, said point being the south east corner of the Marjorie Tanner property as described in ORV 986, page 2366, said point also being the south west corner of the herein described parcel;

Thence, leaving said Britton Springs Road right of way and along said Marjorie Tanner property for the next 7 calls, N 09° 51' 25" E for a distance of 293.98 feet to a point on a line;

Thence, N 73° 40' 57" W for a distance of 205.72 feet to a point on a line;

Thence, N 16° 16' 11" E for a distance of 89.98 feet to a point on a line;

Thence, S 74° 12' 54" E for a distance of 192.98 feet to a point on a line;

Thence, N 10° 28' 22" E for a distance of 204.07 feet to a point on a line;

Thence, N 05° 40' 33" W for a distance of 483.35 feet to a point on a line;

Thence, N 80° 21' 43" W for a distance of 375.36 feet to a point on a line, said point being the eastern property line of the United States of America as described in ORV 1617 page 2387;

Thence, leaving said Marjorie Tanner property and along said United States of America property, N 04° 50' 47" E for a distance of 1370.55 feet to a point on a line, said point being the north west corner of the herein described parcel;

Thence, continuing along said United States of America for the next 2 calls, S 82° 23' 01" E for a distance of 1,642.10 feet to a point on a line.

Thence, S 82° 23' 01" E for a distance of 100.00 feet to a point on a line, said point being the western property line of the Tiffany Smith property as described in ORV 594, page 2379, said point also being the north east corner of the herein described parcel;

Thence, leaving said United States of America property and along said Tiffany Smith property for the next 4 calls, S 55° 10' 18" W a distance of 147.59 feet to a point;

Thence, S 12° 43' 36" W for a distance of 314.48 feet to a point on a line;



Thence, S 12° 36' 15" W for a distance of 1315.60 feet to a point on a line;

Thence, S 04° 46' 47" W for a distance of 249.67 feet to a point on a line, said point being the south east corner of the herein described parcel, said point also being the north east corner of the Christopher Hood property as described in ORV 1617 page 2615;

Thence, leaving said Tiffany Smith property and along said Christopher Hood property, N 59° 52' 25" W for a distance of 260.05 feet to a point on a line, said point being the north east corner of the Bonnie Messer property as described in ORV 1889 page 791;

Thence, leaving said Christopher Hood property and along said Bonnie Messer property, N 84° 03' 15" W for a distance of 88.78 feet to a point on a line, said point being the north east corner of the Julie Ashby property as described in ORV 1831, page 446;

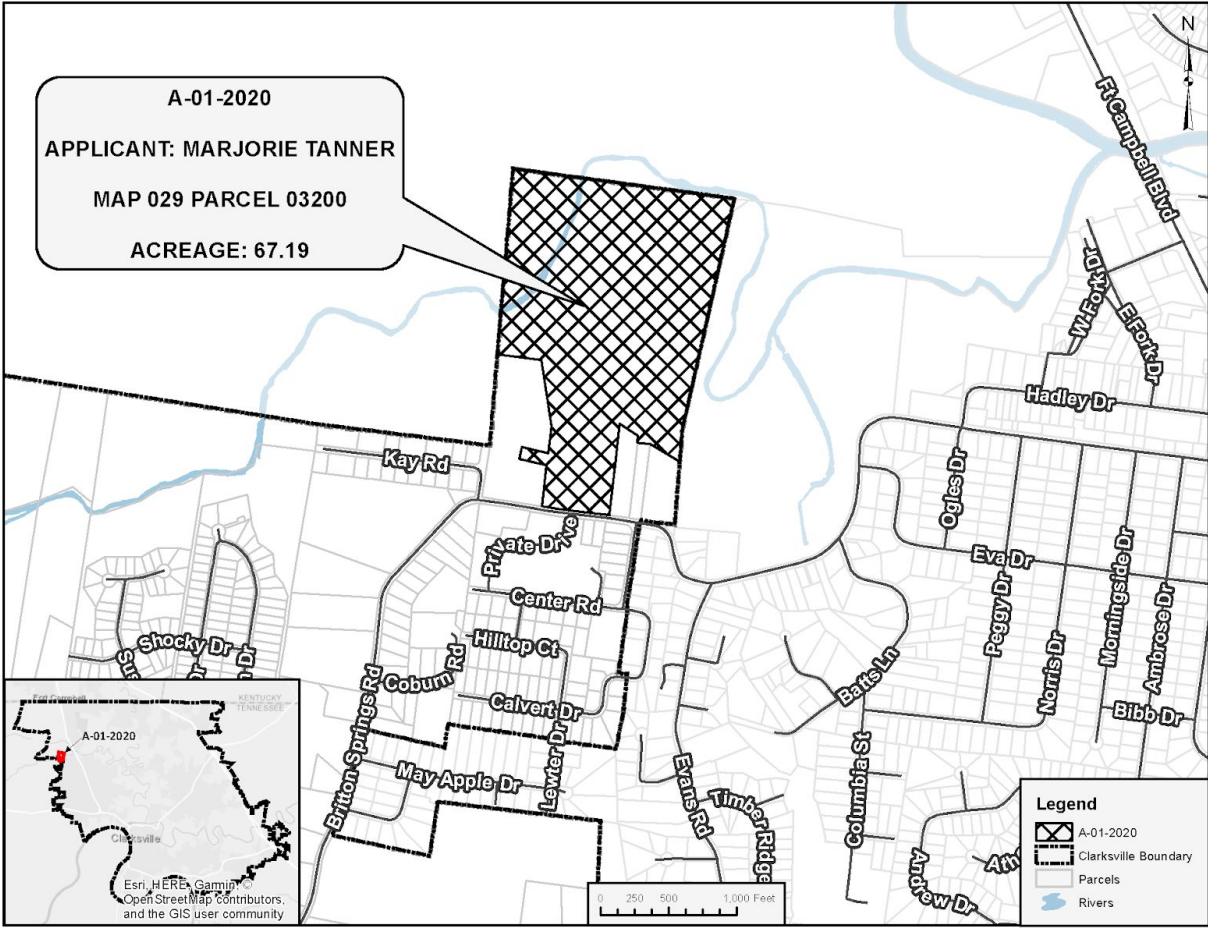
Thence, leaving said Bonnie Messer property and along said Julie Ashby property for the next 3 calls, N 04° 51' 34" E for a distance of 55.15 feet to a point on a line;

Thence, N 48° 54' 57" W for a distance of 159.87 feet to a point on a line;

Thence, S 08° 45' 48" W for a distance of 698.96 feet to the point of beginning, said parcel containing 2,926,943 Square Feet or 67.19 Acres, more or less.

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

**Exhibit B**





ORDINANCE 41-2020-21

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE REAPPORTIONING THE CITY OF CLARKSVILLE FOR THE PURPOSE OF ELECTING PERSONS FOR THE OFFICE OF CITY COUNCIL MEMBER [ANNEXED TERRITORY OFF BRITTON SPRINGS ROAD NEAR CENTER ROAD]

*WHEREAS*, Tennessee Code Annotated §6-54-102 provides that municipalities may redistrict into new wards whenever, for proper reasons, they deem it expedient to do so; and

*WHEREAS*, the Charter of the City of Clarksville, Article II, Section 1., subsection (a), provides that the City shall be divided into twelve (12) wards for the purpose of electing twelve (12) persons for the office of Councilman; and

*WHEREAS*, the Charter of the City of Clarksville, Article II, Section 1., subsection (b) provides that the City Council shall by ordinance divide the city into twelve (12) wards to apportion the City Council so that the Councilmen elected from wards shall represent substantially equal populations; and

*WHEREAS*, the Charter of the City of Clarksville, Article II, Section 1., subsection (b) provides that the City Council may reapportion at any time thereafter, if it deems such action necessary to maintain substantially equal representation based on population; and

*WHEREAS*, the City, through enactment of Ordinance 13-2011-12, adopted September 1, 2011, codified at City Code Section 1-101, has previously approved a redistricting of wards for re-apportionment purposes based on substantially equal populations; and

*WHEREAS*, the City recently annexed property into the City limits by approval of Resolution 26-2020-21 which contains a metes and bounds legal description of the annexed territories, and which is incorporated herein; and

*WHEREAS*, due to this recent annexation, it is necessary to apportion the recently annexed area into an appropriate ward for the purpose of electing persons to the office of City Council member in such a way as to maintain substantially equal representation among the wards based on population and the principle of “one person, one vote;” and

*WHEREAS*, the Clarksville City Council finds that these objectives can and should be achieved by adding part of the recently annexed properties to the current boundaries of Ward 3 thereby enlarging the territorial area of this ward, while maintaining a substantially equal representation of population between or among each ward, based on the latest census population data, all as depicted in and on the maps labeled Exhibit A (new overall ward boundary map, to include the additional annexed areas added to Ward 3 and showing no change to any other ward boundary); and Exhibit B (close-up view of Ward 3 showing additional annexed area being added to Ward 3); attached hereto and incorporated herein.

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

That Section 1-101 of the Official Code of the City of Clarksville is hereby amended by deleting the existing language in its entirety, and by substituting instead the following:

The City of Clarksville is hereby divided into twelve (12) wards of substantially equal population for the purpose of electing twelve city council members in accordance with Article II, Section 1 of the Charter of the City of Clarksville, in accordance with the map attached hereto and incorporated herein as “Exhibit A – City Council Wards – 2020.”

The map of the above-described ward boundaries shall be maintained on file in the office of the City Clerk, and a copy in the office of the Regional Planning Commission and Montgomery County Election Commission and any successor agency thereto.

*BE IT FURTHER ORDAINED* that the effective date of this ordinance shall be December 5, 2020 to coincide with the effective date of the annexation.

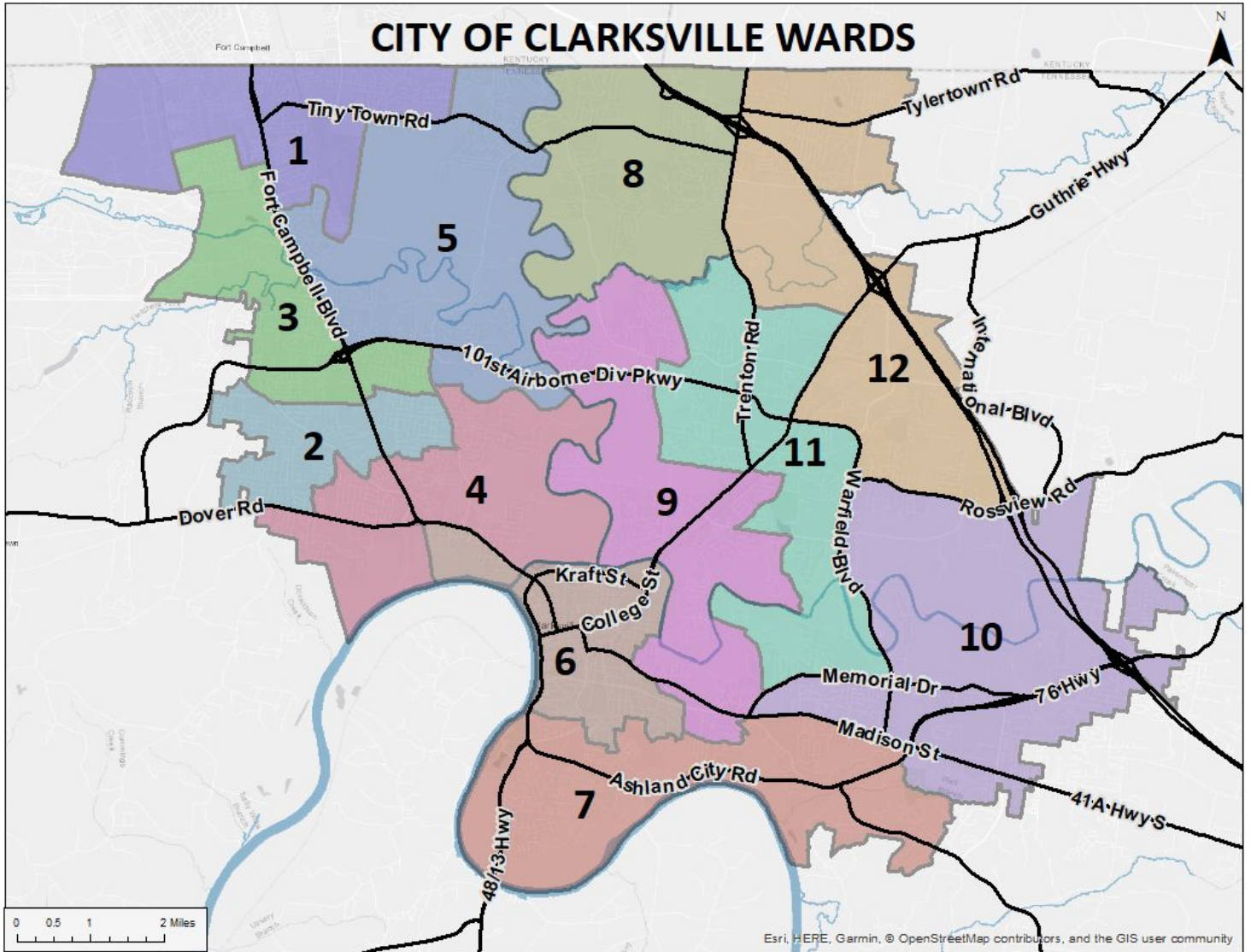
*FIRST READING:*

*SECOND READING:*

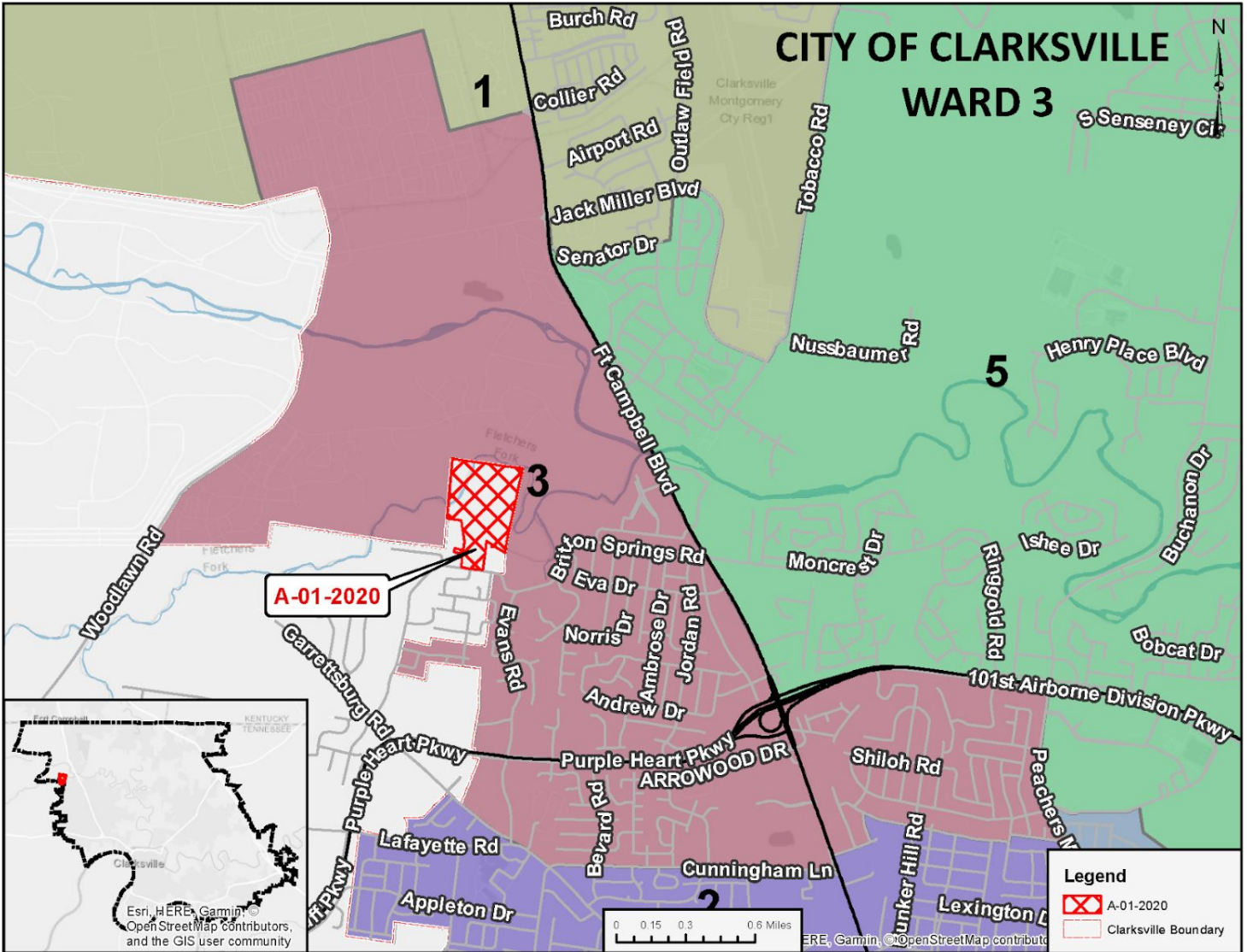
*EFFECTIVE DATE:*



**Exhibit A**  
**City Council Wards 2020**



**Exhibit B**  
**Close-up View of Ward 3**





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:* October 1, 2020

*SECOND READING:*

*EFFECTIVE DATE:*

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:* October 1, 2020

*FIRST READING:* October 1, 2020

*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, ROSALYND GREENE, AND ROBERT DARDEN, 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:* October 1, 2020  
*FIRST READING:* October 1, 2020  
*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:* October 1, 2020  
*FIRST READING:* October 1, 2020  
*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:* October 1, 2020  
*FIRST READING:* October 1, 2020  
*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:* October 1, 2020  
*FIRST READING:* October 1, 2020  
*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 Strait 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:* October 1, 2020  
*FIRST READING:* October 1, 2020  
*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.

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:* October 1, 2020  
*FIRST READING:* October 1, 2020  
*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.



RESOLUTION 34-2020-21

A RESOLUTION APPROVING APPOINTMENTS TO THE SENIOR CITIZENS BOARD OF DIRECTORS

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

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

Senior Citizens Board of Directors: Jason Bell - November 2011 through April 2023,  
Freda Colon - November 2020 through April 2021

*ADOPTED:*



**CLARKSVILLE CITY COUNCIL  
SPECIAL SESSION  
OCTOBER 1, 2020**

**MINUTES**

**CALL TO ORDER**

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, October 1, 2020, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville Tennessee.

In an effort to facilitate the continued response to the Coronavirus Disease (COVID-19), this meeting was conducted in person, via Google Meets, and live streamed on [cityofclarksville.com](http://cityofclarksville.com)

A prayer was offered by Councilman Richard Garrett; the Pledge of Allegiance was led by Councilman Travis Holleman.

**ATTENDANCE**

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

ABSENT: David Allen, Mayor Pro Tem (Ward 8)

**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."*

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

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

The motion to authorize the electronic meeting passed.

## CFO PRESENTATION

Chief Financial Officer Laurie Matta said stability and growth were evident after review of recent revenues and expenditures and was therefore recommending the previously approved Status Quo Budget be amended to account for revenues and fully appropriate for expenditures for the twelve months of Fiscal Year 2021.

Ms. Matta noted the amending ordinances included FY19 and FY20 actual numbers for comparison, along with the approved FY21 Status Quo and proposed FY21 amended numbers. She said funds would be shifted to the Police and Drug Fund budgets, and Debt Service and Capital Projects Revenue District funds would be amended following the closing of the CPRD fund. She stated this amended budget included an increase in health insurance premiums.

Some changes between the City Council's printed version and the electronic version being presented for first reading included \$500,000 being returned to the Regional Community Center capital project, the addition of a \$220,000 grant to dredge the Red River East Marina (City share \$110,000), the addition of \$89,000 for the Human Relations Commission, the addition the addition of \$25,000 for Arts & Heritage Development Council, and the addition of \$14,000 for short term rental monitoring software. Ms. Matta said an employee general wage increase would become effective January 2, 2021 and the effective date of the Public Safety Pay Plan was moved from April 1, 2021 to March 27, 2021, both for ease of implementation. The Internal Service Fund budget was being amended to reflect the increase in insurance premiums.

With regard to revenues, Ms. Matta said there was no property tax increase, but noted the transfer of the Capital Project Revenue District funds increased the property tax revenues by \$2.8 million, including previous CPRD tax dollars of \$467,000. The first Hankook PILOT payment of \$590,000 was also being accounted for as well as COVID Relief Funds of \$5.8 million which would go toward Public Safety and Information Technology infrastructure.



The City received grants for Public Safety including \$375,000 COPS (9 police officers for three years), \$272,000 SAFER (15 firefighters for three years), and \$17,000 Google for firefighter bunker gear. Ms. Matta noted that potential FEMA COVID Relief Funds were not budgeted, but should be reimbursed for Public Safety salaries and benefits. She said Hall Income Tax payments had already been received for FY21.

Ms. Matta said the amended general government budget included a 3% general wage increase for non-sworn/non-commissioned employees beginning January 2, 2021, and a new play plan for Public Safety beginning March 27, 2021.

The health fund included an increase of \$150 per month per employee completely funded by the City. Ms. Matta noted the transfer to Debt Service appeared to increase because of the closing of the CPRD fund, but the debt actually decreased as a result of recent refunding.

In summary, Ms. Matta highlighted the FY21 Amended General Government Budget with no change in the property tax rate and an estimated FY21 ending Fund Balance of 20.3%.

In response to Council Lady Smith's questions, Ms. Matta said the proposed \$14,000 for STR software would allow the City to identify and enforce the recently adopted short term rental guidelines. Council Lady Smith suggested the Finance Department work with Montgomery County officials in a joint effort to regulate the rentals.

#### FY21 AMENDED INTERNAL SERVICE FUND BUDGETS

**ORDINANCE 38-2020-21** Amending the FY21 Operating Budget for the Internal Service Fund (Health)

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

The motion to adopt the FY21 Amended Internal Service Fund Budget (Health) passed.

**ORDINANCE 39-2020-21** Amending the FY21 Operating and Capital Budgets for the Governmental Funds

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

Mayor Pitts noted no amendments were required for the Gas & Water Department and Clarksville Transit System and they were continuing to follow their original status quo budgets.

In response to Councilman Burkhart's question, Ms. Matta said one cent of property taxes generates \$333,000 and COVID Relief Funds of \$2,351,000, Federal Care Funds of \$3,490,000, COPS Grant of \$375,000, SAFER Grant of \$254,000, Google Grant of \$17,000, and CPRD Fund transfer of \$467,000, total \$6,957,095 in one-time revenues. She noted the expenditures for Public Safety and Information Technology infrastructure funded by COVID Relief and the CARES Act are not recurring expenses. Also responding to Councilman Burkhart, Ms. Matta said recent sales tax revenues show an annual increase of approximately 5% and growth/property tax revenues was 2.8%. Ms. Matta said the current certified tax rate of \$1.0296 was not sustainable. Councilman Burkhart was concerned that a tax burden could be placed on incoming new council members. Ms. Matta reminded the members that the final 2020 Census count would result in millions of recurring state-shared dollars for the City.

The following vote on the motion was recorded:

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

The motion to adopt the FY21 Amended General Government Budget passed.

**ADJOURNMENT**

The meeting was adjourned at 5:02 p.m.



**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
OCTOBER 1, 2020**

**MINUTES**

**PUBLIC COMMENTS**

Prior to the meeting, Leonia Sanders Tucker, President of the Commission on Race and Religion, said the police report for a recent vehicle incident she was involved in did not match the officer's comments at the scene and there were 19 minutes of the bodycam video had been muted.

Amy Holland asked for police patrol and speed bumps on Old Ashland City Road and presented a petition of area residents' signatures supporting her request.

**CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, October 1, 2020, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

In an effort to facilitate the continued response to the Coronavirus Disease (COVID-19), this meeting was conducted in person, via Google Meets, and live streamed on [cityofclarksville.com](http://cityofclarksville.com).

A prayer was offered by Councilman Richard Garrett; the Pledge of Allegiance was led by Councilman Travis Holleman.

**ATTENDANCE**

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



## 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.”*

Councillady Smith made a motion to authorize the electronic meeting. The motion was seconded by Councilman Holleman. The following vote was recorded:

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

The motion to authorize the electronic meeting unanimously passed.

## PUBLIC HEARING

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

**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.

No requests were submitted to speak in support of or in opposition to this application.

**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

No requests were submitted to speak in support of or in opposition to this change.

**ORDINANCE 31-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Sandra Taylor, Rosalynd Greene, and Robert Darden, 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

Sandra Taylor and Rosalynd Greene asked for support of this change. Rex Hawkins offered to answer questions; no questions were asked. No requests were submitted to speak in opposition to this change.

Councilman Burkhart stated his intention to abstain from voting on this ordinance because he was a buyer of the property.

**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

No requests were submitted to speak in support of or in opposition to this change.

**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

Chris Goodman asked for support of this change. John Crabbe offered to answer questions; no questions were asked. No requests were submitted to speak in opposition to this change.

**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

No requests were submitted to speak in support of or in opposition to this change.

**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

No requests were submitted to speak in support of or in opposition to this change.

**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-3 Three Family Residential to R-4 Multiple Family Residential District

No requests were submitted to speak in support of or in opposition to this change.

**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

No requests were submitted to speak in support of or in opposition to this change.

#### APPROVAL OF ABANDONMENT

The recommendations of the Regional Planning Staff and Commission were for approval of **RESOLUTION 24-2020-21**. Councilman Garrett made a motion to adopt this resolution. The motion was seconded by Councilman Burkhardt. 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.

#### ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 30-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. The following vote was recorded:

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

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 31-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman Smith. The following vote was recorded:

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

ABSTAIN: Burkhardt



The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 32-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman Smith. 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 recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 33-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Richmond. 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 recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 34-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman Smith. 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 recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 35-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Chandler said area schools were already overcrowded with some using portable classrooms. Councilwoman Smith noted Needmore Road was narrow and did not have sidewalks. Councilman Garrett said the developer was considering building a community center in this area. Councilman Allen said the applicant would install sidewalks to connect to Pisgah Elementary School. Councilwoman Streetman objected to a large multi-family complex being developed next to a school. Councilman Henley said Parks & Recreation had already identified this as a suitable location for a new community center. The following vote was recorded:

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

NAY: Chandler, Erb, Pitts, Streetman

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 36-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

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

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 37-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Henley. The following vote was recorded:

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

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

## 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 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 *[Removed; see end of minutes]*
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

Councilman Norris requested separate consideration of **ORDINANCE 24-2020-21**. Councilman Burkhart made a motion to adopt the Consent Agenda with the exception of Item #7. The motion was seconded by Councilman Richmond. The following vote was recorded:

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

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

FINANCE COMMITTEE      *Chairman Jeff Burkhart*

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



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 Councillady Guzman. The following vote was recorded:

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

NAY: Chandler, Henley

The motion to adopt this ordinance on first reading passed.

#### GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

Councillady Guzman shared the following monthly department statistics: 273 million cubic feet of natural gas, 589 million gallons treated water, 400 million gallons treated wastewater, 5,760 service work orders, 296 after-hour responses

#### HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

Councilman Allen said an application had been submitted to Tennessee Housing Development Agency for Emergency Solutions Grant CARES funding to help prevent, prepare for, and respond to COVID-19 for which the department expected to receive \$375,000. He said the City would receive an additional \$838,820 Coronavirus funds to respond to the effect of the pandemic. Councilman Allen said HUD approved the City's Five-Year Consolidated Plan and the One-Year Annual Action Plan for which the City should receive \$1,021,544 for the Community Development Block Grant and \$489,000 for the HOME Investments Partnership Program.

#### PARKS & RECREATION COMMITTEE *Chairlady Valerie Guzman*

Councillady Guzman congratulated the Parks & Recreation Department for winning the national award for the Number 1 market. She noted upcoming events including the opening of the indoor pool and the Barbeque Bash at Liberty Park.

#### PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

Councilman Henley shared the following monthly department statistics: Building & Codes - 2,628 inspections, 238 enforcement cases, 79 abatement work orders, 125 single family permits, 2 multi family permits, and 24 commercial permits; Fire Rescue - 1,191 runs; Police - 11,009 calls for service. Councilman Henley congratulated seven new police cadets who recently graduated from the police academy.

#### STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

**RESOLUTION 23-2020-21** Authorizing an agreement with TDOT for construction of 41A South sidewalks

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

Councillady Smith. Councilman Chandler said this project involved installation of sidewalks on 41A South between Highway 76 and McAdoo Creek Road. 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.

Councilman Chandler said City Garage current monthly expenditures were \$32,000 less than the previous year. The Street Department announced the recent paving of two subdivisions and the beginning of Fall debris pickup. Improvements to Dunlop Lane and International Boulevard were underway and sidewalk installation had been completed on Armistead Drive and Kirby Drive. Rossview Road and Meriwether Road utility relocation was continuing and the Dunbar Cave Bridge replacement was nearing completion.

#### TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councillady Smith said Clarksville Transit System had submitted an application for planning funds related to the relocation of the transfer station. She said CTS transported 38,865 passengers including 6,898 seniors and 2,398 demand responses during September. Councilady Smith announced 23 citizens had volunteered to monitor bus stops and report any issues. She said the “Spooky Special” would be offering free rides on October 30 and 31.

#### INTERNAL SERVICE FUND/SETTLEMENT AUTHORITY

**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, as the sponsor, expressed his desire to withdraw this ordinance; there was no objection. No action was taken.

#### AUTOPSY INTERLOCAL AGREEMENT

**RESOLUTION 25-2020-21** Repealing RESOLUTION 2-2020-21 and approving a revised interlocal agreement with Montgomery County pertaining to shared expenses for autopsies

Councillady Smith made a motion to adopt this resolution. The motion was seconded by Councilman Garrett. 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.

## ETHICS CODE/ATTORNEY FEES

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

This ordinance was removed from the Consent Agenda at the request of Councilman Norris. Councilman Chandler made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Guzman.

Councilman Norris said the approximately 250 volunteers on City boards and commissions, who may become the subject of an ethics complaint, should not be required to pay their own attorney fees. Councilman Norris made a motion to amend the ordinance by deleting the existing language in Section 1-621b(1), "Hearing procedures," as adopted on first reading, and by substituting instead the following:

*Each party shall have the right to represent themselves, and to have the assistance of legal counsel at their own expense, but may not be represented by non-attorneys. If the Ethics Committee determines that an ethics violation has not occurred with respect to any alleged violation, the City Council may, upon request of the City employee or official, reimburse such employee or official for such person's legal and other related expenses.*

The motion was seconded by Councilman Burkhardt. Councilman Norris said no funds would be paid in advance and only those found innocent of all charges may be reimbursed. In response to Councilwoman Smith's question, Councilman Norris said this provision would apply to future complaints. Councilwoman Smith and Councilman Allen said consideration should be given to establishing a cap for reimbursements. Councilman Henley called for the question. The question was seconded by Councilman Burkhardt. The following vote was recorded:

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

NAY: Allen, Smith

The motion to cease discussion on the amendment passed. The following vote on the amendment was recorded:

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

NAY: Allen, Smith

Councilman Norris' amendment passed. Councilman Burkhardt called for the question on the main motion. The question was seconded by Councilman Garrett. The following vote was recorded:



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

NAY: Allen, Garrett, Richmond, Smith

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

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

NAY: Allen, Garrett, Smith

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

#### MAYOR AND COUNCIL MEMBER COMMENTS

Councilman Allen said the City should encourage safe trick-or-treat on Halloween.

#### ADJOURNMENT

The meeting was adjourned at 8:17 p.m.



**CLARKSVILLE CITY COUNCIL  
SPECIAL SESSION  
OCTOBER 5, 2020**

**MINUTES**

**CALL TO ORDER**

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Monday, October 5, 2020, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

In an effort to facilitate the continued response to the Coronavirus Disease (COVID-19), this meeting was conducted in person, via Google Meets, and live streamed on [cityofclarksville.com](http://cityofclarksville.com).

A prayer was offered by Councilman Jeff Burkhardt; the Pledge of Allegiance was led by Councilman Tim Chandler.

**ATTENDANCE**

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

VIA GOOGLE MEETS: Vondell Richmond (Ward 2), Wanda Smith (Ward 6), Jeff Henley (Ward 9)

**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 Holleman made a motion to authorize the electronic meeting. The motion was seconded by Councilman 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.

#### FY21 AMENDED INTERNAL SERVICE FUND BUDGET

**ORDINANCE 38-2020-21** (Second Reading) Amending the FY21 Operating Budget for the Internal Service Fund (Health)

Councilman Chandler made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Garrett. 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 the FY21 Amended Internal Service Fund Budget on second reading unanimously passed.

#### FY21 AMENDED GENERAL GOVERNMENT BUDGET

**ORDINANCE 39-2020-21** (Second Reading) Amending the FY21 Operating and Capital Budgets for the Governmental Funds

Councilman Burkhardt made a motion to adopt this ordinance on second 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 the FY21 Amended General Government Budget on second reading unanimously passed.

#### ADJOURNMENT

The meeting was adjourned at 4:35 p.m.



## ORDINANCE 40-2020-21

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 4 (BUILDING, UTILITY, AND HOUSING CODES) RELATIVE TO ADOPTION OF UPDATED CODES OF THE INTERNATIONAL CODE COUNCIL

*WHEREAS*, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2018 editions of the International Building Code, the International Fuel Gas Code, the International Plumbing Code, the International Residential Code, and the International Mechanical Code; 2018 Existing Building Code; and

*WHEREAS*, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2009 edition of the International Energy Conservation Code; and

*WHEREAS*, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to adopt the 2009 edition of the Accessible and Useable Buildings and Facilities Code; A-117.1-2009.

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

1. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 1, "IN GENERAL" is hereby amended by deleting Section 4-102, "Installation of water mains, fire plugs, and all-purpose roads required prior to erection of multi-family dwellings," in its entirety.
2. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-201, "Building code adopted," is hereby amended by deleting Section 4-201 in its entirety and by substituting instead therefor the following as new Section 4-201:

**Section 4-201. Building Code adopted.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2018 edition of the International Building Code and all revisions associated therewith and forthcoming, including appendices C, D, and F thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective January 1, 2021 with the following modifications:

Section 101.1:           Insert "City of Clarksville"

Section 114.4. Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Section 1612.3:        Insert "City of Clarksville" and  
                             Insert "June 15, 1984 and June 29, 2001 (Lower  
                             Meadowbrook)"

Section 3412:        Delete entirely

(b) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2009 edition of the Accessible and Useable Buildings and Facilities Code; A-117.1-2009.

(c) Three (3) copies of these codes shall be filed in the office of the building official.

3. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-203, "Building permit fees," is hereby amended by deleting sub-section (1) in its entirety and by substituting instead therefore the following as a new sub-section (1):

- (1) Effective January 1, 2009 the cost of a building permit for any single family-housing unit will be twenty-two cents (\$0.22) per square foot. The fee rate is applicable to total heated and unheated square footage. This fee reflects the combined cost of building and development inspection services provided by the city offices of building and codes, street department and fire services. At any time, the building and codes department may request construction plans as part of the validation process. Builders who are consistently found to misjudge building permit footage will be required to submit construction plans for each permit requested.

The cost factors that go into the single family-housing building permit fee will be reviewed, analyzed for potential fee adjustments as needed. The costs factors may include services provided by building and codes, street department, fire services. A mandatory inflation factor of one cent (\$0.01) per year will be applied. Effective January 1, 2010, the cost of a building permit for any single family housing unit will be twenty-three cents (\$0.23) per square foot. The revised building permit fee will be posted by January 1 of each year thereafter.

4. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2, "Building Code," Section 4-203, "Building permit fees," is hereby amended by deleting sub-section (5) in its entirety and by substituting instead therefore the following as a new sub-section (5):

(5) Additional fees are as follows:

For the moving of any building or structure ..... \$50.00

For the demolition of any structure ..... \$50.00

Temporary tents ..... \$100.00

Temporary structures ..... \$100.00

All signs ..... \$25.00

Placement of accessory structures..... \$25.00

No permit fees shall be imposed for signs erected in residential districts on currently occupied single family properties pursuant to section 11-503.

Fees for the erection of temporary tents, signs, and structures in conjunction with public functions, festivals, street fairs, or other similar celebrations being conducted pursuant to City Code section 5-1001 shall be governed by regulations adopted by the agency designated in City Code section 5-1001.

5. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by deleting Section 4-301, "Installations serviced by multiple sources," in its entirety and by substituting instead therefore the following as a new Section 4-301:

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2017 edition of the National Electric Code, as prepared by the National Fire Protection Association, NFPA 70, together with all revisions associated therewith and forthcoming, including all appendices thereto, are hereby adopted by reference.

(b) Three (3) copies of the code shall be filed in the office of the building official.

6. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by deleting Section 4-310, "Installations serviced by multiple sources," in its entirety and by substituting instead therefore the following as a new Section 4-310:

**Section 4-310.-Installations serviced by multiple sources.**

**Interconnected Generation.** Electric generators of any type and size, interconnected to CDE Lightband's (CDE) electric grid in any way, shape, form, fashion, or means, including wind, solar, fuel cell, reciprocating engine, hydro, and other similar electric generation devices, are required by CDE to install a load-break AC disconnect or transfer switch (Switch) between CDE facilities and the interconnected Customer's equipment. Such Switch must be installed on the Customer's side of the electrical interconnection with CDE and must be able to isolate the generation source from CDE's electric grid, a) automatically when source power from CDE is lost and, b) manually when needed for emergencies, to perform maintenance, to assist in the restoration of service, or any other time/event deemed appropriate/necessary by CDE.

The Switch must be, a) accessible to CDE personnel at all times, b) located in close proximity to CDE's point of delivery, c) able to provide a clear visible open point of disconnection and a clear visible indication of switch position, d) have padlock provisions for locking the Switch in the open position and, e) labeled "Generator Disconnect Switch" or "Generator Transfer Switch".

Failure by Customer to notify CDE of Customer's generator installation, or failure by Customer to install the Switch according to the specifications listed herein, will result in immediate disconnection of Customer's electric service by CDE. Electric service will be reconnected by CDE when the Switch is installed and inspected/approved by the City of Clarksville, TN, Building and Codes Department.

Transfer equipment associated with installations serviced by alternate sources of supply shall be equipped with all the necessary equipment to prevent back-feed of power onto the power supplier's system when the power supplier's system is not energized by its own source of power. Protective equipment and installation of equipment to prevent back-feed shall be approved by the power supplier.

7. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by deleting Section 4-313, "Violations / penalties," in its entirety and by substituting instead therefore the following as a new Section 4-313:

**Section 4-313. Violation penalties; stop work orders; termination of power.**

- (a) *Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.



(b) *Stop work orders.* Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order.

(c) Termination of power. The building official shall have authority to terminate the electrical power to a structure when a situation exists of immediate danger to health, safety or welfare of the occupants, or when a hazard to the structure is eminent, as determined by the building official.

8. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 3, "Electrical Code," is hereby amended by adding a new Section 4-314:

**Section 4-314. Failure to promptly correct defective work.**

If any owner, authorized agent, or contractor engaged in electrical work, construction, alteration, modification or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for electrical work shall be issued to him / her until all such defective work has been corrected.

9. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 4, "Gas Code," Section 4-401, "Gas code adopted," is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-401:

**Section 4-401. Gas code adopted.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2018 edition of the International Fuel Gas Code, together with all revisions associated therewith and forthcoming, including appendix C thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective January 1, 2021, with the following modifications:

Section 101.1: Insert "City of Clarksville"

Section 106.6.2: Insert "The fee schedule for Gas Permit Fees of the City of Clarksville, Section 4-402 of the Official Code of the City of Clarksville."

Section 106.6.3: Delete #2 and #3

Delete Sub-section 108.4 Violation penalties.

Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.

Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

10. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, "Plumbing Code," Section 4-502, "Plumbing Code Adopted," is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-502:

**Section 4-502. Plumbing code adopted.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2018 edition of the International Plumbing Code, together with all revisions associated therewith and forthcoming, including appendix F thereto, but excluding all other appendices thereto, are hereby adopted by reference, effective January 1, 2021, with the following modifications:

Section 101.1: Insert "City of Clarksville"

Amend Section 106.6

**Insert new Section 106.6.2:** Insert “the fee schedule for plumbing permits of the Official Code of the City of Clarksville Section 4-503.”

**Amend Section 106.6.2:**

**Insert new Section 106.6.3:** Delete #2 and #3.

**Amend Section 305.6.1:**

**Insert new Section 305.4.1:** Insert “18 inches”  
Insert “18 inches”

**Delete Section 603.2:** Delete exception #2. (Does not exist in the 2018 Code)

**Amend Section 904.1:**

**Insert new Section 903.1:** Insert “12 inches”

Delete Sub-section 108.4 Violation penalties.

Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.

Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that plumbing work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

11. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, Plumbing Code, Section 4-503, “Fees,” is

hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-503:

**Section 4-503. Fees.**

Plumbing and outside utility fees are hereby established as follows:

- (1) Water connection:
  - a. New/existing residential: Per section 13-309.
  - b. New/existing commercial/industrial: Per section 13-309.
- (2) Sewer connection:
  - a. New/existing residential: Per section 13-309.
  - b. New/existing commercial/industrial: Per section 13-309.
- (3) Reserved.
- (4) Water tap: Per section 13-309.
- (5) Yard meter/secondary meter: Per section 13-309.
- (6) Taps on city main without meter, main extensions/fire sprinkler: Per section 13-309.
- (7) Water and sewer service inspection: Twenty-five dollars (\$25.00) per service.
- (8) Water and sewer replacement: Twenty-five dollars (\$25.00) per service replacement
- (9) Water tap inspection: Twenty-five dollars (\$25.00) per tap
- (10) Yard meter/secondary meter service inspection: Twenty-five dollars (\$25.00) per service.
- (11) Water heater: Ten dollars (\$10.00) per water heater
- (12) Openings: Ten dollars (\$10.00) per opening.
- (13) Vacuum breakers:
  - a. For the first five (5): Two dollars and fifty cents (\$2.50) each.
  - b. For each additional: One dollar and fifty cents (\$1.50).
- (14) Reduced backflow preventer: Twenty-five dollars (\$25.00) each
- (15) Permit issuance: Ten dollars (\$10.00) per permit (permit issuance fee applies to all plumbing permits to include all applicable water and sewer connection/tap fees as described in section 13-309).
- (16) Grease trap and/or oil separator: Twenty-five dollars (\$25.00).
- (17) A re-inspection permit shall be required for each plumbing re-inspection, such cost of permit to be twenty dollars (\$20.00) in addition to the administrative cost for issuing such permit.



12. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, "Plumbing Code," Section 4-510, "Examination of plumbers, outside utility installers, gas piping and appliance installers; issuance of certificates," is hereby amended by deleting sub-section (5) in its entirety and by substituting instead therefore the following as a new sub-section (5)

**Sec. 4-510. - Examination of plumbers, outside utility installers, gas piping and appliance installers; issuance of certificates.**

**Delete Subsection (2) a. in its entirety:**

a. Any applicant desiring to engage in any of the activities set out above shall provide the building official proof that he/she has a minimum of four (4) years experience under the supervision of a licensed master plumber, gas installer, or outside utility installer, depending on the license applied for and shall successfully complete an examination administered by the International Code Council (ICC) and, upon satisfactory proof of completion, shall be issued an applicable plumber's certificate. Fees for examination and issuance of certificates shall be as follows:

Certificate	Examination Fee (Includes Retesting)	Certificate Fee
Master plumber	\$130.00	\$25.00
Gas piping and appliance installer	130.00	25.00
Outside utility installer	130.00	25.00

**Insert New Subsection (2) a.** Any applicant desiring to engage in any of the activities set out above shall provide the building official proof that he/she successfully met the licensing requirement from the State of Tennessee Board for Licensing Contractors and upon satisfactory proof of completion, shall be issued an applicable plumber's certificate. Fees for issuance of certificates shall be as follows:

Certificate	Certificate Fee
Master plumber	\$50.00
Gas piping and appliance installer	50.00
Outside utility installer	50.00

**Delete Subsection (2) b.** in its entirety: All examination fees shall be paid when making application to be tested. Subsequent to successfully completing the examination administered by the International Code Council (ICC) and payment

of the certificate fee, the applicable certificate will be issued by the building and codes department.

**Insert New Subsection (2) b.** Payment of the certificate fee for the applicable certificate will be issued by the building and codes department

**Delete Subsection (2) c. in its entirety:** Any increase in examination or certificate fees imposed by the city or International Code Council (ICC) shall be added to the above schedule. The city general services committee may adjust city fees whenever necessary.

**Insert New Subsection (2) c.:** Any increase in certificate fees imposed by the city or International Code Council (ICC) shall be added to the above schedule. The city general services committee may adjust city fees whenever necessary.

**Delete Subsection (5) in its entirety:** Copies of the 2012 International Plumbing Code or International Fuel Gas Code may be obtained from the building department for actual cost of the publication.

13. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 5, "Plumbing Code," Section 4-513, "Local plumbing policies," is hereby amended by deleting Section 4-513 in its entirety and by substituting instead therefore the following as a new Section 4-513:

Section 4-513. Local plumbing policies.

The City Department of Gas & Water is hereby authorized to establish and promulgate, and along with the Building and Codes Department to enforce, policies and procedures governing the installation, construction and connection of private water and sewer service lines to City owned water and sewer service lines.

14. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 6, "Property Maintenance Code," Section 4-601, "Title and scope," sub-section (a)(3), "*Scope*," is hereby amended by deleting the sub-section in its entirety and by substituting instead therefore the following as a new sub-section (a)(3):

(3) *Scope*.

a. The provisions of this Code shall apply to all buildings or portions thereof, all accessory structures or portions thereof located on residential/nonresidential, used or unused, property.

b. This code establishes minimum standards for occupancy, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this Code.

c. Buildings or structures moved into or within the jurisdiction shall comply with the requirements in the 2018 International Residential Code for new buildings.

15. That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 7, "Energy Code," Section 4-701, "Adopted," is hereby amended by deleting the section in its entirety and by substituting instead therefore the following as a new Section 4-701:

**Section 4-701. International Energy Conservation Code Adopted.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the 2009 edition of the International Energy Conservation Code, together with all revisions associated therewith and forthcoming, are hereby adopted by reference.

(b) Three (3) copies of this code shall be filed in the office of the building official.

16. That Title 4, "Building, Utility, and Housing Codes," Chapter 8, "Residential Code," Section 4-801, "International Residential Code," is hereby amended by deleting the section in its entirety, and by substituting instead therefore the following as a new Section 4-801

**Section 4-801. International Residential Code.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Section 6-54-501 et. seq., the 2018 International Residential Code (for one and two family dwellings), together with all revisions associated therewith and forthcoming, including appendix G thereto, but excluding all other appendices thereto, and are hereby adopted by reference, effective January 1, 2021, with the following modifications:

Section R101.1: Insert "City of Clarksville"

Section R 101.2: Scope: Detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

Section (EB) R102.7: Delete "International Property Maintenance Code or the International Fire Code" and substitute "The City of Clarksville Property Maintenance Code."

Section R113.4 Delete entirely and insert instead:  
**R113.4 Violation penalties.**

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

**Delete Section R301.2 (1):** Insert the following words and figures in the chart:  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	<u>Subject to Damage From</u>				Winter Design Temp:	Ice Shield Under-Layment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp:
			<u>Weathering</u>	<u>Frost Line depth:</u>	<u>Termite</u>	<u>Decay</u>					
10	90	C	Severe	12"	Moderate to Heavy	Slight to Moderate	14 deg.	No	6-15-84 6-29-01	500 per 100 yrs.	59 deg.

**Insert New Section R301.2 (1):** Insert the following words and figures in the chart:



TABLE R301.2(1)													
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
GROUND SNOW LOAD <sup>d</sup>	WIND DESIGN Speed <sup>e</sup> (mph)	Topographic effects <sup>f</sup>	Special wind region <sup>g</sup>	Wind-borne debris zone <sup>h</sup>	SEISMIC DESIGN CATEGORY <sup>i</sup>	SUBJECT TO DAMAGE FROM:			WINTER DESIGN TEMP <sup>j</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>k</sup>	FLOOD HAZARDS <sup>l</sup>	AIR FREEZING INDEX <sup>m</sup>	MEAN ANNUAL TEMP <sup>n</sup>
						Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					
10'	135	NO	NO	NO	C	SEVERE	12"	Moderate to Heavy	14	NO	05-15-04 05-29-01	514	59deg
MINIMUM DESIGN CRITERIA <sup>o</sup>													
Elevation		Latitude	Winter heating	Summer cooling	Altitude correction factor				Indoor design temperature	Design temperature cooling		Heating temperature difference	
	550'	36	12	23					70	75		NOTE P	
Cooling temperature difference		Wind velocity heating	Wind velocity cooling	Coldest wet bulb	Daily range				Winter humidity	Summer humidity			
NOTE P		NOTE P	NOTE P	74			M		NOTE P	NOTE P			

For 10.5 pounds per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

a. Where weathering required a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R601.2(4). The grade of masonry units shall be determined from ASTM C90, C95, C128, C136, C138, C139, C140, C143, C146, C148 or C150.

b. Where the frost line depth required deeper footings than indicated in Figure R601.2(4), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of flood submergence or water damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the local wind speed map (Figure R601.2(5)(a)). Wind exposure category shall be determined on a site-specific basis in accordance with Section R601.2.3.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97<sup>th</sup> percent values for winter from Appendix B of the International Plumbing Code. Deviations from the Appendix B temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. (Not used Figure R601.2(1))

g. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R601.2.3.3.

h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first order or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRM(s) and FIRM(s) or other flood hazard map adopted by the authority having jurisdiction, as awarded.

i. In accordance with Sections R601.2.3, R601.2.3.1, R601.2.3.2, R601.2.3.3, R601.2.3.4, and R601.2.3.5, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

j. The jurisdiction shall fill in this part of the table with the 300-year return period or freezing index (30 days) from Figure R601.2(2) or from the 300-year (98 percent) value on the National Climate Data Center data table "Air Freezing Index-30k Method (Base 32°F)." (Base 32°F).

k. In accordance with Section R601.2.3.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

l. In accordance with Figure R601.2(3), where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

m. In accordance with Section R601.2.3.3, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "N/A" in this part of the table.

n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ASCE, Manual 2 or established criteria determined by the jurisdiction.

o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R601.2(4).

p. This shall be determined using "Minimum Design Criteria."

Delete Section R313 in its entirety: Automatic Fire Sprinkler Systems

Delete Section R313.1: Automatic Sprinkler Systems in Townhouses  
 “An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall.

Delete Section R313.2: Automatic Sprinkler systems in 1&2 Family Dwellings

Delete entirely Chapter 11: Energy Conservation

Section P2603.5.1: Insert “18 inches”  
Insert “18 inches”

Section 2904: Dwelling Unit Fire Sprinkler Systems: Delete entirely

**Amend Section 2905.4.2:**

**Insert new Section 2906.4.1:** Delete “Water-service piping is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in Section **P3002.1(2)**, if the building sewer is not constructed of materials listed in Section **P3002.1(2)**.”

Section P3103.1 Insert “12 inches”  
Delete “or (number) inches above the anticipated snow accumulation,”

Delete entirely Chapters 34 through 43 (Electrical)

(b) Three (3) copies of the code shall be filed in the office of the building official.

17. That Title 4, “Building, Utility, and Housing Codes,” Chapter 8, “Residential Code,” is hereby amended by adding a new Section 4-802:

**Section 4-802. Failure to promptly correct defective work.**

If any owner, authorized agent, or contractor engaged in residential building work, construction, alteration, modification, or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for residential building work shall be issued to him / her until all such defective work has been corrected.

18. That Title 4, “Building, Utility, and Housing Codes,” Chapter 9, “Mechanical Code,” Section 4-901, “International Mechanical Code,” is hereby amended by deleting the section in its entirety, and by substituting instead therefore the following as a new Section 4-901:

**Section 4-901. Mechanical Code.**

(a) Pursuant to the authority granted by Tennessee Code Annotated, Sections 6-54-501 et. seq., the **2018** edition of the International Mechanical Code, together with all revisions associated therewith and forthcoming, including appendix A thereto, but excluding all other appendices thereto, and are hereby adopted by reference, effective **January 1, 2021** with the following modifications:

Section 101.1: Insert “City of Clarksville”

Section 106.5.2: Delete entirely

Section 106.5.3: Delete #2 and #3

Delete Sub-section 108.4 Violation penalties.

Insert new Sub-section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order. Each day that a violation continues after due notice has been served regarding any violation shall be deemed a separate offense.

Delete Sub-section 108.5 Stop work orders.

Insert new Sub-section 108.5 Stop work orders.

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil fine of FIFTY DOLLARS (\$50.00), in addition to any other remedies or penalties provided by law or court order.

(b) Three (3) copies of the code shall be filed in the office of the building official.

19. That Title 4, "Building, Utility, and Housing Codes," Chapter 9, "Mechanical Code," is hereby amended by adding a new Section 4-905:

**Section 4-905. Failure to promptly correct defective work.**

If any owner, authorized agent, or contractor engaged in mechanical work, construction, alteration, modification, or repair, fails to promptly correct any defective work, which also includes defective materials, no further permits for mechanical work shall be issued to him / her until all such defective work has been corrected.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

TABLE R301.2(1)													
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
GROUND SNOW LOAD <sup>o</sup>	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wind region <sup>l</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					
10	115	NO	NO	NO	C	SEVERE	12"	Moderate to Heavy	14	NO	06-15-84 06-29-01	514	59deg
MANUAL J DESIGN CRITERIA <sup>n</sup>													
Elevation			Latitude		Winter heating	Summer cooling	Altitude correction factor		Indoor design temperature	Design temperature cooling		Heating temperature difference	
550'			36		12	93			70	75		NOTE P	
Cooling temperature difference			Wind velocity heating		Wind velocity cooling	Coincident wet bulb	Daily range		Winter humidity	Summer humidity			
NOTE P			NOTE P		NOTE P	74	M		NOTE P	NOTE P			

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s

- a. Where weathering required a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. Where the frost line depth required deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97<sup>1/2</sup>-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.  
[Also see Figure R301.2(1).]
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1, and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climate Data Center data table "Air Freezing Index-USA Method (Base 32oF)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32oF)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).
- p. This shall be determined using "Manual J Design Criteria."



ORDINANCE 42-2020-21

*Proposed Amendment*

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE  
RELATIVE TO VALET PARKING

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

That the Official Code of the City of Clarksville, Tennessee, Title 5, “Business, Professions, and Occupations,” is hereby amended by adding the following new Chapter 15.

**TITLE 5 – BUSINESS, PROFESSIONS, AND OCCUPATIONS**

**CHAPTER 15 - VALET PARKING**

**Sec. 5-1501 - On-Street Valet Parking Services Permits, Terms**

- (a) The Clarksville Parking Commission may issue valet parking permits for businesses citywide to reserve on-street parking space(s) and/or City of Clarksville Parking Lots for the purpose of providing valet parking services to their customers.
- (b) The application for a valet parking permit shall contain the name, address, and telephone number of the owner of the business for which the valet services will be provided; the name, address, and telephone number of a point of contact during which time the valet services will be provided; the name, address, and phone number of the valet service provider; the address of the off-street parking lot or garage where vehicles will be parked; and the street address and parking meter number(s) for each space requested and the date(s) the space(s) are needed.
- (c) Valet parking service stands shall be located on the property of businesses. When private space is not available, the valet stands and personnel shall be positioned to keep clear a minimum of five-foot (5') pedestrian passage on a city sidewalk or right-of-way.
- (d) In order to compensate for the review process and marking of valet parking zones, applicants for a valet parking permit shall pay a processing fee of fifty dollars (\$50.00).
- (e) Upon approval of an application for a valet parking permit, the applicant shall remit a fee in an amount to be determined by the Clarksville Parking Commission and / or the Department of Finance and Revenue, according to the following guidelines:
  - (1) Regardless of the time of day in which the spaces will be used, the permittee shall pay a minimum fixed fee of three dollars (\$3.00) per day to be assessed for each valet parking and/or loading space used.
  - (2) During the times and days of valet operation, when otherwise the spaces are unavailable to the general public, the permittee shall pay a fee equivalent to standard meter fees that would be assessed to the general public to lawfully pay the meter during those times.

- (3) For all permittees, regardless of the amount of time the parking spaces are unavailable to the general public, the maximum fee shall be fifteen dollars (\$15.00) per day.
- (4) Redevelopment and new construction projects may request a waiver of fees for up to **one (1) year**. Requests for waivers may only occur at the time of the valet parking permit application and will be considered at the sole discretion of the Clarksville Parking Commission and / or Department of Finance and Revenue.
- (f) The Clarksville Parking Commission may, at its discretion, limit the number of spaces and duration of the permit. The Clarksville Parking Commission shall not issue any valet parking permit if, as determined by the Clarksville Parking Commission, the use of such requested parking space(s) would interfere with any work in the right-of-way or with any event to be held in the right-of-way.
- (g) Upon approval of a permit, the Clarksville Parking Commission shall designate the parking spaces to be used by placing a bag over any meter(s) or signing and using pavement markings to define the space(s) reserved by the permit.

#### **Sec. 5-1502 - Privileges and Restrictions on Valet Parking Permits**

A permittee shall be permitted to temporarily stand or park a motor vehicle in the designated space(s) during such times as authorized by the permit. Valet parking operators may only park cars in on-street metered parking spaces for which the permittee has a permit and may only park in legal off-street sites listed on the permit. Any use of the designated parking space(s) by a person other than the permittee shall constitute a violation of this Chapter. The valet must be staffed sufficiently to prevent queuing traffic, and valeted vehicles must be moved to off-street lots or garages. A copy of the valid permit must be on hand at the valet station during operation.

#### **Sec. 5-1503. - Revocation and Suspension of Valet Parking Permit.**

- a) The Clarksville Parking Commission may suspend or revoke the valet parking permit of any permittee for any reason in the interest of the public health, welfare, or safety. Upon written notification of such suspension or revocation, the permittee shall surrender such permit to the Clarksville Parking Commission and / or Department of Finance and Revenue. Failure to surrender a revoked valet parking permit shall constitute a violation of this Code.
- b) At any time, the Clarksville Parking Commission determines that the continued use of any such valet parking permit may constitute a danger to public health, welfare, or safety, the Clarksville Parking Commission shall suspend further use of such permit until such time as the Clarksville Parking Commission determines that further use of such permit shall no longer constitute a danger to public health, welfare, or safety.
- c) The use of a revoked or suspended valet parking permit shall constitute a violation of this Chapter.
- d) Nothing in this Chapter is intended to establish any legal right to provide a valet parking service or any legal property interest in a valet parking permit.

#### **Sec. 5-1504 - Insurance Requirements**

No valet parking permit shall be issued pursuant to this section unless there is in full force and effect a general liability insurance policy covering the valet parking operator in the minimum amounts of one million dollars (\$1,000,000.00). Such liability insurance policy shall be with an insurance company authorized to do business in Tennessee and approved by the City of Clarksville Risk Manager. The liability insurance policies required in this section shall name the City of Clarksville as an additional insured.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

## **Valet Parking Application Process**

There will be an application available on-line under the Finance & Revenue Department (or can be picked up in person at City Hall).

Information to be included:

- Owner contact info

- Operator contact info

- Location for off-street parking

- Parking meter number (spaces) & dates of use

Completed applications are to be submitted to Finance & Revenue along with a \$50 processing fee.

The following Parking Commission meeting (held the 3<sup>rd</sup> Tuesday of the month) the application will be reviewed for approval. The Commission will:

- Set the fee for each space used for valet drive up. Recurring fees will be set at a minimum of \$3 and maximum of \$15 per day per space (based on time of day utilized)

- Redevelopment and New construction projects can request a waiver of the space fee for up to sixty (60) days.

- The Parking Commission decides the number and location of spaces as well as length of the permit.

After the Parking Commissions approval, the City will note the spaces being utilized as valet spaces either with bagged noted meters or pavement markings.

Any valet operator must have a \$1million general liability insurance policy approved by the City's Risk Manager listing the City as an additional insured.



## **ORDINANCE 42-2020-21**

### **COUNCILMAN BURKHART - PROPOSED AMENDMENT**

Section 5-1501 e (4) amend waiver of fees from one (1) year to “up to sixty (60) days”.

Paragraph would then read:

(4) Redevelopment and new construction projects may request a waiver of fees for up to **sixty (60) days**. Requests for waivers may only occur at the time of the valet parking permit application and will be considered at the sole discretion of the Clarksville Parking Commission and/or Department of Finance and Revenue.

## **ORDINANCE 42-2020-21**

### **COUNCILMAN BURKHART - PROPOSED AMENDMENT**

I make a motion to amend Section 5-1501 e (4) to amend waiver of fees from one (1) year to “up to thirty (30) days”.

Paragraph would then read:

5-1501(e)(4) Redevelopment and new construction projects may request a waiver of fees for up to **thirty (30) days**. Requests for waivers may only occur at the time of the valet parking permit application and will be considered at the sole discretion of the Clarksville Parking Commission and/or Department of Finance and Revenue.

RESOLUTION 28-2020-21

A RESOLUTION REPEALING RESOLUTION 25-1991-92, ADOPTING SICK LEAVE TRANSFER PERSONNEL PROCEDURE 91-4, AND ADOPTING PERSONNEL PROCEDURE 20-1 ESTABLISHING THE SICK LEAVE BANK

*WHEREAS*, Sick Leave Transfer Personnel Procedure 91-4 was approved by the City Council on September 5, 1991; and

*WHEREAS*, Such procedure should be repealed and a new Sick Leave Bank Personnel Procedure should be adopted.

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

That RESOLUTION 25-1991-92, adopting Sick Leave Transfer Personnel Procedure 91-4, is hereby repealed.

*BE IT FURTHER RESOLVED* that Personnel Procedure 20-1, establishing the Sick Leave Bank, is hereby adopted.

*ADOPTED:*

## PERSONNEL PROCEDURE 20-1

**SUBJECT:** Sick Leave Bank Procedure

**PURPOSE:** To provide a mechanism whereby employees may participate in a sick leave bank.

**APPLICABILITY:** This procedure applies to regular, full-time employees of the City of Clarksville.

**REFERENCES:** City Code Title 1.5, Chapter 6, Section 1.5-602

**POLICY STATEMENT:** The Sick Leave Bank (the "Bank") grants paid sick leave to employees who are medically certified as unable to perform the essential functions of their jobs as a result of a personal illness, injury, accident, medical condition, or quarantine and who have exhausted all of their personal sick, compensatory, and annual leave balances.

### **ELIGIBILITY FOR ENROLLMENT AND MEMBERSHIP:**

1. All regular, full-time employees who are entitled to accrue sick leave pursuant to City Code Title 1.5, Chapter 6, Section 1.5-602, who have been employed by the City of Clarksville for 12 (twelve) full months immediately preceding application for participation, who are currently accruing leave, and who have a sick leave balance of at least 6 (six) days as of November 30 of the current enrollment year are eligible to enroll in the bank.
2. Eligible employees electing to join the Bank must do so during the month of December of any year by submitting a Sick Leave Bank Application (Appendix A), to the Benefits Section in the Human Resources Department.
3. Any employee who elects to join the Bank will initially have the equivalent of 4 (four) days of sick leave deducted from his or her personal accumulation and donated to the Bank. Thereafter, 1 (one) day of sick leave per year will be assessed each December. The City of Clarksville may waive this assessment in any year by written notice.
4. If at any time the number of days in the Bank is less than 1 (one) per member, or at any time deemed advisable, 1 (one) or more days of accumulated sick leave will be transferred from each member to the Bank.
5. A member that accrues leave the month immediately preceding any assessment, but fails to hold the required sick leave for the assessment, will be removed from the Bank and previous assessments will be forfeited.
6. For a member that does not accrue leave in the month prior to any assessment, the first earned sick day(s) will be assessed upon accrual by the member.



7. Initial, annual, and special assessments to the Bank are non refundable and non transferable.

#### **ELIGIBILITY FOR APPLICATION AND GRANTS:**

1. Application for sick leave grants must be made via Withdrawal Request Application (Appendix B), and medical certification of the qualifying event.
2. Applications for grants from the Bank for pre-existing conditions will be denied until December 1 of the following year. "Pre-existing" means a condition that existed for which a member received treatment or advice during the 12 (twelve) month period prior to the effective date of initial Bank membership.
3. Applications for grants from the Bank will be denied for the following:
  - a) Elective surgery;
  - b) illness of any family member;
  - c) routine prenatal care, and post normal child birth (ie; maternity and paternity leave);
  - d) while the member is earning or receiving income from other employment;
  - e) during any period the member is receiving disability benefits from social security, TCRS;
  - f) the member is receiving On-the-Job Injury benefits, short or long term disability insurance benefits, or any other employer provided benefits for job or service related injuries or illnesses.
4. Grants from the Bank will not be approved until the member has exhausted all accumulated sick, compensatory, and annual leave.
5. The member must file all documents in a timely manner.
  - a) Application eligibility date ("eligibility date") is the date the member exhausts all accumulated sick, compensatory, and annual leave.
  - b) Application for sick leave grants must be submitted to the Benefits section in the Human Resources Department with the Withdrawal Request Application and medical certification of the qualifying event. In the event a member is physically or mentally unable to submit an application, a family member or agent may file the request on the member's behalf.
  - c) Application for sick leave grants must be completed, and submitted by the member, no later than two weeks prior to the need, absent any extraordinary circumstances as determined by the Benefits section in the Human Resources Department. Applications for grants received later than two weeks prior, where no extraordinary circumstances are found, will be denied. No further application for a sick leave grant during that period of absence from work for that specific illness/injury will be accepted.
6. Medical Certification
  - a) Medical certification of the qualifying event must be presented with the Withdrawal Request Application and include the total time (or estimated time per the medical provider) the member will be away from the workplace.

b) All medical certification and/or any other medical records or requested information must be forwarded directly to the Benefits section in the Human Resources Department.

#### **GRANTS FROM THE BANK:**

1. Sick leave grants from the Bank shall not be more than 90 days for which the member would have otherwise lost pay. A member may receive a maximum of 90 days from the Bank as a result of a personal illness, injury, accident, disability, medical condition, or quarantine per 12 month period. Unused requested leave will be transferred from the member to the Bank (ie; member requests 30 days but is released from medical care, and returns to work after 20 days, the unused 10 days will be transferred from the member to the Bank.) Granted leave for any one qualifying event must be for consecutive time off. Intermittent leave does not qualify.
2. Grants of sick leave from the Bank shall not exceed 90 days within a rolling 12 month period. The initial 12 month period starts on the date of the first Bank approval.
3. Grants from the Bank terminate as of the date the member is released to return to work with or without restrictions. Unused requested Bank hours will be transferred from the member to the Bank upon return to work certification from their medical provider.

#### **WITHDRAWAL, REMOVAL, OR LOSS OF MEMBERSHIP:**

1. Sick Bank membership and grants will terminate as a result of:
  - a) Changing to a part-time employment status;
  - b) Written requests to cancel membership must be submitted to the Benefits Section in the Human Resources Department. All cancellations of membership requests are effective on the last day of the month that the request was received in Human Resources. Membership withdrawal results in forfeiture of all days contributed.
  - c) Refusal to honor any assessment as may be required to maintain an adequate number of reserve days in the Bank; or
  - d) Separation of service by resignation, dismissal, death, or retirement
2. Upon a finding of any material misrepresentation of facts by a member in making an application for use of sick leave from the Bank, the member may be denied Bank membership. Any member denied Bank membership based on misrepresentation of facts will lose all present and future rights to membership, grants of sick leave, and re-enrollment in the Bank. Previous Bank contributions will be forfeited.

## **RESPONSIBILITIES:**

1. Benefits section in the Human Resources Department:
  - a) Notify the Payroll Department of Sick Bank new members. Authorize four days of sick leave to be deducted from the new member's sick leave and transferred to the Bank. Open enrollment is December 1-31 each calendar year.
  - b) Notify the Payroll Department, each December 1, of existing Bank members donating one day of their sick leave to the Bank.
  - c) Assist members in preparing and submitting the Withdrawal Request Application and obtaining medical certification.
  - d) Approve the Withdrawal Request and verify medical certification.
  - e) Notify the Payroll Department of the details of the approved request so that the transfer can be processed.
  - f) Maintain all Withdrawal Request Applications and medical certifications in member's health file.
  - g) Notify the affected Department as mandated (FMLA, TML, etc).
2. Payroll Department
  - a) Transfer certified member's time as certified and approved.
3. City Departments
  - a) Assist employees as needed.
  - b) Send all requests, and medical documentation, to the Benefits section in the Human Resources Department.

Future revisions to this policy may be made, and approved, by the Mayor, Human Resources Director, Risk Manager, and Benefits Manager.

OFFICIAL DOCUMENT

REVISION APPROVED BY CITY COUNCIL: \_\_\_\_\_

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WILL WYATT, HUMAN RESOURCES DIRECTOR

## **CITY OF CLARKSVILLE SICK LEAVE BANK OPEN ENROLLMENT**

Beginning December 1, and continuing through December 31, applications for new enrollees in the Sick Leave Bank (Bank) will be accepted. Please read City of Clarksville Personnel Procedure 91-4 before completing an application.

The Bank is solely for the serious illness or injury of the employee and not for the illnesses/injuries of immediate family members. Medical certification is required with each request for sick leave bank time. The Benefits Section of the Human Resources Department will individually review each request (1) to determine the nature of the illness or injury; and (2) to evaluate the employee's own personal leave record/use.

Applicants requesting membership in the Sick Leave Bank must have been an active full time employee accruing sick leave for 12 full months immediately preceding application for participation. A minimum sick leave balance of 6 (six) days as of November 30 of the current enrollment year is required for Bank membership. Bank open enrollment is December 1-31 of each year. Upon membership approval, 4 (four) days of sick leave time will be transferred to the bank. (These are non-refundable hours.) If you need further information, please contact Human Resources at (931) 645-7421 or email [HRBenefits@cityofclarksville.com](mailto:HRBenefits@cityofclarksville.com).

**Completed SLB applications must be returned on or before December 31.**  
**Late applications will not be accepted.**



**SICK LEAVE BANK OPEN ENROLLMENT APPLICATION**  
**LATE APPLICATIONS WILL NOT BE ACCEPTED.**

Name: \_\_\_\_\_  
                    First                                    M.I.                                    Last

Employee ID Number: \_\_\_\_\_ Email: \_\_\_\_\_

Department: \_\_\_\_\_

I am hereby applying for membership in the City of Clarksville Sick Bank (Bank). I have been a full time employee accruing sick leave for 12 months immediately preceding this request. I have, or will have, 6 (six) days of my own sick leave time accumulated before December 1. I understand you will take 4 (four) days of accrued sick leave as a non-refundable transfer of time in exchange for my membership in the Bank. Thereafter, 1 (one) day of accrued sick leave per year will be assessed each December 1. I have read, understand, and agree to the terms of Personnel Procedure 91-4, Sick Leave Bank Procedure. I understand the Bank hours are solely for the serious illnesses/injuries of its members and may not be used for elective surgeries or dependents. I agree to abide by the Sick Leave Bank procedure.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Return completed application to:

**HRBenefits@cityofclarksville.com**

Mail will be delayed so please email if possible.

Mailing address:

Human Resources Department  
1 Public Square Suite 200  
Clarksville, TN 37040

Appendix A

**THIS BOX IS FOR HUMAN RESOURCES USE ONLY**

Date received in HR: \_\_\_\_\_

Employee sick leave balance: \_\_\_\_\_

Authorizing transfer of 4 (four) days of accrued sick leave to the Bank. Yes

## WITHDRAWAL REQUEST APPLICATION

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

NAME OF RECIPIENT: \_\_\_\_\_

EMPLOYEE ID NUMBER: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ TITLE: \_\_\_\_\_

AMOUNT OF AVAILABLE SICK LEAVE AS OF (Date) \_\_\_\_\_, (Hours) \_\_\_\_\_

AMOUNT OF AVAILABLE ANNUAL LEAVE AS OF (Date) \_\_\_\_\_, (Hours) \_\_\_\_\_

AMOUNT OF COMPENSATORY LEAVE AS OF (Date) \_\_\_\_\_, (Hours) \_\_\_\_\_

REASON FOR THE REQUEST: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOCTORS CERTIFICATE AND PROGNOSIS ATTACHED: YES \_\_\_\_ NO \_\_\_\_ PREVIOUSLY SUBMITTED? YES \_\_\_\_ NO \_\_\_\_

STATEMENT BY RECIPIENT: I request a Sick Bank Withdrawal. As a result of a qualifying event, I will likely be off work until \_\_\_\_\_ based on my doctor's prognosis, and I do not have enough earned leave time to cover that absence. Separately, I do not qualify for compensation from the On-the-Job Injury program, Tennessee Consolidated Retirement System, or Long or Short Term Disability policies. I agree to notify the Benefits Section in the Human Resources Department if I am approved for any compensation. I am requesting \_\_\_\_\_ Bank days (90 day maximum) to cover this absence.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF RECIPIENT

**HUMAN RESOURCES AUTHENTICATION:** I have reviewed, and certified, this request. Please use \_\_\_\_\_ Bank hours for this employee's approved absence.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

APPENDIX B

RESOLUTION 29-2020-21

A RESOLUTION ADOPTING PERSONNEL POLICY 20-3    PERTAINING TO HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) PRIVACY POLICY

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

That Personnel Policy 20-3 pertaining to Health Insurance Portability and Accountability Act (HIPAA) Privacy Policy, is hereby adopted.

*ADOPTED:*

## PERSONNEL POLICY 20-3

**SUBJECT:** Health Insurance Portability and Accountability Act (HIPAA) Privacy Policy

**PURPOSE:** To establish policy, and guidance, for HIPAA compliance within the City of Clarksville workforce.

**APPLICABILITY:** All Departments

**REFERENCES:** Federal HIPAA Privacy Rule and Law

**POLICY STATEMENT:** To give the City of Clarksville workforce standard information so that Federal HIPAA laws can be implemented.

### **RIGHT TO AN ACCOUNTING OF DISCLOSURES:**

Under HIPAA, individuals have the right to request an accounting of certain Protected Health Information. (PHI) disclosures. This allows individuals to determine where their PHI has been used and disclosed outside of the normal treatment, payment, and health care operations. As a business associate, in order to respond to individuals' requests for an accounting of PHI disclosures, the City will have to track disclosures made of individual's PHI every time it is used outside of treatment, payment, and health care operations.

1. Individuals have the right to request an "accounting of disclosures." This is a list of the disclosures made of PHI about the individual, that were not made to the individual, pursuant to an authorization by the individual, was not an incidental disclosure or part of a limited data set (data that does not include directly identifiable information), used for research, used for public health purposes, to persons involved in the individual's care, for national security or intelligence purposes, to correctional institutions or law enforcement, for a health care provider or plan's treatment, payment or health care operations, or for disclosures made prior to the date of compliance with privacy standards.
2. Disclosures and requests for an accounting of disclosures will be tracked in the Log of PHI Disclosures form (Appendix A) that will be maintained in the master HIPAA file.
3. To request an Accounting of Disclosures (Appendix B), the individual, or a health care provider on behalf of the individual, must submit a request in writing to the HIPAA Privacy Officer. The request must state a time period that can be no longer than six years.
4. The request will indicate in what form the information is to be delivered (written, electronic, etc).
5. Responses for requests for accounting disclosures will be made within thirty (30) calendar days.



6. If additional time is needed, the individual or covered entity will be informed, within the thirty (30) days, in writing of the delay, the reason for the delay, and the date the accounting will be provided that will be no later than 60 days from the original request.

### **IMPROPER USES/DISCLOSURES OF PHI:**

When any type of improper use/disclosure of PHI is discovered:

1. The City of Clarksville will immediately notify the affected covered entity both by phone call and in writing.
2. The City of Clarksville will immediately provide the Notice of Incident Involving Disclosure of PHI (Appendix C), and the Risk Assessment for Breach of Unsecured Protected Health Information (Appendix D) to the covered entity including:
  - a. the details of the improper use/disclosure of PHI
  - b. the date the improper use/disclosure of PHI occurred
  - c. the date the improper use/disclosure was discovered
  - d. a list of names and associated contact information for those individuals whose PHI was affected
  - e. what steps those individuals whose PHI was affected should take
  - f. what steps The City of Clarksville is taking to mitigate the improper use/disclosure of PHI
  - g. Privacy Officer's contact information for further information.

If the improper use/disclosure of PHI involves "unsecured PHI" it has special significance and may constitute a breach under the HIPAA regulations which carries more stringent mitigation/reporting requirements potentially causing the covered entity (and us) to notify the affected individuals, the HHS (Department of Health and Human Services), and the media of the breach. More information about breaches of unsecured PHI is provided below.

#### **DETERMINING IF A BREACH HAS OCCURED**

For an acquisition, access, use, or disclosure of PHI to constitute a breach, it must constitute a violation of the HIPAA Privacy Rule. For example, if information is de-identified in accordance with 45 CFR 164.514(b), it is not PHI and any inadvertent or unauthorized use or disclosure of such information will not be considered a breach under the notification requirements of the Act and the Rule.

#### **UNSECURED PHI**

The Department of Health and Human Services (HHS) has defined unsecured to mean PHI that has not been:

1. Encrypted consistent with standards set by the National Institute for Standards and Technology; or
2. Destroyed in a manner that renders the information irrecoverable, such as shredding for paper records. Thus, while HIPAA does not require the use of encryption, encrypting PHI can reduce the risk that a covered entity will be required to provide notice of a security breach.

The City of Clarksville will deploy the proper technologies and methodologies that will make PHI unusable, unreadable, or indecipherable to unauthorized individuals. Proper use of such technologies and methodologies will help prevent PHI from becoming Unsecured PHI.

There are two methods for making PHI unusable, unreadable, or indecipherable to unauthorized individuals: encryption and destruction. Below are the guidelines for how these methods apply to the following data states:

1. **Data at Rest** - An encryption process for "data at rest" (i.e., data that resides in databases, file systems, and other structured storage methods) will be valid if it is consistent with National Institute of Standards and Technology ("NIST") Special Publication 800-111, Guide To Storage Encryption Technologies for End User Devices.
2. **Data in Motion** - An encryption process for "data in motion" (i.e., data that is moving through a network, including wireless transmission) will be valid if it complies with the requirements of Federal Information Processing Standards ("FIPS") 140-2.
3. **Data Disposed** - "Data disposed" (e.g., discarded paper records or recycled electronic media) will be properly destroyed if (1) paper, film, or other hard copy media have been shredded or destroyed such that the PHI cannot be read or otherwise cannot be reconstructed, and (2) electronic media have been cleared, purged, or destroyed consistent with NIST Special Publication 800-88, Guidelines for Media Sanitization, such that the PHI cannot be retrieved

#### EXCEPTION TO THE BREACH DEFINITION

The following three situations are excluded from the definition of "breach" under the Act:

1. The unintentional acquisition, access, or use of PHI by any workforce member or person acting under the authority of a covered entity or business associate, if such acquisition, access or use was made in good faith and within the scope of authority and does not result in further use or disclosure in a manner not permitted by the Privacy Rule.
2. The inadvertent disclosure of PHI by an individual otherwise authorized to access PHI at a facility operated by The City of Clarksville to another person at The City of

Clarksville, and the information received as a result of such disclosure is not further used or disclosed in a manner not permitted under the Privacy Rule.

3. An unauthorized disclosure where a person at The City of Clarksville has a good faith belief that an unauthorized person to whom PHI is disclosed would not reasonably have been able to retain the information.

### BREACH NOTIFICATION REQUIREMENTS

If it is determined that a breach has occurred the following steps will apply:

1. A Risk Assessment (RA) will be conducted. If The City of Clarksville can demonstrate through the RA that there is a low probability that the Protected Health Information has been compromised then Breach Notification is not required:
  - a. The RA will consider:
    - i. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification.
    - ii. The unauthorized person who used PHI or to whom the PHI was disclosed.
    - iii. Whether the PHI was actually acquired or viewed.
    - iv. The extent to which the risk to the PHI has been mitigated
2. If the RA determines that the PHI has been compromised the following steps will be implemented:
  - a. The affected covered entity will be immediately notified both by phone call and in writing.
  - b. Written documentation to the covered entity will be provided, and will include:
    - i. the details of the breach
    - ii. whether the breach involved secured or unsecured PHI
    - iii. the date the breach occurred
    - iv. the date the breach was discovered
    - v. a list of names and associated contact information for those individuals whose PHI was breached
    - vi. what steps those individuals whose PHI was breached should take
    - vii. what steps we are taking to mitigate the breach
    - viii. Privacy Officer's contact information for further information.

## **COMPUTER SYSTEMS:**

### **PASSWORDS**

1. All systems will require a valid user ID and password.
2. It is recommended that all users change their passwords at least every 90 days.
3. In the event of a suspected or actual password breach those passwords are to be changed immediately.
4. After three unsuccessful attempts to enter a password, the involved user ID will be suspended until reset by the system administrator.
5. The display or printing of passwords will be masked so that unauthorized parties will not be able to observe or recover them.
6. Passwords will not be stored in written or readable form.
7. Upon termination all passwords for the employee will be immediately changed or deactivated.

### **ACCESS**

1. Computer screens will be positioned in such a manner that only authorized users may see the information contained on the screen.
2. All terminals will have a password protected screen saver that will be activated after no more than fifteen minutes of inactivity.
3. If computer equipment will be permanently taken out of service, the hard drive will be totally erased.
4. Install Antivirus software.
5. Update Antivirus software every six months.
6. Automatic logoff of systems after no more than 30 minutes of inactivity.
7. A notice, at system start-up, warning that only those with proper authority should access the system will be displayed initially before signing onto the system OR a written notice with a warning that only those with proper authority should access the system will be displayed near the computer terminal.
8. Individuals who are not employees, contractors, consultants, or business partners will not be granted access to any systems.



9. Employees will logoff the system before going to lunch or taking breaks.
10. Employees will logoff the system before they end their shift for the day.
11. The room where the workstation is contained will be locked when not in use.
12. All removable media (e.g. CD-ROMs, backup tapes, diskettes, and etc.) will be stored in a locked cabinet to prevent unauthorized use.
13. All removable media (e.g. CD-ROMs, backup tapes, diskettes, etc.) no longer in use will be reformatted or destroyed preventing any protected health information from being seen by unauthorized individuals.
14. Printed versions (hardcopy) of protected health information will be shredded before it is discarded.
15. System access will be reviewed annually to remove identification codes and passwords of users who no longer require access.

#### REMOTE ACCESS

1. Remote access via modem should be through an approved security mechanism such as a dial back system, or only allowing modem connectivity from specific phone numbers.
2. After three unsuccessful attempts to enter a password, the involved user ID will be suspended until reset by the system administrator.

#### INTERNET

1. Use of the Internet via our network will be primarily for business or professional development.
2. Use of the Internet via our network is not permitted for personal use.
3. A firewall will be installed to protect against unauthorized intrusion.

#### E-MAIL (ELECTRONIC MAIL)

1. Prohibited use of the electronic mail system includes, but is not limited to:
  - a. Disclosure of an individual's personal health information without appropriate authorization.
  - b. Transmission of information inside or outside of the organization without a legitimate business need for the information.
  - c. Use for marketing purposes without explicit permission of the employee.

2. Employee will be informed about privacy issues such as:
  - a. Who besides addressee processes messages.
    - i. During addressee's usual business hours.
    - ii. During addressee's vacation or illness.
  - b. That messages are to be included as part of the medical record.
3. The following types of transactions (prescription refill, appointment scheduling, etc.) and sensitive subject matter (HIV, mental health, etc.) should not be sent over e-mail.
4. Employees will be instructed to put the category of transaction in the subject line of message for filtering: "prescription," "appointment," "medical advice," "billing question."
5. Employees will be instructed to put their name and employee identification number in the body of the message.
6. The sharing of company e-mail accounts with family members is strictly prohibited.
7. Confirm all "To:" fields prior to sending messages.
8. No less than weekly backups of mail onto long-term storage.
9. The use of distribution lists for distributing confidential information is strictly prohibited.
10. The subject line will contain a notation referring to the confidential or sensitive nature of the information.
11. Document employee consent to guidelines for e-mail use:
  - a. E-mail will not be used for emergencies or time-sensitive issues.
  - b. Privacy and security of e-mail messages is not guaranteed.
  - c. Staff other than the intended recipient may read and process e-mail.
  - d. Indemnify the City for information loss due to technical failures.
12. Member authorization should be obtained before forwarding protected health information to a third party such as a consultant or health plan.
13. Member e-mail addresses will not be supplied to third parties for advertising.
14. When an e-mail account will not be monitored during a vacation or office closure, an auto reply should be sent notifying the sender that the intended recipient is away.
15. Upon termination of employment the e-mail account will be deactivated.

#### BACKUP AND RECOVERY

1. A full system backup to tape will be performed every Friday.

2. An incremental backup will be performed Monday, Tuesday, Wednesday, and Thursday.
3. After being used for 6 months the tape will be destroyed and discarded; and replaced by a new tape.
4. Backup tapes will be stored off-site in a secure location.
5. Backup and recovery procedures will be tested at least once a year.

### **HIPAA Covered Entities:**

- **Health Care Providers:** physicians, clinics, hospitals, etc.
- **Health Plans:** employer group health plans, health insurance carriers, etc.
- **Health Care Clearinghouses:** processes/ facilitates processing of health information from a nonstandard format to a standard format.

The City of Clarksville is considered a Business Associate, which is a person or organization that performs a function or activity involving the use or disclosure of PHI (Protected Health Information) on behalf of a covered entity, but is not part of the covered entity's workforce. Business Associates can be but are not limited to the following:

- |                                       |                               |
|---------------------------------------|-------------------------------|
| ● Claims processors or administrators | ● Lawyers                     |
| ● Billing Agencies                    | ● Accountants                 |
| ● Benefit managers                    | ● Collection Agencies         |
| ● Consultants                         | ● Medical Answering Services  |
| ● Clearing houses                     | ● Temporary Staffing Agencies |
| ● Storage Facilities                  |                               |

When business associates are involved in the use or disclosure of PHI while performing a function on behalf of a covered entity, they are expected to adhere to the same standards for safeguarding PHI as the covered entity. Under the recent ARRA/HITECH updates to HIPAA, the Department of Health and Human Services now has direct jurisdiction over business associates. Covered entities and business associates are expected to assure that PHI is used and disclosed appropriately by entering into a Business Associate Contract.

Business associates are required to assure covered entities that PHI will be used and disclosed appropriately by entering into a Business Associate Contract to protect the privacy and security of PHI.

1. The City of Clarksville will sign a Business Associate Contract with all covered entities from which it receives or will receive PHI.
2. The City of Clarksville will appropriately safeguard any PHI entrusted to our organization.

3. The City of Clarksville will sign an agreement stating that it will not use or disclose PHI in any manner which would not be permissible for the covered entity under the HIPAA privacy regulations.
4. The City of Clarksville will:
  - a. Not use or further disclose PHI other than as permitted under the contract or as required by law.
  - b. Use appropriate safeguards to prevent use or disclosure of PHI other than provided by the contract.
  - c. Report to The City of Clarksville's and covered entity's Privacy Officer any violation of use or disclosure as stated in the contract.
  - d. Notify covered entity of any unauthorized acquisition, access, use, or disclosure of unsecured PHI held on covered entity's behalf, including the identity of each individual who is the subject of the unsecured PHI breach.
  - e. Ensure that any agents to whom it provides PHI agree to the same restrictions
  - f. Provide a list of agents with their contact information that have been granted access to PHI to covered entity's Privacy Officer upon request
  - g. Provide proof that our employees and agents have been trained in protecting health information upon request to covered entity's Privacy Officer
  - h. Maintain a list of uses and disclosures of individual's PHI outside of treatment, payment, and healthcare operations (for electronic health records, a log of all disclosures including those for treatment, payment, and healthcare operations must be kept) and provide them upon request to help satisfy HIPAA's right for individuals to request an accounting of PHI uses and disclosures.
5. All reported and/or discovered violations of the Business Associate contract will be reported to the City of Clarksville's Privacy Officer as well as the covered entity's Privacy Officer.

**EMPLOYEE SANCTIONS:**

The purpose of this section is to address non-compliance with the HIPAA policy requirements governing the confidentiality of protected health information (PHI) which includes electronic protected health information (ePHI).

It is the policy of The City of Clarksville to take appropriate steps to promote compliance with the requirements for maintaining the confidentiality of PHI. The City of Clarksville takes seriously its requirements under HIPAA to protect the confidentiality of PHI and will respond appropriately to violations of HIPAA policies.

The appropriate response to such violations will depend on the severity of the violation, and the record of the employee.

The response will be decided after investigating the specific facts of the situation and may include, but is not limited to, such actions as: system changes, additional education, a written reprimand, a suspension, and termination of employment.

Employees and others who are working on behalf of The City of Clarksville, who report, in good faith, violations of HIPAA policy requirements shall not be retaliated against. They may report any retaliation to their direct supervisor, or the HIPAA Compliance Officer. If reported to anyone other than the HIPAA Compliance Officer, it shall be referred to the HIPAA Compliance Officer. The HIPAA Compliance Officer shall determine who will investigate the matter.

1. It is the responsibility of the HIPAA Compliance Officer to determine the appropriate process to follow when aware of allegations of HIPAA policy violations by an employee. If it is determined that a violation which could result in disciplinary action has occurred, the HIPAA Compliance Officer will work with the appropriate supervisor, and Department Head, to determine the appropriate response.
2. One of the factors to consider when determining the appropriate response for HIPAA policy violations is the severity of the violation. The City of Clarksville has determined that there are four categories of violations.

Type I – these violations are inadvertent or accidental breaches of confidentiality that may or may not result in the actual disclosure of protected health information (for example, sending an email to an incorrect address).

Type II – these violations result from failure to follow existing policies/procedures governing security (for example, failure to obtain appropriate authorization to release information, failure to fulfill training requirements).

Type III – these violations include inappropriately accessing a patient/individual/plan participant's record without a job-related need to know (for example, accessing the record of a friend or co-worker out of curiosity without a legitimate need to know the information).

Type IV – these violations include accessing and using protected health information for personal gain or to harm another person.

3. In addition to the severity of the violation, factors such as the past record of the employee must be considered. As a result, the appropriate response must be determined on a case-by-case basis. For example, while an inadvertent violation might normally result in additional education, it could result in more serious action if it was part of a pattern of violations or other performance problems.

All violations must immediately be reported to The City of Clarksville's HIPAA Compliance Officer.

## **DOCUMENTATION REQUIREMENTS**

Each instance of workforce disciplinary action regarding security of PHI is to be documented in a written or electronic record by the HIPAA Compliance Officer. The HIPAA Sanctions Log (Appendix E) will contain the following information:



- Name of employee
- Description of violation
- Level of breach or violation
- Location of breach or violation
- Date and time of breach or violation
- Disciplinary action taken

This documentation must be retained for six years from the date of its creation or the date when it was last in effect whichever is later.

### **FACSIMILE MACHINES:**

Facsimile machines will be kept in secure areas where members of the workforce that do not require routine access to PHI do not have easy access.

### **SENDING FACSIMILES**

Prior to sending the initial facsimile to an entity, the user will verify the facsimile phone number and will call the recipient before sending the facsimile to let them know it is about to be transmitted.

1. A cover letter should precede each facsimile transmission with the following information:
  - a. Date and time of transmission.
  - b. Sending facility's name, address, telephone number and facsimile number.
  - c. Name of person sending the facsimile.
  - d. Authorized receivers name.
  - e. Number of pages transmitted.
  - f. Confidentiality statement, with directions on disclosure and destruction.
2. If a facsimile does not reach its intended destination:
  - a. Note in a log.
  - b. Send a facsimile to that number explaining that the transmission information was misdirected and ask that the documents be returned by US mail.
  - c. Call intended recipient and verify facsimile information.
  - d. Notify HIPAA compliance officer.
3. Any facsimile containing protected health information (PHI) will be stored in a secured area where members of the workforce that do not require routine access to PHI will not have easy access.
4. Any facsimile document containing PHI will be shredded before it is discarded.

## RECEIVING FACSIMILES

1. When receiving a facsimile transmission:
  - a. Remove documents promptly and deliver to intended recipient.
  - b. Follow instructions on cover page.
  - c. Notify sender of any transmission problems.
  - d. Notify the sender of any misdirected documents and either return by mail or destroy depending on the request of the sender.
2. Any facsimile document containing PHI will be shredded before it is discarded.

## PHI USE AND DISCLOSURES:

PHI refers to all information (oral, paper-based documents, and electronic documents) that relates to an individual including but not limited to:

- Medical information
- Billing information
- Financial information
- Names and other identifying information such as:
  - Telephone numbers
  - Fax numbers
  - Electronic Mail addresses
  - Social security numbers
  - Medical record numbers
  - Birth date
  - Date of death
  - Health plan beneficiary numbers
  - Account numbers
  - Certificate/license numbers
  - Vehicle identifiers and serial number, including license plate numbers
  - Device identifiers and serial numbers
  - Full face photographic images and any comparable images
  - Any other unique identifying number characteristic, or code

## MINIMUM NECESSARY

1. When using or disclosing protected health information, employees will take reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.
2. The following are situations in which the Minimum Necessary provisions would **not** apply:
  - Uses or Disclosures that are required by law.

- Uses or Disclosures made to the individual.
- Uses or Disclosures made pursuant to an authorization.
- Disclosures to a health care provider for treatment purposes.
- Disclosures to the Secretary of Health and Human Services for enforcement purposes.
- Uses or Disclosures that are required for compliance with HIPAA requirements.

3. Before using or disclosing information consider two basic questions:

- a. How much information is needed to fulfill the purpose of this request?
- b. Are we about to provide information that is not necessary to fulfill the purpose of this request?

For example: When an insurance company requests documentation that the patient was treated for a broken arm, it is not necessary to provide information about the patient's treatment for high blood pressure.

#### SPECIFIED USE IN BUSINESS ASSOCIATE CONTRACT

Employees will only use PHI given by a covered entity (healthcare provider, health plan, or healthcare clearinghouse) in accordance with the specific use and purpose specified in the Business Associate Contract with the covered entity. The use and purpose should further be confined to purposes of treatment, payment, or healthcare operations for the covered entity or for uses and disclosures for which the covered entity has specific authorization from the individuals (to whom the PHI belongs) to do so.

#### DISCLOSURE FOR DECEASED INDIVIDUAL

Employees may use and disclose a deceased individual's PHI to family members and others who were involved in an individual's care, unless doing so is inconsistent with any prior expressed wishes or preferences of the deceased individual.

#### TO AVERT A SERIOUS THREAT TO HEALTH OR SAFETY

Employees may use and disclose PHI about individuals when necessary to prevent a serious threat to the individual's health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

#### LAWSUITS AND DISPUTES

PHI may be disclosed in response to a subpoena, discovery request, or other lawful order from a court.

#### AS REQUIRED BY LAW

Employees will disclose PHI about individuals when required to do so by federal, state or local law.

## AS PERMITTED BY LAW

To the extent that the law permits employees to release information, employees may disclose PHI if asked to do so by a law enforcement official as part of law enforcement activities; in investigations of criminal conduct or of victims of crime; in response to court orders; in emergency circumstances.

## SUBCONTRACTORS AND AGENTS:

A subcontractor or agent is considered to be a person or organization that creates, receives, maintains, or transmits PHI on behalf of the City of Clarksville. Subcontractors or agents can be but are not limited to the following:

- Claims processors
- Temp/Staffing Agencies
- Billing Companies
- Consultants
- Clearing houses
- Lawyers
- Accountants
- Collection Agencies
- Record Storage Facilities
- E-Prescribing Gateways

Subcontractors or agents who are involved in the use or disclosure of PHI while performing a function on behalf of the City of Clarksville are expected to adhere to the same standards for safeguarding PHI as the City of Clarksville. The City of Clarksville will assure that PHI is used and disclosed appropriately by:

1. Entering into Business Associate Contracts to protect the security, integrity and confidentiality of PHI.
2. Investigating when complaints or other credible evidence of violations by a subcontractor or agent are received.
3. Taking reasonable steps to correct a breach, notify the Covered Entity of the breach, and if necessary terminate the contract with a business associate after becoming aware of a material breach by a subcontractor or agent.
4. Subcontractors or agents are required to get written assurances from their subcontractors that the subcontractor will adhere to the same standards for safeguarding PHI as we do.
5. The City of Clarksville will obtain satisfactory assurances that the subcontractor or agent will appropriately safeguard any PHI entrusted to it.
6. The subcontractor or agent will sign an agreement stating that it will not use or disclose PHI in any manner that would not be permissible under the HIPAA Security Regulations.
7. The subcontractor or agent will get written assurances from its subcontractors that the subcontractor will not use or disclose protected health information in any manner which would not be permissible for the City of Clarksville under the HIPAA privacy regulations.
8. Existing business associate contracts must be updated to reflect the Omnibus changes in HIPAA law and signed by September 23, 2013, however, the City of Clarksville and our subcontractor or agents must continue to comply with the breach notification interim rules.

9. Subcontractor or agent will:
  - a. Not use or further disclose PHI other than as permitted under the contract or as required by law.
  - b. Use appropriate safeguards to prevent use or disclosure of PHI other than provided by the contract.
  - c. Report to the City of Clarksville's HIPAA Compliance Officer any violation of use or disclosure as stated in the contract.
  - d. Notify the City of Clarksville of any unauthorized acquisition, access, use, or disclosure of unsecured PHI they hold on our behalf, including the identity of each individual who is the subject of the unsecured PHI breach.
  - e. Ensure that any agents to whom the subcontractor or agent provides PHI agree to the same restrictions.
  - f. Provide a list of agents (along with their contact information) that have been granted access to PHI to the City of Clarksville's Security Officer.
  - g. Provide proof that its employees and agents have been trained in protecting health information.
10. All reported and/or discovered violations of the subcontractor and agent contract will be recorded and maintained in a file with the signed contract.

If the City of Clarksville becomes aware of a pattern or practice of the subcontractor or agent that constitutes a material breach or violation of the subcontractor's or agent's obligations under its contract, the organization will take action (discussions with the subcontractor or agent, sanctions, etc.) to cure the breach or to end the violation. If such steps are not successful the City of Clarksville will terminate the contract if feasible. If it is not feasible to terminate the contract the City of Clarksville will report the problem to the Covered Entity for which the PHI belongs.

#### **WORKFORCE TERMINATIONS:**

1. When an individual separates service from the City, both physical and electronic access to information will be denied.
2. New combinations to combination locks will be issued; if a new combination cannot be issued then the combination lock will be changed.
3. Security system access codes will be changed immediately.
4. Security will be notified that the individual separating service is no longer granted access under any conditions.
5. All office staff will be notified that the individual separating service is no longer granted access (keys, combinations, passwords, and etc.) under any conditions.
6. The individual separating service will be removed from all access lists.



7. The individual separating service will turn in their keys, tokens, or cards that allow access to their supervisor or the security officer as part of terms of receiving their final paycheck.
8. All user accounts of the individual separating service will be terminated.
9. Any partners or entities that have access to protected health information will be notified to deny the terminated individual access.

**WORKFORCE TRAINING:**

1. All current members of the workforce, who are likely to come into contact with protected health information, will be given a HIPAA awareness training and be trained in the policies and procedures with respect to protected health information.
2. New members of the workforce will receive HIPAA awareness training and training in the HIPAA policies and procedures within sixty (60) days of their hire date.
3. If there is a material change in the HIPAA privacy policies and procedures, all members of the workforce, whose duties are directly affected by the change, will be retrained within sixty (60) days.
4. Upon completion of training, members of the workforce will be required to sign the confidentiality agreement (Appendix F) certifying that he or she received the privacy training and will honor the HIPAA privacy policies and procedures.
5. All employees will do a refresher HIPAA Awareness training every year.

Future revisions to this policy can be made, and approved, by the Mayor, Human Resources Director, HIPAA Security Officer, and HIPAA Privacy Officer.

HIPAA Privacy Policy

Official Document

Approved by City Council: \_\_\_\_\_

\_\_\_\_\_  
Will Wyatt, Human Resources Director

# City of Clarksville

## Log of PHI Disclosures (for Individual's Protected Health Information Record)

Individual's Name: \_\_\_\_\_

Individual's Record Number: \_\_\_\_\_

**PHI DISCLOSURES:** (documents instances in which individual's PHI was used and/or disclosed)\*

Initial Disclosure Information	Party to Whom PHI Was Disclosed	PHI Disclosure Details	Copy Fee
Date Request Received	Name of Party	PHI Disclosed	Amount Billed
Purpose of Disclosure	Address of Party		Date Billed
	Phone Number of Party		Amount Paid
		Date Disclosed	Amount Paid
		Disclosed By	Date Paid
Initial Disclosure Information	Party to Whom PHI Was Disclosed	PHI Disclosure Details	Copy Fee
Date Request Received	Name of Party	PHI Disclosed	Amount Billed
Purpose of Disclosure	Address of Party		Date Billed
	Phone Number of Party		Amount Paid
		Date Disclosed	Amount Paid
		Disclosed By	Date Paid
Initial Disclosure Information	Party to Whom PHI Was Disclosed	PHI Disclosure Details	Copy Fee
Date Request Received	Name of Party	PHI Disclosed	Amount Billed
Purpose of Disclosure	Address of Party		Date Billed
	Phone Number of Party		Amount Paid
		Date Disclosed	Amount Paid
		Disclosed By	Date Paid

**Notes:** \*All uses and disclosures need to be tracked other than those **a)** for treatment, payment, and healthcare operations, **b)** to persons involved in the patient's care or for purposes of notifying or identifying persons involved in patient's care, **c)** for national security or intelligence purposes, **d)** to correctional institutions or law enforcement officials, **e)** made prior to the date of compliance with privacy standards (April 14, 2003), **f)** that are part of a limited data set (does not contain protected health information that directly identifies individuals) **g)** made to the individual or their personal representatives **h)** for directory purposes **i)** and for which a written authorization from the individual has been received

**REQUESTS FOR ACCOUNTING OF PHI DISCLOSURES:** (documents accounting requests when a copy of this disclosure log is provided to the individual)

Date of Request	Requested By (Individual's Name / Legal Representative)	Date Range Requested (Not longer than 6 years)	Date Information Provided (must be within 60 days of Date of Request)	Fulfilled By	Copy Fee (Free of charge in any 12 month period)

**City of Clarksville**  
**Individual Request for Accounting of Disclosures of Protected Health Information**

**Individual Name:** \_\_\_\_\_ **Individual ID #:** \_\_\_\_\_

**I hereby request City of Clarksville to provide me with an accounting of disclosures made of my protected health information during the following period:**

**Note:** Period requested cannot be more than six years prior to the date on which this accounting is requested

**Period Requested:** \_\_\_\_\_

**And mail them to me at the following address:**

**Address1:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_

**Address2:** \_\_\_\_\_

**Work Phone:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**I understand that this accounting will not reflect disclosures:**

1. That are made to carry out treatment, payment and health care operations
2. Made to me or my personal representative
3. Made to persons involved in my care or for purposes of notifying or identifying persons involved in my care
4. For national security or intelligence purposes
5. To correctional institutions or law enforcement officials
6. Made prior to April 14, 2003
7. Made pursuant to an authorization
8. That are incidental to other permissible uses or disclosures
9. That are part of a limited data set (does not contain protected health information that directly identifies individuals)

**And I understand that there may be a fee associated with the request which is:**

First request in a 12 month period	Free
Subsequent requests	

**Fee:** \_\_\_\_\_

**And I understand that:**

Within 60 days, I will receive a response from City of Clarksville or a notification that an additional 30 days is required to process my request. If an extension is required, a reason for the delay will be given along with the date by which my request will be completed.

\_\_\_\_\_  
**Signature of Individual or Legal Representative**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name of Individual's Representative (if applicable)**

**Relationship to Individual (if applicable)**

Parent or guardian of unemancipated minor  
Court appointed guardian  
Executor or administrator of decedent's estate  
Power of Attorney

-----  
**Temporarily Suspended (if applicable):**

**FOR OFFICE USE ONLY**

Under 45 CFR §164.528(a)(2), disclosure is temporarily suspended by a  
(Check One) \_\_\_\_\_ health oversight agency or \_\_\_\_\_ law enforcement

**Agency Name** \_\_\_\_\_

**Agency Phone** \_\_\_\_\_

**Agency Contact Name** \_\_\_\_\_

**Suspended Until Date** \_\_\_\_\_

**Date Request Received** \_\_\_\_\_

**Received By** \_\_\_\_\_

**Date Request Fulfilled** \_\_\_\_\_

**Fulfilled By** \_\_\_\_\_

**Extension Requested** \_\_\_\_ Yes \_\_\_\_ No

**Date Individual Notified in Writing of Extension** \_\_\_\_\_

**If Extension Requested, Give Reason** \_\_\_\_\_

**Appendix B**

**City of Clarksville**  
**Log of PHI Disclosures (for Individual's Protected Health Information Record)**

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**City of Clarksville**

**Notice of Incident Involving Disclosure of PHI (Protected Health Information)**

Date: \_\_\_\_\_

To: \_\_\_\_\_,

City of Clarksville has become aware of the use/disclosure of PHI by members of our organization and/or affiliates that is not provided for by the terms of the Business Associate Contract entered into between both of our organizations. The nature of the use/disclosure of PHI outside of the bounds of the Business Associate Contract is described below:

City of Clarksville will take the following steps to mitigate any harmful affects resulting from the use/disclosure of PHI not provided for in the Business Associate Contract::

Sincerely,

\_\_\_\_\_  
**Name / Title**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Appendix C



**City of Clarksville**  
**Risk Assessment for Breach of Unsecured Protected Health Information (PHI)**

1. Description of Breach:

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2. Date of Breach: \_\_\_\_\_

3. Date of Breach Discovery: \_\_\_\_\_

4. Was PHI actually acquired or viewed? \_\_\_\_Yes \_\_\_\_No

5. Types of PHI disclosed (i.e. name, social security number, date of birth, etc.):

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6. Unauthorized Person(s) who used the PHI or to whom the PHI was disclosed

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7. Steps taken to mitigate the losses, and to protect against further breaches:

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**Determination:**

Need to notify person(s) whose PHI was breached? \_\_\_\_Yes \_\_\_\_No

If 'No' reasons for not notifying of breach: \_\_\_\_\_

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## City of Clarksville

### HIPAA Sanctions Log

Each instance of workforce disciplinary action regarding the privacy and security of protected health information (PHI) is to be documented and reported to the HIPAA Compliance Officer.

Name of employee or Business Associate	Description of the violation	Level of breach or violation	Location of breach or violation	Date and time of breach or violation	Disciplinary action provided

## **City of Clarksville Confidentiality / Security Agreement**

I have received Health Insurance Portability and Accountability Act (HIPAA) training and as such, I understand that while performing my official duties I may have access to protected health information. Protected Health Information (PHI) means individually identifiable health information that is transmitted or maintained in any form or medium. Protected health information is **NOT** open to the public. Special precautions are necessary to protect this type of information from unauthorized access, use, modification, disclosure, or destruction.

**I agree to protect the following types of information:**

All data elements described as protected health information (PHI) including but not limited to:

- Addresses
- Telephone numbers
- Fax numbers
- Electronic Mail addresses
- Social security numbers
- Medical record numbers
- Birth date
- Date of death
- Health plan beneficiary numbers
- Account numbers
- Certificate/license numbers
- Vehicle identifiers and serial number, including license plate numbers
- Device identifiers and serial numbers
- Full face photographic images and any comparable images
- Client information (such as, disability insurance claimants, recipients of public social services, participants of state/federal programs, employers, etc.)
- Information about how automated systems are accessed and operate
- Any other proprietary information.
- Any other unique identifying number characteristic, or code

**I agree to protect PHI by:**

All of the following means including but not limited to:

- Accessing, using, or modifying confidential, sensitive, or PHI only for the purpose of performing my official duties
- Never attempting to access information by using a user identification code or password other than my own
- Never sharing passwords with anyone or storing passwords in a location accessible to unauthorized persons.
- Never exhibiting or divulging the contents of any record or report except to fulfill a work assignment.
- Never showing, discussing, or disclosing confidential, sensitive information, or PHI to or with anyone who does not have the legal authority or the "need to know"
- Storing confidential, sensitive information in a place physically secure from access by unauthorized persons.
- Never removing confidential, sensitive, or PHI from the work area without authorization.
- Disposing confidential, sensitive, or PHI by utilizing an approved method of destruction, which includes shredding, burning, or certified or witnessed destruction. Never disposing such information in the wastebaskets or recycle bins.
- Reporting any violation of confidentiality, privacy or security policies

## Penalties

Unauthorized access, use, modification, disclosure, or destruction is strictly prohibited. The penalties for unauthorized access, use, modification, disclosure, or destruction may include disciplinary action up to and including termination of employment and/or criminal or civil action.

It is important to note that individually identifiable health information is protected under both HIPAA as well as the Social Security Act and improperly obtaining or disclosing individually identifiable health information is a criminal offense under the Social Security Act.

City of Clarksville reserves the right to monitor and record all network activity including e-mail, with or without notice, and therefore users should have no expectations of privacy in the use of these resources.

## Disclaimers

Nothing in this document creates any express or implied contractual rights. All employees are employed on an at-will basis. Employees have the right to terminate their employment at any time, and City of Clarksville retains a similar right.

***I certify that I have read, understood, and accept the Confidentiality Agreement above.***

\_\_\_\_\_  
**Full Name**

\_\_\_\_\_  
**Department**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

RESOLUTION 30-2020-21

A RESOLUTION ADOPTING PERSONNEL POLICY 20-4 PERTAINING TO HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) SECURITY POLICY

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

That Personnel Policy 20-4, pertaining to Health Insurance Portability and Accountability Act (HIPAA) Security Policy, is hereby adopted.

*ADOPTED:*



## PERSONNEL POLICY 20-4

**SUBJECT:** Health Insurance Portability and Accountability Act (HIPAA) Security Policy

**PURPOSE:** To establish policy, and guidelines, for HIPAA compliance within the City of Clarksville workforce.

**APPLICABILITY:** All Departments

**REFERENCES:** Federal HIPAA Security Rule and Law

**POLICY STATEMENT:** To give the City of Clarksville workforce standard information so that Federal HIPAA laws can be implemented.

### **UNIQUE USER IDENTIFICATION AND PASSWORD:**

1. Any user or workforce member that requires access to any network, system, or application that accesses, transmits, receives, or stores ePHI, must be provided with a unique user identification string.
2. When requesting access to any network, system, or application that accesses, transmits, receives, or stores ePHI, a user or workforce member must supply his or her previously assigned unique user identification in conjunction with a secure password to gain access.
3. Each user's or workforce member's password must meet the following:
  - Passwords must be a minimum of eight characters in length.
  - Passwords must incorporate at least three of the following four: uppercase, lowercase, number or special character.
  - Passwords must not be words found in a dictionary.
  - Passwords must not include easily guessed information such as personal information, names, pets, birth dates, etc.
  - If a system does not support the minimum structure and complexity as detailed in the aforementioned guidelines, one of the following procedures must be implemented:
    - i. The password assigned must be adequately complex to ensure that it is not easily guessed and the complexity of the chosen alternative must be defined and documented.
    - ii. The legacy system must be upgraded to support the requirements as soon as administratively possible.
    - iii. All ePHI must be removed and relocated to a system that supports the foregoing security password structure.
  - Users or workforce members must not allow another user or workforce member to use their unique user identification or password.

- Users or workforce members must ensure that their user password is not documented, written, or otherwise exposed in an insecure manner.
4. Each user and workforce member must ensure that their assigned user identification is appropriately protected and only used for legitimate access to networks, systems, or applications. If a user or workforce member believes their user identification has been compromised, they must report that security incident to the Security Officer or their immediate supervisor.

### EMERGENCY ACCESS

1. Retrieve critical system and data backups from offsite location.
2. Retrieve hardware stored off-site.
3. Restore system and data to hardware.

### AUTOMATIC LOGOFF

1. Servers, workstations, or other computer systems containing ePHI repositories must employ inactivity timers or automatic logoff mechanisms. The aforementioned systems must terminate a user session after a maximum of 15 minutes of inactivity.
2. Servers, workstations, or other computer systems located in open, common, or otherwise unsecure areas that access, transmit, receive, or store ePHI must employ inactivity timers or automatic logoff mechanisms. (i.e., password protected screensaver that blacks out screen activity.) The aforementioned systems must terminate a user session after a maximum of 15 minutes of inactivity.
3. Applications and databases using ePHI must employ inactivity timers or automatic session logoff mechanisms. The aforementioned application sessions must automatically terminate after a maximum of 30 minutes of inactivity.
4. Servers, workstations, or other computer systems that access, transmit, receive, or store ePHI and are located in locked or secure environments need not implement inactivity timers or automatic logoff mechanisms.
5. If a system that otherwise would require the use of an inactivity timer or automatic logoff mechanism does not support an inactivity timer or automatic logoff mechanism, one of the following procedures must be implemented:
  - The system must be upgraded to support the required inactivity timer or automatic logoff mechanism.
  - The system must be moved into a secure environment.

- All ePHI must be removed and relocated to a system that supports the required inactivity timer or automatic logoff mechanism.
6. When leaving a server, workstation, or other computer system unattended, workforce members must lock or activate the systems automatic logoff mechanism (e.g. CTRL, ALT, DELETE and Lock Computer) or logout of all applications and database systems containing ePHI.

## ENCRYPTION AND DECRYPTION OF EPHI MAINTAINED ON INTERNAL DATABASES

Encryption of ePHI as an access control mechanism is not required unless the custodian of said ePHI deems the data to be highly critical or sensitive. Encryption of ePHI may be required in some instances as a transmission control and integrity mechanism.

## FIREWALL USE

1. Networks containing ePHI-based systems and applications must implement perimeter security and access control with a firewall.
2. Firewalls must be configured to support the following minimum requirements:
  - Limit network access to only authorized workforce members and entities.
  - Limit network access to only legitimate or established connections. An established connection is return traffic in response to an application request submitted from within the secure network.
  - Console and other management ports must be appropriately secured or disabled.
  - Implement mechanism to log failed access attempts.
  - Must be located in a physically secure environment.
3. The City must document its configuration of firewalls used to protect networks containing ePHI-based systems and applications. This documentation should include a configuration plan that outlines and explains the firewall rules.

## REMOTE ACCESS

1. Dialup connections directly into secure networks are considered to be secure connections and do not require a VPN connection. This implementation of secure remote access extends the secure network to the remote user using a secure PSTN (Public Switched Telephone Network) connection.
2. Authentication and encryption mechanisms are required for all remote access sessions to networks containing ePHI via an ISP (internet service provider) or dialup connection. Examples of such mechanisms include VPN clients, authenticated SSL web sessions, and

secured Citrix client access.

3. The following security measures must be implemented for any remote access connection into a secure network containing EPHI:
  - Mechanisms to bypass authorized remote access mechanisms are strictly prohibited. For example, remote control software and applications such as PC Anywhere or GoToMyPC.com are not permitted.
  - Remote access systems must employ a mechanism to “clear out” cache and other session information upon termination of session.
  - Remote access workstations must employ a virus detection and protection mechanism.
  - Users of remote workstations must comply with HIPAA Security Policy - Workstation Use.
4. VPN split-tunneling is not permitted for connections originating from outside the City’s network.
5. All encryption mechanisms implemented to comply with this policy must support a minimum of, but not limited to, 128-bit encryption.

#### **WIRELESS ACCESS**

1. Wireless access to networks containing ePHI-based systems and applications is permitted so long as the following security measures have been implemented:
  - Encryption must be enabled. (See HIPAA Security Policy – Transmission Security)
  - MAC-based or User ID/Password authentication must be enabled. MAC-based (Media Access Control) authentication is based on a permitted list of hardware addresses that can access the wireless network. MAC addresses are hard coded on each network interface card and typically cannot be changed.
  - All console and other management interfaces have been appropriately secured or disabled.
2. Unmanaged, ad-hoc, or rogue wireless access points are not permitted on any secure network containing ePHI-based systems and applications.
3. All encryption mechanisms implemented to comply with this policy must support a minimum of, but not limited to, 128-bit encryption.

#### **AUDIT CONTROL MECHANISMS:**

1. The City must utilize a mechanism to log and store system activity for each system that contains or accesses ePHI.

2. Each system's audit log **must** include, but is not limited to, user ID, login date/time, and activity time. Audit logs **may** include system and application log-in reports, activity reports, exception reports or other mechanisms to document and manage system and application activity.
3. System audit logs must be reviewed at least once every 180 days.

#### AUDIT CONTROL AND REVIEW PLAN

1. The audit logs must be reviewed at least once every 180 days.
2. Any potential threats or incidents must be reported to the Security Officer
3. The Security Officer must investigate all reports of threats or incidents.

#### APPLICATIONS AND DATA CRITICALITY ANALYSIS:

1. The relative criticality of specific applications and data must be assessed for purposes of developing a Data Backup Plan, Disaster Recovery Plan and Emergency Mode Operation Plan.
2. The assessment of data and application criticality should be conducted periodically and at least annually to ensure that appropriate procedures are in place for data and applications at each level of risk.

#### DATA BACKUP PLAN

1. The City must create and maintain retrievable exact copies of all ePHI.
2. All files, records, images, voice or video files that may contain ePHI, must be backed up.
3. All media used for backing up ePHI must be stored in a physically secure environment, such as a secure, off-site storage facility or, if backup media remains on site, in a physically secure location, different from the location of the computer systems it backed up.
4. If an off-site storage facility or backup service is used, a written contract or Business Associate Agreement must be used to ensure that the Business Associate will safeguard the ePHI in an appropriate manner.
5. Data backup procedures must be tested on a periodic basis to ensure exact copies of ePHI can be retrieved and made available.

#### DISASTER RECOVERY PLAN



1. The City must restore or recover any loss of ePHI and the systems needed to make that ePHI available in a timely manner, to ensure that the City can recover from the loss of data due to an emergency or disaster such as fire, vandalism, terrorism, system failure, or natural disaster effecting systems containing ePHI.
2. The City must restore ePHI from data backups in the case of a disaster causing data loss, as follows:
  - a. Retrieve critical system and data backups from offsite location.
  - b. Retrieve hardware stored offsite.
  - c. Restore system data and critical application data to hardware.
3. The City will log system outages, failures, and data loss to critical systems.
4. The disaster recovery procedures outlined above must be tested on a periodic basis to ensure that ePHI and the systems needed to make ePHI available can be restored or recovered.

#### **EMERGENCY MODE OPERATION PLAN**

1. The City must establish and implement procedures to enable continuation of critical business processes for protection of the security of ePHI while operating in emergency mode.
2. Emergency mode operation procedures outlined in the Emergency Mode Operation Plan must be tested on a periodic basis to ensure that critical business processes can continue in a satisfactory manner while operating in emergency mode.

#### **INITIAL EVALUATION:**

The City's security policies and procedures initially should be evaluated to determine their compliance with the HIPAA Security Regulations. Once compliance with the HIPAA Security Regulations is established, the City's security policies and procedures should be evaluated on a periodic basis to assure continued viability in light of technological, environmental or operational changes that could affect the security of ePHI.

#### **PERIODIC EVALUATION BY HIPAA SECURITY OFFICER**

1. The HIPAA Security Officer will review on an on-going basis the viability of the City's security policies and procedures.
2. The HIPAA Security Officer will develop and implement any necessary security policy or procedure changes.

#### **EVALUATION UPON OCCURRENCE OF CERTAIN EVENTS**

In the event that one or more of the following events occur, the policy and procedure evaluation process will be immediately triggered:

- Changes in the HIPAA Security Regulations or Privacy Regulations
- New federal, state, or local laws or regulations affecting the privacy or security of protected health information (PHI)
- Changes in technology, environmental processes or business processes that may affect HIPAA security policies or procedures
- A serious security violation, breach, or other security incident occurs

#### **FACILITY SECURITY PLAN:**

To safeguard all facilities, systems, and equipment used to store electronic protected health information (ePHI) against unauthorized physical access, tampering, or theft; the City will implement the following:

1. Contingency Operations – allow physical facility access during emergencies to support restoration of data under the Disaster Recovery Plan.
  - a. A list containing the names and job titles that will have access to facilities during emergencies will be maintained by the Security Officer.
  - b. During emergencies only workforce members and business associates whose names appear on the list will be granted access to systems containing ePHI.
2. Access Control and Validation – Control and validate workforce members' access to facilities based on their role or function.
  - a. The Security Officer in conjunction with department supervisors will develop a list based on job function to determine who should have what level of access to systems containing ePHI.
  - b. This list will reside with the Security Officer and the department supervisors.
  - c. When a workforce member joins a department their physical access to ePHI will be granted based on their job function, as detailed on the access list.
  - d. When a workforce member leaves a department all access rights for that workforce member will be revoked.
3. Physical Access Records – log physical access to any facility containing ePHI-based systems. Examples of facilities requiring physical access records are computer and system rooms.
  - a. A log to track who entered facilities that house ePHI based systems will be maintained at each facility. The log will track the workforce member's name, identification number (if any) and the time and date they entered the facility.

Maintenance Records – document maintenance, repairs and modifications to the physical security components of the facility including locks, doors, and other physical access control hardware.

- b. The log to document repairs to physical security components will be maintained by the Physical Plant Operations Manager (or equivalent) and the Security Officer.
- c. The log will document the date and time of the repair, type of repair, and, who performed the repair.

#### WORKFORCE ACCESS CONTROLS

1. The City must control and validate workforce member access to all facilities used to house ePHI based systems.
  - a. Before entering facilities used to house ePHI based systems employees must sign into the access log or show proper organization or plan sponsor issued identification.
2. If the City utilizes employee identification badges the workforce members must wear their identification badges at all times while in facilities that contain systems that house ePHI.
3. Each facility must adopt appropriate access control mechanisms to control physical access to all facilities containing ePHI-based systems. Code locks, badge readers, and key locks are examples of physical access control mechanisms.
4. Workforce members seeking access to any network, system, or application that contains ePHI must satisfy a user authentication mechanism such as unique user identification and password, biometric input, or a user identification smart card to verify their authenticity.
5. Workforce members seeking access to any network, system, or application must not misrepresent themselves by using another person's user ID and password, smart card, or other authentication information.
6. Workforce members are not permitted to allow other persons or entities to use their unique user ID and password, smart card, or other authentication information.
7. A reasonable effort must be made to verify the identity of the receiving person or entity prior to transmitting ePHI.

#### VISITOR ACCESS CONTROLS

1. The City will control, validate, and document visitor access to any facility used to house ePHI based systems. Visitors include vendors, repair personnel, and other non-workforce

members.

2. All visitors who require access to facilities containing ePHI based systems must sign in and provide information regarding their identity and the purpose of their visit.
3. All visitors must be provided a temporary identification badge or be escorted to and from their destination.

### **ADEQUATE SEPARATION: FIREWALLS:**

Included within the City are various support services including, without limitation, legal, accounting, audit, finance, tax, risk management, information systems management, maintenance, facilities, environmental health and safety. Individuals who perform such support services for both HIPAA health care components and non-covered functions shall not use protected health information that they obtain in the course of furnishing services for the HIPAA covered health care components to provide services to the non-covered functions. In addition, when using or disclosing Protected Health Information, the HIPAA covered health care components shall treat the non-covered functions as if they were legally separate entities.

The non-covered entity must:

1. Describe those employees or classes of employees or other persons under the control of the non-HIPAA covered entity to be given access to protected health information; all employees who receive information in the ordinary course of business must be included in the description.
2. Restrict the access to and use by such employees to administration functions that the non-HIPAA covered entity performs.
3. Provide an effective mechanism for resolving any issues of noncompliance by such employees, including disciplinary sanctions.

### **REPORTING AND RESPONDING TO HIPAA SECURITY INCIDENTS:**

All incidents, threats, or violations that affect or may affect the confidentiality, integrity, or availability of electronic protected health information (ePHI) must be reported to your immediate supervisor and/or the Security Officer.

The IT department or IT vendor will investigate and propagate recommended updates or fixes to threatened or actual security incidents. The IT department or IT vendor must also notify the HIPAA Security Officer if a threat to ePHI exists.

Each supervisor must report security incidents to the HIPAA Security Officer. Incidents that should be reported include, but are not limited to:

- Virus, worm, or other malicious code attacks
- Network or system intrusions
- Persistent intrusion attempts from a particular entity
- Unauthorized access to ePHI, an ePHI based system, or an ePHI based network
- ePHI data loss due to disaster, failure, or error

The HIPAA Security and Privacy Officers must notify each other of security or privacy issues.

All correspondence with outside authorities such as local police, FBI, media, etc. must go through the Security Officer.

#### DOCUMENTATION OF SECURITY INCIDENTS

All HIPAA Security related incidents and their outcomes must be logged and documented by the Security Officer.

#### MITIGATION OF HARMFUL EFFECTS OF KNOWN SECURITY INCIDENTS

The harmful effects of known security incidents will be mitigated by notifying the Security Officer of a known incident so that appropriate action may be taken.

#### **EPHI TRANSMISSIONS TO NON-ORGANIZATIONS:**

To appropriately guard against unauthorized access to or modification of ePHI that is being transmitted from the City to an outside network, the following procedures outlined must be implemented.

1. All transmissions of ePHI from the City's network to an outside network must utilize an encryption mechanism between the sending and receiving entities or the file, document, or folder containing said ePHI must be encrypted before transmission.
2. Prior to transmitting ePHI from the City's network to an outside network the receiving person or entity must be authenticated. (see HIPAA Security Policy - Person or Identity Authentication)
3. All transmissions of ePHI from the City's network to an outside network should include only the minimum amount of ePHI.

#### EPHI TRANSMISSIONS USING ELECTRONIC REMOVABLE MEDIA



1. When transmitting ePHI via removable media, including but not limited to, floppy disks, CD ROM, memory cards, magnetic tape and removable hard drives, the sending party must:
  - Use an encryption mechanism to protect against unauthorized access or modification.
  - Authenticate the person or entity requesting said ePHI in accordance with HIPAA Security Policy - Person or Entity Authentication.
  - Send the minimum amount of said ePHI required by the receiving person or entity.
2. If using removable media for the purpose of system backups and disaster recovery and the aforementioned removable media is stored and transported in a secured environment, no additional security mechanisms are required.

#### EPHI TRANSMISSIONS USING EMAIL OR MESSAGING SYSTEMS

1. The transmission of ePHI from the City via an email or messaging system is permitted if the sender has ensured that the following conditions are met:
  - The recipient has been made fully aware of the risks associated with transmitting ePHI via email or messaging systems.
  - The recipient has formally authorized the City to utilize an email or messaging system to transmit ePHI to them.
  - The recipient's identity has been authenticated.
  - The email or message contains no excessive history or attachments.
2. The transmission of ePHI from the City to an outside entity via an email or messaging system is permitted if the sender has ensured that the following conditions are met:
  - The receiving entity has been authenticated.
  - The receiving entity is aware of the transmission and is ready to receive said transmission.
  - The sender and receiver are able to implement a compatible encryption mechanism.
  - All attachments containing ePHI are encrypted.
3. The transmission of ePHI within the City's network via an email or messaging system is permitted without additional security measures or safeguards so long as only a minimal amount of ePHI is being transmitted and the ePHI is not high risk, sensitive or critical. ePHI that is high risk, sensitive or critical should not be sent through clear text email; such ePHI should be sent via encrypted attachment or other secure measure. If an email or message includes an attachment that contains ePHI, the attachment must be encrypted or password protected before transmission.
4. Email accounts that are used to send or receive ePHI must not be forwarded to non-organization accounts.

## EPHI TRANSMISSIONS USING WIRELESS LANS AND DEVICES

1. The transmission of ePHI over a wireless network within the City's network is permitted if the following conditions are met:
  - The local wireless network is utilizing an authentication mechanism to ensure that wireless devices connecting to the wireless network are authorized.
  - The local wireless network is utilizing an encryption mechanism for all transmissions over the aforementioned wireless network.
2. If transmitting ePHI over a wireless network that is not utilizing an authentication and encryption mechanism, the ePHI must be encrypted before transmission.

## INITIAL GRANT OF EPHI ACCESS AND ONGOING SUPERVISION OF EPHI ACCESS:

1. Only workforce members with a need to access ePHI will be granted access to ePHI.
2. The workforce member's supervisor and/or the Security Officer will determine who will require access to ePHI to perform their job functions.
3. The workforce member's supervisor and/or the Security Officer will maintain documentation detailing each workforce member's role and responsibilities, why such workforce members require access to ePHI and the specific levels of ePHI access required by such workforce member.
4. All workforce members who work with ePHI must be supervised so that unauthorized access to EPHI is avoided

## ACCESS UPON TRANSFER OF EMPLOYMENT WITHIN THE ORGANIZATION

If a workforce member transfers to another department or workgroup within the organization:

1. The workforce member's access to ePHI within his/her current unit must be terminated as of the date of transfer.
2. The workforce member's new supervisor or manager is responsible for requesting access to ePHI commensurate with the workforce member's new role and responsibilities.

## ACCESS UPON TERMINATION OF EMPLOYMENT

The City must implement procedures to ensure that when a workforce member's employment terminates:

1. The workforce member's supervisor or manager ensures that all such workforce member's accounts to access ePHI are terminated.
2. The workforce member's supervisor or manager ensures that such workforce member's access to all facilities housing ePHI is terminated, including but not limited to card access, keys, codes, and other facility access control mechanisms. Codes for key punch systems, equipment access passwords (routers and switches), administrator passwords, and other common access control information should be changed when appropriate.
3. Access to ePHI is not extended to a workforce member beyond the termination date of such workforce member's employment unless one of the following two conditions have been met:
  - A Business Associate Contract is entered into with such workforce member.
  - The workforce member will be accessing ePHI as in accordance with a HIPAA compliant authorization.

#### **SERVER SECURITY REQUIREMENTS:**

1. All servers used to access, transmit, receive or store ePHI must be located in a physically secure environment.
2. The system administrator or root account must be password protected.
3. A user identification and password authentication mechanism must be implemented to control user access to the system.
4. A security patch and update procedure must be established and implemented to ensure that all relevant security patches and updates are promptly applied based on the severity of the vulnerability corrected.
5. Servers must be located on a secure network with firewall protection. If for any reason the server must be maintained on a network that is not secure, an intrusion detection system must be implemented on the server to detect changes in operating and file system integrity.
6. All unused or unnecessary services shall be disabled.

#### **DESKTOP SYSTEM SECURITY REQUIREMENTS**

1. Each desktop system used to access, transmit, receive or store ePHI must be located in a physically secure environment.
2. The system administrator or root account must be password protected.

3. A user identification and password authentication mechanism must be implemented to control user access to the system.
4. A security patch and update procedure must be established and implemented to ensure that all relevant security patches and updates are promptly applied based on the severity of the vulnerability corrected.
5. A virus detection system must be implemented including a procedure to ensure that the virus detection software is maintained and up to date.
6. All unused or unnecessary services must be disabled.
7. Desktop systems that are located in open, common, or otherwise unsecure areas must also implement the following measures:
  - An inactivity timer or automatic logoff mechanisms must be implemented.
  - The workstation screen or display must be situated in a manner that prohibits unauthorized viewing. The use of a screen guard or privacy screen is recommended.

#### MOBILE SYSTEMS SECURITY POLICY

1. All mobile systems used by workforce members to access, transmit, receive or store ePHI must be appropriately secured.
2. The system administrator or root account must be password protected.
3. A user identification and password authentication mechanism must be implemented to control user access to the system. All mobile devices and laptops must use a boot password to ensure that the system is only accessible to authorized users.
4. A security patch and update procedure must be established and implemented to ensure that all relevant security patches and updates are promptly applied based on the severity of the vulnerability corrected.
5. A virus detection system must be implemented including a procedure to ensure that the virus detection software is maintained and up-to-date.
6. All unused or unnecessary services must be disabled.
7. Mobile stations that are located or used in open, common, or otherwise unsecure areas must also implement the following measures:
  - A theft deterrent device (such as a laptop locking cable) must be utilized when the device is unattended.

- An inactivity timer or automatic logoff mechanism must be implemented.
  - Reasonable safeguards must be in place to prohibit unauthorized entities from viewing confidential information such as logins, passwords, or PHI.
8. Personal Digital Assistants (PDAs) and other handheld mobile devices must not be used for long-term storage of ePHI. ePHI stored on hand held mobile devices must be purged as soon as it is no longer needed on that device, with a storage time not to exceed 30 days.
  9. Each mobile system that is used to access, transmit, receive, or store ePHI must comply with as many of the aforementioned measures as is allowed by the system and operating system architecture.

### **PASSWORDS:**

1. All systems will require a valid user ID and password.
2. Passwords will have the following characteristics:
  - a. Passwords will be at least eight characters long
  - b. All user-chosen passwords should have at least three of the following four: uppercase, lowercase, number or special character.
  - c. The use of control characters and non-printing characters is prohibited
3. It is recommended that all users change their passwords at least every 90 days.
4. In the event of a suspected or actual password breach those passwords are to be changed immediately.
5. After three unsuccessful attempts to enter a password, the involved user ID will be suspended until reset by the system administrator.
6. The display or printing of passwords will be masked so that unauthorized parties will not be able to observe or recover them.
7. Passwords will not be stored in written or readable form.
8. Upon termination all passwords for the employee will be immediately changed or deactivated.

### **ACCESS**

1. Computer screens will be positioned in such a manner that only authorized users may see the information contained on the screen.

2. A notice, at system start-up, warning that only those with proper authority should access the system will be displayed initially before signing onto the system or a written notice with a warning that only those with proper authority should access the system will be displayed near the computer terminal.
3. Individuals who are not employees, contractors, consultants, or business partners will not be granted access to any systems.
4. Do not access or intercept files or data of others without permission. Do not use the password of others or access files under false identity.
5. Employees will logoff the system before going to lunch or taking breaks.
6. Employees will logoff the system before they end their shift for the day.
7. The room where the workstation is contained will be locked when not in use.
8. All removable media (e.g. CD-ROMs, backup tapes, diskettes, and etc.) containing protected health information will be stored in a locked cabinet to prevent unauthorized use.
9. All removable media (e.g. CD-ROMs, backup tapes, diskettes, etc.) containing protected health information that will no longer be used will be reformatted or destroyed preventing any protected health information from being seen by unauthorized individuals.
10. Printed versions (hardcopy) of protected health information will be shredded before it is discarded.
11. System access will be reviewed annually to remove identification codes and passwords of users who no longer require access.

#### REMOTE ACCESS

1. Remote access via modem should be through an approved security mechanism such as a dial back system, or only allowing modem connectivity from specified phone numbers.
2. After three unsuccessful attempts to enter a password, the involved user ID will be suspended until reset by the system administrator.

#### INTERNET

1. Use of the Internet via the City's network will be primarily for business or professional development.
2. Use of the Internet via the City's network is not permitted for personal use.



3. A firewall will be installed to protect against unauthorized intrusion.

### E-MAIL (ELECTRONIC MAIL)

1. Prohibited use of the electronic mail system includes, but is not limited to:
  - a. Disclosure of a member's personal health information without appropriate authorization.
  - b. Transmission of information inside or outside of the City without a legitimate business need for the information.
  - c. Use for marketing purposes without explicit permission of the workforce member.
2. Sensitive subject matter (HIV, mental health, etc.) should not be sent over e-mail.
3. Workforce members will be instructed to put category of transaction in subject line of message for filtering: "claims question", "eligibility", "enrollment", "billing question".
4. Workforce members will be instructed to put their name and member identification number in the body of the message.
5. All messages will be printed, with replies and confirmation of receipt, and placed in member's record.
6. A message to inform the workforce member of completion of request will be sent.
7. The sharing of City e-mail accounts with family members is strictly prohibited.
8. Workforce members will double-check all "To:" fields prior to sending messages.
9. No less than weekly backups of mail onto long-term storage will be performed.
10. The use of distribution lists for distributing confidential information is strictly prohibited.
11. The subject line will contain a notation referring to the confidential or sensitive nature of the information.
12. Workforce member's authorization should be obtained before forwarding protected health information to an external third party not bound by a Business Associate Agreement with the City.

13. Workforce member's e-mail addresses will not be supplied to third parties for advertising or any other use.
14. When an e-mail account will not be monitored during a vacation or office closure, an auto reply should be sent notifying the sender that the intended recipient is away.
15. Upon termination of employment the e-mail account will be deactivated.

#### MONITORING OF WORKSTATION USE

Workforce members that use the City's information systems and workstation assets should have no expectation of privacy. To appropriately manage its information system assets and enforce appropriate security measures, the City may log, review, or monitor any data (ePHI and non-ePHI) stored or transmitted on its information system assets.

#### REMOVAL OF WORKFORCE MEMBERS PRIVILEGES

The City may remove or deactivate any workforce member's user privileges, including but not limited to, user access accounts and access to secured areas, when necessary to preserve the integrity, confidentiality and availability of its facilities, user services, and data.

#### REPORTING COMPLAINTS

Complaints or concerns about another's use of the organization's computer resources should be directed to the Security Officer or your immediate supervisor.

#### **SECURITY REMINDERS:**

1. The City will issue security updates to the workforce when changes to the HIPAA Security Rule or the City's HIPAA Security policies and procedures occur.
2. The City will issue warnings to the workforce of potential, discovered or reported threats, breaches, vulnerabilities or other HIPAA security incidents.
3. The City will issue security reminders to the workforce at least once every 12 months.

#### PROTECTION FROM MALICIOUS SOFTWARE

The City will implement hardware and software to guard against, detect and report to the appropriate persons new and potential threats from malicious code such as viruses, worms, denial of service attacks, or any other computer program or code designed to interfere with the normal operation of a system or its contents and procedures.

1. The City will train its workforce to identify and protect against malicious code and software.
2. Workforce members must notify the HIPAA Security Officer if a virus, worm or other malicious code has been identified and is a potential threat to other systems or networks.
3. The Security Officer is responsible for ensuring that any system that has been infected by a virus, worm or other malicious code is immediately cleaned and properly secured or isolated from the rest of the network.
4. A virus detection system must be implemented on all workstations including a procedure to ensure that the virus detection software is maintained and up to date.

#### LOG-IN MONITORING

1. The City must implement software to log and document failed login attempts on each system containing ePHI.
2. The organization must review such login activity reports and logs on a periodic basis. The interval of the login activity review must not exceed, but may be less than, 180 days.
3. All failed login attempts of a suspicious nature, such as continuous attempts, must be reported immediately to the HIPAA Security Officer.

#### PASSWORD MANAGEMENT

To ensure that passwords created and used by the City's workforce to access any network, system, or application used to access, transmit, receive, or store ePHI are properly safeguarded and to ensure that the workforce is made aware of all password related policies, the following minimum procedures must be followed:

1. All workforce members that access networks, systems, or applications used to access, transmit, receive, or store ePHI must be supplied with a unique user identification and password to access the aforementioned ePHI.
2. All workforce members must supply a password in conjunction with their unique user identification to gain access to any application or database system used to create, transmit, receive, or store ePHI.
3. A generic user identification and password may be utilized for access to shared or common area workstations so long as the login provides no access to ePHI. An additional unique user identification and password must be supplied to access applications and database systems containing ePHI.

4. All passwords used to gain access to any network, system, or application used to access, transmit, receive, or store ePHI must be of sufficient complexity to ensure that it is not easily guessable.
5. Managers of networks, systems, or applications used to access, transmit, receive, or store ePHI, must ensure that passwords set by workforce members meet the minimum level of complexity.
6. Managers of networks, systems, or applications used to access, transmit, receive, or store ePHI are responsible for making workforce members aware of all password-related policies and procedures, and any changes to those policies and procedures.
7. Password aging times may be implemented in a manner commensurate with the criticality and sensitivity of the ePHI contained within each network, system, application or database, but are not required.
8. Workforce members are responsible for the proper use and protection of their passwords and must adhere to the following guidelines:
  - Passwords are only to be used for legitimate access to networks, systems, or applications.
  - Passwords must not be disclosed to other workforce members or individuals.
  - Workforce members must not allow other workforce members or individuals to use their password.
  - Passwords must not be written down, posted, or exposed in an unsecure manner such as on a notepad or posted on the workstation.

#### SECURITY TRAINING PROGRAM

1. The City is responsible for ensuring that its workforce members who have access to ePHI, have the appropriate level of HIPAA Security training so that all workforce members who access, receive, transmit or otherwise use ePHI or who set up, manage or maintain systems and workstations that access, receive, transmit, or store ePHI are familiar with the City's HIPAA Security policies and procedures and their responsibilities regarding such policies and procedures. Appropriate training must consist of, but is not limited to, the following requirements:
  - HIPAA Security Policies
  - HIPAA Business Associate Policy
  - HIPAA Sanction Policy
  - Confidentiality, Integrity and Availability
  - Individual Security Responsibilities
  - Common Security Threats and Vulnerabilities

2. The City is responsible for ensuring all information technology staff members and all workforce members who are responsible for the setup, installation or management of computer systems and networks containing ePHI have the appropriate level of HIPAA Security training. HIPAA Security training for these workforce members must consist of, but is not limited to, the following requirements:
  - HIPAA Security Policies
  - HIPAA Business Associate Policy
  - HIPAA Sanction Policy
  - Confidentiality, Integrity and Availability
  - Individual Security Responsibilities
  - Common Security Threats and Vulnerabilities
  - Password Structure and Management Procedures
  - Server, desktop computer, and mobile computer system security procedures, including security patch and update procedures and virus and malicious code procedures
  - Device and media control procedures
  - Incident response and reporting procedures
3. The City must ensure that the appropriate information technology staff members are aware of and trained to comply with the following HIPAA Security plans and procedures:
  - Log-in monitoring procedures
  - Audit Control and Review Plan
  - Data Backup Plan
  - Disaster Recovery Plan
4. The City must maintain formal documentation of the current level of HIPAA training for each of its workforce members.

Future revisions to this policy can be made, and approved, by the Mayor, Human Resources Director, HIPAA Privacy Officer, and HIPAA Security Officer.

Official Document

Approved by City Council: \_\_\_\_\_

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Will Wyatt, Human Resources Director

RESOLUTION 32-2020-21

A RESOLUTION ADOPTING PERSONNEL POLICY 20-6 PERTAINING TO EQUAL EMPLOYMENT OPPORTUNITY

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

That Personnel Policy 20-6, pertaining to Equal Employment Opportunity, is hereby adopted.

*ADOPTED:*



## **RESOLUTION 32-2020-21**

### **Councilman Burkhart amendment:**

I make a motion to amend RESOLUTION 32-2020-21 by deleting all references to “county” and substituting instead “city.”

**Personnel Policy 20-6**  
**EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**SUBJECT:** Equal Employment Opportunity

**PURPOSE:** The City of Clarksville is an equal opportunity employer. In accordance with anti-discrimination laws, it is the purpose of this policy to effectuate these principles and mandates.

**APPLICABILITY:** This policy applies to all individuals employed by or seeking to obtain employment with the City of Clarksville.

**POLICY STATEMENT:** As an equal opportunity employer, the City of Clarksville complies with all applicable laws, rules and regulations preventing discrimination against job applicants based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, status as a veteran or special disabled veteran, or status in any other group protected by law.

**REFERENCE:**

1.

**POLICY:**

It is the policy of the City of Clarksville to provide equal employment opportunities to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, status as a veteran or special disabled veteran, or status in any other group protected by law. This policy extends to all terms and conditions of employment, including but not limited to hiring, placement, promotion, retention, termination, layoff, recall, transfer, leaves of absence, compensation and training. However, we will not employ a person who is or becomes an unauthorized alien. Upon hire, all new employees must provide suitable identification and complete the Form I-9, Employment Eligibility Verification Form.

It is the policy of the City of Clarksville to maintain a respectful work and public service environment. the City of Clarksville prohibits and will not tolerate any form of unlawful harassment by or toward any employee or official on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, status as a veteran or special disabled veteran, or status in any other group protected by law. Any employee or official who engages in such behavior is subject to disciplinary action, up to and including termination of employment.

Employees or applicants with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of the immediate supervisor or department head. Employees can raise concerns and make complaints without fear of reprisal and with the assurance of protection from harassment or retaliation. Anyone found to be engaging in discrimination or harassment in violation of **county city** policy

will be subject to disciplinary action, up to and including termination of employment. A finding of a violation of **county city** policy does not, however, amount to a finding of unlawful discrimination or harassment; in order to further its objective of equal employment opportunities the **county city** may, but shall not be required to, interpret its policy more broadly than federal or state law mandates.

**EFFECTIVE DATE:** \_\_\_\_\_, 2020

**FREQUENCY OF REVIEW AND UPDATE:** This policy will be reviewed at least annually.

**DATE OF APPROVAL BY CITY COUNCIL:**

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**WILL WYATT, HUMAN RESOURCES DIRECTOR**

RESOLUTION 33-2020-21

A RESOLUTION ADOPTING PERSONNEL POLICY 20-8 PERTAINING TO ABUSIVE CONDUCT PREVENTION

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

That Personnel Policy 20-8, pertaining to Abusive Conduct Prevention, is hereby adopted.

*ADOPTED:*

**Personnel Policy 20-8**  
**ABUSIVE CONDUCT PREVENTION POLICY**

**SUBJECT:** Abusive Conduct Prevention

**PURPOSE:** To establish a policy with regard to abusive conduct in the workplace.

**APPLICABILITY:** This policy applies to all full-time and part-time employees of the City of Clarksville including interns. It does not apply to independent contractors. This policy applies to any sponsored program, event or activity including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The policy includes electronic communications by any employee.

**REFERENCE:** Tennessee Healthy Workplace Act, Tenn. Code Ann. § 50-1-501, et seq.

**POLICY STATEMENT:** The purpose of this policy is to provide all City of Clarksville employees with a healthy workplace free from abusive conduct or culture.

**POLICY:**

**A. Statement of Commitment, Values, and Purpose**

The City of Clarksville is firmly committed to a workplace free from abusive conduct as defined herein. We strive to provide high quality products and services in an atmosphere of respect, collaboration, openness, safety and equality. All employees have the right to be treated with dignity and respect. Employees are expected to exhibit proper behavior and conduct themselves in a manner that demonstrates professionalism and respect for others in the workplace. No employee shall engage in threatening, violent, intimidating or other abusive conduct or behaviors.

All complaints of negative and inappropriate workplace behaviors will be taken seriously and followed through to resolution. Employees who file complaints will not suffer negative consequences for reporting others for inappropriate behavior.

**B. Definition of Abusive Conduct**

Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to:

- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;

- Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- The sabotage or undermining of an employee's work performance in the workplace.

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe and egregious.

Abusive conduct does not include:

- Disciplinary procedures in accordance with adopted policies of the City of Clarksville.
- Routine coaching and counseling, including feedback about and correction of work performance.
- Reasonable work assignments, including shift, post, and overtime assignments.
- Individual differences in styles of personal expression.
- Passionate, loud expression with no intent to harm others.
- Differences of opinion on work-related concerns.
- The non-abusive exercise of managerial prerogative.

### **C. City Leadership Responsibility**

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will:

- Report known incidents involving workplace abuse, intimidation or violence to their Department Head and the Human Resources Department within 2 (two) business days.
- Take reasonable steps to protect the grievant, including but not limited to, separation of the employees involved. These reasonable steps should be taken in such a way to minimize negative impacts on all employees involved.
- Provide a working environment as safe as possible by having preventative measures in place and by dealing promptly with threatening or potentially violent situations.
- Provide good examples by treating all with courtesy and respect.
- Ensure that all employees have access to and are aware of the abusive conduct prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made;



- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- Respond promptly, sensitively and confidentially to all situations where abusive behavior is observed or alleged to have occurred.
- Inform any employees exhibiting continuing emotional or physical effects from the incident in question of established employee assistance programs or other available resources.
- When abusive conduct is confirmed, City leadership will continue to keep the situation under review and may take additional corrective actions if necessary. Preventative measures may also be taken to reduce the recurrence of similar behavior or action.

#### **D. Employee Responsibility (including witnesses)**

Employees shall treat all other employees with dignity and respect. No employee shall engage in threatening, violent, intimidating or other abusive conduct or behaviors. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of abusive conduct in accordance with this policy.

Employees should cooperate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

#### **E. Retaliation**

Retaliation is a violation of this policy. Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy. Retaliation does not include disciplinary procedures in accordance with adopted policies of the City of Clarksville or routine coaching and counseling.

#### **F. Training for Supervisors and Employees**

All supervisors and employees are encouraged to undergo training on abusive conduct prevention conduct as directed by the City of Clarksville. Training should identify factors that contribute to a respectful workplace, familiarize participants with responsibilities under this policy, and provide steps to address an abusive conduct incident.

## **G. Complaint Process: Reporting**

**Employees:** Any employee who feels he or she has been subjected to abusive conduct is encouraged to report the matter orally or in writing to a supervisor including his or her supervisor, manager, appointing authority, department head, elected official, or to the human resources office.

Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above.

Any employee seeking to file a complaint should ensure the complaint consists of precise details of each incident of abusive conduct including dates, times, locations and any witnesses. Formal complaints should be documented in writing, but are not required to be in writing.

**Witnesses:** An employee who witnesses or is made aware of behavior that may satisfy the definition of abusive conduct (as defined herein) should report any and all incidents as set forth herein.

**Supervisors:** Supervisors must timely report known incidents involving workplace abuse, intimidation, or violence to the Human Resources Department. Supervisors and appointing authorities are required to take reasonable steps to protect the complainant, including, but not limited to, separation of employees involved. These reasonable steps should be taken in such a way to minimize negative impacts on all employees involved.

The person complained against will be notified that an allegation has been made against him or her and informed of the investigative procedure.

## **H. Investigation**

Investigations of abusive conduct shall be conducted as soon as practicable. The objective of the investigation is to ascertain whether the behaviors complained of occurred, and therefore will include interviewing the complainant, accused, and witnesses with direct knowledge of the alleged behaviors. All interviews will be appropriately documented. The investigation will be conducted thoroughly, objectively, with sensitivity, and with due respect for all parties. The investigator will provide a copy of the investigative report to the Director of Human Resources for further action. All affected parties will be informed of the investigation's outcome.

## **I. Corrective Action**

In the event of a finding of abusive conduct, the employer will take timely and appropriate corrective action. Remedies may be determined by weighing the severity and frequency of the incidences of abusive conduct and in accordance with existing disciplinary policies of the City of Clarksville.

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, and disciplinary action up to and including termination, or changes in job duties or location.

Supervisory personnel who allow abusive conduct to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, or disciplinary action up to and including termination, or changes in job duties or location.

While the City of Clarksville encourages all employees to raise any concern(s) under this policy and procedure, the City of Clarksville recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Individuals found to be explicitly falsely accusing another of violations of this policy will be disciplined in accordance with the disciplinary policy of the City of Clarksville.

**EFFECTIVE DATE:**

**FREQUENCY OF REVIEW AND UPDATE:** This policy is to be reviewed every two (2) years.

**DATE OF APPROVAL BY CITY COUNCIL:**

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**WILL WYATT, HUMAN RESOURCES DIRECTOR**

ORDINANCE 47-2020-21

AN ORDINANCE TEMPORARILY WAIVING CREDIT CARD PROCESSING FEES FOR  
ONLINE PROPERTY TAX COLLECTION

*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.

*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.

*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.

*WHEREAS,* In an effort to reduce in-person transactions and assist our citizens during this pandemic, we are requesting a waiver of credit card fees from the effective date of this Ordinance to March 1, 2021 for online transactions.

*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 property tax payments online from the effective date of this ordinance to March 1, 2021.

*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:*

*SECOND READING:*

*EFFECTIVE DATE:*

RESOLUTION 31-2020-21

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT IN THE HEYWARD L. ROURK AND CPT. FRANK P. GRACEY CAMP 225 SONS OF CONFEDERATE VETERANS V. CITY CASE

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

That the Clarksville City Council hereby approves a settlement agreement in the Heyward L. Rourk and Cpt. Frank P. Gracey Camp 225 Sons of Confederate Veterans v. Case, attached hereto as Exhibit A.

*ADOPTED:*

EXHIBIT A

**SETTLEMENT AGREEMENT**

This Settlement Agreement ("Agreement") is made and entered into this the \_\_\_\_\_ day of October, 2020, by and between the City of Clarksville, Tennessee "the "City"), Mr. Heyward L. Rourk (the "Complainant" or "Mr. Rourk"), and the Capt. Frank P. Gracey Camp 225 Sons of Confederate Veterans ("SCV Camp 225"), who were granted intervention in the complaint proceeding brought by Mr. Rourk against the City, and is now pending before the Tennessee Historical Commission in APD Case No. 04.47-2022651 (the "Complaint Proceeding").

In consideration of the return of certain items and things to the site from where these items were removed and payments as set forth herein below and the promises set forth herein below and for other good and valuable consideration, both the Complainant and SCV Camp 225 agree to dismiss the current complaint proceeding filed pursuant to Tenn. Code Ann. § 4-1-412, et seq. against the City as more particularly described herein. For purposes of this Agreement, all parties shall be referred to as the "Settling Parties," and

WHEREAS, on or about June 15, 2020, Mayor Joseph Pitts ("Mayor Pitts") arranged for the temporary removal of the Confederate Soldiers Monument (e.g. grave marker/headstone), which had been erected and dedicated on December 15, 2002, to memorialize the mass grave containing the remains of more than one hundred eighty (180) Confederate Officers and Soldiers who had died during the Civil War while patients at a field hospital that had been established at the site of the Clarksville Female Academy, with the gravesite located near the base of the then new bridge built by the City between 2000 to 2001 on Cumberland Avenue in Clarksville, Tennessee. This Civil War era gravesite also holds the remains of the Bibb sisters (two free women of color) who volunteered as nurses at the field hospital and who had later succumbed to disease; and

WHEREAS, on or about June 15, 2020, Mayor Pitts also arranged for the temporary removal of the sign containing the name of the bridge on Cumberland Avenue, as the "Confederate Soldiers Memorial Bridge," which had been dedicated in August of 2001, in order to protect the same, as well as the Confederate Soldiers Monument ("Confederate Memorial") in the wake of nationwide protests, ensuing vandalism against historical monuments and/or memorials, and sometimes violent riots and looting following the unfortunate and horrific death of Mr. George



Floyd in Minneapolis Minnesota, while in custody of the Minneapolis Police on May 25, 2020; and

WHEREAS, the Complainant Mr. Rourk filed a Complaint pursuant to Tenn. Code Ann. § 4-1-412 (the “Tennessee Heritage Protection Act”) on July 13, 2020, with the Tennessee Historical Commission against the City, seeking redress of issues related to the removal of these memorials; and

WHEREAS, on August 13, 2020, SCV Camp 225, by and through its counsel, H. Edward Phillips III, caused to be filed a *Notice of Appearance* so that it could participate in a pre-hearing conference set before Administrative Law Judge Waterhouse on August 17, 2020. Thereafter, and in accordance with statements made by counsel during the pre-hearing conference, SCV Camp 225 sought intervention on September 10, 2020, which was granted by Judge Waterhouse at a subsequent pre-hearing conference on September 15, 2020; and

WHEREAS, the Complainant and SCV Camp 225 believe their claims are meritorious, nevertheless, the Complainant and SCV Camp 225 believe it in the best interest of all concerned to bring an end to the Litigation and provide for resolution of any and all claims against the City by willingly entering into this Agreement as the Settling Parties; and

WHEREAS, recognizing the risks and uncertainties of the Litigation and solely for the purpose of avoiding the uncertainty and expense involved in litigating same, the Settling Parties desire to settle the dispute between them; and

WHEREAS, the Complainant and SCV Camp 225, and the City enter into this Agreement for the purpose of resolving the dispute between and/or relating to the Complaint Proceeding.

**1. GENERAL RELEASE.** For and in consideration of the payments, promises, and terms set forth herein below, the Complainant and SCV Camp 225 do hereby release the City of Clarksville from all causes of action, claims, demands, liabilities, obligations, damages, costs, expenses, or compensation of any kind, to include any attorney fees, that the Complainant and SCV Camp 225 have or claim to have against the City, whether known or unknown, accrued or unaccrued, from the time the City caused to be removed the Confederate Soldiers Monument (grave marker/headstone) and the signage related to the name of the “Confederate Soldiers Memorial Bridge,” including, but not limited to, any claims asserted or arising out of, on account of, related to, connected with, growing out of, or resulting in any way from the removal of both memorials with respect to the graves of unknown Confederate Officers and Soldiers and the bridge

on Cumberland Avenue, and including, but not limited to, the claims asserted or which could have been asserted in this Litigation.

This Release includes, without limitation, claims at law or equity or sounding in contract, expressed or implied, and/or tort, and claims arising under any federal, state, or local laws or regulations of any jurisdiction solely related to the actions of the City involving these memorials on or after June 15, 2020, until these memorials were reinstalled on October \_\_\_\_, 2020. Moreover, this release does not foreclose the City from filing a petition for a waiver before the Tennessee Historical Commission in accordance with Tenn. Code Ann. § 4-1-412 as it relates to the memorial signage for the “Confederate Soldiers Memorial Bridge,” nor does this Settlement and release prohibit or infringe, in any manner, on the rights of the Complainant or SCV Camp 225 related to protecting and preserving the memorial name of the “Confederate Soldiers Memorial Bridge” through participation in any such waiver proceeding and/or complaint proceeding as granted to these parties under the Tennessee Heritage Protection Act.

The Settling Parties also agree that the Confederate Soldiers Memorial is a grave marker/headstone that marks the gravesite of unknown Confederate Officers and Soldiers located near the “Confederate Soldiers Memorial Bridge” on Cumberland Avenue in Clarksville, Tennessee. Additionally, the Settling Parties also agree and understand that such memorial is not only subject to the requirements of Tenn. Code Ann. § 4-1-412, but is also subject to applicable Tennessee Cemetery Law.

**2. CONSIDERATION.** In consideration for the releases, understandings, agreements, payments, warranties, and representations made by and between the Settling Parties in this Agreement, and after execution and delivery of this Agreement and pursuant to the terms of this Agreement, the Settling Parties hereby agree to the following:

**A.** The Confederate Soldiers Monument (e.g. grave marker/headstone) has been returned to its former position near the “Confederate Soldiers Memorial Bridge” and near the gravesite, by the City through the actions of Mayor Pitts.

**B.** The remains of the unknown Confederate Officers and Soldiers at the gravesite located near the bridge and the former site of the Clarksville Female Academy in Clarksville, Tennessee shall continue to remain undisturbed.

C. The City agrees to pay for the costs and other expenditures of SCV Camp 225 related to preparing for litigation, emergency meetings, copy costs and the like as a onetime payment in the amount of \$1,000.00 (One Thousand Dollars and Zero Cents).

D. The City further agrees to pay to the attorney of SCV Camp 225 a one-time lump sum payment of \$33,000.00 (Thirty-three Thousand Dollars and Zero Cents) within ten (10) days following execution of this Agreement for the attorney's work in the litigation of this matter, and for negotiations concluding in this Settlement Agreement. It is understood and agreed that no other attorney fees for services that may take place after the execution of this Agreement will be paid.

SCV Camp 225 agrees and authorizes the City of Clarksville to pay attorney H. Edward Phillips, III, at 219 Third Avenue North, Franklin, Tennessee 37064, for any attorney fees owed under this Agreement. Once payment is made to Mr. Phillips for any attorney fees pursuant to this Agreement, said obligations for attorney's fees shall be acknowledged as paid in full pursuant to the terms of this Agreement.

It is understood and agreed by both Mr. Rourk and SCV Camp 225 that no additional attorney fees incurred by either Mr. Rourk or SCV Camp 225, will be paid by the City other than those referenced in Section 2 (D).

3. **COOPERATION OF THE RELEASING PARTIES.** The Complainant and SCV Camp 225 agree to cooperate and have their counsel cooperate with City in all efforts to move forward with any necessary notice, joint motions, and the like seeking all necessary orders and approvals relating to the dismissal of the Complaint Proceeding.

4. **GLOBAL RESOLUTION OF LITIGATION.** It is the intent of the Settling Parties that this Agreement represents a global resolution of all claims and causes of actions related to the pending Complaint Proceeding.

5. **EACH PARTY RESPONSIBLE FOR ITS OWN COSTS.** The Settling Parties, except to the extent set forth in Sections 2(C) and 2(D), agree to bear their own costs, expenses, and attorney's fees incurred by each such party in prosecuting and defending the claims and theories set forth in the various courts and/or commission as described above.

6. **COMPROMISE OF DISPUTED CLAIMS.** The Settling Parties understand, acknowledge, and agree that this settlement is a complete and final compromise of all matters involving disputed issues of law and fact in the pending Complaint Proceeding. The Complainant

and SCV Camp 225 fully understand and agree that the performance and payment by the City of the obligations set forth herein and acceptance of same are in full accord, satisfaction, and compromise of all disputed claims; that the City denies any liability in connection with the aforesaid Complaint Proceeding and that the Settling parties intend to merely avoid further expense and/or litigation and obtain peace between the litigants; and that the payment and performance of the aforesaid obligations are in no way to be construed and considered as an admission of liability.

7. **NO PROMISES OR INDUCEMENTS.** The Complainant and SCV Camp 225 further hereby declare and represent that no promise, inducement, or agreement not herein expressed has been made to them and that this Agreement contains the entire agreement between the parties hereto and that the terms of this Agreement are contractual and not a mere recital.

8. **REPRESENTATIONS AND WARRANTIES BY RELEASING PARTIES.**  
The Complainant and SCV Camp 225 represent and warrant that:

- a. They have the right, authority, and capacity to execute this Agreement and to receive the considerations specified in it;
- b. No other person or entity has any interest in the claims, demands, obligations, and causes of action of the Complainant and SCV Camp 225 referred to in this Agreement; and
- c. The Complainant and SCV Camp 225 have not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations, and causes of action referred to in this Agreement.

9. **REPRESENTATIONS AND WARRANTIES OF THE CITY.** The City represents and warrants that:

- a. The City has the right, authority, and capacity to execute this Agreement.

10. **INTERPRETATION AND CONSTRUCTION.** The Settling Parties have together participated in the drafting of the provisions of this Agreement, have had an adequate opportunity to read, review, and consider with their own counsel the effect of the language of this Agreement, and have agreed to its terms. Consequently, the Settling Parties also expressly agree that no Settling Party to this Agreement, nor its respective counsel, shall be deemed the drafter of this Agreement, and all provisions of this Agreement shall be construed in accordance with its fair meaning and not strictly for or against any Settling Party or any Releasee. This Agreement shall be governed by the laws of the State of Tennessee.

11. **ENFORCEMENT ACTION AND ATTORNEY'S FEES.** In the event that any party to this Agreement brings an action or files a motion to enforce the provisions of this Agreement and prevails in such action or motion, the prevailing party or parties shall be entitled to recover, and the non-prevailing party or parties shall be obligated to pay, the reasonable attorney's fees and costs incurred in such proceeding.

12. **SUCCESSORS AND INTERESTS.** This Agreement is binding upon the successors, assigns, heirs, relatives, parent organizations, affiliates, subsidiaries, related companies or organizations, and/or personal representatives of the Settling Parties. This Agreement may not be rescinded, canceled, terminated, supplemented, amended, or modified in any manner whatsoever without the prior written consent of all of the Settling Parties.

13. **COUNTERPARTS.** This Agreement may be executed in counterparts, which when taken together, shall constitute one Agreement.

14. **FINAL AGREEMENT.** This Agreement represents the final agreement between the Settling Parties, and this Agreement may not be contradicted by evidence of any prior or contemporaneous agreement of the parties, whether written or oral. This Agreement shall not be altered, revised, or amended, except in a writing signed by all of the Settling Parties.

15. **SEVERABILITY.** If any provision of this Agreement is held or found to be invalid by a court or arbitrator, that provision shall be deemed to be severed and deleted, and neither that provision, nor its severance or deletion, shall affect the validity of the remaining provisions.

16. **HEADINGS.** Headings in this agreement are for reference purposes only and shall not affect the meaning and interpretation of this Agreement.

17. **NOTICES.** Any notice to be given to any of the Settling Parties per this Agreement shall be in writing and addressed as follows:

SCV Camp 225  
c/o H. Edward Phillips, III  
219 Third Avenue North  
Franklin, Tennessee 37064

The City of Clarksville  
c/o Lance Baker  
1 Public Square  
Clarksville, Tennessee 37040

18. **DISMISSAL WITH PREJUDICE.** The Complainant and SCV Camp 225 understand and agree that for the aforesaid consideration, all matters and things as to the releasees which are the subject of the claims and the Complaint Proceeding discussed hereinabove are fully satisfied and settled and that any pending litigation before the Tennessee Historical Commission against or relating to the City shall be dismissed. The Complainant and SCV Camp 225 agree to cooperate with the City and its counsel for the execution and presentment for entry of any applicable consent order of dismissal of any and all claims related to the Complaint Proceeding.

{SIGNATURE PAGES TO FOLLOW}



**AGREED:**

Frank P. Gracey Camp 225 Sons of  
Confederate Veterans, By and Through, the  
Tennessee Division Sons of Confederate  
Veterans

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mr. Joseph Nolan

Its: \_\_\_\_\_  
TN Division Commander

STATE OF TENNESSEE       )  
  )  
COUNTY OF \_\_\_\_\_ )

Personally appeared before me, a Notary Public in and for the State and County aforesaid, Mr. Joseph Nolan, as the Commander of the Tennessee Division Sons of Confederate Veterans, through their attorney, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained as his/her free act and deed.

WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**AGREED:**

Mr. Heyward L. Rourk

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mr. Heyward L. Rourk

STATE OF TENNESSEE            )  
  )  
COUNTY OF MONTGOMERY    )

Personally appeared before me, a Notary Public in and for the State and County aforesaid, Heyward L. Rourk, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained as his free act and deed.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**AGREED:**

The City of Clarksville

Date: \_\_\_\_\_

By: \_\_\_\_\_  
The Honorable Joseph Pitts  
The Mayor of the City of Clarksville

STATE OF TENNESSEE       )  
  )  
COUNTY OF MONTGOMERY    )

Personally appeared before me, a Notary Public in and for the State and County aforesaid, Mayor Joseph Pitts, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained as his free act and deed.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_