CLARKSVILLE CITY COUNCIL

CITY COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE TENNESSEE

REGULAR SESSION
AUGUST 5, 2021, 6:00 P.M.

AGENDA

PUBLIC COMMENTS

- 5:45 p.m. JoAnn McIntosh
- 5:50 p.m. Shedrich Webster
- 5:55 p.m. Matthew Romack

1) CALL TO ORDER *Mayor Joe Pitts*

2) PRAYER *Councilperson DaJuan Little*

3) PLEDGE OF ALLEGIANCE *Councilperson Karen Reynolds*

4) ATTENDANCE

5) SPECIAL PRESENTATIONS

6) PLANNING COMMISSION *Councilperson Streetman*

PUBLIC HEARING

1. **ORDINANCE 4-2021-22** (First Reading) Amending the Zoning Ordinance pertaining to Historic and Design Overlay Districts *RPC: Approval/Approval*

2. **ORDINANCE 6-2021-22** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reda Home Builders, Inc. for Zone Change on property located at the intersection of Twin Rivers Rd. and Nolen Rd. from R-1 Single Family Residential District to R-4 Multiple Family Residential District. *RPC: Approval/Approval*

3. **ORDINANCE 7-2021-22** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Lynda Ann Holt Conner, Stanley Ross, Harvill Ross, PLLC - Agent, for Zone Change on property located at the intersection of Wilson Rd. and Old Farmers Rd. from C-5 Highway & Arterial Commercial District and R-1 Single Family Residential District to R-5 Residential District. *RPC: Approval/Approval*

4. **ORDINANCE 8-2021-22** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Krueckeberg, LLC, Stanley Ross, Harville Ross, PLLC - Agent, for Zone Change on property located at the intersection of Highway 76 & Little Hope Rd. from R-1 Single Family Residential District to R-4 Multiple Family Residential District. *RPC: Approval/Approval*

5. **ORDINANCE 9-2021-22** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Bret and Patricia Logan, Tiffany McKeethen - Agent, for Zone Change on property located at the intersection of Peterson Ln. & Old Trenton Rd. from AG Agricultural District to R-1 Single Family Residential District. *RPC: Approval/Approval*

6. **ORDINANCE 10-2021-22** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of SDRA Holdings, LLC, Allen Moser - Agent, for Zone Change on property located at the intersection of Franklin St. & Hornberger Ln. from R-3 Three Family Residential District to C-2 General Commercial District. *RPC: Approval/Approval*

7. **ORDINANCE 11-2021-22** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Thomas Neal Bateman for Zone Change on property located at the intersection of Wilma Rudolph Blvd. & Old Trenton Rd. from M-2 General Industrial District to C-5 Highway & Arterial Commercial District. *RPC: Approval/Approval*

8. **ORDINANCE 12-2021-22** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ben Kimbrough-Ringgold Mill Properties, LLC, Bert Singletary - Agent, for Zone Change on the property located at the intersection of Ft. Campbell Blvd. & Millswood Dr. from C-5 and R-2 Highway & Arterial Commercial District to R-4 Multiple Family Residential District. *RPC: Approval/Approval*

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 1-2021-22** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Rick Reda for zone change on property located at the intersection of Evans Rd. and Shaw Dr. from RM-1 Single-Family Mobile Home Residential District to R-4 Multiple-Family Residential District

2. **ORDINANCE 2-2021-22** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of City of Clarksville, Joe Pitts, Mayor - Agent, for zone change on property located at the intersection of Union St. and South 3rd St. from CBD Central Business District to R-4 Multiple-Family Residential District

3. **RESOLUTION 7-2021-22** Approving a Certificate of Compliance for sale of wine at Silver Dollar, Inc., 2700 Trenton Road *CPD: No Criminal History*

4. **RESOLUTION 9-2021-22** Approving appointments to Arts & Heritage Development Council, Adult Oriented Establishment Board, and Tree Board

- *Adult-Oriented Establishment Board: Chonoliah Teasley, Geno Grubbs (reappointments) - January 2021 through December 2024*
- *Arts & Heritage Development Council: Yvonne Kendall (replace Chris Crow-term expired) - August 2021 through June 2024*
- *Tree Board: Karla Kean (reappointment), Sheela Clark (fill unexpired term of Carter Briggs-resigned) - June 2021 through June 2024*

5. Adoption of Minutes: June 28, June 29, June 30, July 1

8) FINANCE COMMITTEE *Councilperson Stacey Streetman*

1. **ORDINANCE 109-2020-21** (First Reading) Amending the Official Code relative to Short Term Rentals (individual owners) *Finance Committee: Approval*

2. **ORDINANCE 3-2021-22** (First Reading) Amending the Official Code to establish responsibilities for the Department of Information Technology and the Chief Information Officer, and establishing regulations for acquisition of technology resources *Finance Committee: Approval*

3. **ORDINANCE 5-2021-22** (First Reading) Authorizing an agreement for purchase of an easement right-of-way for the Whitfield Road-Needmore Road intersection improvements and to convey city property in exchange therefore *Finance Committee: Approval*

4. **RESOLUTION 1-2021-22** Authorizing an interlocal agreement between the Clarksville Police Department, Clarksville Fire Rescue, Montgomery County Sheriff, Montgomery County Volunteer Fire Service, Montgomery County EMS, and Clarksville-Montgomery County School System for the Handle With Care Pilot Program *Public Safety and Finance Committees: Approval*

5. **RESOLUTION 5-2021-22** Authorizing a Memorandum of Understanding with Mt. Olive Cemetery Historical Preservation Society and accepting donation of the United States Colored Troops Monument *Parks & Recreation and Finance Committees: Approval*

6. **RESOLUTION 6-2021-22** Authorizing a Memorandum of Understanding with Combat Veterans Motorcycle Association pertaining to a memorial wall at Patriots Park *Parks & Recreation and Finance Committees: Approval*

7. **RESOLUTION 8-2021-22** Declaring intent of the City of Clarksville to reimburse itself not to exceed $7,500,000 for certain expenditures with proceeds from general obligation bonds, notes, or other debt obligations to be issued by the City *Finance Committee: Approval*

8. **RESOLUTION 10-2021-22** Approving a Consent Decree in the case of Tennessee River Keepers v. City *Finance Committee: Approval*

9) GAS & WATER COMMITTEE *Councilperson Wallace Redd*

1. **RESOLUTION 63-2020-21** (Postponed July 1st) Authorizing an interlocal agreement Bi-County Solid Waste Management for acceptance of biosolids from the wastewater treatment plant *Gas & Water Committee: Approval*

2. Department Report

10)HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Councilperson Wanda Smith*

1. Department Report

11) PARKS & RECREATION COMMITTEE *Councilperson Vondell Richmond*

1. Department Report

12) PUBLIC SAFETY COMMITTEE *Councilperson Holleman*

1. Department Reports

13) TRANSPORTATION-STREETS-GARAGE COMMITTEE *Councilperson Wanda Smith*

1. Department Reports

14)NEW BUSINESS

1. **ORDINANCE 13-2021-22** (First Reading) Authorizing the mayor or his designee to enter into an agreement and convey a transmission line structure easement, guy rights easement, and access road easement with the Tennessee Valley Authority (Little Hope Road and Arrow Lane) *Mayor Pitts*

2. **RESOLUTION 59-2020-21** (Postponed April 1) Requesting the Tennessee General Assembly to amend the Official Charter of the City of Clarksville according to Exhibit A *Councilperson Butler*

3. **RESOLUTION 65-2020-21** (Postponed July 1) Requesting the Mayor call a special session of the City Council as a Committee of the Whole to study and make recommendations pertaining to the City Code of Ethics *Councilperson Allen*

4. **RESOLUTION 4-2021-22** (Postponed July 1) Requesting the Regional Planning Commission Director and Staff to perform an area-wide study of the R-3 residential neighborhood in the Red River District *Councilperson Smith*

15) MAYOR AND COUNCIL MEMBER COMMENTS

1. Report on Debt Obligation $62.3 million *Mayor Pitts - No Action Required*

2. Report on Debt Obligation $187.7 million *Mayor Pitts - No Action Required*

16) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: August 5, 2021. The public hearing will be held on: July 29, 2021.

CITY ORD. #: 6-2021-22 RPC CASE NUMBER: Z-35-2021
Applicant: REDA HOME BUILDERS, INC.

Location: Property located southeast of the Twin Rivers Rd. and Nolen Rd. intersection.
Ward #: 9
Request: R-1 Single-Family Residential District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

****

CITY ORD. #: 7-2021-22 RPC CASE NUMBER: Z-36-2021
Applicant: LYNDA ANN HOLT CONNER
Agent: Stanely Ross, Harvey Ross PLLC
Location: Property fronting on the north frontage of Wilson Rd., 2,370 +/- feet west of the Wilson Rd. & Old Farmers Rd. intersection.
Ward #: 10
Request: C-5 Highway & Arterial Commercial District / R-1 Single-Family Residential District
to
R-5 Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

****

CITY ORD. #: 8-2021-22 RPC CASE NUMBER: Z-37-2021
Applicant: KRUECKBERG LLC
Agent: Stanley Ross, Harvill Ross , PLLC
Location: Property fronting on the south frontage of Highway 76, 330 +/- feet east of the Highway 76 & Little Hope Rd. intersection.
Ward #: 10
Request: R-1 Single-Family Residential District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

****

CITY ORD. #: 9-2021-22 RPC CASE NUMBER: Z-38-2021
Applicant: BRET AND PATRICIA LOGAN
Agent: Tiffany McKeethen
Location: Property located north of Peterson Ln., 1,300 +/- feet west of the Peterson Ln. & Old Trenton Rd. intersection.
Ward #: 9
Request: AG Agricultural District
to
R-1 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

****

CITY ORD. #: 10-2021-22 RPC CASE NUMBER: Z-39-2021
Applicant: SDRA HOLDINGS, LLC ALLEN MOSER, MANAGER

Location: Property fronting on the south frontage of Franklin St., 260 +/- feet east of the Franklin St. & Hornberger Ln. intersection.
Ward #: 6
Request: R-3 Three Family Residential District
to
C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

****

CITY ORD. #: 11-2021-22 RPC CASE NUMBER: Z-40-2021
Applicant: THOMAS NEAL BATEMAN

Location: Property fronting on the east frontage of Wilma Rudolph Blvd., 1,150 +/- feet north of the southern intersection of Wilma Rudolph Blvd. & Old Trenton Rd.
Ward #: 9
Request: M-2 General Industrial District
to
C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

****

CITY ORD. #: 12-2021-22 RPC CASE NUMBER: Z-41-2021
Applicant: BEN KIMBROUGH RINGGOLD MILL PROPERTIES LLC
Agent: Bert Singletary
Location: Property fronting on the west frontage of Leonard Dr. & north frontage of Millswood Dr., 445 +/- feet east of the Ft. Campbell Blvd. & Millswood Dr. intersection.
Ward #: 5
Request: C-5 Highway & Arterial Commercial District / R-2 Single-Family Residential District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

****

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 07/27/2021 **CASE NUMBER:** Z - 35 -2021

NAME OF APPLICANT: Reda Home Builders,

AGENT:

GENERAL INFORMATION

TAX PLAT: 055 **PARCEL(S):** 033.00

ACREAGE TO BE REZONED: 3.92

PRESENT ZONING: R-1

PROPOSED ZONING: R-4

EXTENSION OF ZONING CLASSIFICATION: YES TO THE EAST

PROPERTY LOCATION: Property located southeast of the Twin Rivers Rd. and Nolen Rd. intersection.

CITY COUNCIL WARD: 9 **COUNTY COMMISSION DISTRICT:** 14 **CIVIL DISTRICT:** 12

DESCRIPTION OF PROPERTY: Single Family Residential with outbuilding and several mature trees.

APPLICANT'S STATEMENT FOR PROPOSED USE: Rezoning to build condos to sell individually with an HOA to insure proper property maintenance and management.

GROWTH PLAN AREA: CITY **PLANNING AREA:** Trenton

PREVIOUS ZONING HISTORY: Z-39-2012, Z-11-2021

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: Offsite sewer extension required.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT: Traffic assessment previously received and approved.

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: BURT
MIDDLE SCHOOL: KENWOOD
HIGH SCHOOL: KENWOOD

Kenwood Middle School is in the fastest growing region in Montgomery County and is currently 94% capacity. This development could add additional students and require additional infrastructure and funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased residential multi-family density.

INFRASTRUCTURE:

WATER SOURCE: CITY **SEWER SOURCE:** CITY

STREET/ROAD ACCESSIBILITY: Nolen Road

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		46
POPULATION:		124

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The R-4 request is a continuation of the established R-4 zoning to the east.
3. The R-4 Multi-family Residential zoning classification is not out of character with the surrounding area.
4. Adequate infrastructure serves the site & no adverse environmental issues have been identified relative to this request.
5.



Z-35-2021

APPLICANT:
REDA HOME BUILDERS, INC.

REQUEST:
R-1
TO
R-4

MAP & PARCEL
055 03300

ACRES +/-
3.92

Scale: 1:5,000

0 250 500
Feet

7/27/2021



Z-35-2021

APPLICANT:
REDA HOME BUILDERS, INC.

REQUEST:
R-1
TO
R-4

MAP & PARCEL
055 03300

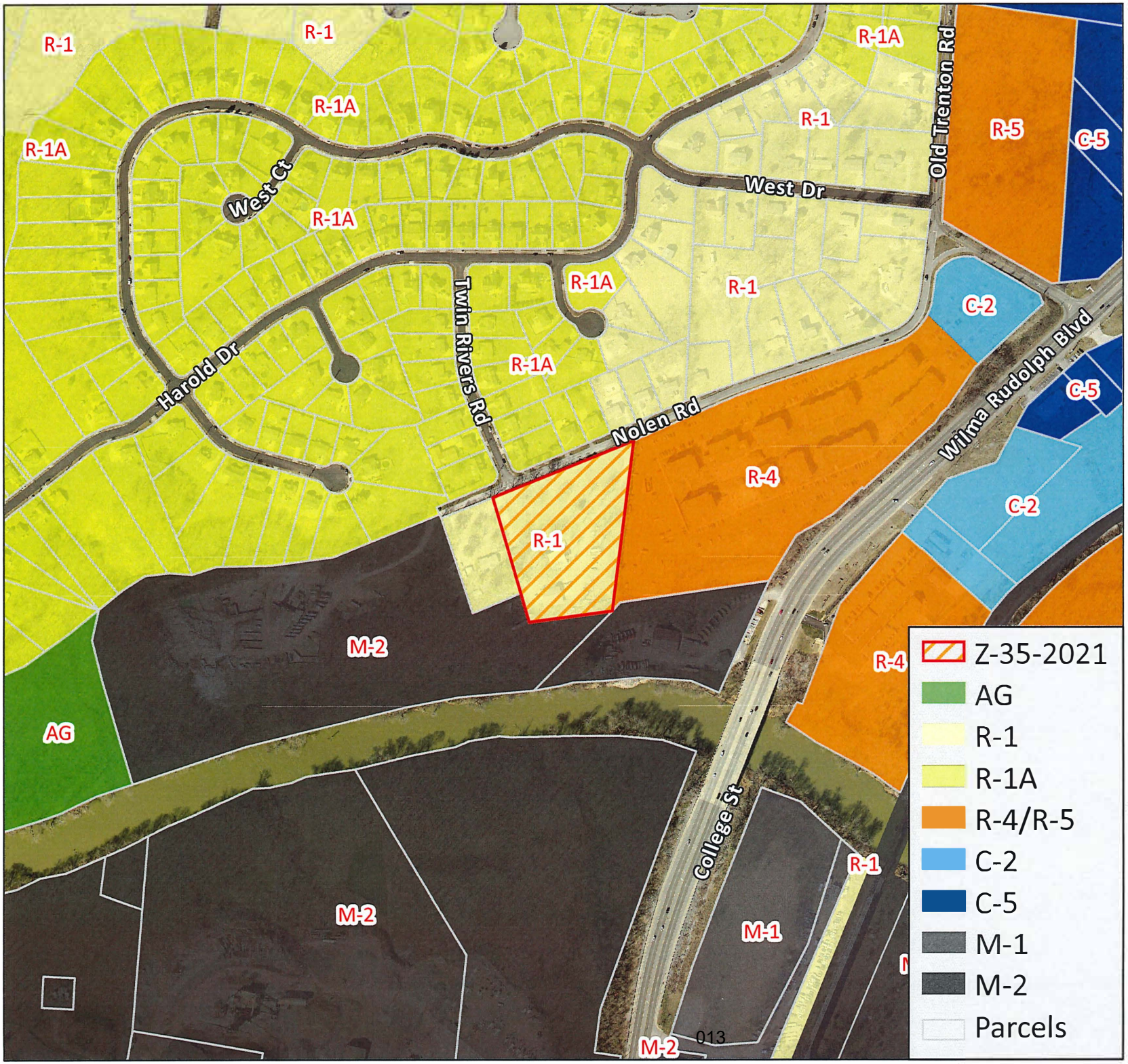
ACRES +/-
3.92

Scale: 1:2,500

N

0 125 250
Feet

7/27/2021



Z-35-2021

APPLICANT:
REDA HOME BUILDERS, INC.

REQUEST:
R-1
TO
R-4

MAP & PARCEL
055 03300

ACRES +/-
3.92

Scale: 1:5,000

0 250 500
Feet

7/27/2021

CASE NUMBER: Z 35 2021 **MEETING DATE** 07/27/2021

APPLICANT: Reda Home Builders, Inc.

PRESENT ZONING R-1 **PROPOSED ZONING** R-4

TAX PLAT # 055 **PARCEL** 033.00

GEN. LOCATION Property located southeast of the Twin Rivers Rd. and Nolen Rd. intersection.

****

PUBLIC COMMENTS

None received as of 4:30 P.M. on 7/26/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 07/27/2021 **CASE NUMBER:** Z - 36 -2021

NAME OF APPLICANT: Lynda Ann Holt

AGENT: Stanely Ross, Harvey

GENERAL INFORMATION

TAX PLAT: 081 **PARCEL(S):** 039.00

ACREAGE TO BE REZONED: 28.12

PRESENT ZONING: C-5 R-1

PROPOSED ZONING: R-5

EXTENSION OF ZONING CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the north frontage of Wilson Rd., 2,370 +/- feet west of the Wilson Rd. & Old Farmers Rd. intersection.

CITY COUNCIL WARD: 10 **COUNTY COMMISSION DISTRICT:** 20 **CIVIL DISTRICT:** 11

DESCRIPTION OF PROPERTY: Primarily open fields with tree lines & rolling hills.

APPLICANT'S STATEMENT FOR PROPOSED USE: To provide an appropriate transition between arterial C-5, R-2A, & O-1 being utilized as multi-family . Further, to bring existing C-5 into conforming zoning. A townhome development planned with common space and an HOA.

GROWTH PLAN AREA: CITY **PLANNING AREA:** Sango

PREVIOUS ZONING HISTORY:

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

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL
- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT: Possible water & sewer upgrades required.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT: Connect to Landsbury Way stub road. Traffic Assessment received & approved.

3. DRAINAGE COMMENTS: Grading & water quality permit required. Blue line stream draining to adjacent property.

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: SANGO
MIDDLE SCHOOL: RICHVIEW
HIGH SCHOOL: CLARKSVILLE

Sango Elementary, Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Sango Elementary is at 95% capacity, and currently has 1 portable classroom. Richview Middle is at 98% capacity and currently has 2 portable classrooms. Clarksville High School is at 101% capacity and currently has 1 portable classroom. This continued growth necessitates additional action to address building capacity and school transportation needs in Montgomery County.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased residential density.

INFRASTRUCTURE:

WATER SOURCE: CITY **SEWER SOURCE:** CITY

STREET/ROAD ACCESSIBILITY: Wilson Rd. Landsbury Way/Townsend Ct. & Payne Dr.

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:	**174**	**337**
POPULATION:		**909**

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-5 Residential District is not out of character with the surrounding uses & properties.
3. The adopted Land Use Plan states that it is encouraged to maintain a desirable mixture of housing types throughout the community.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
5.



Z-36-2021

APPLICANT:
LYNDA ANN HOLT CONNER

REQUEST:
C-5/R-1
TO
R-5

MAP & PARCEL
081 03900

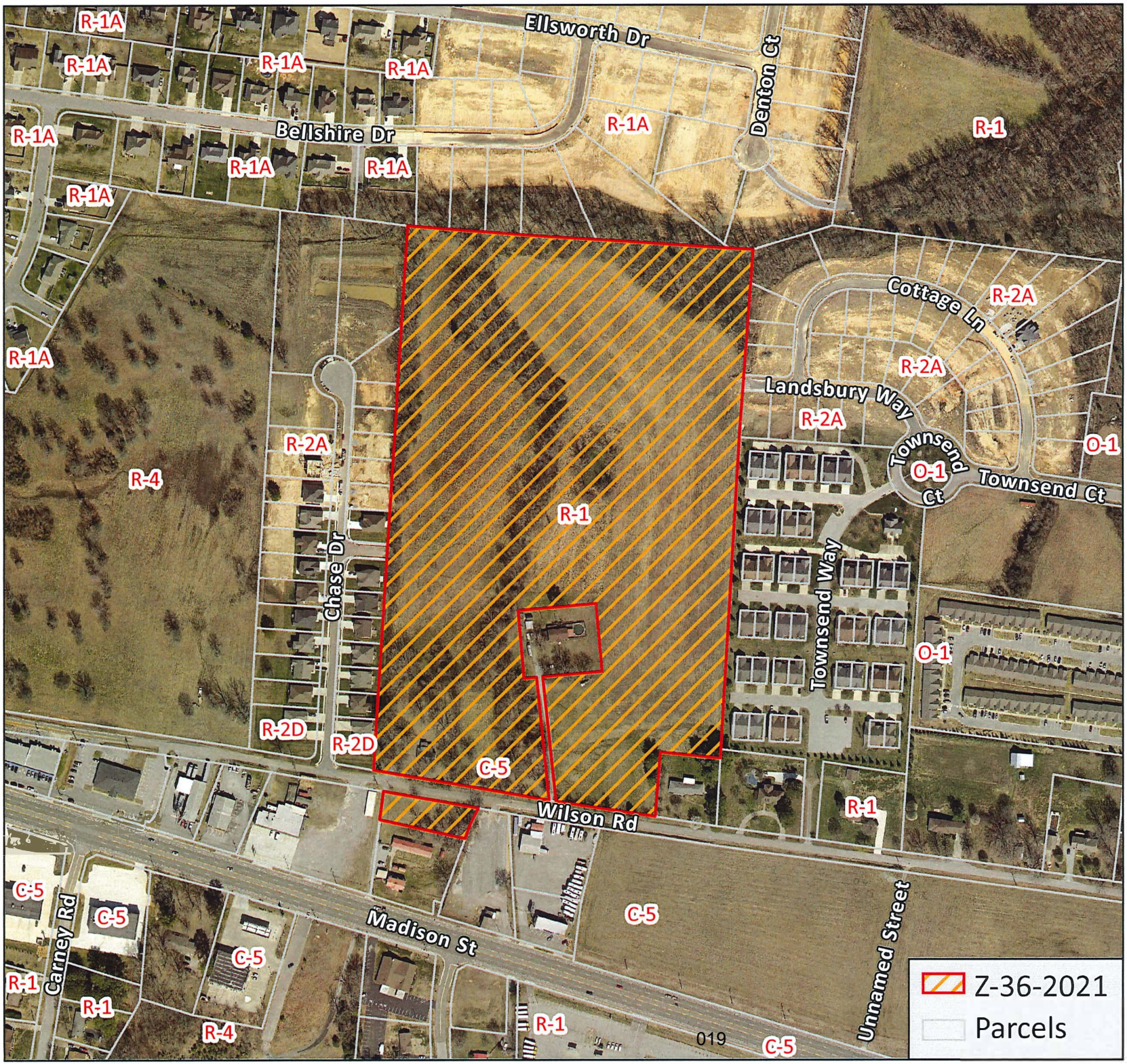
ACRES +/-
28.12

Scale: 1:8,000

N

0 400 800
Feet

7/27/2021



Z-36-2021

APPLICANT:
LYNDA ANN HOLT CONNER

REQUEST:
C-5/R-1
TO
R-5

MAP & PARCEL
081 03900

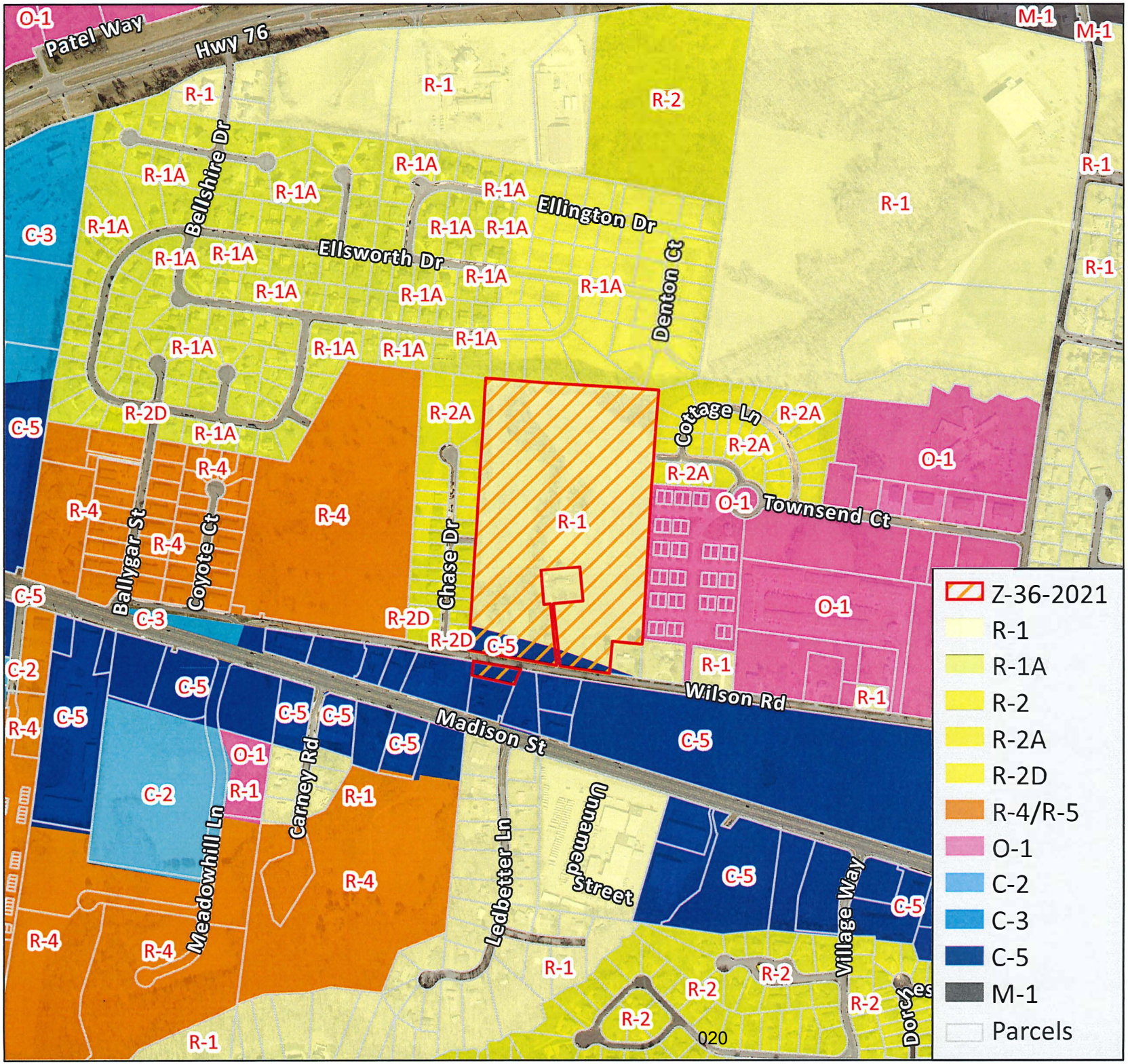
ACRES +/-
28.12

Scale: 1:4,000

N

0 200 400
Feet

7/27/2021



Z-36-2021

APPLICANT:
LYNDA ANN HOLT CONNER

REQUEST:
C-5/R-1
TO
R-5

MAP & PARCEL
081 03900

ACRES +/-
28.12

Scale: 1:8,000

0 400 800
Feet

7/27/2021

CASE NUMBER: Z 36 2021 **MEETING DATE** 07/27/2021

APPLICANT: Lynda Ann Holt Conner

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

TAX PLAT # 081 **PARCEL** 039.00

GEN. LOCATION Property fronting on the north frontage of Wilson Rd., 2,370 +/- feet west of the Wilson Rd. & Old Farmers Rd. intersection.

****

PUBLIC COMMENTS

None received as of 4:30 P.M. on 7/26/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 07/27/2021 **CASE NUMBER:** Z - 37 -2021

NAME OF APPLICANT: Krueckberg LLC

AGENT: Stanley Ross, Harvill

GENERAL INFORMATION

TAX PLAT: 063 **PARCEL(S):** 063.00

ACREAGE TO BE REZONED: 2.23

PRESENT ZONING: R-1

PROPOSED ZONING: R-4

EXTENSION OF ZONING CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the south frontage of Highway 76, 330 +/- feet east of the Highway 76 & Little Hope Rd. intersection.

CITY COUNCIL WARD: 10 **COUNTY COMMISSION DISTRICT:** 15 **CIVIL DISTRICT:** 11

DESCRIPTION OF PROPERTY: Existing Single Family property.

APPLICANT'S STATEMENT FOR PROPOSED USE: Luxury Townhome Development

GROWTH PLAN AREA: CITY **PLANNING AREA:** Sango

PREVIOUS ZONING HISTORY: CZ-12-2016, CZ-26-2018

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

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL
- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT: Offsite sewer extension.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT: Traffic Assessment required at development stage. 3 lane section of Hwy. 76. Site distance issues, driveway to be along western property line. (Shared entrance/driveway proposed with with adjoining church property to the west.)

3. DRAINAGE COMMENTS: 100 year BFE (Base Flood Elevation) for sinkhole at construction. Grading & water quality permit required.

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: CARMEL
MIDDLE SCHOOL: ROSSVIEW
HIGH SCHOOL: ROSSVIEW

Rossview Middle & Rossview High are in the 2nd fastest growing region in Mont. County. Rossview Middle is at 118% capacity and currently has 11 portable classrooms, Rossview High is at 113% capacity and currently has 8 portables. This continued student growth necessitates additional action to address building capacity growth and school bus transportation needs in Mont. County. This development could contribute add additional students & require additional infrastructure & funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased multi-family residential density.

INFRASTRUCTURE:

WATER SOURCE: CITY **SEWER SOURCE:** CITY

STREET/ROAD ACCESSIBILITY: SR Highway 76

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		26
POPULATION:		59

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-4 Multi-Family Residential District is not out of character with the surrounding area & adjacent uses
3. Special attention will be required at the development stage relative to the entrance to the property relative to sight distance.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
5.



Z-37-2021

APPLICANT:
KRUECKBERG LLC

REQUEST:
R-1
TO
R-4

MAP & PARCEL
063 06300

ACRES +/-
2.23

Scale: 1:5,000

N

0 250 500
Feet

7/27/2021



Z-37-2021

APPLICANT:
KRUECKBERG LLC

REQUEST:
R-1
TO
R-4

MAP & PARCEL
063 06300

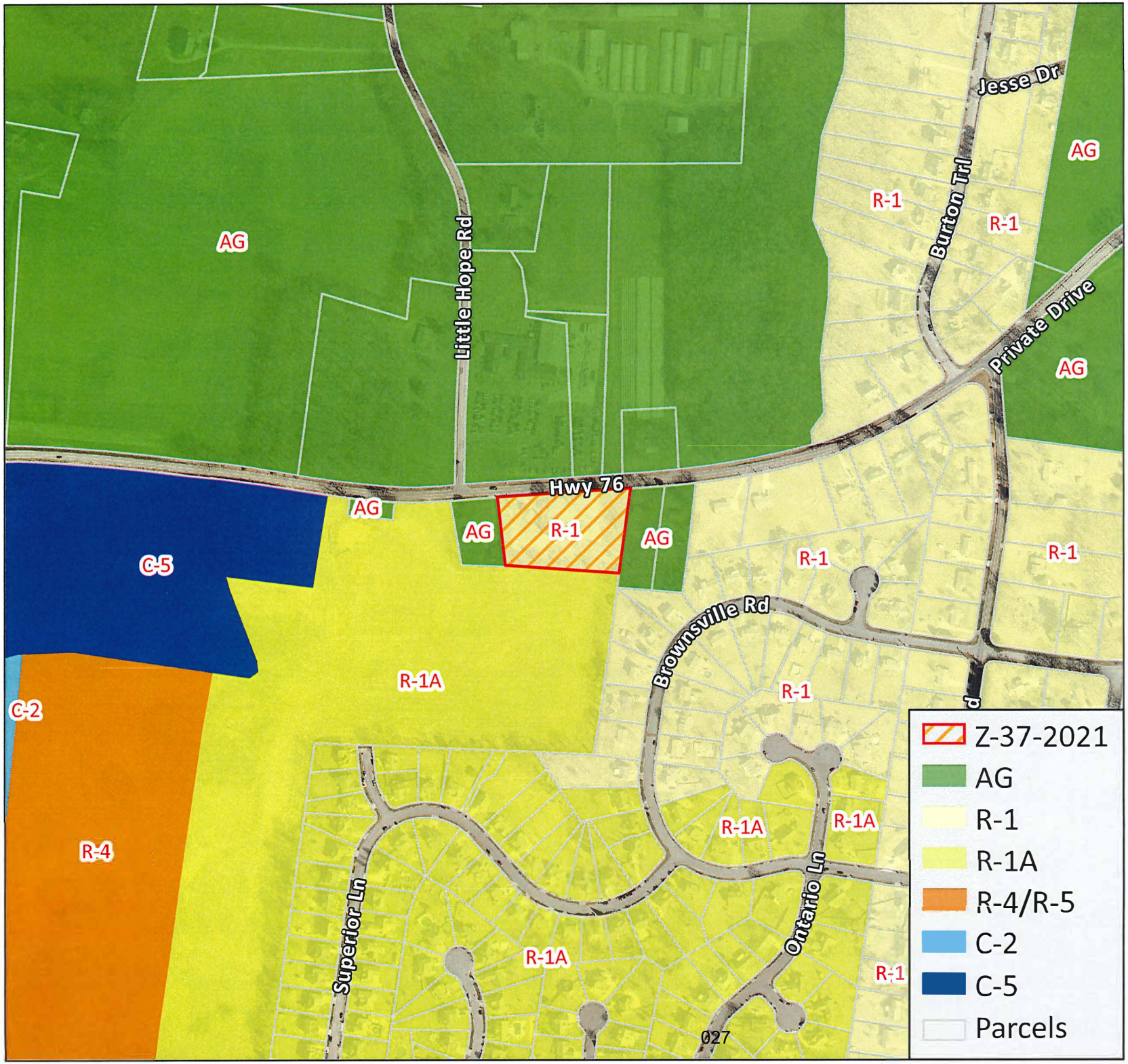
ACRES +/-
2.23

Scale: 1:2,500

N

0 125 250
Feet

7/27/2021



Z-37-2021

APPLICANT:
KRUECKBERG LLC

REQUEST:
R-1
TO
R-4

MAP & PARCEL
063 06300

ACRES +/-
2.23

Scale: 1:5,000

0 250 500
Feet

7/27/2021

CASE NUMBER: Z 37 2021 **MEETING DATE** 07/27/2021

APPLICANT: Krueckberg LLC

PRESENT ZONING R-1 **PROPOSED ZONING** R-4

TAX PLAT # 063 **PARCEL** 063.00

GEN. LOCATION Property fronting on the south frontage of Highway 76, 330 +/- feet east of the Highway 76 & Little Hope Rd. intersection.

****

PUBLIC COMMENTS

None received as of 4:30 P.M. on 7/26/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 07/27/2021 **CASE NUMBER:** Z - 38 -2021

NAME OF APPLICANT: Bret And Patricia Logan

AGENT: Tiffany McKeethen

GENERAL INFORMATION

TAX PLAT: 042 055 **PARCEL(S):** 016.01 016.00

ACREAGE TO BE REZONED: 20.76

PRESENT ZONING: AG

PROPOSED ZONING: R-1

EXTENSION OF ZONING CLASSIFICATION: YES

PROPERTY LOCATION: Property located north of Peterson Ln., 1,300 +/- feet west of the Peterson Ln. & Old Trenton Rd. intersection.

CITY COUNCIL WARD: 9 **COUNTY COMMISSION DISTRICT:** 14 **CIVIL DISTRICT:** 12

DESCRIPTION OF PROPERTY: 2 large tracts with a single family home onsite. Grassland fields with tree lines and rolling hills.

APPLICANT'S STATEMENT FOR PROPOSED USE: Property is under contract for sale, contract is contingent on property being rezoned.

GROWTH PLAN AREA: CITY **PLANNING AREA:** Trenton

PREVIOUS ZONING HISTORY:

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

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL
- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT: Off site water & sewer upgrades.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT: Traffic analysis was required & is approved by the CSD.

3. DRAINAGE COMMENTS: Grading & water quality permit required.

4. CDE/CEMC: No Comment(s) Received

5. FIRE DEPT/EMERGENCY MGT.: Comments received from department and they had no concerns.

6. POLICE DEPT/SHERIFF'S OFFICE: Comments received from department and they had no concerns.

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: Comments received from department and they had no concerns.

8. SCHOOL SYSTEM:

ELEMENTARY: ~~ST. B.~~

MIDDLE SCHOOL: KENWOOD

HIGH SCHOOL: KENWOOD

Kenwood Middle School is in the fastest growing region in Montgomery County and is currently 94% capacity. This development could add additional students and require additional infrastructure and funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

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: Peterson Ln.

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:	41	39
POPULATION:		105

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-1 Single Family Residential District is an extension of the R-1 district to the north, east & south & not out of character with the surrounding area.
3. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
4.
5.



Z-38-2021

APPLICANT:
BRET AND PATRICIA LOGAN

REQUEST:
AG
TO
R-1

MAP & PARCEL
042 01601
055 01600

ACRES +/-
20.76

Scale: 1:8,000

0 400 800
Feet

7/27/2021



Z-38-2021

APPLICANT:
BRET AND PATRICIA LOGAN

REQUEST:
AG
TO
R-1

MAP & PARCEL
042 01601
055 01600

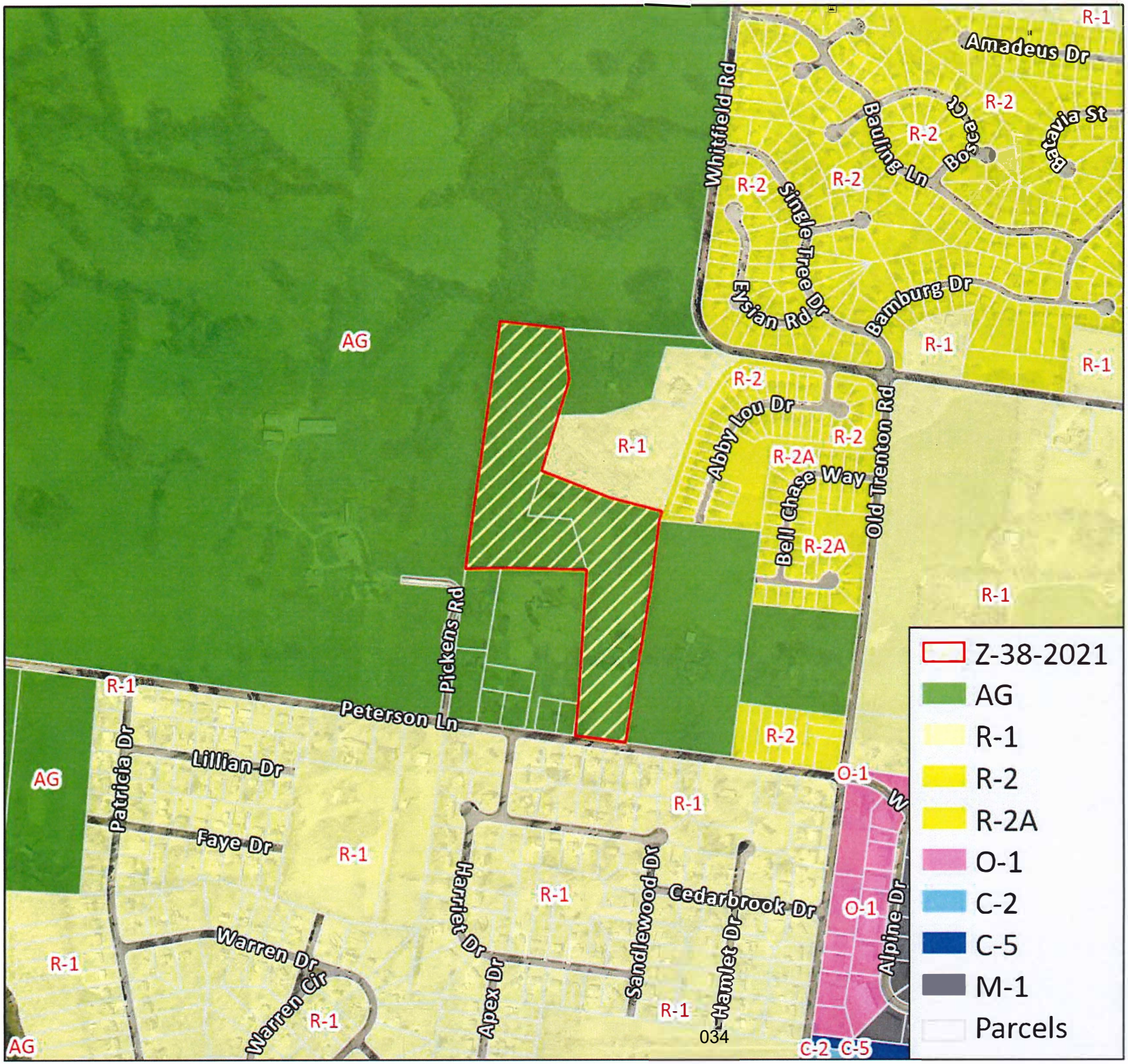
ACRES +/-
20.76

Scale: 1:4,000

N

0 200 400
Feet

7/27/2021



Z-38-2021

APPLICANT:
BRET AND PATRICIA LOGAN

REQUEST:
AG
TO
R-1

MAP & PARCEL
042 01601
055 01600

ACRES +/-
20.76

Scale: 1:8,000

0 400 800
Feet

7/27/2021

CASE NUMBER: Z 38 2021 **MEETING DATE** 07/27/2021

APPLICANT: Bret And Patricia Logan

PRESENT ZONING AG **PROPOSED ZONING** R-1

TAX PLAT # 042 **PARCEL** 016.01

GEN. LOCATION Property located north of Peterson Ln., 1,300 +/- feet west of the Peterson Ln. & Old Trenton Rd. intersection.

****

PUBLIC COMMENTS

Copies of written comments provided.

Austin Peay State University

Physical Plant

We are writing to express the concerns of Austin Peay State University involving a rezoning request (Z-38-2021) for property north of Peterson Lane. This property borders the APSU Farm and Environmental Education Center which is a 440 acre multi-purpose educational resource that includes a working/teaching farm, scientific laboratories, classrooms, an astronomical observatory and extensive agricultural and forest lands that serve the educational and research needs of a wide variety of university students, faculty, and staff as well as community stakeholders.

The request is to rezone this property from Agricultural to Single-Family Residential. While there is no indication as to the future plans for this land, based on surrounding development it is assumed it will be a new subdivision.

We have several concerns related to this change in use.

- The conversion of twenty acres of undeveloped, forest property into developed residential units will result in greatly increased storm water runoff. Not only is this change of general concern for purposes of runoff, but the drainage swale that runs through the APSU farm property is already experiencing severe erosion as a result of continued surrounding development and additional runoff will add further to the damage. Additionally, the APSU Farm is home to several rare or threatened species that will be negatively affected by polluted water runoff.
- Placing numerous houses in close proximity to the APSU Farm will encourage trespassing (intentional or unintentional). We currently have either barbed wire or electric fencing along the boundary with the subject property but there are risks present:
    - There is sinkhole activity on the farm.
    - There are risks to trespassers from livestock (bulls, cows, goats, and horses).

If this rezoning request is approved and a new subdivision plat is presented, we request the following for consideration from the developer:

- Carefully consider how the storm water from the site is controlled and enlist storm water experts to provide suggestions to help control and clean stormwater runoff.
- Retain a wooded buffer zone of at least 25 feet from the edge of the APSU farm property line to help control speed and quantity of surface water runoff as well as potentially reduce trespassing onto the APSU farm. This buffer zone dimension should be increased for steeper portions of the property border as recommended by the Tennessee Division of Forestry's Best Management Practices.
- Provide a fence or other additional barrier along the edge of the property to discourage trespassing into the APSU Farm.

We recognize that development of property adjoining the APSU farm is inevitable and we want to be good neighbors. We would like for these properties to be developed in a way that creates a safe and healthy environment for all.

Thank you for your consideration,

Tom Hutchins, PE
Executive Director, APSU Physical Plant

Dr. Donald Sudbrink
Chair, APSU Department of Agriculture

Z-38-2021

July 26, 2021

RE: public comments for rezoning property on Peterson Lane, Clarksville, TN 37040

Dear Members of the Clarksville-Montgomery County Regional Planning Commission:

This letter is in reference to the proposed property zone change (AG to R-1) located on Peterson Lane, 1,000 +/- feet west of Old Trenton Road/Peterson Lane, 20.76 +/- acres, currently owned by Bret & Patricia Logan.

My property adjoins the Logan property.

I want it guaranteed that I shall retain a 10-foot utility easement, located generally along the western property line, approximately 90 feet from the property line and parallel to it, when the Logan property is sold and developed for R-1 housing in the future.

The reason being that my home, located at 2120 Whitfield Road, was built in 1976, and our utilities were connected from Peterson Lane (water, electric and telephone) because no development had occurred near my property line on Whitfield Road since it was all farmland (AG) and no water, electric or telephone lines were available at the time.

If you grant the property zone change, I also want to bring to the attention of potential new owners of the Logan property that the real estate being conveyed is subject to all terms, maters and conditions, and restrictive covenants of record in:
Official Record Book Volume 208, Page 1092, Register's Office for Montgomery County, TN.
Official Record Book Volume 222, Page 639, Register's Office for Montgomery County, TN.
Official Record Book Volume 235, Page 294, Register's Office for Montgomery County, TN.
Official Record Book Volume 365, Page 1607, Register's Office for Montgomery County, TN.
Official Record Book Volume 406, Page 459, Register's Office for Montgomery County, TN.
Official Record Book Volume 511, Page 1264, Register's Office for Montgomery County, TN.
Official Record Book Volume 614, Page 120, Register's Office for Montgomery County, TN.
Official Record Book Volume 737, Page 1102, Register's Office for Montgomery County, TN.
Official Record Book Volume 869, Page 559, Register's Office for Montgomery County, TN.

These include the following restrictions:

1.) That real estate will be used for residential purposes only, with a minimum of two/three acres for each residence constructed on said property.
2.) The residence constructed on said real estate shall be at least two-thirds (2/3) masonry construction.
3.) No more than one (1) single family residence may be constructed on said parcels.
4.) Such residence shall have a minimum of 1,500 square feet excluding garages, patios, and porches.
5.) No commercial buildings of any nature shall be constructed on said real estate.
6.) No swine or poultry shall be kept on said real estate, and any pets are to be confined in an appropriate manner to the premises.

Respectfully submitted,

Johnnie Mildred Bryant Buhler
July 26, 2021

Johnnie Mildred Bryant Buhler
2120 Whitfield Road, Clarksville, TN 37040 | 931.552.7157

Send tax statements to:
Mr. & Mrs. Andrew T. Buhler
ROUTE #11
Clarksville, Tn.
37040

This instrument was prepared by DEMPSEY H. MARKS, of the law firm of Marks and Fleming, 114 South Second Street, Clarksville, Tennessee 37040.

CHARLES R. McMURRY, et ux

TO: (Deed)

ANDREW T. BUHLER, et ux

FOR THE CONSIDERATION HEREINAFTER SET OUT, Grantors, CHARLES R. McMURRY, and wife, BETSY K. McMURRY, have this day bargained and sold, and do hereby transfer and convey unto Grantees, ANDREW T. BUHLER, and wife, JOHNNIE MILDRED BRYANT BUHLER, as tenants by the entirety, and to their heirs and assigns forever, the following described real estate, situated in the Sixth (6th) Civil District of Montgomery County, Tennessee, to-wit:-

BEGINNING at an iron pin in the North margin of Peterson Lane, Southwest corner to a 15.07 acre tract conveyed to Richard Allen, by the herein Grantors; thence with Peterson Lane North 85 degrees 02 minutes 45 seconds West 811.52 feet to a buried iron pin, 2.5 feet North of a buried telephone cable marker, Southeast corner of Thomas Lee Burney; thence with Burney and more or less with a fence North 3 degrees 57 minutes 15 seconds East 166.86 feet to an iron pin, Southeast corner of Hudson C. Hill; thence with Hill and a fence North 4 degrees 17 minutes 15 seconds East 258.27 feet to an iron pin beside a fence corner, North 8 degrees 35 minutes East 440.62 feet to an iron pin beside a fence corner, Northeast corner of Hill; thence with Hill and Kenneth R. Kiesow and with a fence South 86 degrees 37 minutes 30 seconds West 691.42 feet to a fence corner post in the East line of Tennessee Board of Education (Austin Peay State University Farm) and Northwest corner of Kiesow; thence with Austin Peay and a fence North 5 degrees 12 minutes East 1305.89 feet to a fence corner post; thence with Austin Peay and more or less with a fence South 86 degrees 20 minutes 30 seconds East 1050.18 feet to an iron pin in the margin of Whitfield Road; thence with Whitfield Road 202.85 feet on a 36 degree 18 minutes 45 seconds curve (chord South 69 degrees 54 minutes 30 seconds East 199.47 feet) to an iron pin, Northwest corner of an 18.72 acre tract conveyed to Herman Lay by the herein Grantors; thence with Lay and the East margin of the old Peterson Farm Road South 46 degrees 55 minutes 30 seconds West 121.49 feet to a point South 60 degrees 51 minutes 30 seconds East 30 feet from a fence bend; South 29 degrees 11 minutes West 305.96 feet to a point South 67 degrees 33 minutes 52.5 seconds East 30 feet from the North post of an old gate; South 15 degrees 42 minutes 45 seconds West 524.76 feet to a iron pin in a fence line South 87 degrees 3 minutes 15 seconds East 30.71 feet from a fence corner post; thence with Lay's South line South 87 degrees 03 minutes 15 seconds East 522.70 feet to an iron pin in a fence line, Northwest corner of Allen; thence with Allen South 4 degrees 33 minutes West 1175.37 feet to the beginning, and containing 49.027 acres, more or less.

Being the remaining portion of a tract conveyed to Louise Bourne Booth and Nan Bourne McMurry by Isaac Roland Peterson, on 31 March 1945 as recorded in Deed Book 94, page 544, and on 30 August 1947 as recorded in Deed Book 100, page 261. Louise Bourne Booth, by will as recorded in Will Book "X", page 187, conveyed all of her interest in such realty to Nan Bourne McMurry. Nan Bourne McMurry, by will as recorded in Will Book "Y", page 156, conveyed such realty to Charles R. McMurry, subject to the life estate of Mell McMurry, now deceased. On December 17, 1969, as recorded in Official Record Book Volume 116, page 866, Charles R. McMurry conveyed to Betsy K. McMurry such interest as to create the estate of tenants by the entirety.

STATE TAX $52.00 PROBATE FEE $.50, TOTAL $ 57.50
PAID 7-2 19 76 CHARLES O. HARRISON, REG.
RECEIPT NO. 17797 DEP.

STATE TAX $ 56.00 PROBATE FEE $.50, TOTAL $ 156.50
PAID 7-2 19 76 CHARLES O. HARRISON, REG.
RECEIPT NO. 17797 DEP. 039

1092

TO HAVE AND TO HOLD said real estate unto the Grantees, ANDREW T. BUHLER, and wife, JOHNNIE MILDRED BRYANT BUHLER, as tenants by the entirety, and to their heirs and assigns forever.

GRANTORS COVENANT that they are lawfully seized and possessed of said real estate; that they have a good and lawful right to convey the same; that it is wholly unencumbered; and they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THE CONSIDERATION for this conveyance is as follows:-

(1) The sum of ONE THOUSAND & NO/100 ($1,000.00) DOLLARS, cash in hand paid by the Grantees to the herein Grantors, the receipt of which is hereby acknowledged; and

(2) The execution by the herein Grantees of ten (10) certain negotiable promissory notes, of even date herewith, payable to the order of the herein Grantors, said notes being in the principal sum of FIVE THOUSAND NINE HUNDRED & NO/100 ($5,900.00) DOLLARS each, the first of said notes being due on February 7, 1977, and annually thereafter until all of said notes have been paid in full. Said notes bear interest from date at the rate of eight (8%) per cent per annum, payable annually, and provide for a reasonable attorneys fee if placed in the hands of an attorney for collection. Default in the payment of any note or interest when due shall render the entire unpaid balance of said notes, together with interest, due and collectible at once, without notice, at the option of the holder.

The herein Grantees have the option, but not the obligation, to pay said lien in full at any time without penalty, provided said proceeds are deposited in The First Trust and Savings Bank of Clarksville, Tennessee. In such event said Bank will serve as Trustee for said Grantors and said Grantees. Interest will stop on the original indebtedness at the time of deposit. Interest earned on the deposit will belong to the herein Grantors. These deposits will be applied to the above ten (10) notes as they become due and payable.

To secure the payment of the above described promissory notes, a vendors' lien is expressly retained on the property herein conveyed.

The Grantees join in the execution of this instrument for the purpose of agreeing to pay said notes as provided herein; and to pay all taxes assessed against said property before such taxes become delinquent. The Grantees agree that in the event said taxes are not paid any holder of said notes may pay said taxes and the cost of same, together with interest at eight (8%) per cent thereon, shall be secured as a part of the herein described and secured notes.

The Grantees further agree that in the event said notes are not paid as provided or if there is failure to pay any taxes assessed against said real estate before delinquent, Grantors shall have the right to declare the unpaid notes due and collectible and advertise the herein described real estate for sale by printed

handbills or notices conspicuously posted in Montgomery County, Tennessee, giving therein the time, place and terms of sale and/or as provided by statute, and shall have the right at the time mentioned in said advertisement to sell said real estate at the West door of the Court House at Clarksville, Montgomery County, Tennessee, for cash to the highest bidder, free from the rights of homestead, dower, and equity of redemption of the Grantees, or anyone claiming through or under them, with the right in any holder of said notes to bid at sale and deed to be made accordingly with absolute title to the purchaser.

The Grantees agree that in the event of a sale pursuant to the foreclosure of the lien herein retained, they, or anyone claiming through or under them, shall become a tenant at will of the purchaser or purchasers and give possession immediately without resort to the writ of unlawful detainer.

The proceeds of any sale from the foreclosure of the lien herein retained shall be first applied to the cost of sale, including a reasonable attorneys fee, then to the payment of said notes, or interest thereon, and any unpaid taxes, with the balance being paid to the Grantees, as their interests may appear.

The Grantees join in the execution of this deed for the purpose of binding themselves, their heirs, assigns and legal representatives to all provisions contained in this deed, and especially for agreeing to the power of sale contained in this deed in favor of Grantors, or any holder of said notes, in the event default is made.

It is agreed between the herein Grantors and the herein Grantees that the Grantors will release the lien herein retained on the real estate conveyed as follows:-

(1) Upon the payment of $1,750.00 per acre for the property fronting 800 feet on Peterson Lane and 200 feet deep;

(2) Upon the payment of $1,500.00 per acre for the next 16 acres of property adjacent and to the rear of the above frontage;

(3) Upon the payment of $1,500.00 per acre for the property fronting on Whitfield Road containing approximately five (5) acres, to include all of the property along Whitfield Road except for a fifty (50) foot right of way; and

(4) Upon the payment of $1,000.00 per acre the remainder of the real estate being conveyed containing 24 acres, more or less.

(5) Grantors also agree to release realty to a third party in the event Grantees sell part or all of said real estate, in accordance with (1), (2), (3), and (4) above. If said sale is by lien retained deed,

said notes will be endorsed by Grantees to Grantors with recourse. In said event, the terms shall require a minimum of twenty-five (25%) per cent down, and payment to Grantors shall be made of the entire net proceeds.

(6) Any and/or all timber may be sold and applied to above indebtedness at Grantees' option. Proceeds applied to the total indebtedness, either from the sale of timber and/or sale of land, and/or money from any other sources may be applied to release other land at the Grantees' option.

It is agreed that the present farm lease shall remain "as is" until the end of the year 1976. It is agreed that the Lessees under said lease shall have the use of tobacco barn until crop is sold, but no longer than April 15, 1977. The herein Grantors agree to remove the barn at their expense by April 15, 1977.

POSSESSION will be given with the delivery of this deed, subject to the aforementioned lease; and the TAXES for the year 1976 shall be prorated as of the date of this deed.

The herein Grantors make oath that the consideration for this conveyance is $60,000.00, which sum, in their opinion, represents the fair, cash market value of the real estate conveyed herein.

IN WITNESS WHEREOF Grantors and Grantees have executed this instrument on this the 30th day of June, 1976.

Charles R. McMurry
Charles R. McMurry

Betsy K. McMurry
Betsy K. McMurry GRANTORS

Andrew T. Buhler
Andrew T. Buhler

Johnnie Mildred Bryant Buhler
Johnnie Mildred Bryant Buhler GRANTEES

STATE OF VIRGINIA
COUNTY OF Botetourt

Personally appeared before me, the undersigned, a Notary Public in and for said State and County, CHARLES R. McMURRY, and wife, BETSY K. McMURRY, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and seal at office on this the 30th day of June, 1976.

Lisa Lynn Smith
042 Notary Public

My commission expires: January 23, 1980.

1095

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Personally appeared before me, the undersigned, a Notary Public in and for said State and County, ANDREW T. BUHLER, and wife, JOHNNIE MILDRED BRYANT BUHLER,, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and seal at office on this the 24th day of June, 1976.

Notary Public

My commission expires: 7-16-79

I, Charles C. Harrison, Register of Montgomery County, do certify that the foregoing instrument is registered in said office, in Vol. No. 208 Page 1093 that it was received July 2 1976, at 11:55 o'clock A.M. and entered in Note Book 28 Page 123 Dep.

1096

This instrument was prepared by
Ross H. Hicks, Attorney,
Clarksville, Tennessee.

ANDREW T. BUHLER ET UX.
TO: DEED
JOHN J. HARRISON ET UX.

FOR A VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, we, ANDREW T. BUHLER and wife, JOHNNIE MILDRED BRYANT BUHLER, have this day bargained and sold and do hereby transfer and convey unto JOHN J. HARRISON and wife, MONIQUE H. HARRISON, as tenants by the entirety, and to their heirs and assigns forever, the following described real estate together with all improvements thereon, situated in the 6th Civil District of Montgomery County, Tennessee, to-wit:

> Beginning at a point in the north right of way margin of Peterson Lane, said point being 541.52 feet from Richard Allen's southwest corner, as measured along said margin; thence with said margin north 85 degrees 2 minutes 45 seconds west 270 feet to a point; thence with a fence line in the lines of Thomas Lee Burney and Hudson C. Hill north 3 degrees 57 minutes 15 seconds east 166.86 feet, north 4 degrees 17 minutes 15 seconds east 258.27 feet, north 8 degrees 35 minutes east 374.87 feet to a point; thence south 85 degrees 2 minutes 45 seconds east 270 feet to a point; thence south 08 degrees 35 minutes west 374.87 feet to a point; thence south 4 degrees 17 minutes 15 seconds west 258.27 feet; thence south 3 degrees 57 minutes 15 seconds west 166.86 feet to a point, the point of beginning, and containing 4.95 acres, more or less, according to survey by William N. Young, Surveyor, dated January 10, 1977.
>
> Being the same real estate conveyed to the herein Grantors in deed of record in Official Record Book, Volume 208, page 1092 in the Register's Office for Montgomery County, Tennessee.

TO HAVE AND TO HOLD said real estate together with all improvements thereon, unto the said JOHN J. HARRISON and wife, MONIQUE H. HARRISON, as tenants by the entirety, and to their heirs and assigns forever.

WE COVENANT that we are lawfully seized and possessed of said real estate, that we have a good and lawful right to

STATE TAX $ 24.52 PROBATE FEE $ 2.50, TOTAL $ 27.02
PAID 2-8 19 77 CHARLES O. HARRISON, REG.
RECEIPT NO. 3625 DEP.

634

convey it, that it is unencumbered, and we will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THIS CONVEYANCE is subject to the following restrictions:

(1) No more than one (1) single family residence may be constructed on said parcel.

(2) Such residence shall have a minimum of 1500 square feet excluding garages, patios and porches.

(3) No commercial buildings of any nature shall be constructed on said real estate.

(4) No swine or poultry shall be kept on said real estate, and no dog kennel may be constructed on said real estate, and any pets are to be confined in an appropriate manner to the premises herein conveyed.

(5) The residence constructed on said real estate shall be at least two-thirds (2/3) masonary construction.

(6) No buildings shall be constructed closer than 20 feet to the side lot lines or closer than 50 feet to the rear property line.

(7) The Grantors retain a 10 foot utility easement along the western property line.

(8) The Grantees shall comply with all the conditions, covenants and reservations of rights set forth in the aforesaid deed of record in Official Record Book, Volume 208, page 1092.

(9) These restrictions may be removed by the mutual written consent of the Grantors and Grantees at any time.

640

POSSESSION of said property is to be given with the delivery of this deed and taxes are to be prorated between the parties as of the date hereof.

IN WITNESS WHEREOF, we have hereunto signed on this the 7th day of February, 1977.

Andrew T. Buhler

Johnnie Mildred Bryant Buhler

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

Personally appeared before the undersigned, a Notary Public in and for said State and County, ANDREW T. BUHLER and wife, JOHNNIE MILDRED BRYANT BUHLER, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

WITNESS MY HAND AND SEAL, at office, on this the 7th day of February, 1977.

NOTARY PUBLIC

My commission expires 3/13/78.

Tax statements should be sent to: John J. Harrison
P. O. Box 503
Clarksville, TN

STATE OF TENNESSEE, MONTGOMERY COUNTY

I, or we, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater is $10,200.00, which amount equal to or greater than the amount which the property transferred would command at a fair voluntary sale. Affiant

Subscribed and sworn to before me this the 7th day of February 1977

My Commission Expires 3/13/77

Notary Public

I, Charles O. Newbern, Register of Montgomery County, do certify that the foregoing instrument is registered in said office, in Vol. No. 232 Pg. 639 that it was received July 8 1977 at 10:45 o'clock A.M., and entered in Note Book A9 Page 38

Dep.

2841

POSSESSION of said property is to be given with the delivery of this deed and taxes are to be prorated between the parties as of the date hereof.

IN WITNESS WHEREOF, we have hereunto signed on this the 7th day of February, 1977.

Andrew T. Buhler

Johnnie Mildred Bryant Buhler

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

Personally appeared before the undersigned, a Notary Public in and for said State and County, ANDREW T. BUHLER and wife, JOHNNIE MILDRED BRYANT BUHLER, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

WITNESS MY HAND AND SEAL, at office, on this the 7th day of February, 1977.

NOTARY PUBLIC

My commission expires 3/13/78.

Tax statements should be sent to: John J. Harrison
P. O. Box 503
Clarksville, TN

STATE OF TENNESSEE, MONTGOMERY COUNTY

I, or we, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater is $10,000.00, which amount equal to or greater than the amount which the property transferred would command at a fair voluntary sale. Affiant

Subscribed and sworn to before me this the 7th day of February 1977

My Commission Expires 3/13/77

Notary Public

I, Charles O. Morrison, Register of Montgomery County, do certify that the foregoing instrument is registered in said office, in Vol. No. 222 Pg. 638 that it was received Feb 8 1977 at 10:45 o'clock A.M. and entered in Note Book A9 Page 38 Deputy

6447

This instrument was prepared
by Ross H. Hicks, Attorney
Clarksville, Tennessee

ANDREW T. BUHLER ET UX
TO: DEED
MARVIN E. SMITH ET UX

FOR THE CONSIDERATION hereinafter set out, we, ANDREW T. BUHLER and wife, JOHNNIE MILDRED BRYANT BUHLER, have this day bargained and sold and do hereby transfer and convey unto MARVIN E. SMITH and wife, LORENE D. SMITH, as tenants by the entirety, and to their heirs and assigns forever, the following described real estate, together with all improvements thereon, situated in the 6th Civil District of Montgomery County, Tennessee, to-wit:

Beginning at a point, said point being north 86 degrees 20 minutes 30 seconds west 715.7 feet more or less, from an iron pin located in the south right-of-way margin of Whitfield Road, said pin being approximately 730 feet west of the intersection of Whitfield Road and Austin Peay Road as measured along the south right-of-way margin of Whitfield Road; thence from the point of beginning south 1 degree 45 minutes east 267.5 feet to a point; thence south 15 degrees 42 minutes 45 seconds west 720 feet more or less to a point; thence south 87 degrees east 220 feet to a point; thence south 18 degrees 40 minutes east 273 feet to a point; thence with a fence line south 86 degrees 37 minutes 30 seconds west 601.24 feet to a fence corner; thence with a fence line north 5 degrees 12 minutes east 1305.89 feet to a point; thence south 86 degrees 20 minutes 30 seconds east 334.48 feet more or less to a point, the point of beginning and containing 10.80 acres more or less according to survey by William N. Young, Surveyor, dated June 7, 1977.

There is also conveyed herewith an easement for purposes of ingress and egress over the following described property, title of which is retained by the grantors, which may also be used by grantors, their heirs and assigns, described as follows: Beginning at an iron pin in the south right of way margin of Whitfield Road, south 86 degrees 20 minutes 30 seconds east 715.7 feet, more or less, from the northeast corner of the tract above described; thence south 61 degrees 20 minutes west 65 feet, more or less, to a point; thence south 76 degrees 30 minutes west 50.5 feet to a point; thence south 88 degrees 20 minutes west 72.5 feet to a point; thence north 78 degrees 40 minutes west 81 feet to a point; thence north 86 degrees 20 minutes 30 seconds west 470 feet more or less to a point; thence north 1 degree 45 minutes west 50.5 feet to a point; thence south 86 degrees 20 minutes 30 seconds east 715.7 feet, more or less, to a point, thence on a curve to the left having a central angle of 36 degrees 18 minutes 45 seconds a length of 202.85 feet, a distance of 25 feet to a point, the point of beginning and containing 1.05 acres more or less according to survey by William N. Young, Surveyor, dated June 7, 1977.

STATE TAX $ 33.80 PROBATE FEE $ 50 TOTAL $ 34.30
PAID 7-29 1977 CHARLES O. HARRISON, REG.
RECEIPT NO. 33205 DEP.

STATE TAX $ 8.00 PROBATE FEE $ TOTAL $ 8.00
PAID 7-29 1977 CHARLES O. HARRISON, REG.
RECEIPT NO. 33205 DEP.

294

There is in existence an entrance to this property from Whitfield Road located to the southeast of the aforesaid easement area. In consideration of the creation of the aforesaid easement, grantees agree to use and maintain said easement as the exclusive extrance to their property. Grantees further agree not to cut or remove any trees from the easement area of more than a five inch diameter without permission from grantors.

BEING A PORTION of the same real estate conveyed to the herein Grantors in deed of record in Official Record Book Volume 208, page 1092, in the Register's Office for Montgomery County, Tennessee.

TO HAVE AND TO HOLD said real estate together with all improvements thereon, under the said MARVIN E. SMITH and wife, LORENE D. SMITH, as tenants by the entirety, and to their heirs and assigns forever.

WE COVENANT that we are lawfully seized and possessed of said real estate, that we have a good and lawful right to convey it, that it is unencumbered, and we will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THE CONSIDERATION for this conveyance is $13,350.00, of which the sum of $3,337.00 is cash in hand paid, receipt of which is hereby acknowledged. The balance of the consideration being $10,013.00 is evidenced by a certain negotiable promissory note for the principal sum of $10,013.00 of even date herewith executed by the herein Grantees payable to the order of the herein Grantors. Said note is payable in seven (7) equal annual consecutive installments of $1,252.00 each, with an eighth and final installment of $1,249.00, beginning 12 months from date. Said note bears interest from date at the rate of 8½ percent per annum, said interest being payable semi-annually. Prepayment privileges, without penalty, are reserved.

A LIEN is expressly retained on said real estate to secure the payment of said purchase money note or notes, and in order to provide an economical method of enforcing said lien the herein Grantees join in this conveyance and agree that in event default occurs in the payment of said note or notes, or the interest thereon, the legal owners and holders thereof will be authorized to declare the entire balance due thereon, at their option, to take possession of said property, and after advertising it for sale for the length of twenty days in the manner provided by law, to sell it for cash at public auction to the highest and best bidder at the Court House door in Clarksville, Tennessee, free from all of the Grantees' rights to the equity of redemption, homestead, dower, and all other rights therein, which are expressly waived by Grantees in event of sale hereunder, with an absolute title to the purchaser, and apply the proceeds of sale (1) to all costs of sale including a reasonable attorney's fee (2) to the payment of the balance owing on said note or notes, and (3) the balance if any to the Grantees.

IN EVENT OF SALE hereunder, the legal owners and holders of said note or notes will be authorized to bid and become the purchasers of said property and to execute and deliver a deed to such purchaser or purchasers, conveying an absolute title thereto.

THIS CONVEYANCE is subject to the following restrictions: (1) said real estate will be used for residential purposes only, with a minimum of three acres for each residence constructed on said property. (2) Any such residence shall have a minimum of 1,500 square feet excluding garages, patios and porches. (3) No commercial buildings of any nature shall be constructed on said real estate. (4) No swine or poultry shall be kept on said real estate, and no dog kennel for the breeding, raising, keeping or boarding of dogs may be constructed on said real estate, and any pets are to be confined in an appropriate manner to the premises herein conveyed. (5) Any residence constructed on said real

estate shall be at least 2/3 masonry construction. (6) No outbuildings or other structures, except fences, shall be constructed closer than 20 feet to the side lot lines or closer than 100 feet to the lot lines designated by calls south 87 degrees east 220 feet and south 18 degrees 40 minutes east 273 feet. (7) The Grantee shall comply with all the conditions, covenants and reservations of rights set forth in the aforesaid deed of record in Official Record Book, Volume 208, page 1092. (8) These restrictions may be removed by the mutual written consent on the Grantors and Grantees at anytime.

THE GRANTORS also convey for the benefit of the Grantees a right of use in a 10 foot utility easement area on an adjoining parcel of 4.95 acres, which was reserved by Grantors in a previous conveyance from Grantors to John J. Harrison et ux. of record in Volume 222, page 639.

POSSESSION of said property is to be given with the delivery of this deed, and taxes are to be prorated between the parties as of the date hereof.

IN WITNESS WHEREOF, we have hereunto signed on this the 28th day of July, 1977.

Wilbur T Buckler.

Johnnie Mildred Bryant Buckler

Wayne E. Smith

Lorene D. Smith

297

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

Personally appeared before the undersigned, a Notary Public in and for said State and County, ANDREW T. BUHLER and wife, JOHNNIE MILDRED BRYANT BUHLER, and MARVIN E. SMITH and wife, LORENE D. SMITH, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

WITNESS MY HAND AND SEAL, at office on this the 28th day of July, 1977.

Notary Public

My commission expires: 1/19/81.

ROSS H. HICKS NOTARY PUBLIC MONTGOMERY COUNTY TENN.

Tax statements should be sent to: Marvin Smith

R+11, 31 Covington St.

Clarksville, TN 37040

STATE OF TENNESSEE, MONTGOMERY COUNTY

I, or we, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater is $ 12,050.00, which amount equal to or greater than the amount which the property transferred would command at a fair voluntary sale. Affiant

Subscribed and sworn to before me this the 28th day of July 1977

My Commission Expires 1/19/81

NOTARY PUBLIC

ROSS H. HICKS NOTARY PUBLIC MONTGOMERY COUNTY TENN.

I, Charles O. Harrison, Register of Montgomery County, do certify that the foregoing instrument is [illegible] 235 Pages 24, that it was received July 29, 1977 at 11:30 o'clock AM; and entered in Note Book A5, Page 159 Deputy

298

This instrument was prepared by
Ross H. Hicks, Attorney
Clarksville, Tennessee 37040

ANDREW T. BUHLER, ET UX

TO: DEED

JOHN J. HARRISON, ET UX

FOR A VALUABLE CONSIDERATION, cash in hand paid, receipt of which is hereby acknowledged, ANDREW T BUHLER, and wife, JOHNNIE MILDRED BRYANT BUHLER have this day bargained and sold and do hereby transfer and convey unto JOHN J. HARRISON, and wife, MONIQUE H. HARRISON as tenants by the entirety, their heirs and assigns forever the following described real estate, situated in the 6th Civil District of Montgomery County, Tennessee, to-wit:

Beginning at an iron pin located at the intersecting property line of the BUHLER, Ronnie Whitford, and Herman Lay property. Said iron pin being 951.45 feet from Whitfield Road. Thence south 15 degrees 16 minutes 29 seconds east 354.75 to an iron post; thence south 75 degrees 20 minutes 51 seconds west 272.40 feet to an iron post; thence north 10 degrees 00 minutes 32 seconds west 68.46 feet to a point; thence south 71 degrees, 31 minutes 13 seconds west 88.41 feet to an iron pin; thence north 36 degrees 48 minutes 29 seconds west 271.08 feet to a fence post; thence south 74 degrees 57 minutes 1 second west 223.60 to a fence post; thence north 1 degree 53 minutes 49 seconds west 233.87 feet to an iron pin; thence south 85 degrees 22 minutes 27 seconds east 355.52 feet to a tree; thence north 88 degrees 51 minutes 37 seconds east 268.87 feet to a tree; thence north 85 degrees 21 minutes 49 seconds east 28.84 feet to an iron pin, the point of beginning and containing 4.63 acres more or less according to survey by William N. Young Surveyors dated October 29, 1984.

Being a portion of the same real estate conveyed to the herein Grantors in deed of record in Official Record Book Volume 208 page 1092 in the Register's Office for Montgomery County Tennessee.

TO HAVE AND TO HOLD said real estate, together with all improvements thereon, unto the said JOHN J. HARRISON, and wife, MONIQUE H. HARRISON, their heirs and assigns forever.

GRANTORS COVENANT that they are lawfully seized and possessed of said real estate, that they have a good and lawful right to convey the same, that it is unencumbered, that they will forever warrant and defend the the title thereto against the lawful claims of all persons whomsoever.

STATE TAX $ 8.94 PROBATE FEE & REG. TOTAL $ 9.34

DATE 12-11 19 85 CHARLES R. HARRISON, REG.

RECEIPT NO: C1574 DEP. 053

01607

Property taxes for 1985 will be paid by the Grantors when due. Taxes for the years 1986 and thereafter will be paid by Grantees.

This conveyance is subject to the following restrictions:

1. No more than two single family residences may be constructed on the said parcel with a minimum of two acres for each residence.

2. Such residence shall have a minimum of 1500 square feet excluding garages, patios, and porches.

3. No commercial buildings of any nature shall be constructed on said real estate.

4. No swine or poultry shall be kept on said real estate, and no dog kennel may be constructed on said real estate, and any pets are to be confined in an appropriate matter to the premises herein conveyed.

5. Any residence constructed on said real estate shall be at least two thirds masonry construction.

6. No out buildings or other structures except fences shall be constructed closer than 20 feet to the side lot lines or closer than 50 feet to the rear property lines.

7. The Grantors retain a 10 foot utility easement located generally along the western property line approximately 90 feet from the property line and parallel to it.

8. The Grantees shall comply with all the conditions, covenants, and reservation of rights set forth in the aforesaid deed of record in Official Record Book Volume 208 Page 1092.

Property taxes for 1985 will be paid by the Grantors when due. Taxes for the years 1986 and thereafter will be paid by Grantees.

This conveyance is subject to the following restrictions:

1. No more than two single family residences may be constructed on the said parcel with a minimum of two acres for each residence.

2. Such residence shall have a minimum of 1500 square feet excluding garages, patios, and porches.

3. No commercial buildings of any nature shall be constructed on said real estate.

4. No swine or poultry shall be kept on said real estate, and no dog kennel may be constructed on said real estate, and any pets are to be confined in an appropriate matter to the premises herein conveyed.

5. Any residence constructed on said real estate shall be at least two thirds masonry construction.

6. No out buildings or other structures except fences shall be constructed closer than 20 feet to the side lot lines or closer than 50 feet to the rear property lines.

7. The Grantors retain a 10 foot utility easement located generally along the western property line approximately 90 feet from the property line and parallel to it.

8. The Grantees shall comply with all the conditions, covenants, and reservation of rights set forth in the aforesaid deed of record in Official Record Book Volume 208 Page 1092.

9. These restrictions may be removed by the mutual consent of the Grantors and Grantees at any time.

IN WITNESS WHEREOF, we have hereunto signed on this the 6th day of June, 1985.

Andrew T. Buhler
ANDREW T. BUHLER

Johnnie Mildred Bryant Buhler
JOHNNIE MILDRED BRYANT BUHLER

GRANTORS

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

On this 6th day of June, 1985, before me personally appeared ANDREW T. BUHLER and wife, JOHNNIE MILDRED BRYANT BUHLER, to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

NOTARY PUBLIC

ROSS K. KICKS NOTARY PUBLIC MONTGOMERY COUNTY TENNESSEE

My commission expires 11/16/88

Send tax statements to:
P.O. Box 503
St. Bethlehem, Tn.
37155

STATE OF TENNESSEE, MONTGOMERY COUNTY
I or we hereby swear or affirm that the actual consideration for the transfer or value of the property transferred, whichever is greater, is $ 3400.00, which amount is equal to or greater than the amount which the property transferred would command at a fair voluntar ysale. Affiant Monique Harrison
subscribed and sworn to before me this the 11 day of Dec. 1985.
Jane Halliday D.C.

FILED FOR RECORD
VOL. 365 PG. 1607
'85 DEC 11 PM 1 58
BK. A-16 PG. 217
CHAS. S. HARRISON, REG.
MONT CO. TN. FEE 1.00

01609

This instrument was prepared by Roger A. Maness, of the Law Firm of Marks, Marks & Shell, 114 South Second Street, Clarksville, TN 37040.

NAME AND ADDRESS OF PROPERTY OWNER:

Monique Harrison
P.O. Box 503
St. Bethlehem, TN 37155

PERSON/ENTITY RESPONSIBLE FOR PAYMENT OF PROPERTY TAXES:
Monique Harrison

JOHN J. HARRISON

TO: QUITCLAIM DEED

MONIQUE HARRISON

FOR AND IN CONSIDERATION of the sum of $1.00 cash in hand paid, the receipt of which is hereby acknowledged, JOHN J. HARRISON, as GRANTOR, hereby conveys and quitclaims unto GRANTEE, MONIQUE HARRISON, her heirs and assigns forever, all of his right, title and interest in and to the following described real estate situated in Montgomery County, Tennessee, to-wit:

TRACT I: Situated in the 6th Civil District of Montgomery County, Tennessee, and more particularly described as follows:

Beginning at a point in the northern margin of U.S. Highway 79, said point of beginning being 688.5 feet to a point opposite the center line of Dunbar Cave Road, said point also being at the intersection of a certain roadway which borders on the western margin, the land herein conveyed, thence running from said point of beginning along the eastern margin of said roadway North 34° 28' 48" west 299.68 feet to an iron pin at the beginning of a curve in said roadway; thence continuing along the eastern boundary of said roadway on a curve to the left, the delta of which is 22° 48', the radius of which is 234.66 feet, the tangent of which is 47.32 feet, having a length of 93.38 feet to an iron pin, thence along a new line north 44° 00' 12" east 223.30 feet to an iron pin, thence along a new line south 27° 18' east 407.75 feet to a concrete monument in the northern right of way of said U.S. Highway 79, thence along the northern right of way of said U.S. Highway 79 south 44° 01' 12" west 152.61 feet to the beginning.

Being the same real estate conveyed to John J. Harrison and wife, Monique Harrison by deed from Earl Wesley Harrison and John J. Harrison of record in Official Record Book Volume 262, page 342, Register's Office for Montgomery County, Tennessee.

TRACT II: Situated in the 12th Civil District of Montgomery County, Tennessee and more particularly described as follows:

Beginning at a concrete marker, said concrete marker being situated in the north right of way line of U.S. Highway 79, 835 feet in an easterly direction with said right of way line from the center of a street opposite Dunbar Cave Road; thence with the north right of way line of U.S. Highway 79 north 44° 12' east 156.66 feet to a concrete monument; thence north 26° 10' 427.20 feet to a concrete marker in the Louis Bourne property line; thence north 86° 04' west 183.65 feet to a concrete marker; thence south 27° 18' east 571.90 feet to the beginning point, according to a survey of King Engineers, Inc. dated April 20, 1973.

Being the same real estate conveyed to John J. Harrison and wife, Monique Harrison by deed from Riggs L. Hayes, Sr. of record in Official Record Book Volume 358, page 1722, Register's Office for Montgomery County, Tennessee.

TRACT III: Situated in the 6th Civil District of Montgomery County, Tennessee and more particularly described as follows:

Beginning at a point in the north right of way margin of Peterson Lane, said point being 541.52 feet from Richard Allen's southwest corner, as measured along said margin; thence with said margin north 85° 2' 45" west 270 feet to a point; thence with a fence line in the lines of Thomas Lee Burney and Hudson C. Hill, north 3° 57' 15" east 166.86 feet, north 4° 17' 15" east 258.27 feet, north 8° 35' east 374.87 feet to a point; thence south 85° 2' 45" east 270 feet to a point; thence south 08° 35' west 374.87 feet to a point; thence south 4° 17' 15" west 258.27 feet; thence south 3° 57' 15" west 166.86 feet to a point, the point of beginning, and containing 4.95 acres, more or less, according to survey by William N. Young, Surveyor, dated January 10, 1977.

Being the same real estate conveyed to John J. Harrison and wife, Monique H. Harrison, by deed from Andrew T. Buhler, et ux, of record in Official Record Book Volume 222, page 639, Register's Office for Montgomery County, Tennessee.

TRACT IV: Situated in the 6th Civil District of Montgomery County, Tennessee and more particularly described as follows:

Beginning at an iron pin located at the intersecting property line of the Buhler, Ronnie Whitford, and Herman Lay property, said iron pin being 951.45 feet from Whitfield Road. Thence south 15° 16' 29" east 354.75 to an iron post; thence south 75° 20' 51" west 272.40 feet to an iron post; thence north 10° 00' 32" west 68.46 feet to a point; thence south 71° 31' 13" west 88.41 feet to an iron pin; thence north 36° 48' 29" west 271.08 feet to a fence post; thence south 74° 57' 1" west 223.60 to a fence post; thence north 1° 53' 49" west 233.87 feet to an iron pin; thence south 85° 22' 27" east 355.52 feet to a tree; thence north 88° 51' 37" east 268.87 feet to a tree; thence north 85° 21' 49" east 28.84 feet to an iron pin, the point of beginning and containing 4.63 acres, more or less, according to survey by William N. Young, Surveyors dated October 29, 1984.

Being the same real estate conveyed to John J. Harrison and wife, Monique H. Harrison by deed from Andrew T. Buhler, et ux of record in Official Record Book Volume 365, page 1607, Register's Office for Montgomery County, Tennessee.

This conveyance is made pursuant to a Marital and Property Settlement Agreement, in the cause of Monique Harrison vs. John J. Harrison, a divorce action in the Chancery Court for Montgomery County, Tennessee, No. 56-310, as evidenced by a decree of record in Official Record Book Volume 405, page 1264, of said Register's Office.

IN TESTIMONY WHEREOF, GRANTOR has hereunto executed this instrument as of the 13 day of May, 1988.

JOHN J. HARRISON

GRANTOR

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Personally appeared before me, Shirley H. Williams (print name of Notary Public), a Notary Public in and for said County and State, JOHN J. HARRISON, an unmarried person, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

Witness my hand, at office, on this 13 day of May 1988.

Shirley H. Williams
NOTARY PUBLIC

SHIRLEY H. WILLIAMS NOTARY PUBLIC MONTGOMERY COUNTY

My Commission Expires: 7-26-90

C.O. PROB. CRT. REG.
MONTGOMERY, CO. TN.
'89 MAY 16 PM 4 21
NO. A-R 276
SAT.
SSTX
REC FEE 2.00 REC

Notthun

This instrument was prepared by George R. Fleming, Jr. of the law firm of Fleming, Rudolph, Ross & Fendley, 107 North Third Street, Post Office Box 686, Clarksville, Tennessee 37041-0686.

MAIL TAX STATEMENTS TO:

Heritage Bank
25 Jefferson Street
Clarksville, TN 37042

OWNER AND PROPERTY ADDRESS:

Francis E. Lott, Jr. and Patricia M. Lott
337 Peterson Lane
Clarksville, TN 37040

'93 JUL 20 PM 4 23
JOYCE B. NORFLEET, REG.
MONTGOMERY CO. TN.
NO. 4-27 PAGE 2200
SATX $21.50
SBTX
REC FU $2.00

MONIQUE H. HARRISON (NOW HALL)

TO: CASH WARRANTY DEED

FRANCIS E. LOTT, JR., ET UX

FOR A CASH CONSIDERATION, this day in hand paid, the receipt of which is acknowledged, MONIQUE H. HARRISON (NOW HALL), as Grantor and in this deed called the "Grantor", has this day bargained and sold and does transfer and convey unto FRANCIS E. LOTT, JR. and wife, PATRICIA M. LOTT, Grantee and in this deed called the "Grantee", as tenants by the entirety, Grantee's heirs and assigns forever, the following described real estate, together with any and all improvements located on the real estate, situated in the Sixth Civil District of Montgomery County, Tennessee, to-wit:

BEGINNING at a new iron pin in the east margin of Peterson Lane at Michael W. Cannan's (ORBV 481, Page 2263, ROMCT) southeast corner, 228.00 feet, more or less, South of the centerline of Priesly Drive, as measured along said margin of Peterson Lane; thence leaving said margin of said Lane and along Cannan's south boundary as follows: North 01 degrees 57 minutes 14 seconds East 166.86 feet to an old iron pin, North 02 degrees 17 minutes 14 seconds East 258.03 feet to an old iron pin and North 06 degrees 26 minutes 05 seconds East 440.35 feet to an old iron pin at Cannan's northeast corner; thence with a portion of Cannan's north boundary, South 87 degrees 11 minutes 05 seconds West 87.90 feet to an old iron pin at Marvin E. Smith's southeast corner (ORBV 235, Page 294, ROMCT); thence with portions of Smith's boundaries as follows: North 20 degrees 45 minutes 23 seconds West 271.80 feet to an old fence post, North 88 degrees 56 minutes 26 seconds West 224.21 feet to an old iron pin at a fence post and North 13 degrees 20 minutes 31 seconds East 233.06 feet to an old iron pin at Johnnie B. Buhler's (ORBV 453, Page 2013, ROMCT) southwest corner; thence with Buhler's south boundary, South 70 degrees 33 minutes 48 seconds East 354.77 feet to a 42 inch poplar tree; thence continuing with Buhler's boundary, South 73 degrees 23 minutes 45 seconds East 275.88 feet to an old P.K. nail in a tree; thence continuing with Buhler's boundary, South 81 degrees 16 minutes 29 seconds East 28.82 feet to an old iron pin at a metal fence post; thence South 01 degrees 41 minutes 29 seconds West 357.93 feet to a new iron pin at the northwest corner of Carolyn C. Whitford's property (ORBV 409, Page 1774, ROMCT); thence along Whitford's west boundary as follows: South 06 degrees 26 minutes 05 seconds West 374.87 feet to a new iron pin, South 02 degrees 17 minutes 14 seconds West 258.27 feet to a new iron pin and South 01 degrees 57 minutes 14 seconds West 166.86 feet to a new iron pin in the north margin of Peterson Lane; thence with said margin of Peterson Lane, North 87 degrees 08 minutes 37 seconds West 270.00 feet to the point of beginning and containing 9.64 acres, more or less, according to survey dated July 16, 1993, bearing Job No. 93-168, by David N. Young, TRLS #1562, of Young & Associates, 1532 New Ashland City Road, Clarksville, Tennessee 37041-1463.

This being real estate conveyed to Grantor by deed from John J. Harrison of record in ORBV 406, Page 459, ROMCT. The map, group and parcel number assigned to the above described real estate by the Assessor of Property for Montgomery County, Tennessee, is 55-016.00.

VOL. 511 PAGE 1264

TO HAVE AND TO HOLD said real estate together with any and all improvements thereon unto Grantee, as tenants by the entirety, Grantee's heirs and assigns forever.

SUBJECT to restrictions contained in deeds of record in ORBV 222, Page 639, and ORBV 365, Page 1607, ROMCT, GRANTOR COVENANTS that Grantor is lawfully seized and possessed of said real estate; that Grantor has a good and lawful right to convey the same; that this real estate is unencumbered; and, that Grantor will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

POSSESSION will be given upon delivery of this deed.

THE REAL ESTATE AD VALOREM TAXES for the current year are to be pro-rated between the parties.

HAROLD DON HALL, spouse of Grantor and hereafter called "Spouse", joins in this instrument for the purpose of bargaining, selling, transferring, conveying, waiving, relinquishing and quit-claiming any and all right, title and interest Spouse may have acquired in and to the real estate described herein by virtue of Spouse's marriage to Grantor.

IN WITNESS WHEREOF, Grantor has affixed Grantor's signature on this the 20th day of July, 1993.

GRANTOR:

Monique H. Harrison Hall
MONIQUE H. HARRISON (NOW HALL)

Harold Don Hall
HAROLD DON HALL

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Personally appeared before me, the undersigned Notary Public of the State and County aforesaid, MONIQUE H. HARRISON (NOW HALL) and HAROLD DON HALL, with whom I am personally acquainted, and who acknowledged the execution of the within instrument for the purposes therein contained on this 20th day of July, 1993.

NOTARY PUBLIC SEAL

My Commission Expires: March 19, 1996

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

As required by Tennessee Code Annotated Section 67-4-409 (a)(6)(A), the undersigned being Grantee, Grantee's agent or a trustee acting for Grantee, after first being duly sworn, makes oath that the actual consideration for this transfer or the value of the property transferred, whichever is greater, is $195,000.00.

SWORN AND SUBSCRIBED TO before me on this the 20th day of July, 1993.

AFFIANT

NOTARY PUBLIC SEAL

Commission expires: 3/14/94

VOL. 511 PAGE 1265

This instrument was prepared by Robert H. Moyer of the law firm of **Rudolph, Ross & Fendley**, 107 North Third Street, Post Office Box 925, Clarksville, Tennessee 37041-0925.

MAIL TAX STATEMENTS TO:

The Smith Family Trust
31 Covington Street
Clarksville, Tennessee 37040

OWNER AND PROPERTY ADDRESS:

The Smith Family Trust
31 Covington Street
Clarksville, Tennessee 37040

MARVIN E. SMITH and LORENE D. SMITH

TO: QUIT-CLAIM DEED

MARVIN E. SMITH and LORENE D. SMITH
AS TRUSTEES OF THE SMITH FAMILY TRUST

MARVIN E. SMITH and LORENE D. SMITH, as **Grantors** and in this deed called the **"Grantors"**, this day transfers by quit-claim unto **MARVIN E. SMITH and LORENE D. SMITH as the Trustees of the Smith Family Trust under instrument date September 6, 1996, Grantees** and in this deed called the **"Grantees"**, **Grantee's** successors and assigns forever, all of **Grantors'** right, title and interest in and to the following described real estate situated in the Sixth (6th) Civil District of Montgomery County, Tennessee, to-wit:

TRACT I:

Beginning at a point, said point being north 86 degrees 20 minutes 30 seconds west 715.7 feet more or less, from an iron pin located in the south right-of-way margin of Whitfield Road, said pin being approximately 730 feet west of the intersection of Whitfield Road and Austin Peay Road as measured along the south right-of-way margin of Whitfield Road; thence from the point of beginning south 1 degree 45 minutes east 267.5 feet to a point; thence south 15 degrees 42 minutes 45 seconds west 720 feet more or less to a point; thence south 87 degrees east 220 feet to a point; thence south 18 degrees 40 minutes east 273 feet to a point; thence with a fence line south 86 degrees 37 minutes 30 seconds west 601.24 feet to a fence corner; thence with a fence line north 5 degrees 12 minutes east 1305.89 feet to a point; thence south 86 degrees 20 minutes 30 seconds east 334.48 feet more or less to a point, the point of beginning and containing 10.80 acres more or less according to survey by William N. Young, Surveyor, dated June 7, 1977.

There is also conveyed herewith an easement for purposes of ingress and egress over the following described property, title of which is retained by the grantors, which may also be used by grantors, their heirs and assigns, described as follows: Beginning at an iron pin in the south right of way margin of Whitfield Road, south 86 degrees 20 minutes 30 seconds east 715.7 feet, more or less, from the northeast corner of the tract above described; then south 61 degrees 20 minutes west 65 feet, more or less, to a point; thence south 76 degrees 30 minutes west 50.5 feet to a point; thence south 88 degrees 20 minutes west 72.5 feet to a point; thence north 87 degrees 40 minutes west 82 feet to a point; thence north 86 degrees 20 minutes 30 seconds west 470 feet more or less to a point; thence north 1 degree 45 minutes west 50.5 feet to a point; thence south 86 degrees 20 minutes 30 seconds east 715.7 feet, more or less, to a point, thence on a curve to the left having a central angle of 36 degrees 18 minutes 45 seconds a length of 202.85 feet, a distance of 25 feet to a point, the point of beginning and containing 1.05 acres more or less according to survey by William N. Young, Surveyor, dated, June 7, 1977.

86064

VOL. 614 PAGE 0120

This being same real estate conveyed to the **Grantors** by deed from Andrew T. Buhler and wife, Johnnie Mildred Bryant Buhler of record in ORBV 235, Page 294, ROMCT. The map, group and parcel number assigned to the above described real estate by the Assessor of Property for Montgomery County, Tennessee is 41-B-28.

TRACT II:

Lot No. 6 on the plan of Meadow Lane Subdivision, Section B, as shown by plat of record in Plat Book 6, Page 60, Plat 60, in the Register's Office for Montgomery County, Tennessee.

Said lot is further described according to survey made by King Engineers on 12 February 1962, and revised 21 February 1962, as beginning at an iron pin in the south margin of Covington Street, said pin being 602.6 feet west of the center of Garth Street as measured along the south line of Covington Street; and runs thence with Covington Street north 87 degrees 15 minutes west 85 feet to an iron pin; thence south 2 degrees 18 minutes west 197.2 feet to an iron pin; thence south 87 degrees 32 minutes east 85 feet to an iron pin; thence north 2 degrees 18 minutes each 196.9 feet to the point of beginning.

This being same real estate conveyed to the **Grantor** by deed from Walton B. Smith, et al of record in Deed Book 139, Page 569, ROMCT. The map, group and parcel number assigned to the above described real estate by the Assessor of Property for Montgomery County, Tennessee is 41-B-28.

IN WITNESS WHEREOF, Grantors have hereunto affixed **Grantors'** signature on this the 6th day of September, 1996.

GRANTORS:

Martin E. Smith
MARVIN E. SMITH

Lorene D. Smith
LORENE D. SMITH

STATE OF TENNESSEE

COUNTY OF MONTGOMERY

Personally appeared before me, the undersigned Notary Public in and for said County and State, **MARVIN E. SMITH and LORENE D. SMITH,** the within named bargainors, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and seal of office this the 6th day of September, 1996.

Robert H. Mayo
NOTARY PUBLIC **SEAL**

Commission Expires: 7/13/98

SATX
RECORDING FEE
RECEIPT NO. 98802005
CF
CC

1-21-1997 1:56
JOYCE B. NORFLEET
REGISTER OF DEED
MONTGOMERY, CO TN
063

VOL. 614 PAGE 0121

0737
1102

WARRANTY DEED

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $60,000.00

Clyde R. Carr
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 23RD DAY OF MARCH, 2000.

Notary Public

MY COMMISSION EXPIRES: November 10, 2003.
(AFFIX SEAL)

NOTARY PUBLIC AT LARGE
MONTGOMERY CO. TENN.

THIS INSTRUMENT WAS PREPARED BY
Law Offices of Phillip R. Sykes, 1152 College Street, Clarksville, TN 37040

ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
Clyde R. Carr	Clyde R. Carr	42-16.01
240 Blair Dr. (NAME) ~~2126 Whitfield Road~~	Same (NAME) ~~2126 Whitfield Road~~	
(ADDRESS) 37043 Clarksville, TN, ~~37042~~	(ADDRESS) ~~Clarksville, TN 37042~~	
(CITY) (STATE) (ZIP)	(CITY) (STATE) (ZIP)	

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE, **MARVIN E. SMITH AND LORENE D. SMITH AS TRUSTEES OF THE SMITH FAMILY TRUST**, HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO **CLYDE R. CARR AND LORI J. CARR, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY**, HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN **MONTGOMERY** COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Beginning at an old fence post, said fence post being the most southwesterly corner of the tract which is being conveyed herein, and said old fence post being located South 88 degrees 57 minutes 29 seconds West 11.78 feet from an old iron pin located in the east margin of a road leading to the APSU farm (as shown in ORBV 624, Page 812, ROMCT); thence as measured along the westerly boundary line of the property being conveyed herein and the easterly boundary of the Austin Peay farm property (Deed Book 113, Page 592, ROMCT) North 03 degrees 07 minutes 20 seconds East 417.91 feet to an iron pin; thence North 02 degrees 57 minutes 11 seconds East 360.57 feet to an iron pin; thence North 03 degrees 03 minutes 47 seconds East 527.67 feet to a new iron pin; thence South 86 degrees 53 minutes 36 seconds East 324.76 feet to an old iron pin; thence South 11 degrees 01 minutes 41 seconds East 266.26 feet to an old iron pin; thence South 13 degrees 19 minutes 36 seconds West 140.13 feet to an old iron pin; thence South 13 degrees 15 minutes 01 seconds West 49.21 feet to an iron pin; thence South 13 degrees 10 minutes 28 seconds West 302.01 feet to an old iron pin; thence South 13 degrees 20 minutes 31 seconds West 233.06 feet to an old iron pin; thence South 88 degrees 56 minutes 26 seconds East 224.21 feet to an old fence post; thence South 20 degrees 45 minutes 23 seconds East 271.80 feet to an old iron pin; thence South 83 degrees 49 minutes 13 seconds West 412.47 feet to an old iron pin; thence South 84 degrees 24 minutes 38 seconds West 178.04 feet to an old iron pin; thence South 88 degrees 57 minutes 29 seconds West 11.78 feet to the point of beginning, containing 11.11 acres, more or less, all according to survey of David N. Young, TRLS #1562, dated March 21, 2000.

There is also conveyed herewith a 50 easement for the purposes of ingress and egress to the above described property and being more fully described as follows:

Beginning at an old iron pin at the most northeasterly corner of the property being conveyed above; thence running with the easterly boundary line of the above said property South 11 degrees 01 minutes 41 seconds East 51.12 feet to a point; thence leaving the said boundary line South 89 degrees 02 minutes 11 seconds East 533.35 feet to a point; thence South 88 degrees 37 minutes 30 seconds East 265.19 feet to a point in the southerly right of way margin of Whitfield Road; thence as measured along said right of way margin of Whitfield Road North 58 degrees 44 minutes 53 seconds West 100.37 feet to a point; thence leaving the said right of way margin of Whitfield Road North 88 degrees 37 minutes 30 seconds West 178.52 feet to a point; thence North 89 degrees 02 minutes 11 seconds West 543.97 feet to the point of beginning, all according to survey of David N. Young, TRLS #1562, dated March 21, 2000.

VOL. 737 PAGE 1102

This being real estate conveyed to the Grantor herein by deed of record in ORBV 614, Page 120, ROMCT.

186082

0737
1103

unimproved ☒
This is improved ☐ property, known as 2126 Whitfield Road, Clarksville, TN 37042
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hands this 23rd day of March, 2000.

Marvin E. Smith and Lorene D. Smith as Trustees of the Smith Family Trust

By: Marvin E. Smith
MARVIN E. SMITH

By: Lorene D. Smith
LORENE D. SMITH

STATE OF TENNESSEE

COUNTY OF MONTGOMERY

Personally appeared before me, the undersigned Notary Public in and for the State and County aforesaid, MARVIN E. SMITH AND LORENE D. SMITH, with whom I am personally acquainted, and who acknowledged the execution of the within instrument for the purposes there contained, and who further acknowledged that they are the Trustees of THE SMITH FAMILY TRUST (herein called the **"Maker"**), or a constituent of the **Maker** and are authorized by the **Maker** or by its constituent, the constituent being authorized by the **Maker**, to execute this instrument on behalf of the **Maker** on this 3/23/2000.

Commission expires: November 10, 2003

PHILLIP R. SYKES Notary Public

PHILLIP R. SYKES NOTARY PUBLIC AT LARGE MONTGOMERY CO. TN

JOYCE B. NORFLEET
REGISTER OF DEEDS
MONTGOMERY, CO TN

3-27-2000 9:50

SATX 222.00 CF 1.00
SBTX CF
COMPUTER FEE
RECORDING FEE
RECEIPT NO. 12912-004

VOL. 737 PAGE 1103

This Instrument Prepared By:
WATSON & ATKINS, P.C.
Steven T. Atkins
320 Franklin Street
Clarksville, TN 37041-1109

CLYDE R. CARR, ET UX

TO: GENERAL WARRANTY DEED

BRET W. LOGAN, ET UX

THIS DEED OF REALTY executed as of the 13th day of December, 2002, by Grantors, **CLYDE R. CARR and wife, LORI J. CARR,** to Grantees, **BRET W. LOGAN and wife, PATRICIA A. LOGAN.**

WITNESSETH;

THAT GRANTORS for One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, have this day bargained and sold and does hereby transfer and convey unto the Grantees, **BRET W. LOGAN and wife, PATRICIA A. LOGAN,** as tenants by the entirety, their heirs and assigns forever, certain realty situated in 6th Civil District of Montgomery County, Tennessee, bounded and described as follows:

Beginning at an old fence post, said fence post being the most southwesterly corner of the tract which is being conveyed herein, and said old fence post being located South 88 degrees 57 minutes 29 seconds West 11.78 feet from an old iron pin located in the east margin of a road leading to the APSU farm (as shown in ORBV 624, page 812, ROMCT); thence as measured along the westerly boundary line of the property being conveyed herein and the easterly boundary of the Austin Peay farm property (Deed Book 113, page 592,ROMCT) North 03 degrees 07 minutes 20 seconds East 417.91 feet to an iron pin; thence North 02 degrees 57 minutes 11 seconds East 360.57 feet to an iron pin; thence North 03 degrees 03 minutes 47 seconds East 527.67 feet to a new iron pin; thence South 86 degrees 53 minutes 36 seconds East 324.76 feet to an old iron pin; thence South 11 degrees 01 minutes 41 seconds East 266.26 feet to an old iron pin; thence South 13 degrees 19 minutes 36 seconds West 140.13 feet to an old iron pin; thence South 13 degrees 15 minutes 01 seconds West 49.21 feet to an iron pin; thence South 13 degrees 10 minutes 28 seconds West 302.01 feet to an old iron pin; thence South 13 degrees 20 minutes 31 seconds West 233.06 feet an old iron pin; thence South 88 degrees 56 minutes 26 seconds East 224.21 feet to an old fence post; thence South 20 degrees 45 minutes 23 seconds East 271.80 feet to an old iron pin; thence South 83 degrees 49 minutes 13 seconds West 412.47 feet to an old iron pin; thence South 84 degrees 24 minutes 38 seconds West 178.04 feet to an old iron pin; thence South 88 degrees 57 minutes 29 seconds West 11.78 feet to the point of beginning, containing 11.11 acres, more or less, all according to survey of David N. Young, TRLS #1562, dated March 21, 2000.

There is also conveyed herewith a 50 foot easement for the purposes of ingress and egress to the above described property and being more fully described as follows:

Beginning at an old iron pin at the most northeasterly corner of the property being conveyed above; thence running with the easterly boundary line of the above said

Volume 659 Page 559

property South 11 degrees 01 minutes 41 seconds East 51.12 feet to a point; thence leaving the said boundary line South 89 degrees 02 minutes 11 seconds East 533.35 feet to a point; thence South 88 degrees 37 minutes 30 seconds Est 265.19 feet to a point in the southerly right of way margin of Whitfield Road; thence as measured along said right of way margin of Whitfield Road North 58 degrees 44 minutes 53 seconds West 100.37 feet to a point; thence leaving the said right of way margin of Whitfield Road North 88 degrees 37 minutes 30 seconds West 178.52 feet to a point; thence North 89 degrees 02 minutes 11 seconds West 543.97 feet to the point of beginning, all according to survey of David N. Young, TRLS #1562, dated March 21, 2000.

This being the same property conveyed to Clyde R. Carr and wife, Lori J. Carr, by deed dated March 23, 2000, of record at Official Record Book Volume 737 page 1102, Register's Office for Montgomery County, Tennessee.

There is also quitclaimed to Grantees all of grantors right, title, and interest in and to a 10 foot wide easement for utilities reserved by Grantors predecessors in title of Official Record Book Volume 222 page 635, Register's Office for Montgomery County, Tennessee.

TO HAVE AND TO HOLD said real estate unto the said Grantees, **BRET W. LOGAN and wife, PATRICIA A. LOGAN,** as tenants by the entirety, their heirs and assigns forever.

THE GRANTOR COVENANTS that they are lawfully seised and possessed of said real estate, has a perfect right to convey same, that it is unencumbered, and that they will forever warrant and defend the title thereto unto the Grantees, as tenants by the entirety, their heirs and assigns forever, subject, however, to (1) restrictive covenants of record at Official Record Book Volume 235 page 294; (2) a 50 foot ingress and egress easement of record at Official Record Book Volume 737 page 1102; (3) a right of way easement of record at Official Record Book Volume 235 page 294; and (4) a utility easement of record at Official Record Book Volume 235 page 294, Register's Office for Montgomery County, Tennessee.

TAXES for the year 2002 will be prorated.

IN WITNESS WHEREOF, Grantors have hereunto signed this instrument on the day and date first herein written.

Clyde R. Carr

Clyde R. Carr, Grantor

Lori J. Carr

Lori J. Carr, Grantor

Joyce B. Sawyer, Register
Montgomery County Tennessee
Rec #: 47135 Instrument 553829
Rec'd: 15.00 NBk: 4 Pg 674
State: 251.60
Clerk: 1.00 Recorded
EDP: 2.00 12/13/2002 at 1:12 PM
Total: 269.60 in Volume
869 Pages 559-561

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

PERSONALLY appeared before me, **CLYDE R. CARR,** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence to be the person who executed the foregoing instrument) and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this the 13th day of December, 2002.

Notary Public

My commission Expires: 11-21-04

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

PERSONALLY appeared before me, **LORI J. CARR,** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence to be the person who executed the foregoing instrument) and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this the 13th day of December, 2002.

Notary Public

My commission Expires: 11-21-04

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

I or we hereby swear or affirm that the actual consideration for the transfer or value of the property transferred, whichever is greater is $ 68,000.00 which amount is equal to or greater than the amount with the property would command at a fair voluntary sale.

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME this the 13th day December, 2002.

Notary Public

My Commission Expires: 11-21-04

ADDRESS OF OWNER:
Mr. and Mrs. Bret Logan
337 Peterson Lane
Clarksville, Tn 37040

TAX MAP #42 PARCEL #16.01

4715-1\deeds\logan, bret

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 07/27/2021 **CASE NUMBER:** Z - 39 -2021

NAME OF APPLICANT: SDRA Holdings, LLC Allen Moser, Manager

AGENT:

GENERAL INFORMATION

TAX PLAT: 066D **PARCEL(S):** D 004.00

ACREAGE TO BE REZONED: .97

PRESENT ZONING: R-3

PROPOSED ZONING: C-2

EXTENSION OF ZONING CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the south frontage of Franklin St., 260 +/- feet east of the Franklin St. & Hornberger Ln. intersection.

CITY COUNCIL WARD: 6 **COUNTY COMMISSION DISTRICT:** 21 **CIVIL DISTRICT:** 12

DESCRIPTION OF PROPERTY: Existing lot with mild slope and a structure on site.

APPLICANT'S STATEMENT FOR PROPOSED USE: Property to be redeveloped as mixed use development-commercial in front-either commercial or small multi-family in rear. With commercial property adjacent & heavy industrial across the street C-2 is more conforming with the area and fits the growth plan.

GROWTH PLAN AREA: CITY **PLANNING AREA:** Red River

PREVIOUS ZONING HISTORY:

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

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL
- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT: Comments received from department and they had no concerns.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT: Comments received from department and they had no concerns.

3. DRAINAGE COMMENTS: Grading permit required. Water quality most likely required.

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: MOORE
MIDDLE SCHOOL: ROSSVIEW
HIGH SCHOOL: ROSSVIEW

Rossview Middle & Rossview High are in the 2nd fastest growing region in Mont. County. Rossview Middle is at 118% capacity and currently has 11 portable classrooms, Rossview High is at 113% capacity and currently has 8 portables. This continued student growth necessitates additional action to address building capacity growth and school bus transportation needs in Mont. County. This development could contribute add additional students & require additional infrastructure & funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

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: C-2 allows for mixed use commercial & multi-family residential use.

INFRASTRUCTURE:

WATER SOURCE: CITY **SEWER SOURCE:** CITY

STREET/ROAD ACCESSIBILITY: Franklin St.

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		11
POPULATION:		29

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 immediate area has a mixture of M-2 zoned properties that are legal & legal non-conforming as of 2010,as well as legal conforming commercial & residential properties/uses.
3. This area is currently in transition & the proposed C-2 General Commercial District permits mixed use residential & commercial that is not out of character with the surrounding area.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
5.



Z-39-2021

APPLICANT:
SDRA HOLDINGS, LLC

REQUEST:
R-3
TO
C-2

MAP & PARCEL
066D D 00400

ACRES +/-
0.97

Scale: 1:5,000

N

0 250 500
Feet

7/27/2021



Z-39-2021

APPLICANT:
SDRA HOLDINGS, LLC

REQUEST:
R-3
TO
C-2

MAP & PARCEL
066D D 00400

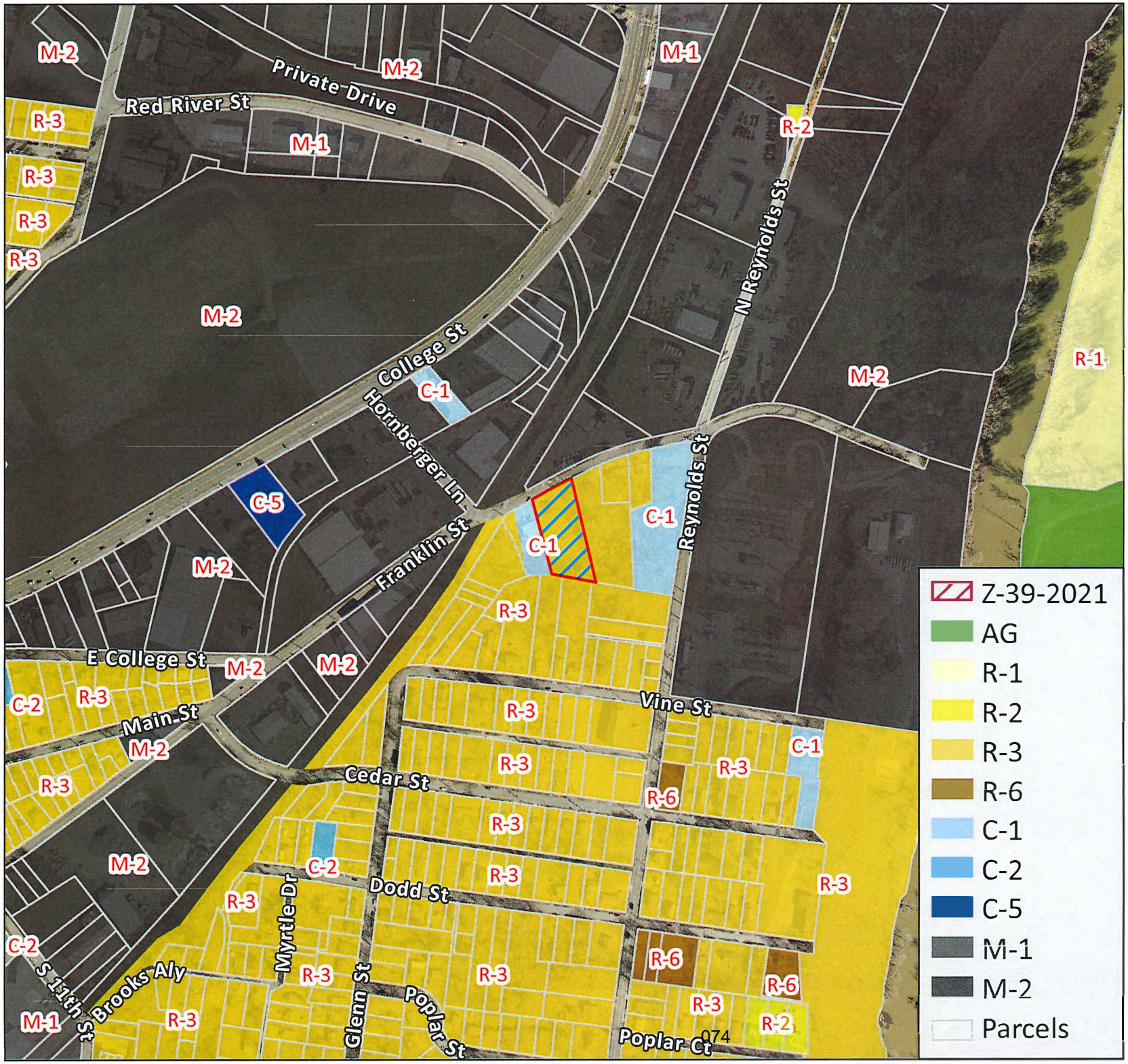
ACRES +/-
0.97

Scale: 1:2,000

N

0 100 200
Feet

7/27/2021



Z-39-2021

APPLICANT:
SDRA HOLDINGS, LLC

REQUEST:
R-3
TO
C-2

MAP & PARCEL
066D D 00400

ACRES +/-
0.97

Scale: 1:5,000

0 250 500
Feet

7/27/2021

CASE NUMBER: Z 39 2021 **MEETING DATE** 07/27/2021

APPLICANT: SDRA Holdings, LLC Allen Moser, Manager

PRESENT ZONING R-3 **PROPOSED ZONING** C-2

TAX PLAT # 066D **PARCEL** D 004.00

GEN. LOCATION Property fronting on the south frontage of Franklin St., 260 +/- feet east of the Franklin St. & Hornberger Ln. intersection.

****

PUBLIC COMMENTS

None received as of 4:30 P.M. on 7/26/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 07/27/2021 **CASE NUMBER:** Z - 40 - 2021

NAME OF APPLICANT: Thomas Neal Bateman

AGENT:

GENERAL INFORMATION

TAX PLAT: 056 **PARCEL(S):** 060.02

ACREAGE TO BE REZONED: 0.43

PRESENT ZONING: M-2

PROPOSED ZONING: C-5

EXTENSION OF ZONING CLASSIFICATION: YES

PROPERTY LOCATION: Property fronting on the east frontage of Wilma Rudolph Blvd., 1,150 +/- feet north of the southern intersection of Wilma Rudolph Blvd. & Old Trenton Rd.

CITY COUNCIL WARD: 9 **COUNTY COMMISSION DISTRICT:** 2 **CIVIL DISTRICT:** 12

DESCRIPTION OF PROPERTY: Existing vacant lot that has been cleared and listed "For Lease."

APPLICANT'S STATEMENT FOR PROPOSED USE: This and all relevant adjoining property is now in commercial use. At least two properties across the street are presently zoned commercial. Rezoning is needed so that this property can be used as a used car dealership.

GROWTH PLAN AREA: CITY **PLANNING AREA:** Trenton

PREVIOUS ZONING HISTORY:

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

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL
- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT: No gravity sewer available.

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 SURROUNDING DEVELOPMENT: Minimal.

INFRASTRUCTURE:

WATER SOURCE: CITY **SEWER SOURCE:** CITY

STREET/ROAD ACCESSIBILITY: Wilma Rudolph Blvd.

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT **APPLICANT'S ESTIMATES** **HISTORICAL ESTIMATES**

LOTS/UNITS:

POPULATION:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The property has appropriate frontage along the Wilma Rudolph Blvd. arterial highway & the correct zoning for the property is C-5 Highway Arterial Commercial District.
3. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
4.
5.



Z-40-2021

APPLICANT:

THOMAS NEAL BATEMAN

REQUEST:

M-2

TO

C-5

MAP & PARCEL

056 06002

ACRES +/-

0.43

Scale: 1:5,000

N

0 250 500

Feet

7/27/2021



Z-40-2021

APPLICANT:
THOMAS NEAL BATEMAN

REQUEST:
M-2
TO
C-5

MAP & PARCEL
056 06002

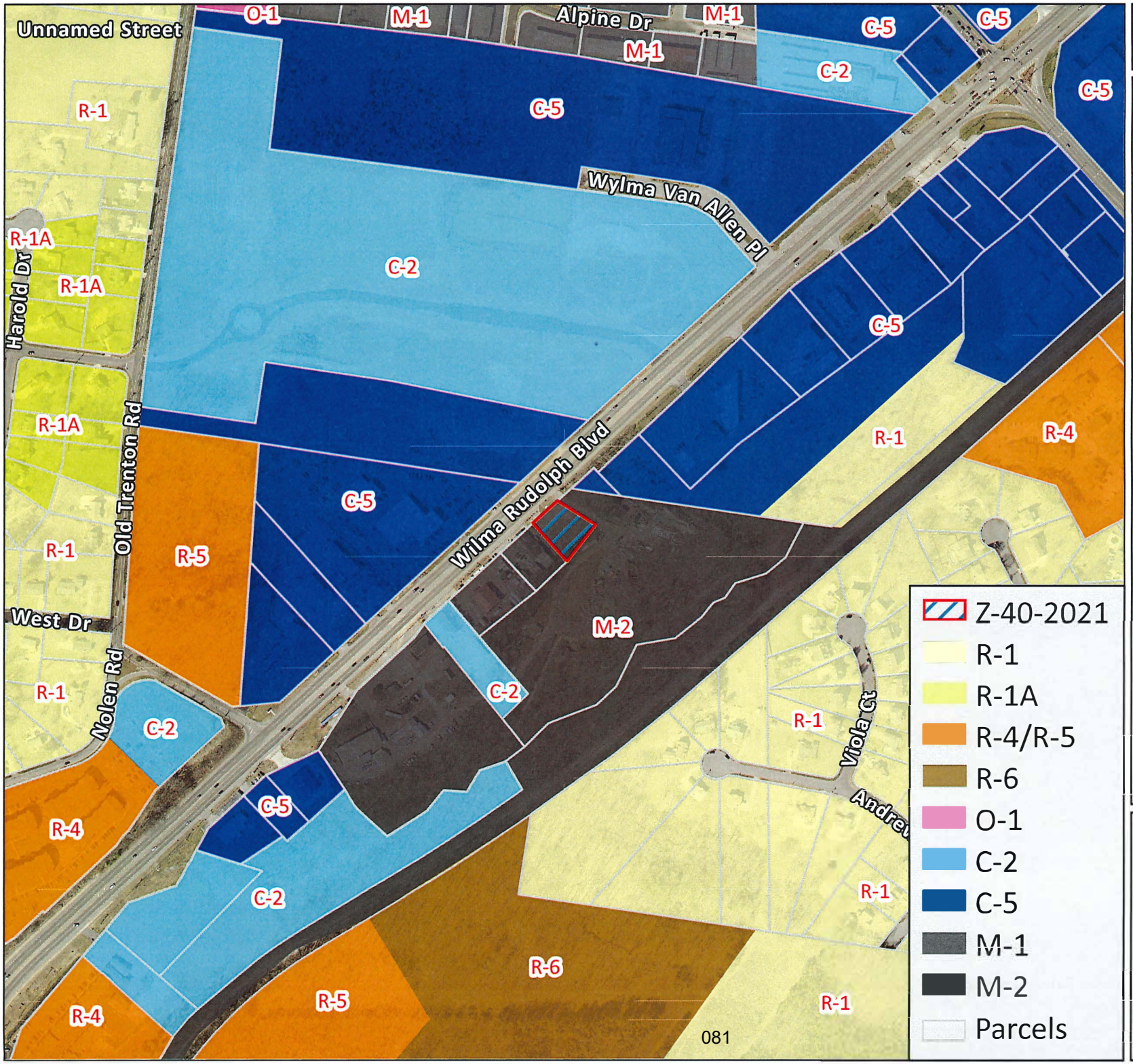
ACRES +/-
0.43

Scale: 1:2,000

N

0 100 200
Feet

7/27/2021



Z-40-2021

APPLICANT:
THOMAS NEAL BATEMAN

REQUEST:
M-2
TO
C-5

MAP & PARCEL
056 06002

ACRES +/-
0.43

Scale: 1:5,000

N

0 250 500
Feet

7/27/2021

CASE NUMBER: Z 40 2021 **MEETING DATE** 07/27/2021

APPLICANT: Thomas Neal Bateman

PRESENT ZONING M-2 **PROPOSED ZONING** C-5

TAX PLAT # 056 **PARCEL** 060.02

GEN. LOCATION Property fronting on the east frontage of Wilma Rudolph Blvd., 1,150 +/- feet north of the southern intersection of Wilma Rudolph Blvd. & Old Trenton Rd.

****

PUBLIC COMMENTS

None received as of 4:30 P.M. on 7/26/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 07/27/2021 **CASE NUMBER:** Z - 41 - 2021

NAME OF APPLICANT: Ben Kimbrough Ringgold Mill Properties LLC

AGENT: Bert Singletary

GENERAL INFORMATION

TAX PLAT: 030J **PARCEL(S):** C 001.00

ACREAGE TO BE REZONED: 18.32

PRESENT ZONING: C-5 R-2

PROPOSED ZONING: R-4

EXTENSION OF ZONING CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the west frontage of Leonard Dr. & north frontage of Millswood Dr., 445 +/- feet east of the Ft. Campbell Blvd. & Millswood Dr. intersection.

CITY COUNCIL WARD: 5 **COUNTY COMMISSION DISTRICT:** 12 **CIVIL DISTRICT:** 3

DESCRIPTION OF PROPERTY:

APPLICANT'S STATEMENT FOR PROPOSED USE: To develop a Multi-family Project

GROWTH PLAN AREA: CITY **PLANNING AREA:** Peachers Mill

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: Trip generation information provided by the agent.

3. DRAINAGE COMMENTS: Show 100 year BFE (Base Flood Elevation) on construction plans. Grading & water quality permit required.

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: RINGGOLD
MIDDLE SCHOOL: KENWOOD
HIGH SCHOOL: KENWOOD

Ringgold Elementary School & Kenwood Middle School are in the fastest growing region in Montgomery County. Ringgold Elementary is at 92% capacity, and currently has 3 portable classrooms. Kenwood Middle is at 94% capacity. This development is adjacent to an existing school building, so sidewalks need to be provided for bike access & pedestrians. No traffic access to the campus will be granted.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased multi-family residential density.

INFRASTRUCTURE:

WATER SOURCE: CITY **SEWER SOURCE:** CITY

STREET/ROAD ACCESSIBILITY: Millswood Dr. & Leonard Dr.

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		218
POPULATION:		588

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

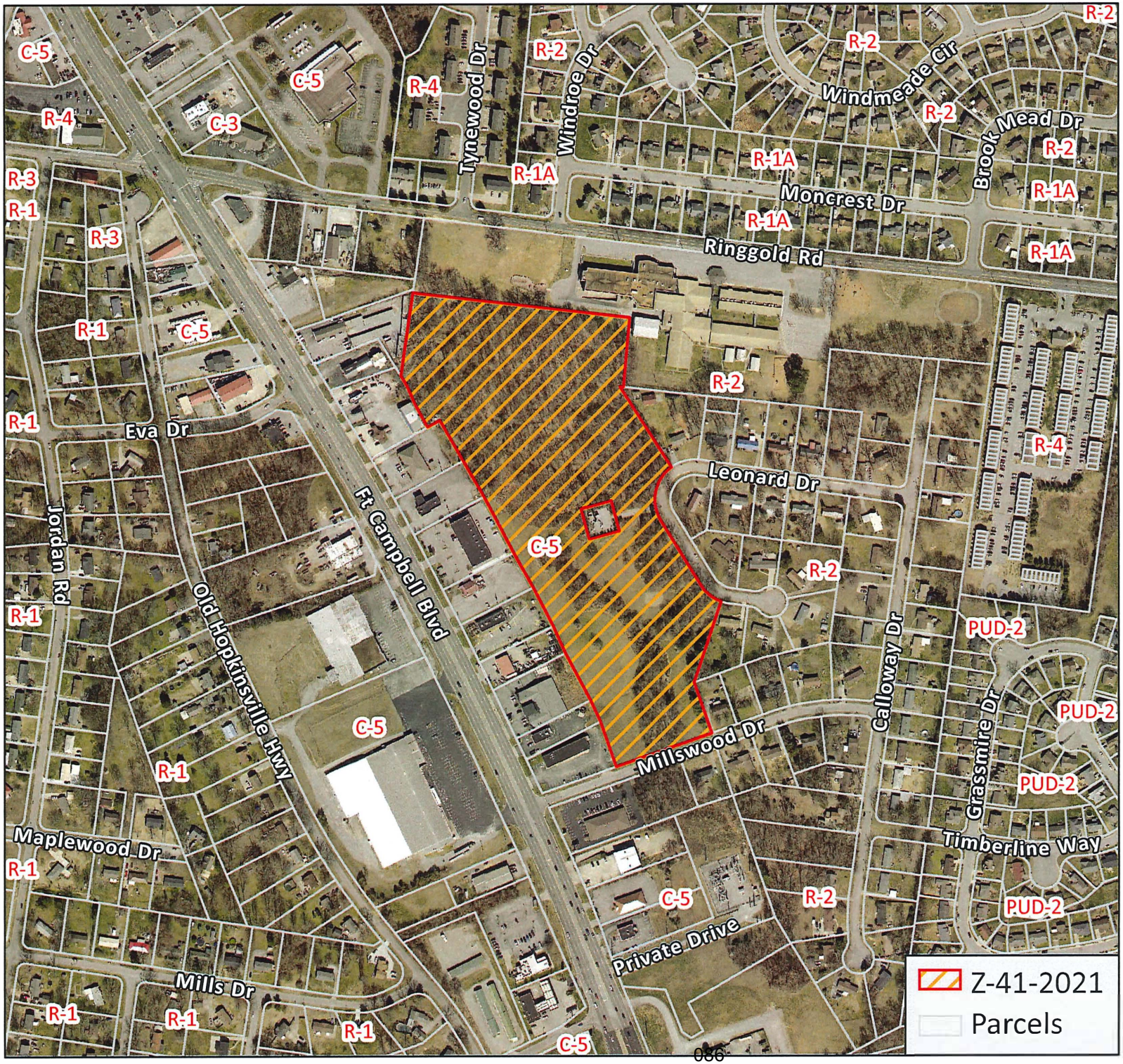
1. The proposed zoning request is consistent with the adopted Land Use Plan.

2. The proposed R-4 Multiple Family Residential District is a more appropriate zone that the current C-5 Highway Arterial Commercial district.

3. The proposed R-4 Multi-Family Residential District provides an appropriate transition from the C-5 Highway Arterial Commercial district to the adjacent R-2 Single Family Residential District.

4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.

5.



Z-41-2021

APPLICANT:
BEN KIMBROUGH

REQUEST:
C-5/R-2
TO
R-4

MAP & PARCEL
030J C 00100

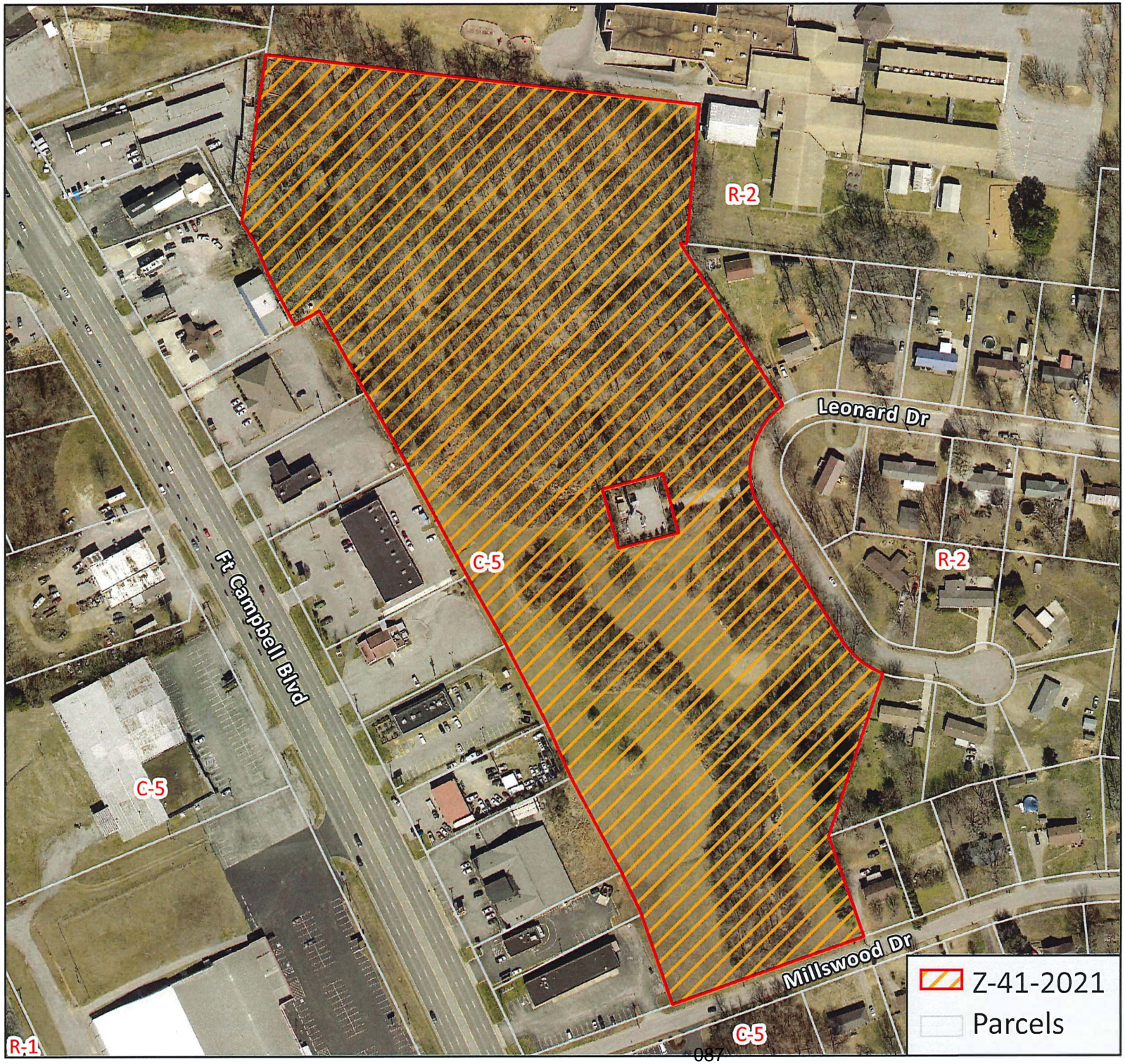
ACRES +/-
18.32

Scale: 1:5,000

N

0 250 500
Feet

7/27/2021



Z-41-2021

APPLICANT:
BEN KIMBROUGH

REQUEST:
C-5/R-2
TO
R-4

MAP & PARCEL
030J C 00100

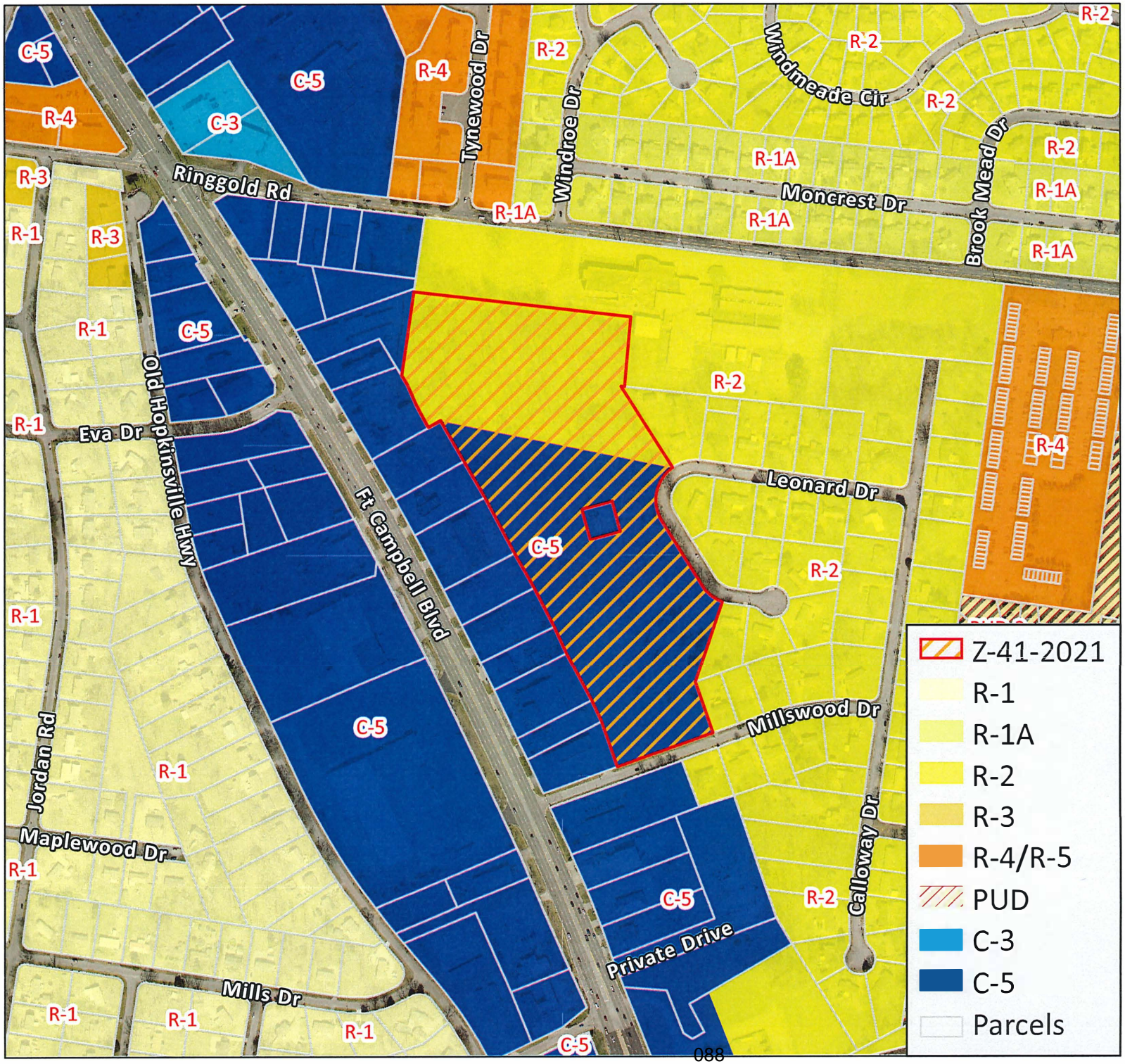
ACRES +/-
18.32

Scale: 1:2,500

N

0 125 250
Feet

7/27/2021



Z-41-2021

APPLICANT:
BEN KIMBROUGH

REQUEST:
C-5/R-2
TO
R-4

MAP & PARCEL
030J C 00100

ACRES +/-
18.32

Scale: 1:5,000

0 250 500
Feet

7/27/2021

CASE NUMBER: Z 41 2021 **MEETING DATE** 07/27/2021

APPLICANT: Ben Kimbrough Ringgold Mill Properties LLC

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

TAX PLAT # 030J **PARCEL** C 001.00

GEN. LOCATION Property fronting on the west frontage of Leonard Dr. & north frontage of Millswood Dr., 445 +/- feet east of the Ft. Campbell Blvd. & Millswood Dr.

****

PUBLIC COMMENTS

Copies of written comments provided.

Millswood Subdivision Home Owners: Reference Case Number Z-41-2021

We, the homeowners and residents of Millswood Subdivision and neighboring residents request the Clarksville-Montgomery County Regional Planning Commission and other legislative bodies to **deny the application to rezone the 18.23 acreage of frontage land from R-2/C-5, to R-4 Multiple Family Residential District.**

Please consider the following:

- Amidst the busy 41A commercial and on-going traffic environment, there is only one small entrance and exit (via Millswood Dr.) for this neighborhood, which has a 20 miles per hour speed limit. The influx of additional autos and foot traffic from the proposed multiple family project will increase the negative impact on our daily usage of Millswood Dr.
- Millswood residents are currently experiencing increasing and extreme risks navigating the crossing of 41A without a traffic signal, especially during peak military and DOD employee commute hours.
- The growth of additional new housing in the immediate area has already increased traffic pressure on our ability to safely enter and exit our subdivision.
- For over four decades we have observed what happens when the natural water flow and drainage is compromised by heavy rains and additional rooftop/asphalt run-off. The additional multiple-family project will complicate existing natural flow of water into drainage areas along the west frontage of Leonard Drive.
- The impact of additional noise and congestion generated by the multiple family project will have a negative impact on the historic 45 plus years of valued peace and quietness.
- The increased student population at Ringgold Elementary will be impacted by the school age students living in the proposed multiple family project.

- Residents who currently live in subdivisions along Ringgold Rd. and whose children attend Ringgold Elementary School, will be negatively impacted, as additional traffic from the proposed family project merge into the existing and congested two lanes on Ringgold Rd.
- Due to the lack of sidewalks, additional school bus traffic is a fact.
- The green spaces (trees, etc.) in Millswood subdivision has faithfully served as a natural noise abatement. The total loss of these beautiful green spaces (trees, etc.), especially in the subdivision entry area and areas surrounding established homes would initiate a significant and certain impact on property value.
- As fast paced housing development increases in the North Clarksville area, we are concerned about liability for contractual abandonment (when planned properties are unfinished and abandoned in neighborhoods.)

Although we are apprehensive about the outcome of your decisions, we thank you and we appreciate the opportunity to give voice to our sincere concerns.

Home Owners of Millswoods Subdivision
July 23, 2021

We, the Homeowners and Residents of Millswood Subdivision and surrounding area, hereby petition the Clarksville-Montgomery County Regional Planning Commission and other legislative bodies to deny the application to rezone the 18.23 acreage of frontage land from R-2/C-5; to R-4 Multiple Family Residential District.

We Believe:

1. **The additional entrance and exit traffic will have a negative impact on Millswood Drive, which will increase the risk of navigating the crossing of 41A.**
2. **The natural water course and drainage, will be complicated by additional rooftop/asphalt run-off, increasing flooding within the subdivision.**
3. **The impact of additional noise and congestion generated by the multiple family project will have a negative impact on the subdivision.**
4. **Lack of sidewalks will generate additional school bus traffic, which will impact Ringgold Elementary School.**
5. **Loss of green space which serves as a noise buffer from 41A traffic, will also displace wildlife.**

Name	Address	Number	Signature
April Odom	1809 Calloway Dr.	1809	
Amanda Dalrymple	1808 Calloway Dr.	1808	
John Cochran	1802 Calloway dr.	1802	
Annette Shomaker	1802 Calloway dr	1802	
Brady Conatser	1802 Calloway dr.	1802	
Jonnie Allday	1807 Calloway dr.	1807	
Dallen Maycock	60 GRASSMERE DR	~~1808~~	
Angela Bean	1805 Calloway	1805	
Bridgette L Love	1806 Calloway dr	1806	
Angela Tyson	1805 Calloway dr	1805	
Patrick Coughlin	216 grassmere		
Kaitlyn Posey	213 grassmere Dr		

Name	Address	Number	Signature
Althea Williams	328 Gardenia Dr		

We, the Homeowners and Residents of Millswood Subdivision and surrounding area, hereby petition the Clarksville-Montgomery County Regional Planning Commission and other legislative bodies to deny the application to rezone the 18.23 acreage of frontage land from R-2/C-5; to R-4 Multiple Family Residential District.

We Believe:

1. **The additional entrance and exit traffic will have a negative impact on Millswood Drive, which will increase the risk of navigating the crossing of 41A.**
2. **The natural water course and drainage, will be complicated by additional rooftop/asphalt run-off, increasing flooding within the subdivision.**
3. **The impact of additional noise and congestion generated by the multiple family project will have a negative impact on the subdivision.**
4. **Lack of sidewalks will generate additional school bus traffic, which will impact Ringgold Elementary School.**
5. **Loss of green space which serves as a noise buffer from 41A traffic, will also displace wildlife.**

Name	Address	Number	Signature
Christine Justice	1814 Calloway Dr.	561-8650	
Annika Justice	1814 Calloway Dr.	(931) 552-3850	
Hector Justice	" " "	" "	
Robert Oakley	1811 CALLOWAY DR	931-572-8430	Robert Oakley
Denise LaPoint	1811 Calloway Drive	615-308-3440	Denise Lapoint
Amy Palmer	1812 Calloway Dr	931-801-8833	Amy Palmer
David Palmer	1812 Calloway Dr.	931-801-9545	
Tilla Brice	1813 Calloway Dr	237-3614	
Mr & Mrs Jeffrey Vines	26 millswood Dr	931-980-4814	
Larisa Cruz	66 Grassmire Dr	6155619803	Larisa Cruz
Mitchell	mire Dr.		
Elizabeth Evernham	24 Grassmire Dr.	4788732681	

We, the Homeowners and Residents of Millswood Subdivision and surrounding area, hereby petition the Clarksville-Montgomery County Regional Planning Commission and other legislative bodies to deny the application to rezone the 18.23 acreage of frontage land from R-2/C-5; to R-4 Multiple Family Residential District.

We Believe:

1. **The additional entrance and exit traffic will have a negative impact on Millswood Drive, which will increase the risk of navigating the crossing of 41A.**

2. **The natural water course and drainage, will be complicated by additional rooftop/asphalt run-off, increasing flooding within the subdivision.**

3. **The impact of additional noise and congestion generated by the multiple family project will have a negative impact on the subdivision.**

4. **Lack of sidewalks will generate additional school bus traffic, which will impact Ringgold Elementary School.**

5. **Loss of green space which serves as a noise buffer from 41A traffic, will also displace wildlife.**

Name	Address	Number	Signature
Tom Lewis	31 Leonard Dr	931-624-9108	
Brenda Lewis	31 Leonard Dr.	931-624-9109	
Emma Jean Bell	29 Leonard Dr.	931 801-6426	Emma Jean Bell
Donn P. Bell	29 Leonard Dr.	931-801-8823	Donn P. Bell

Name	Address	Number	Signature
Elvis Knoss	76 Grassmire Dr Clarksville TN	931 218 8257	
Adrian Hardy	69 Grassmire Dr. Clarksville TN	931-980-8534	
Anthony Hasecj	2720 Dove Ct. Clarksville TN	931-217-5[illegible]	
Arnecia Lee	94 Grassmire Dr. Clarksville TN	662-695-5991	
Brian Anderson	1885 Timberline Way	615-743-5914	
Andrew Madson	1880 Timberline Way	931-542-6108	
Isaac Vazquez	102 Grassmire Dr.	9319802173	
Richard Rebbie	22 Millswood	931-216-6247	
Myong S. Rebbie	22 Millswood	931-906-5086	
Jillian Neves	29 Millswood Dr	9312185188	
Cheryl OBrien	1833 Calloway Dr	9316482788	
Daniel OBrien	1833 Calloway Dr	9316482788	
Erik Ortiz	28 Leonard dr.	346-300-2256	
Abigale Ortiz Ponce	28 Leonard dr.	832-590-6027	
Toni Selden	24 Leonard dr	480-695-3966	
Doug Richard	24 Leonard dr.	" "	
Paige King	22 Leonard Dr	931-647-6093	
Kasey Myers	20 Leonard Dr.	931-278-2550	
Teresa Myers	20 Leonard Drive	931-206-0[illegible]	
Anita Brown	116 Leonard Drive	9123090348	
Carole Brooks	16 LEONARD	931-552-2580	
Marc & Tammy Lee	18 Leonard	9012012207	

We, the Homeowners and Residents of Millswood Subdivision and surrounding area, hereby petition the Clarksville-Montgomery County Regional Planning Commission and other legislative bodies to deny the application to rezone the 18.23 acreage of frontage land from R-2/C-5; to R-4 Multiple Family Residential District.

We Believe:

1. **The additional entrance and exit traffic will have a negative impact on Millswood Drive, which will increase the risk of navigating the crossing of 41A.**
2. **The natural water course and drainage, will be complicated by additional rooftop/asphalt run-off, increasing flooding within the subdivision.**
3. **The impact of additional noise and congestion generated by the multiple family project will have a negative impact on the subdivision.**
4. **Lack of sidewalks will generate additional school bus traffic, which will impact Ringgold Elementary School.**
5. **Loss of green space which serves as a noise buffer from 41A traffic, will also displace wildlife.**

Name	Address	Number	Signature
Gene Voegele	34 Leonard Dr 37042	9318024582	
Rebekka Voegele	34 Leonard Dr 37042	9318015218	
Agnes Voegele	34 Leonard Dr 37042	931 2061309	
Edward Grove	32 Leonard Dr 37042	931-220 3117	
Elizabeth Grove	32 Leonard Dr.	9312166462	
Blake Hughes	37 Leonard Dr. 37042		
Kiley Hughes	" "		
Tanya Hartoon	36 Leonard Dr. 37042	5802841686	
Jeremiah Williams	" "	9318021339	

We, the Homeowners and Residents of Millswood Subdivision and surrounding area, hereby petition the Clarksville-Montgomery County Regional Planning Commission and other legislative bodies to deny the application to rezone the 18.23 acreage of frontage land from R-2/C-5; to R-4 Multiple Family Residential District.

We Believe:

1. **The additional entrance and exit traffic will have a negative impact on Millswood Drive, which will increase the risk of navigating the crossing of 41A.**
2. **The natural water course and drainage, will be complicated by additional rooftop/asphalt run-off, increasing flooding within the subdivision.**
3. **The impact of additional noise and congestion generated by the multiple family project will have a negative impact on the subdivision.**
4. **Lack of sidewalks will generate additional school bus traffic, which will impact Ringgold Elementary School.**
5. **Loss of green space which serves as a noise buffer from 41A traffic, will also displace wildlife.**

Name	Address	Number	Signature
Anthony K Jackson	1817 Calloway Drive	648-1520	
Martha J. Jackson	1817 Calloway Dr	648-1520	Martha J. Jackson
Karen Boyd	1819 Calloway Dr.	552-2101	Karen Boyd
Kendra Boyd	1819 Calloway Dr.	552-2101	KBoyd
Charles E Boyd	1819 Calloway Dr	552-2101	Charles E Boyd
Horace Murphy Jr.	26 Leonard Dr.	645-7704	Horace Murphy Jr.
Jean Murphy	26 Leonard Dr.	645-7704	Jean Murphy

City of Clarksville

John Spainhoward <john.spainhoward@cityofclarksville.com>

Fwd: R-2/C-5 to R-4 Multiple Family Residential District.

1 message

Jeffrey Tyndall <jeffrey.tyndall@cityofclarksville.com> Mon, Jul 26, 2021 at 2:09 PM
To: John Spainhoward <john.spainhoward@cityofclarksville.com>, Wanda Smith <swanda2020@gmail.com>

John,

Please make sure this letter is in the RPC and councilmember packets for Z-41-2021.

Thank you,

Jeff Tyndall, AICP *Director*

Clarksville Montgomery County Regional Planning Commission

Office: 931.645.7448 | **Cell:** 931.551.1024

jeffrey.tyndall@cityofclarksville.com

329 Main Street Clarksville, TN 37040

cmcrpc.com

Begin forwarded message:

From: Dawn Livingston <livingston2015inc@gmail.com>
Date: July 26, 2021 at 12:11:41 PM CDT
To: ward6@cityofclarksville.com
Subject: R-2/C-5 to R-4 Multiple Family Residential District.

Good Afternoon Ms. Smith
My name is Dawn Livingston, and my mother and father have resided at 1821 Calloway Dr. which is in the Millswood Subdivision for 35 years. While I, myself, do not reside there. This still impacts me because that is my home and anything that affects my mother affects me. So as the homeowners and residents of Millswood Subdivision and neighboring residents request the Clarksville-Montgomery County Regional Planning Commission and other legislative bodies to deny the application to rezone the 18.23' acreage of frontage land from R-2/C-5 to R-4 Multiple Family Residential District. As you weigh all the pros and cons of whether you will approve or deny this zoning change, please consider the following rationales for denying this rezoning:

1. This rezoning will once again strain the already dwindling green spaces (trees, etc.) in the Millswood subdivision. These

green spaces have faithfully served as natural noise abatement. The total loss of these beautiful green spaces (trees., etc.) in the subdivision entry area and areas surrounding established homes will hinder the current residents from living their best "green" life. Many of the residents are currently growing their own produce and other resources which the decrease of oxygen will highly impact that removing these green areas will cause. Another monumental impact this rezoning will create is a larger strain on the already dwindling **population of wildlife. Fewer trees = less animal habitat.**

2. When my family moved into this neighborhood 35 years ago, it was not uncommon to look out the window and see cows, horses, rabbits, and deer. When the land behind us was rezoned as residential, the cows and horses were moved. The deer and rabbit population decreased as well. As the years passed, we saw less and less living wildlife. Yes, we saw wildlife, but they were dead on the road. So, we ask that you consider the humans and all species that call this land their home.

3. 41A is already an extremely busy commercial fairway and ongoing traffic is continually backed up and caused it to be almost impossible to get out of the subdivision because there is only one small entrance and exit (via Millswood Dr.) for this neighborhood, which has a 20 miles per hour speed limit. The influx of additional autos and foot traffic from the proposed multiple the family project will increase the negative impact on our daily usage of Millswood Dr.

4. Millswood residents are currently experiencing increasingly extreme risks navigating the crossing of 41A without a traffic signal, especially during peak military and DOD employee commute hours. The added population will only increase this risk.

5. For close to five decades, Millswood residents have observed what happens when heavy rains compromise the natural water flow and drainage and additional rooftop/asphalt run-off. The additional multiple-family project will complicate the existing natural flow of water into the drainage areas along the west frontage of Leonard Drive.

6. The impact of additional noise and congestion generated by the multiple family projects will significantly harm the historic 45 plus years of valued peace and quietness.

7. The increased student population at Ringgold Elementary will be

impacted by the school-age students living in the proposed multiple-family project.

8. Residents who currently live in subdivisions along Ringgold Rd. and whose children attend Ringgold Elementary school, will be negatively impacted, as additional traffic from the proposed family project merge into the existing and congested two lanes on Ringgold Rd. Due to the lack of sidewalks, additional school bus traffic will occur and would create a significant impact on the neighborhoods already established homes property value.

9. Lastly, the residents of Millswood Subdivision are concerned that as the fast-paced housing development increases in the North Clarksville area, we are concerned about liability for contractual abandonment in properties that are left unfinished or abandoned.

In closing, we hope that, as representatives of our community that you will thoroughly read this and understand why this rezoning should emphatically be voted down.

Thank You, Ladies and Gentlemen, of the Council,

Dawn Joy Livingston

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE **CASE NUMBER:** ZO - 4 - 2021

NAME OF APPLICANT Clarksville Regional Planning Commission

AGENT:

GENERAL INFORMATION

TAX PLAT: **PARCEL(S):**

ACREAGE TO BE REZONED:

PRESENT ZONING:

PROPOSED ZONING:

EXTENSION OF ZONING CLASSIFICATION:

PROPERTY LOCATION:

CITY COUNCIL WARD: **COUNTY COMMISSION DISTRICT:** **CIVIL DISTRICT:**

DESCRIPTION OF PROPERTY:

APPLICANT'S STATEMENT FOR PROPOSED USE: To be in compliance with Public Chapter 332 (2021) as required by state law.

GROWTH PLAN AREA: **PLANNING AREA:**

PREVIOUS ZONING HISTORY:

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

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

1. CITY ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/
COUNTY HIGHWAY DEPARTMENT:

3. DRAINAGE COMMENTS:

4. CDE/CEMC:

5. FIRE DEPT/EMERGENCY MGT.:

6. POLICE DEPT/SHERIFF'S OFFICE:

7. CITY BUILDING DEPARTMENT/
COUNTY BUILDING DEPARTMENT:

8. SCHOOL SYSTEM:

ELEMENTARY:
MIDDLE SCHOOL:
HIGH SCHOOL:

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: **SEWER SOURCE:**

STREET/ROAD ACCESSIBILITY:

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT **APPLICANT'S ESTIMATES HISTORICAL ESTIMATES**

LOTS/UNITS:

POPULATION:

APPLICABLE LAND USE PLAN

STAFF RECOMMENDATION: **APPROVAL**

1. In order to comply with state Public Chapter 332 regarding design districts this update is necessary.
2.
3.
4.
5.

ORDINANCE# XX-2021-2022

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, TENNESSEE, AS IT PERTAINS TO HISTORIC AND DESIGN OVERLAY DISTRICTS.

WHEREAS the State of Tennessee recently passed Public Chapter 332 (2021) in which all cities and counties in the state are required to update, amend, and readopt any design overlay districts to include historic districts, AND

WHEREAS the Regional Planning Commission initiated the update of the proper sections of the City of Clarksville Zoning Ordinance via a special called meeting on July 14, 2021, AND

WHEREAS the updates are viewed as necessary in order to continue to provide design review in the Historic Overlay District, Madison Street Corridor Urban Design Overlay District, and the Downtown Urban Design Overlay District in the City of Clarksville to promote health, safety, welfare, and a more prosperous city.

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

That Chapters 9.3 Historic Overlay District, 9.4 Madison Street Corridor Urban Design Overlay District, and 9.5 Downtown Urban Design Overlay District of the City of Clarksville Zoning Ordinance are hereby repealed and replaced in their entirety with the following language:

9.3 HISTORIC OVERLAY DISTRICT

1. **General Description and Purposes.** The historic district provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic and/or cultural value to the City of Clarksville, Tennessee, pursuant to the authority contained in Section 13-7-402, of the Tennessee Code Annotated. The general intent includes, among others, the following specific purposes:
    A. To preserve and protect the historic and/or architectural value of buildings or other structures;
    B. To protect the historic buildings or other structures from encroachment of surrounding uses which diminish or lessen their significance;
    C. To regulate exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility;
    D. To create an aesthetic appearance which complements the historic buildings or other structures;
    E. To stabilize and improve property values;
    F. To foster civic beauty;
    G. To strengthen the local economy;
    H. To promote the use of historic districts for the education, pleasure, and welfare of the present and future citizens of Clarksville and Montgomery County.
2. **Creation of Historic Districts.** Upon the creation of an historic district, the boundaries shall be shown on the zoning map or on special overlays thereto which are made a part of this section and may be viewed upon request at the office of the Regional Planning Commission. No structure shall

be constructed, altered, repaired, moved, or demolished in any historic district unless the action complies with the requirements set forth in this section.

3. **Creation of a Regional Historic Zoning Commission.** A Regional Historic Zoning Commission is hereby created for the City of Clarksville, Tennessee, and it shall consist of seven (7) members who shall have been bona fide residents of the area of jurisdiction of Montgomery County for not less than three (3) years immediately prior to appointment and who shall continue to be so eligible as long as they serve. The Commission shall be made up of the following:
    A. A representative of a local patriotic or historical organization;
    B. An architect, if available;
    C. One representative of the City Council;
    D. One representative of the County Commission;
    E. One representative of the Regional Planning Commission;
    F. The remaining members shall be appointed from the general public.
4. **Appeals from Decision of the Regional Historic Zoning Commission.** Anyone who may be aggrieved by any final order or judgment of the Historic Zoning Commission may have such order or judgment reviewed by the courts by procedure of statutory certiorari as provided for in Tennessee Code Annotated § 27, Chapter 8 (Acts 1982, Ch. 814 and 1; 1987, Ch. 40 and 6).
5. **Appointment to the Regional Historic Zoning Commission.**
    A. The mayor of the City of Clarksville shall appoint the representative of the local patriotic or historical organization, the member of the City Council, and one member from the general public, all subject to confirmation by the City Council.
    B. The Mayor of Montgomery County shall appoint the architect, the member of the Board of County Commissioners, and one member from the general public, all subject to confirmation by the County Commission.
    C. The Regional Planning Commission shall nominate the member of that Commission and that member shall be confirmed by both legislative bodies of the City and County.
6. **Term of Appointment, Removal, and Vacancies.** The members of the Regional Historic Zoning Commission shall serve for five-year terms, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members shall expire each year. The term of the member nominated from the Regional Planning Commission shall be concurrent with the term on the Regional Planning Commission, and the term of members from the local legislative bodies shall be concurrent with the terms on the local legislative body. All members shall serve without compensation and may be removed from membership by the appointing authority for just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the City Council and County Commission. Vacancies on the Regional Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. Vacancies shall be filled within a period of sixty (60) days following their occurrence. The Commission may adopt rules and regulations consistent with the provisions of this Section.
7. **Election of Officers, Rules and Meetings.** The Regional Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The Commission shall adopt rules of order for conducting meetings and establish regular meeting dates.
8. **Conflict of Interest.** Any member of the Regional Historic Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Regional Historic Zoning Commission in connection therewith.

9. **Powers and Duties of the Regional Historic Zoning Commission.** The Regional Historic Zoning Commission may submit and it shall review applications for amendments to this section designating historic sites or buildings for special historic districts. A historic district or zone shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one or more of the following criteria:
    A. That it is associated with an event which has made a significant contribution to local, state, or national history;
    B. That it includes structures associated with the lives of persons significant in local state or national history;
    C. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
    D. That it has yielded or may be likely to yield archaeological information important in history or prehistory;
    E. That it is listed in the National Register of Historic Places; (Acts 1982 (Adj. S.), Ch. 814, 1.); or
    F. That it addresses the cost of acquisition by city and/or county governments, restoration, maintenance and repair, as applicable.
10. **Additional Powers and Duties of the Historic Zoning Commission.**
    A. It shall be the duty of the Regional Historic Zoning Commission to make the following determination with respect to historic districts:
        I. Appropriateness of altering or demolishing any building or structure within the historic district. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure.
        II. Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district.
        III. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.
        IV. The general exterior design, arrangement, texture, material, color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Regional Historic Zoning Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.
    B. It shall also be the responsibility of the Commission to review all proposed nominations to the National Register of Historic Places for properties within the jurisdiction of Montgomery County. A report of the commission's recommendations in this regard will then be forwarded to the Tennessee Historical Commission/State Historic Preservation Office.

C. The Commission shall also have the authority to conduct surveys of local historical and cultural resources and will maintain a list of districts and individual properties that have been designated historic pursuant to local legislation.
D. The Commission shall also have the authority to establish reasonable fees in regard to applications for certificates of appropriateness.

11. **Right of Entry Upon Land.** The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this section, but there shall be no right of entry into any building without the consent of the owner.
12. **Liability of Regional Historic Zoning Commission Members.** Any Regional Historic Zoning Commission member acting within the powers granted by this section is relieved from all personal liability for any damage and shall be held harmless by the City and County governments. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the City of Clarksville or Montgomery County, until the final termination of the procedure
13. **Submittal of Building Permit to the Historic Zoning Commission.** The City Building Official and the County Building Commissioner shall not issue any permit for the construction, reconstruction, alteration, or extension of building or other structure within any historic zone district, nor shall any other agency issue a permit for the demolition or removal of any building or other structure within said district without first submitting the application for such permit together with all exterior plans, elevations, and other information necessary to determine the appropriateness of the features to be passed upon by the Regional Historic Zoning Commission. In the case of applications for demolition, no plans or other information shall be required to be submitted by the applicant.
14. **Meetings on Application.** Regular meeting dates and time, and the deadline for each regular meeting, shall be established by the Regional Planning Commission Office, or within ten (10) days after notification by the City Building Official or the County Building Commissioner of the filing of an application relating to a historic district or a nomination to the National Register.
15. **Approval by the Regional Historic Zoning Commission.** Upon approval of any application, the historic zoning commission shall forthwith transmit a report to the City Building Official or the County Building Commissioner stating the basis upon which such approval was made, and cause a certificate of appropriateness to be issued to the applicant. Upon failure of the Historical Zoning Commission to take final action within thirty (30) days after receipt of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit. When a certificate of appropriateness has been issued, a copy thereof shall be transmitted to the City Building Official or the County Building Commissioner who shall, from time to time, inspect the construction or alteration of the exterior approved by such certificate, and report to the Regional Historic Zoning Commission any work not in accordance with such certificate before issuing a certificate of zoning compliance.
16. **Disapproval by the Regional Historic Zoning Commission.** In the case of disapproval of any application, the Regional Historic Zoning Commission shall state the reasons therefore in a written statement to the applicant, in terms of design, arrangement, texture, color, material, and the like of the property involved. Notice of such disapproval and a copy of the written statement of reasons therefore shall also be transmitted to the City Building Official or the County Building Commissioner.
17. **Approval of Removal or Demolition.** In the event an application for removal or demolition or redevelopment of a building or other structure within an historic district is submitted or such demolition is required, the governmental agency receiving such request or initiating such action

shall transmit a copy thereof to the Regional Historic Zoning Commission, and said Commission shall have a period of one hundred twenty (120) days from the date the application was filed to acquire such property. Upon failure of the Regional Historic Zoning Commission to take final action within one hundred twenty (120) days after the filing of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.

18. **[Reserved** Per Ordinance 64-2019-2020**]**
19. **Public Comment.** All meetings of the commission shall adhere to the Tennessee Open Meetings Act (TCA sec. 8-44-101, et seq.) Further, the Commission will provide opportunity for public comment during the press of the commission's review of the National Register nominations as well as its consideration of local zoning applications
20. **Further Reporting.** The Commission shall send all annual reports of its activities to the Tennessee Historical Commission/State Historic Preservation Office.

9.4 MADISON STREET CORRIDOR URBAN DESIGN OVERLAY DISTRICT

9.4.1 PURPOSE

Purpose

The purpose of the Madison Street Corridor Urban Design Overlay District is to coordinate the physical improvements that will be made to this important corridor by both public and private entities.

The overlay zoning district is placed "over" the base zoning in an area in order to modify the base zoning's regulatory standards. The overlay district alters such standards as building placement, size and height, parking and access, landscaping and buffering, and signage, but does not determine the use of the property. The use is governed by the underlying base zoning.

How to Use This Section

Government officials, property owners, developers, design consultants and other stakeholders will use this section to prepare improvement plans that are consistent with the Madison Street Corridor Urban Design Overlay and Design Standards and Guidelines, are prepared by Gresham Smith and Partners, and incorporated by reference herein. The standards and guidelines apply to all residential and non-residential new construction and improvements in the area that require building and sign permits and that make modifications to the exterior appearance of buildings, landscaping and parking. Picture 9.1 delineates the area within the Madison Street Corridor Urban Design Overlay District.

Scope of Review

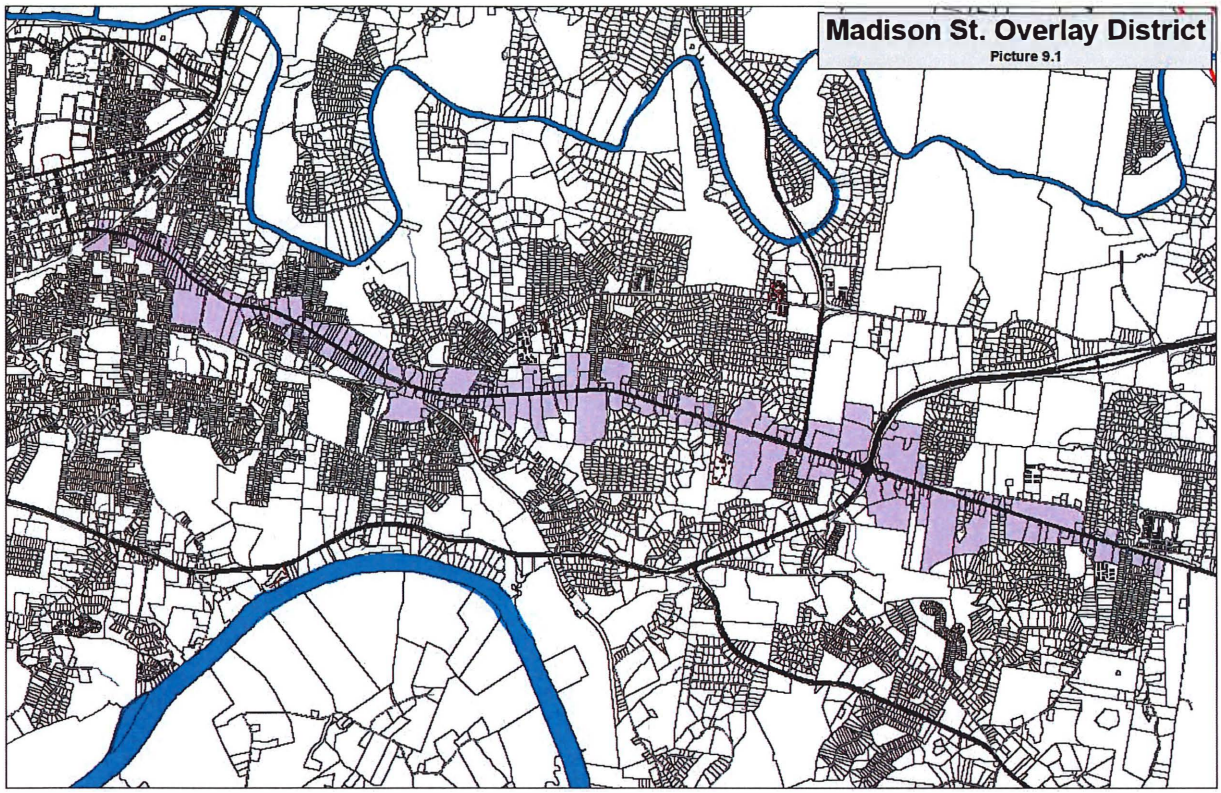
Design review shall apply to all sides of a building. Any discernable changes will require approval from the Design Review Board (* indicates Administrative rather than Board function):

a. Demolition of Contributing Structures
b. Proposed New Construction/Exterior Remodeling/Modifications
c. Relocation of Buildings
d. Exterior Repair or Repainting*
e. Window Changes In-Kind*
f. Landscaping meeting the minimum requirements of Chapter 7 of the Zoning Ordinance*
g. Signage and Awnings*

h. Sidewalk Changes or Improvements on private property
i. Exterior Lighting Changes or Improvements
j. Parking Lot Construction, Changes or Improvements that modify parking locations, number of parking spaces or circulation patterns

The functions above marked with an asterisk (*) are considered administrative in nature, and may be approved at the Staff Level if all objective standards are met. However, the staff will forward the application for action by the full Design Review Board for review and approval if there is a question about meeting the standards or if the applicant is requesting a variance from the standards.

Picture 9.1



9.4.2 DESIGN STANDARDS AND GUIDELINES

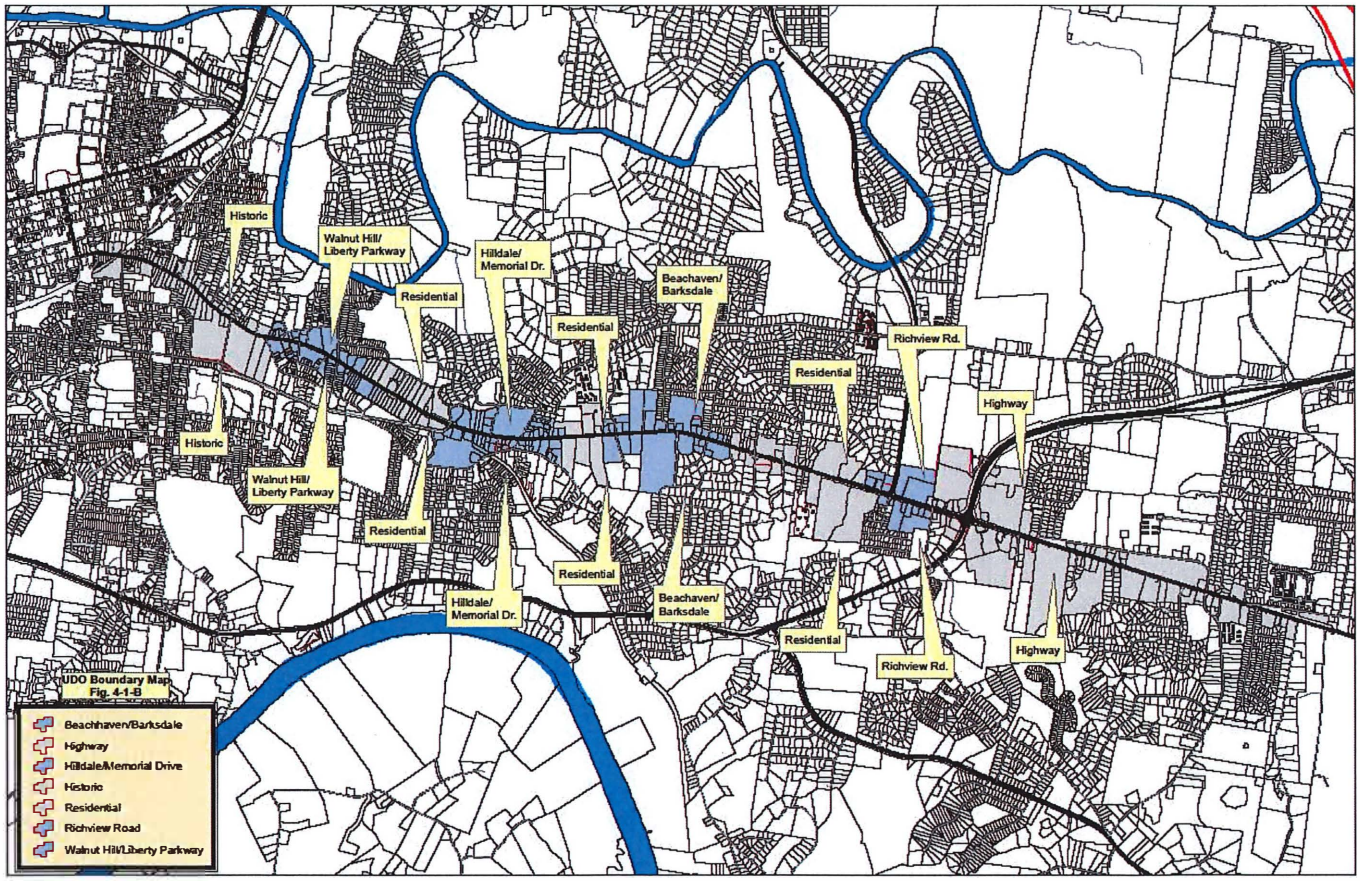
Subsection, 9.4.2. "Design Standards and Guidelines", organizes the overlay standards and guidelines into six sections: Building Standards, Architectural Treatment, Parking and Access, Signs, Landscape Screening and Buffers, and Streetscapes

DESIGN STANDARDS AND GUIDELINES

A. UDO Boundary Map

The Madison Street Corridor Urban Design Overlay District has been divided into seven distinct subdistricts based on the desired development character in the corridor (Picture 9.2). Where appropriate, specific design standards have been for each Subdistrict. The Subdistricts are described below.

Picture 9.2



Centers
Centers are intended to be the focal point of redevelopment in the corridor. They focus on the creation of walkable places. Center subdistricts within the Madison Street Corridor UDO include:

- Walnut Hill/Liberty Parkway
- Hilldale/Memorial Drive
- Beachaven/Barksdale Elementary
- Richview Road

Transitions
Transition Subdistricts are located between the Centers. They are intended to reinforce the underlying base zoning building standards. They include:

- Historic
- Residential
- Highway

B. Building Standards
The Building Standards vary by Subdistrict in the Madison Street Overlay District (Table 9.1)

Goals

- Guide the placement, size, arrangement and articulation of buildings on the Madison Street Corridor.

- Encourage a walkable, pedestrian-friendly environment within each of the Center Subdistricts that is devoid of large, unoccupied spaces.

- Create a sense of enclosure so that drivers realize they are entering a unique place.

TABLE 9.1: BUILDING STANDARDS BY SUBDISTRICTS					
	CENTER SUBDISTRICTS				TRANSITION ZONES
STANDARD	WALNUT HILL/ LIBERTY PARKWAY	HILLDALE/MEMORIAL DRIVE	BEACHAVEN/ BARKSDALE	RICHVIEW ROAD	HISTORICAL, RESIDENTIAL& HIGHWAY
SETBACKS					BUILDINGS SHALL BE LOCATED AND SIZED ACCORDING TO BASE ZONING
MIN. BUILDING FRONT SETBACK LINE	5 FEET	5 FEET	5 FEET	25 FEET	
MAX. BUILDING FRONT SETBACK LINE	30 FEET	30 FEET	30 FEET	50 FEET	
MIN. BUILDING SIDE SETBACK-INTERIOR LOT/COVERAGE	ACCORDING TO BASE ZONING				
MINIMUM REAR BUILDING SETBACK LINE					
ADJACENT TO RESIDENTIAL	ACCORDING TO BASE ZONING				
ADJACENT TO NON RESIDENTIAL	5 FEET	5 FEET	5 FEET	5 FEET	
MIN. FRONT FAÇADE AT SETBACK LINE	60%	80%	60%	40%	
BUILDING CONFIGURATION					
MAX. BUILDING HEIGHT (a)	45 FEET	75 FEET	60 FEET	45 FEET	
MAX. NUMBER OF STORIES	THREE	FIVE	FOUR	THREE	
MIN. FIRST FLOOR HEIGHT	14 FEET	14 FEET	14 FEET	14 FEET	
MINIMUM % GLAZING OF STREET WALL (b) (c)					
FIRST FLOOR RETAIL	40%	70%	40%	40%	
FIRST FLOOR NON-RETAIL	40%	40%	40%	40%	
ADDITIONAL FLOORS	25%	25%	25%	25%	
LOT OCCUPATION					
MAX. LOT COVERAGE	70%	80%	70%	60%	

NOTES:
(a) Applicability of Height – Mechanical penthouse is not subject to limitation.
(b) Glazed Area of Calculations – The first floor glazed area calculation shall be based on the façade area measure to a height of fourteen (14) feet from grade.
(c) Corner Lot Glazing – On corner lots with frontage on Madison Street, the glazing shall turn the corner facing the secondary street a minimum of twenty (20) feet in length along the property frontage.
(d) Variance request from this table shall be by the authority of the Madison Street Design Review Committee.

C. Architectural Treatment Design Standards and Guidelines

The Architectural Treatment Design Standards and Guidelines apply to all Subdistricts in the Madison Street Overlay District.

Goals

- Encourage high-quality buildings that are well designed, visually interesting, and compatible with their surroundings.

- Support active and pedestrian-oriented public spaces throughout the corridor.

Standards and Guidelines

1.1 Facades

1.1.1 Provide entrances that are distinct and visible from the street.

1.1.2 Blank walls facing streets shall be prohibited.

1.1.3 Window and door openings shall have a vertical orientation and vertical alignment between floors.

1.1.4 The street frontage of the ground floor of all structures shall have built-out space (e.g., retail, residential, office space).

1.1.5 All commercial buildings shall have a discernible base and cap which are clearly defined by horizontal elements along the bottom and top of the building. Variations in materials and colors can help achieve this standard.

1.2 Massing

1.2.1 The maximum length of an uninterrupted facade plane shall be thirty (30) feet. Building wall offsets, projections and recesses up to four (4) feet, and/or pilasters shall be used to break up the mass of a single building into bays.

1.2.2 Variations in solid and void within walls are encouraged to provide interest along building edges. Changes in color, material and wall height are also encouraged.

1.2.3 The first floor of residential buildings is encouraged to be above the level of the sidewalk to increase privacy.

1.3 Materials

1.3.1 Encourage the use of simple and durable materials, especially at street level.

1.3.2 Minimize the number of building materials to three (3), with one (1) serving as the dominant cladding.

1.3.3 Appropriate exterior wall materials are:

- Brick

- Natural or artificial stone

- Concrete: finish should be architectural level

- Metal panels: individual or systems

- Glass curtain wall systems

1.3.4 Appropriate materials for limited accents are:

- Metal (galvanized, painted or ornamental)

- Concrete (pre-cast or unfinished exposed concrete)

- Wood

- Fiber cement siding

- Tile

- CMU (ground or split face only)

- Exterior insulation and finish system

1.3.5 Inappropriate materials are:

- Applied stone

- Vinyl or aluminum siding

- Mirrored or tinted glass (on ground floor)

- Galvanized metal as veneer

1.4 Colors

1.4.1 Minimize the number of building exterior colors to three.

1.4.2 Subtle neutral colors are encouraged.

1.4.3 Bright, intense or fluorescent colors are prohibited.

1.5 Roofs

1.5.1 Provide straight forward, simple roof forms free of "sculptural" or sign-like visual qualities.

1.5.2 Flat roofs with parapet walls are encouraged.

1.5.3 False mansard roofs are prohibited.

1.6 Awnings and Canopies

1.6.1 Canvas or other durable material is preferred.

1.6.2 Plastic, fabric or other material that is glossy in nature is not permitted.

1.6.3 Internally illuminated canopies are not allowed.

1.6.4 Minimum of eight (8) feet clearance is required.

1.6.5 No awning shall exceed twenty-five (25) feet in length.

D. Parking and Access Design Standards and Guidelines

The Parking and Access Design Standards and Guidelines apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Encourage cooperation among local businesses to promote and develop shared parking and access.

• Eliminate barriers separating commercial properties in favor of pedestrian walkways between parking lots and adjacent businesses.

Standards and Guidelines

1.1 Surface Parking

1.1.1 Surface parking shall be located to the side or rear of buildings and screened from streets and sidewalks, except in the Richview Road Subdistrict.

1.1.2 Surface parking located to the side of a building shall be limited to one double loaded aisle.

1.1.3 Lighting for all parking areas shall be appropriate in function and scale for both the pedestrian and vehicular traffic.

1.1.4 The lighting style shall be ornamental and/or consistent with the surrounding architecture.

1.1.5 'Box' or 'cobra' style lighting is prohibited.

1.1.6 All illumination should be shielded from adjacent properties.

1.1.7 Provide perimeter landscaping and interior landscaping of surface parking lots per City of Clarksville Landscape Ordinance.

1.2 Structured Parking

1.2.1 The ground floor of any parking structure shall have built-out space (e.g., retail, residential, office space) provided for a minimum of seventy-five (75) percent of the street frontage.

1.2.2 Wherever parking structures are permitted to front streets, walls must utilize materials, colors, and a pattern of openings consistent with surrounding buildings.

1.2.3 Any built-out space provided on the ground level of a parking structure fronting a public street shall have direct access to the street and sidewalk.

1.2.4 Parking structures built as a principal use must be of flat floor plate construction with a minimum floor to floor height of twelve (12) feet.

E. Sign Design Standards and Guidelines

The Sign Design Standards and Guidelines apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Encourage a more uniform and aesthetically pleasing appearance on Madison Street

• Provide signage that is complementary and well-integrated for pedestrians in a walkable environment, while also legible to vehicular traffic.

• Commercial signage shall be designed primarily for the purpose of identifying a business rather than serving as advertising.

Standards and Guidelines

1.1 General

1.1.1 Signs may not be erected or altered without obtaining a Certificate of Appropriateness from the Design Review Board.

1.1.2 All signage applicants shall be required to develop and submit for review an overall signage program that exhibits a coordinated uniform theme of design elements.

1.2 Prohibited Signs

1.2.1 Animated, flashing, chasing, running or sequential signs are not permitted.

1.2.2 All portable signs, including parked vehicles with signs expressly for advertising, are not permitted.

1.2.3 Pole banners and streamers are not permitted.

1.2.4 Refer to the Chapter 8, Sign Regulations for additional regulations.

1.3 Design and Materials

1.3.1 Simple overall shapes are preferred over complex geometries.

1.3.2 Signs shall be professionally designed and constructed using high-quality materials.

1.3.3 Well designed, hand-painted signs are permitted.

1.3.4 Sign colors should be compatible with the colors of the building façade.

1.3 5 A dull or matte finish is encouraged to reduce glare and enhance legibility.

1.3.6 Signs shall not obscure key architectural elements, doors or windows.

1.3.7 Marquee type signs for announcements of activities taking place at the location are prohibited (exceptions: churches, schools and institutional uses).

1.3.8 Signs for multiple businesses shall be of similar material and design.

1.3.9 Channel letter signs shall have metal frames and plastic faces, or in the case of reverse channel letter signs, metal faces and frames and plastic backs.

1.4 Lighting

1.4.1 Lighted signs shall be spotlighted, externally lit, or back-lit with a diffused light source.

1.4.2 Spotlighting should completely shield all light sources; light should be contained primarily within the sign frame.

1.4.3 Backlighting should illuminate only the letters, characters or graphics on the sign, but not its background.

1.4.4 Neon signs are discouraged, including open face channel letter signs.

1.4.5 Light emitting diode (LED) signs are prohibited.

1.4.6 Pulsating, flashing, running or rotating lights are not permitted, other than signs depicting time, temperature and gasoline prices.

1.4.7 Illuminated plastic box signs are not permitted.

1.5 Permitted Signs: Awning and Canopy Signs

1.5.1 Copy limited to valance or vertical face of awning or canopy shall be no greater than fifty (50) percent of height or twelve (12) inches, whichever is less.

1.5.2 Copy limited to fifty (50) percent of horizontal width of awning.

1.5.3 Awnings without valances may have copy not exceeding thirty (30) percent of area.

1.6 Permitted Signs: Free-Standing Signs

1.6.1 Only one free-standing sign per parcel or platted lot shall be permitted, unless the parcel is a corner lot in which case two (2) shall be allowed.

1.6.2 Free-standing signs shall be supported on a solid base such as a pylon or two column sign designed to complement the architecture of the building or complex to which it pertains.

1.6.3 A landscaped base or architecturally detailed plinth is required.

1.6.4 The height limit for a free-standing sign shall be twenty (20) feet measured from average grade of parcel.

1.6.5 Maximum sign area shall be fifty (50) square feet. For buildings with four or more tenants, City staff and the Design Review Board may allow a maximum of one hundred (100) square feet.

1.6.6 Letter height shall not exceed twelve (12) inches.

1.7 Permitted Signs: Monument Signs

1.7.1 Monument signs shall not exceed thirty (30) square feet in area, excluding the support structure, and may not be more than three and one half (3 ½) in height within fifteen (15) feet of a driveway or street or five (5) feet in height otherwise.

1.8 Permitted Signs: Wall Signs

1.8.1 All signage affixed to buildings shall conform to Section 8.8 of this Ordinance, relative to signs in the Central Business District, except for properties with building front setbacks one hundred (100) feet or greater. For such properties, wall sign size shall not exceed eighty (80) percent of the width of the front façade and letter height shall not exceed thirty-six (36) inches. Exceptions may be granted by the Design Review Board based on building elevation, proportions and design.

1.8.2 Wall signs shall not extend above an eave line or parapet.

1.9 Permitted Signs: Window Signs

1.9.1 Window signs shall not cover more than fifteen (15) percent of the window area with letters not to exceed ten (10) inches in height.

2.1 Flags and Flagpoles

TABLE 9.2: FLAG AND FLAG POLE DESIGN GUIDELINES

FLAG POLE HEIGHT	FACE SIZE OF FLAG
20 - 30 feet in height	4' X 6' Flag
30 - 40 feet in height	5' X 8' Flag
40 – 50 feet in height	6' X 10' Flag

2.1.1 Flags shall be limited to constitutional flags only (City, County, State and Federal).

2.1.2 The total number of flagpoles per parcel or platted lot shall be limited to one (1).

2.2 Temporary Signage

2.2.1 Real Estate signs shall be allowed as long as the property is being actively marketed for sale or lease and limited to one (1) per parcel or platted lot. Overall sign area is limited to thirty-two (32) square feet.

2.2.3 Construction signs are permitted during construction activity only. Overall sign area is limited to thirty-two (32) square feet.

F. Landscape, Buffering and Screening Requirements

The Landscape, Buffering and Screening Requirements of Chapter 7 of this Ordinance shall apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Develop public spaces that are pedestrian friendly, environmentally responsible and aesthetically pleasing.

Standards and Guidelines

1.1 Parking: Perimeter Screening

1.1.1 Provide perimeter landscaping of vehicular use areas per requirements of Chapter 7 of this Ordinance.

1.1.2 Exterior planting areas should be designed to allow stormwater to collect and percolate.

1.2 Parking: Interior Planting

1.2.1 Provide interior landscaping of vehicular use areas per requirements of Chapter 7 of this Ordinance.

1.2.2 Interior planting areas should be designed to allow stormwater to collect and percolate.

1.3 Zone District Boundaries: Buffers

1.3.1 The base zoning district landscape buffer standards shall apply, except as follows:

- The landscape buffer standards shall be waived along internal base zoning district boundaries within the Center Sub-Districts.

- The landscape buffer standards shall be waived along base zoning district boundaries that coincide with the Center Sub-Districts whenever (1) the abutting base zoning district outside of the Center Sub-Districts is a non-residential district, or (2) the base zoning district boundary is in a public street.

G. Streetscape Design Standards and Guidelines

The Streetscape Design Standards and Guidelines shall apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Develop a distinct identity and street character for the corridor.

Standards and Guidelines

1.1 General

1.1.1 This section relates primarily to standards and guidelines for the reconstruction of public streets by government or private developers along the corridor.

1.1.2 A specific and unique design theme is encouraged for landscaping, street furniture and lighting for each Center Subdistrict along the corridor.

1.1.3 Minimum roadside (planting strip and sidewalk) width in residential areas is eight (8) feet and in commercial areas is ten (10) feet.

1.2 Sidewalks

1.2.1 New building construction is required to provide sidewalks along Madison Street consistent with the guidelines described below.

1.2.2 Sidewalks adjacent to ground level retail space should have a width of six to eight (6 to 8) feet with a planting strip or eight to ten (8 to 10) feet without a planting strip.

1.2.3 Appearance of sidewalk (scoring pattern or special paving) should be maintained across driveway and alley access points.

1.2.4 The provision of pedestrian crossings should be given the highest priority in the Walnut Hill/Liberty Parkway, Hilldale/Memorial Drive, and Beachaven/Barksdale Sub-Districts.

1.2.5 Provide marked crosswalks at all signalized intersections for all legs of the intersection.

1.2.6 The use of crosswalk materials that are significantly different in color, texture and design is encouraged.

1.2.7 At unsignalized or uncontrolled crossings, in areas such as school zones or where there is a substantial pedestrian presence, special emphasis markings should be used to increase visibility.

1.3 Landscaping

1.3.1 Tree species and planting techniques should be selected to create a unified image for the street.

1.3.2 Planting strips between curb or edge of pavement and sidewalks should be a minimum of three (3) feet in residential areas and four (4) feet in commercial areas.

1.3.3. Street trees should be planted in continuous planting strips between the curb and sidewalk spaced twenty-five (25) feet on center along Madison and intersecting streets. On internal streets, street trees should be planted in discrete tree and planting openings, or in wells with grates in especially constrained contexts.

1.3.4 Planting strips and openings should be designed to allow stormwater to collect and percolate.

1.3.5 At transit stops, planting strips should be discontinued and a clearance four (4) feet wide provided from the curb for wheelchair access.

1.4 Street Furniture

1.4.1 Select the type, design, and materials of street furniture to reflect the desired character and identity of the corridor.

1.4.2 Street furniture, such as benches, bicycle racks, kiosks and trash receptacles are appropriate in the Walnut Hill/Liberty Parkway, Hilldale/Memorial Drive and Beachaven/ Barksdale Sub-Districts.

1.4.3 Priority locations for street furniture include transit stops, major building entries, mixed use locations, and parks.

1.4.4 Newspaper boxes also contribute to the convenience and pedestrian feel of a street, but should be organized to avoid visual clutter.

1.5 Lighting

1.5.1 Street lighting should be pedestrian scale, decorative and provided in all Center Sub-Districts. It should increase in scale at intersections.

1.5.2 The lighting should be selected in conjunction with the street furniture.

H. Project Approval Process

To ensure consistency with these standards and guidelines, the Common Design Review Board (acting as the Design Review Board for the Madison Street Corridor Urban Design Review Overlay District) and the Clarksville-Montgomery Regional Planning Commission staff will review all projects in the urban design overlay district that require demolition, building and sign permits and that make modifications to the exterior appearance of buildings, landscaping and parking. Existing nonconforming structures, unforeseen physical conditions and subsequent architectural programmatic constraints may warrant exceptions to the guidelines. In such cases, the Design Review Board and planning staff will review alternative design solutions as they relate to the intent of the standards and guidelines and accept alternatives that present the best urban design solution. Where a single use or purpose spans more than one sub-district, the Design Review Board and planning staff will explore with the developer alternative solutions that achieve the design intent of the standards and guidelines. The Clarksville-Montgomery County Regional Planning Commission will review site plans as required by Chapter 5.10 of this Zoning Ordinance.

1.1 General Directions

1.1.1 The authority of the Design Review Board to uphold the Madison Street Corridor Urban Design Overlay is limited to the standards and guidelines contained in this ordinance.

1.1.2 Any approval by the Design Review Board is contingent on zoning and building permits issued by the Building and Codes Department and cannot be interpreted as taking precedence over the building code or zoning ordinance.

1.1.3 Other ordinances or parts thereof which are inconsistent with or are in conflict with the specific provisions of this ordinance are expressly superseded by this ordinance and are to be controlled by the provisions of this ordinance.

1.1.4 Existing base district standards that are not varied by provisions set forth in this ordinance shall apply within the Madison Street Corridor Urban Design Overlay.

1.2 Step One/Application

1.2.1 The first step in undertaking a project in the Madison Street Corridor district is to contact and request an application from the Regional Planning Commission.

1.2.2 Planning Commission staff will provide the applicant with the published guidelines and standards (this document and any future amendments) for projects within the various sub-districts of the Madison Street Corridor. It is recommended that the applicant become familiar with the guidelines and standards prior to planning the project and before the development of any working drawings.

1.2.3 The applicant must submit one set of the following documents signed by the applicant that will be retained by the Planning Commission:

- Copies of the proposed site plan (to an engineering scale) showing all site improvements such as buildings, walls, walks, parking, signs, plant materials, and lighting.

- Completed color exterior elevations (1/8th" = 1' architectural scale minimum).

- Exterior painting schedule (Color name/ brand).

- Samples of exterior materials including brick, stone, metals, glass, and roofing.

- Detailed scale drawings of awnings, canopies and signs, indicating proposed colors.

- Color photographs of all sides of the existing exterior for remodeling, rehabilitation, or demolition. For new demolition, remodeling, and construction, photographs shall show contiguous properties.

1.3 Step Two/Design Review Board

1.3.1 The applicant shall appear before the Design Review Board at a regularly scheduled meeting to present the application.

1.3.2 Should the application indicate alterations, remodeling, or repairs that are not governed by this ordinance, the Design Review Board may exempt the application from the provisions of the urban design overlay district.

1.4 Step Three/Approval or Redirection

1.4.1 After a careful review of the presentation, the Design Review Board will act to approve, conditionally approve or disapprove the application. The Building and Codes Department will then review the approved project for zoning and codes compliance when the drawings and specifications are competed and submitted to the department.

1.4.2 If the project is disapproved, the Design Review Board and Planning Commission staff will strive to assist the applicant by providing guidance and

redirection of the project. It will then be necessary to present the project to the Board at another regularly scheduled meeting. A building permit shall not be issued until such time as the proposed project receives final approval from the Design Review Board.

1.5 Appeals Process

1.5.1 The Planning Commission shall hear and decide appeals from any order, requirement, decision or determination made by the Design Review Board or Planning Commission staff where it is alleged by the applicant in writing that Design Review Board or Planning Commission staff is in error or acted arbitrarily. Such appeal shall be made within sixty (60) calendar days of said order, requirement, decision or determination.

9.5 DOWNTOWN URBAN DESIGN OVERLAY DISTRICT

9.5.1 General Description and Purpose

1. Purpose. The purpose of the Downtown Urban Design Overlay District is to enhance the quality, image, and economic vitality of Downtown Clarksville. Accordingly, to that ends, the Overlay District imposes urban design guidelines to coordinate the physical improvements that will be made to this important geographic area by private entities.

2. Overlay District Relation To Base Zoning. This overlay zoning district is placed "over" the base zoning in an area in order to modify the base zoning's regulatory standards. The overlay district alters such standards as building placement, size and height, parking and access, and landscaping and buffering, but does not determine the use of the property. The use of property (both land and structures) is governed by the underlying base zoning.

3. Scope of Review. Government officials, property owners, developers, design consultants and other stakeholders will use this section to prepare improvement plans that are consistent with the Downtown Design Standards and Guidelines. The standards and guidelines apply to private nonresidential and multiple-family residential (excluding single-family and duplex structures) new construction, exterior remodeling or repainting; window and awning changes or improvements; signing changes and improvements; sidewalk changes and improvements; exterior lighting changes and improvements; and landscaping and parking lot construction, changes and improvements. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior elements of any building or structure; nor shall anything in this section be construed to prevent the construction, reconstruction, alteration or demolition of any such elements, which authorized City officials shall certify as required for public safety.

9.5.2 Downtown Overlay District Geographic Boundaries

1. Designation of Boundaries. The geographic boundaries of the Downtown Overlay District shall coincide with those of the Central Business Improvement District (CBID) as set forth in Code of the City of Clarksville Title 12, Chapter 9, Section 12-902 "Boundaries", but exclude those geographic areas within the Historic District Overlay.

2. Modification of Boundaries. Any modifications of the boundaries of the Downtown Overlay District by the City Council or other Department of City of Clarksville will involve referral to the Regional Planning Commission for public hearing, public notice and recommendation to the City Council to amendment this Zoning Ordinance.

9.5.3 Downtown Urban Design Standards and Guidelines

1. Source of Guidelines. The urban design review standards and guidelines to be used by the Common Design Review Board for determining the appropriateness of physical improvements within the Downtown Overlay District shall be those adopted into or by reference into this Section.

A. Districts and Sub-Districts and Use of Guidelines

1. These guidelines will be used by property owners, developers, architects, builders, business owners, public officials, and interested citizens when considering rehabilitation or new construction in the Downtown Overlay District involving private non-residential and multiple-family residential (excluding single-family and duplex structures). They will be informational only in the case of publically owned lands and structures, and in geographic areas also designated as Local Historic District Overlays (where design review by the Historic Zoning Commission encompasses all private uses including single-family and duplex structures). The guidelines will also be consulted (but are not binding on the public entities) with respect to proposed infrastructure and streetscape improvement projects. While the base land use zoning districts continue to govern land use, these guidelines will supersede other provisions of this zoning ordinance only when more stringent and geographically specific standards are set forth on design and physical planning issues relative to massing, landscaping, parking, and signage. The appropriate City departments will review all new projects in the Downtown Overlay District that require building permits to ensure consistency with these guidelines. The word "shall" indicates those design standards that are mandated; whereas, terms such as "should", "encouraged", and "discouraged" indicate design principles which are more flexible and advisory in nature.

2. These guidelines are intended to preserve and enhance the special character of the Downtown Overlay District by encouraging rehabilitation and new construction that is sensitive to the existing urban form and historic character. The guidelines recognize that no single architectural style predominates, and the guidelines allow for creativity in the design of individual buildings. However, there are certain established urban design and architectural principles shared by most properties within the district that give it a cohesive character and strong sense of place.

3. These guidelines address both architectural design and urban design. Architectural design is addressed in terms of building type. Building types include:

    a. commercial/mixed-use
    b. single-family residential
    c. townhouses
    d. multi-family apartments
    e. institutional

4. Not all building types are permitted in all areas of the Downtown Overlay District. The map on page 3 is color-coded and keyed to a corresponding chart to note permitted building types in specific areas of the Downtown Overlay District. The following guidelines that relate to architectural design apply to the particular building type, regardless of location. If exceptions exist in any given area, they will be noted in the guidelines. **Land use is determined by the underlying land use zoning districts, and should not be confused with building type.**

5. Additionally, the guidelines address specific urban design regulations to include:

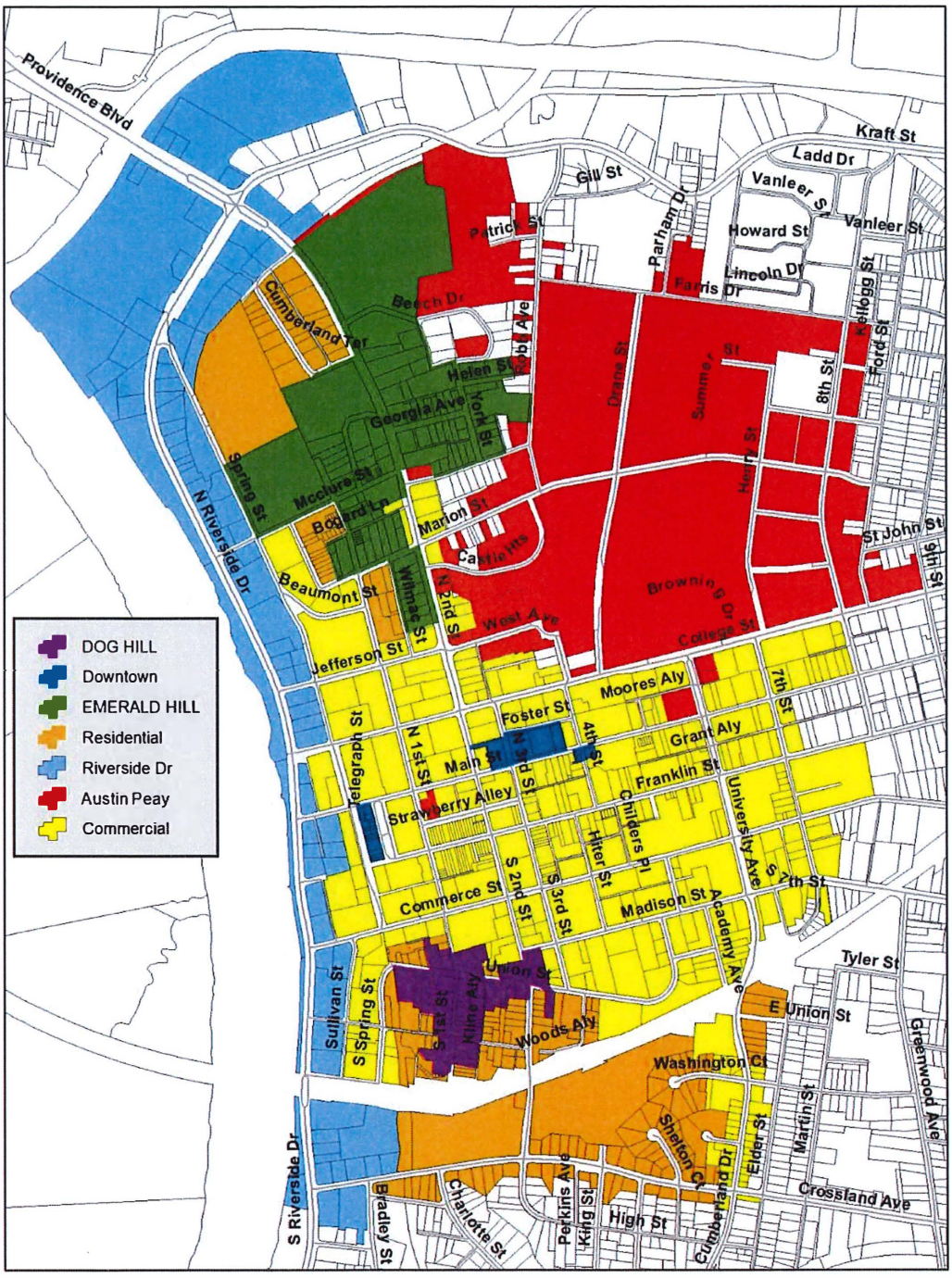
a. building height
b. setback
c. massing
d. driveways
e. sidewalks

6. These urban design specifications can vary based on the building type and/or location. The guidelines clearly explain where or on what building type these requirements apply. Graphics are included as necessary to help convey the design guidelines.

7. **Design review shall apply to all sides of a building.** Any discernable changes will require approval from the Design Review Board (* indicates Administrative rather than Board function):

a. Demolition of Contributing Structures
b. Proposed New Construction/Exterior Remodeling/Modifications
c. Relocation of Buildings
d. Exterior Repair or Repainting*
e. Window Changes In-Kind*
f. Landscaping meeting the minimum requirements of Chapter 7 of the Zoning Ordinance*
g. Signage and Awnings*
h. Sidewalk Changes or Improvements on private property
i. Exterior Lighting Changes or Improvements
j. Parking Lot Construction, Changes or Improvements that modify parking locations, number of parking spaces or circulation patterns

The functions above marked with an asterisk (*) are considered administrative in nature, and may be approved at the Staff Level if all objective standards are met. However, the staff will forward the application for action by the full Design Review Board for review and approval if there is a question about meeting the standards or if the applicant is requesting a variance from the standards.



Map & Chart Intent

It is the intent of this map and chart to illustrate the building types that, in general, tend to predominate within each of the delineated districts. However, it is important to understand that there are many exceptions to the rule. For example, the very northeast corner of the Central Commercial district features a few older single-family houses, yet the chart reflects Single Family Residential building types as not being a predominant building type within that district. Consequently, the determination of whether a particular building type is appropriate for a particular property as new infill development should be made based upon the predominate older existing building types on the block face under consideration. Also, this map and chart are unrelated to land uses, but instead address building types.

District Map

C-Central Commercial

RD-Riverside Drive

R-Residential

H1-Historic

DG-Dog Hill

EH-Emerald Hill

Sub-Districts	Building Types				
	commercial and mixed use	residential			institutional
		single-family	townhouse	multi-family	
C-Central Commercial	YES	NO	YES	YES	YES
RD-Riverside Drive	YES	NO	YES	YES	YES
R-Residential	NO	YES	YES	NO	YES
H1-Downtown Historic*	YES	YES	YES	YES	YES
DH-Dog Hill*	NO	YES	NO	NO	NO
EH-Emerald Hill*	NO	YES	NO	NO	YES

Note: *These are local Historic District Overlays governed by Section 9.3 of this Zoning Ordinance.

B. Building Forms, Style & Character

1. **Founding:** The Downtown Overlay District is composed of buildings reflecting a variety of uses, styles, materials, and several periods of development. The district consists primarily of one- to three-story, masonry commercial buildings and one- and two-story, frame residences. Its physical development began at the time of Clarksville's incorporation in 1785. Helping to define the boundaries of the district are a number of natural and man-made features, some of which historically served as logical margins to the downtown area. These include the Cumberland and Red Rivers, turnpikes, and rail lines.

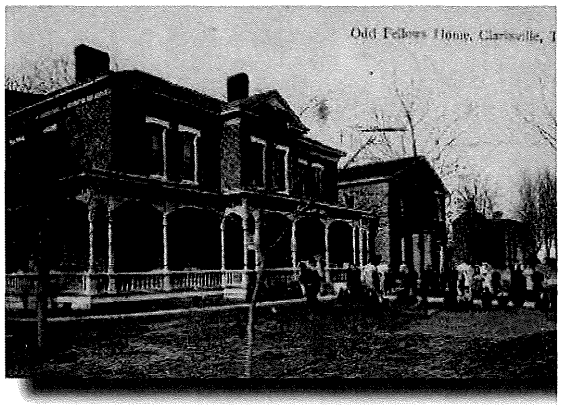
2. **Name Sake:** With a population of 132,929 according to the 2010 census data, Clarksville currently stands as the fifth largest city in the state of Tennessee. Clarksville is a city rich in history and tradition dating back to its founding in 1785. The city is named for General George Rogers Clark, frontier fighter and Revolutionary War hero, brother of William Clark of the Lewis and Clark Expedition.

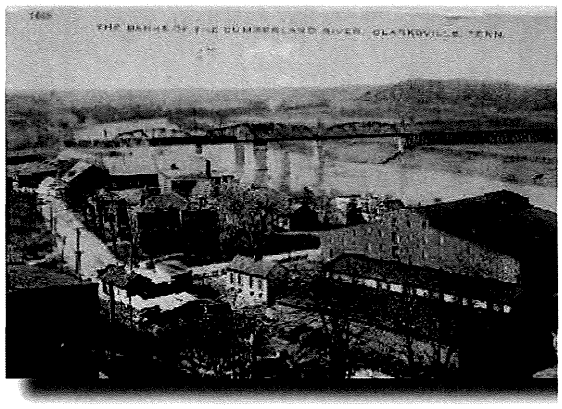
3. **19th Century History:** Coming into the 19th century, Clarksville grew at a rapid pace. In 1820, steamboats began to navigate the Cumberland River, bringing hardware, coffee, sugar, fabric, and glass. The boats also exported flour, tobacco, cotton, and corn to ports like New Orleans and Pittsburgh along the Ohio and Mississippi Rivers. Trade via land also grew as four main dirt roads were established; two to Nashville, one crossing the Red River via ferry called the Kentucky Road, and Russellville Road. By 1819 the newly-established town had 22 stores, including a bakery and silversmith. In 1829, the first bridge connecting Clarksville to New Providence was built over the Red River. Nine years later, the Clarksville-Hopkinsville Turnpike was built. Railroad service came to the town on October 1, 1859 in the form of the Memphis, Clarksville and Louisville Railroad.

   Civil War: During the Civil War, Clarksville was first fortified by the Confederacy, which built Fort Sevier (also known as Fort Defiance) on a prominent hill north of downtown. In February of 1862, Fort Sevier and the city were surrendered to federal forces and it remained in Union hands during most of the rest of the conflict. Clarksville slowly recovered its



Historic Franklin Street.

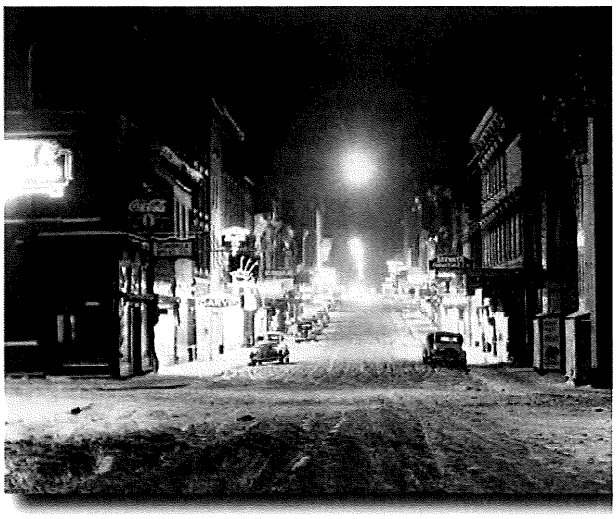

Odd Fellows Home.


Historic Cumberland Riverfront.



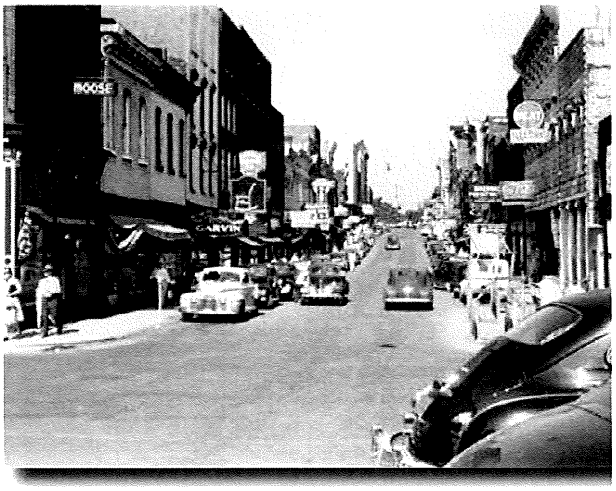
Elders Hardware Store.

prosperity after the war when it became a center of the tobacco industry with a thriving riverboat and rail traffic. This prosperity was illustrated by dozens of brick warehouses and commercial buildings built along the Cumberland River and adjacent to the courthouse on the hill above. To the north and south of downtown prosperous merchants built dwellings on what became known as Emerald Hill and Dog Hill. A fire in 1878 destroyed much of downtown, but it was soon rebuilt with new brick commercial buildings and a new courthouse. By the early 20th century, Clarksville was a regional commercial center boasting numerous industries such as flour mills and cigar factories.



Downtown Clarksville winter scene on Franklin Street, ca. 1940.

4. **20th Century History:** The largest change to the city came in 1942, as construction of Camp Campbell (now known as Fort Campbell) began. The new army base was built ten miles northwest of the city. It gave an immediate boost to the population and economy of Clarksville, and is capable of holding 30,000 troops.

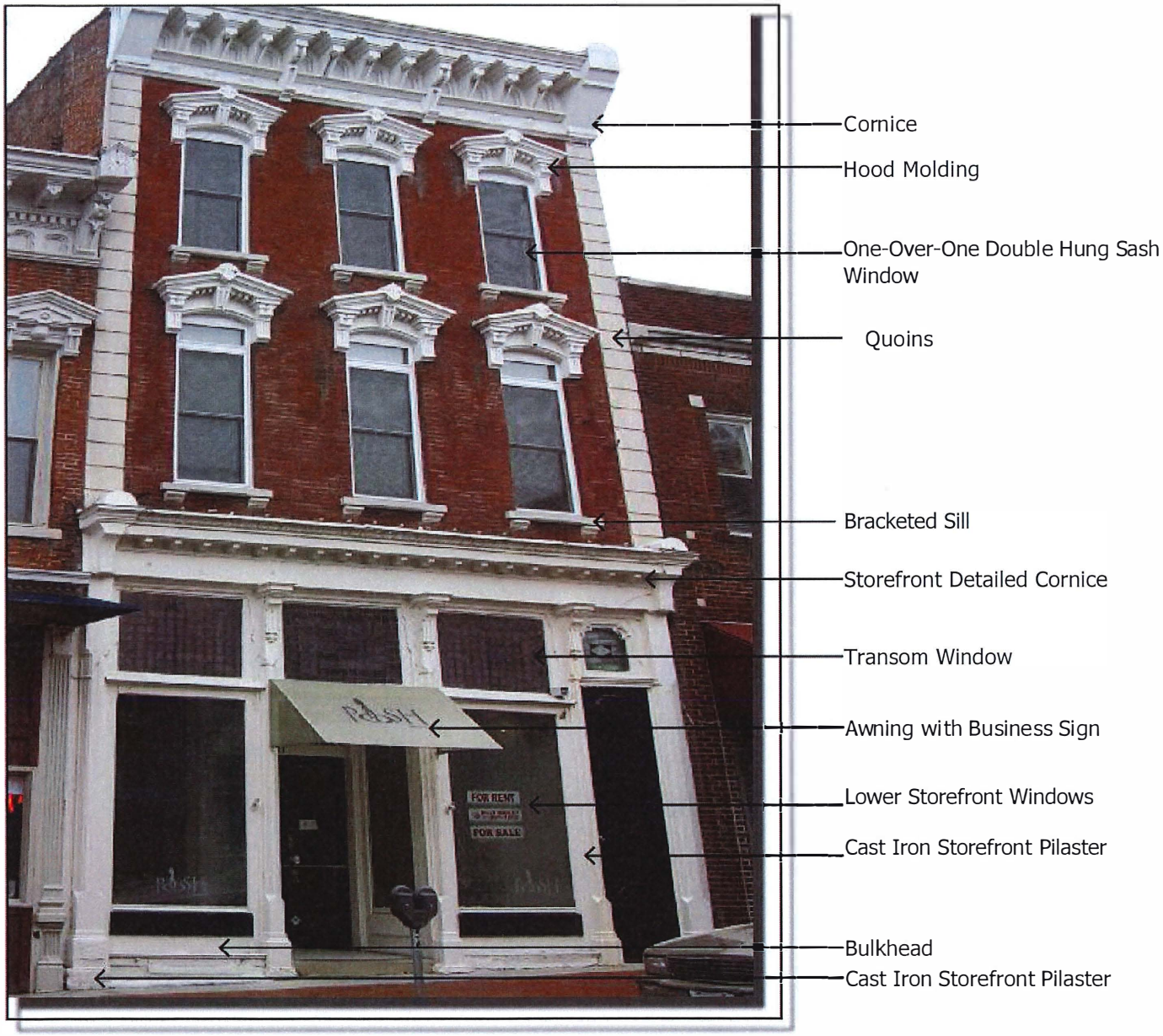


Franklin Street in the 1950s.

Tornado of 1999: On the morning of January 22, 1999, the downtown area of Clarksville was devastated by an F3 tornado, damaging many buildings including the county courthouse. Clarksville has since recovered, and has rebuilt much of the damage as a reflection of the city's resilience. Clarksville is presently the home of Austin Peay State University, the Leaf-Chronicle newspaper, and neighbor to the Fort Campbell, Kentucky, United States Army post.

5. **Today's Surviving Architecture:** There are a number of architectural styles and building traditions in the district. The most prevalent is wood frame vernacular; however, there are excellent examples of high style architecture. The architecture of the late Victorian period was characterized by flamboyant use of decoration, irregular form, multiple roof types, and a variety of materials and colors. Commercial buildings favored the Italianate style in particular and included the use of cast iron. In general, the period witnessed a flowering of a variety of materials, methods of construction, and architectural styles and types. Around the turn of the twentieth century, flamboyant Revival styles yielded to Classically-influenced architecture both commercial and residential structures.

6. Architectural Glossary: Commercial Buildings



Commercial Building

7. Commercial Architecture Styles

a. The Italianate style (1870-1890) derives from the country villas of Italy, though the style was popular in U.S. commercial, as well as residential, architecture of the mid to late nineteenth century. As applied to commercial building, the Italianate style's characteristic decorative features include window hood moldings, elongated windows, string courses, large eave brackets, corbelled brick work, bracketed parapets, and cast iron pilasters. A good example is at 131 Franklin Street.

b. The Victorian Romanesque style (1880-1900) was popular at the same time as the Italianate style for downtown commercial buildings. These two styles share a number of similarities but the Victorian Romanesque style is distinguished by its large arches on window and door openings. These buildings often feature exteriors with a mixture of brick, stone and other materials such as sheet metal and terra cotta. The multi-story building at 215-217 Franklin Street is a notable example of this style in the downtown area.

c. Around the turn of the twentieth century, there was a renewed interest in Classical architecture. The buildings of the 1893 World's Columbian Exposition held in Chicago influenced the rise of the Colonial Revival style (1895-1930), which favored classical ideals of order and balance. Such sensibilities were in stark contrast to the flamboyance and asymmetry that characterized Victorian styles. The Colonial Revival style was popular for commercial, residential, and religious architecture. It often features full-height porticos and classical columns on the primary facades. The style is also characterized by a centered entrance and symmetry. In downtown Clarksville, the Colonial Revival style is exemplified in the old City Hall Building.

d. In the early 20th century there was also the interest in the Art Deco/Art Moderne styles (1920-1950). These styles originated in Europe and were used in a variety of downtown commercial buildings. Storefronts were often updated in these years with sleek tinted glass in the Art Moderne or Deco styles. Theaters were also popular for these styles, and the notable Roxy Theater built in 1947 features vertical and horizontal banding as well as structural glass blocks indicative of this style.



Italianate - 131 Franklin St.



Victorian Romanesque - 215 Franklin St.



Art/Dec/Art Moderne – Roxy Theater



Colonial Revival with Romanesque influence - City Hall, which is characterized by a symmetrical facade with a central entrance of a Romanesque arch.

8. Architectural Glossary: Residential Buildings



9. Residential Architecture Styles

a. The streetscape of a residential district also has a unity that is in part influenced by common traits. While neighboring houses may have very different architectural styles and building dates, there is an overall conformity to setback, height, orientation to the street, massing, and other characteristics that relate the buildings to their sites. Even modest vernacular building forms will blend harmoniously with dwellings which express a high style of architecture when these site characteristics are upheld.



Folk Victorian - 415 S. First St.

b. The Frame Vernacular or Folk Victorian style (1870-1910) is a modest version of more elaborate late nineteenth century styles. These frame dwellings are modest in scale and decoration, but may contain spindle-work porch details or milled wood posts. They are, to some extent, defined by their forms. The forms include gabled ell, front gable, and the pyramidal square with a hip roof. Typically, they are one or one-and-one-half-stories in height.



Italianate - 103 Union St.

c. The Italianate style (1870-1890) derives from the country villas of Italy. The nineteenth-century landscape designer Andrew Jackson Downing believed that beautiful homes promoted morality, which he found embodied in these rural dwellings. The Italianate style that he promoted in his pattern books featured such embellishments as window hood moldings, string courses, large eave brackets, cupolas, and corbelled brick work. This picturesque ideal was meant to uplift standards in architecture and social mores and inspire new home ownership. The style may feature characteristic towers or cupolas as focal points of their designs. They also have low-pitched roofs and elongated windows, eave brackets, and bay windows.



Queen Anne - 625 Madison St.

d. The emergence of the Queen Anne style (1880-1905) coincided with the rise of balloon framing and mass production of wood ornamental features. These developments allowed for extravagant architectural designs with asymmetrical floor plans and irregular roof planes. These houses often feature porches that wrap around from the main façade to a side elevation. More exuberant examples may also have a corner tower, highly detailed spindling, oriole or stained glass windows, roof cresting, wood shingle siding, corbelled brick chimneys with chimney pots, and irregular roof planes. Queen Anne style houses are often painted in rich, contrasting color schemes. Its popularity through the state expanded rapidly, as rail lines transported the mass-produced millwork and other stylistic elements.

e. By the end of the nineteenth century, American architects began to look towards the country's own architectural roots.



Colonial Revival - 609 Anderson Dr.

f. The Colonial Revival style (1895-1955) reflects the nation's embrace of its colonial past. The style is characterized by simplicity, symmetry, and unadorned order, as a movement away from asymmetrical, highly embellished styles of the Victorian era. Colonial Revival dwellings typically have rectangular plans and symmetrical facades. The roof may be gabled or hipped. Windows are multi-paned double sashes. Doorways may contain sidelights, fanlights, pediments, and columns or pilasters. The details are classically inspired, and entry porticos are common.



Craftsman - 99 Union St.

g. The Craftsman/Bungalow style (1905-1930) represents a movement away from mass-produced architectural design of the balloon-frame period. The Bungalow plan has roots in British India during the eighteenth and nineteenth centuries. The house type melded with Japanese building techniques exhibited at late nineteenth-century American expositions. Craftsman bungalow buildings typically have low-pitched gabled roofs with a wide eave overhang, exposed rafters, decorative beams or braces, full- or partial-width porches, and tapered posts on brick piers. Designers often used the Craftsman style for bungalows, which were generally one-and-one-half story houses with large porches and open interior floor plans. The Bungalow first emerged as a house type in American residential architecture in California and quickly spread across the country as a popular design choice for small houses. While the bungalow can take the form of a modest gable-front example, elaborate bungalow design can include a multi-plane roof shape, known as an Airplane bungalow, and can feature extensive Craftsman detail on the interior.

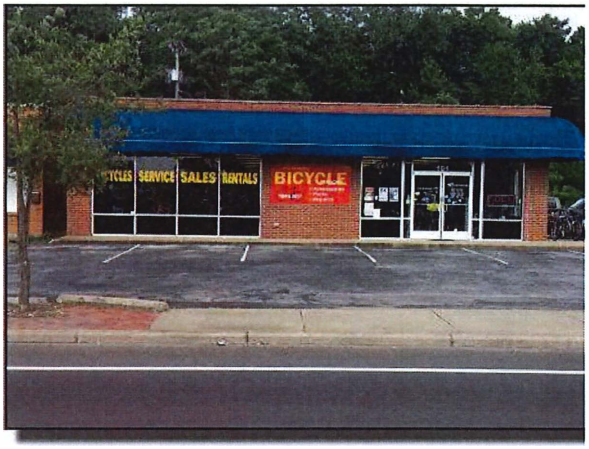


Tudor Revival - 611 Anderson Dr.

h. The Tudor Revival style (1910-1940) is based loosely on Medieval architecture. Peaking in popularity during the 1920s, the style was fashionable for single-family dwellings as well as small apartment buildings. The plans often feature cross gable, high-pitched roofs. Exteriors can be of stone, stucco with false half-timbering, brick veneer, or weatherboard siding. A Tudor Revival dwelling may feature a gable-front projecting bay with an arched entrance, an exterior, façade wall chimney, and even an entrance tower. Windows may be double-hung wood sash or multi-light styles. The Tudor Revival style was used almost solely on residential architecture.

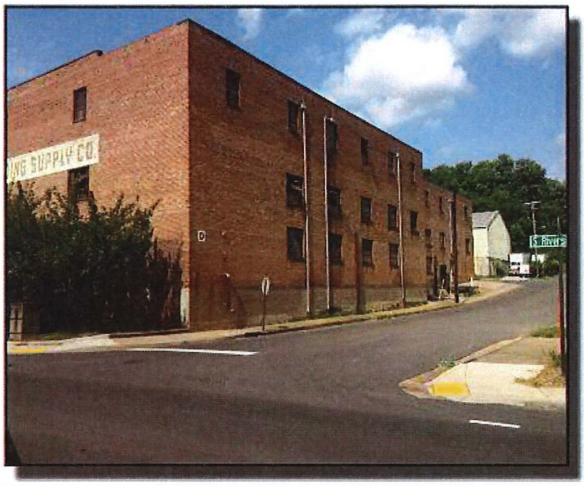
10. Twentieth-Century Commercial Buildings of Riverside Drive

a. Riverside Drive was created in the mid-20th century as a four-lane artery along the Cumberland River. At that time, many of the existing buildings were removed for the construction of the highway, though a few remain. While warehouses historically dominated the riverfront, commercial structures are the predominant building type today.



One-story brick commercial building on Riverside.

b. The development of Riverside Drive was intended to increase vehicular access through the downtown and to stimulate new commercial development. The buildings that have since been constructed here are primarily one- to three- story buildings constructed from the 1950s to present. These buildings are generally rectangular by design, of brick or concrete construction and are functional in form with minimal detailing. Generally, the area was oriented for automobile traffic rather than pedestrians, with most of the buildings recessed from the street with paved parking in front. Along the highway are numerous examples of retail "chain" designs used across the country by restaurants and other businesses.



Example of multi-story commercial building.

c. Recent plans have proposed re-designing this strip commercial corridor into an urban boulevard that is pedestrian-friendly, and has buildings that relate more strongly with the street. This plan would be achieved with a median, buildings closer to the street, specialty pavers, side and rear parking lots, minimized signage and curb cuts, street trees, and more landscaping. These features would promote a unified streetscape more in keeping with the balance of the downtown core. Future development should consider the character of relationship to existing riverfront development. This can include non-commercial buildings, especially housing.

d. The goal of these sub-district guidelines is to provide for regulated development that promotes a safe, attractive, unified streetscape that recognizes the value of the adjacent Historic Downtown and related neighborhoods, the river and developing Riverwalk Park system, and promotes a mix of future development to include retail, housing, entertainment and recreation in a district of increasing value and aesthetic appeal.

C. General Design Principles

1. **Overview:** These guidelines have been developed for specific application in the Downtown Overlay District to provide detailed assistance to building owners and the Design Review Board. These guidelines are used for the review of improvements to buildings in National Historic Districts and on the National Register outside the local Historic District Overlays, and may be consulted for design review within the local Historic District Overlays. The guidelines are based on The Secretary of the Interior's Standards for Rehabilitation, a document created in 1977 and revised in 1990.

2. **Secretary of the Interior's Standards for Rehabilitation:** The Department of the Interior describes the standards as ten basic principles created to help preserve the individual quality of a historic building and its site, while allowing for its evolution through reasonable changes to meet new needs. The Secretary of the Interior uses the Standards when reviewing projects involving federal funding or requiring federal licenses or permits. The Design Review Board uses principles of the Secretary's Standards on a local level as the basis for reviewing historic building rehabilitation and new infill construction. The Secretary of the Interior's Standards for Rehabilitation are:

   a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

   b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

   c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

   d. Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved.

   e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

   f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

   j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

D. Design Guidelines for Existing Commercial and Mixed-Use Buildings

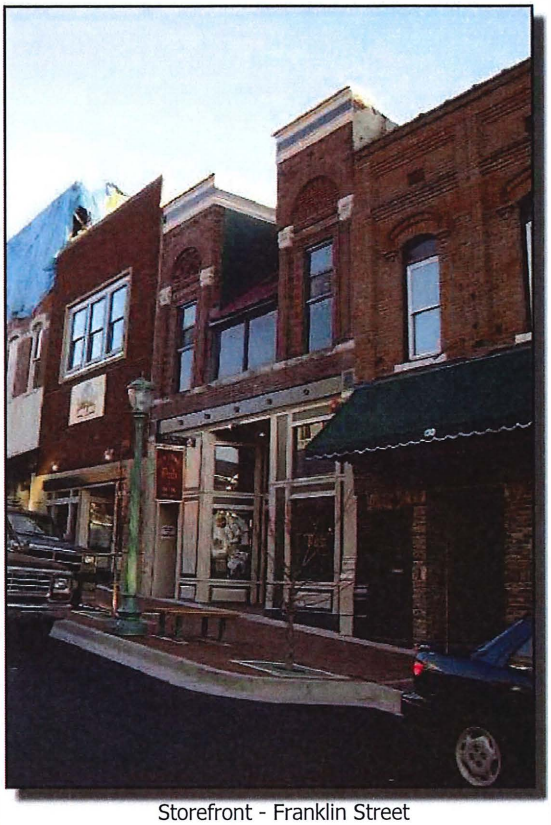
These guidelines are targeted for design standards that preserve the existing historic character and include a wide variety of building types. Development should consider the relationship to surrounding structures currently found in the immediate area. Examples of commercial and mixed-use buildings are illustrated below.



Franklin Street



Recent example of compatible infill - Franklin Street.



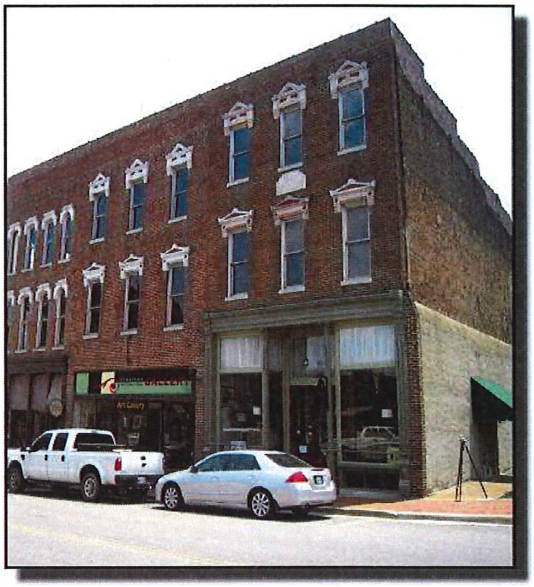
Storefront - Franklin Street



Theatre - Franklin Street

1. Storefronts

a. Storefronts are often the most visible feature of historic commercial buildings. Maintain storefront components, including display windows, bulkheads, transoms, doors, cornices, pillars and pilasters, with proper care and treatment. Do not cover or conceal these historic storefront components with modern materials. If historic storefronts or their components are missing, replace them so that they replicate the historic storefront. Match replacement components to the original in size, material, texture, and detail. Use historical photographic evidence to help determine the design and style of missing components.



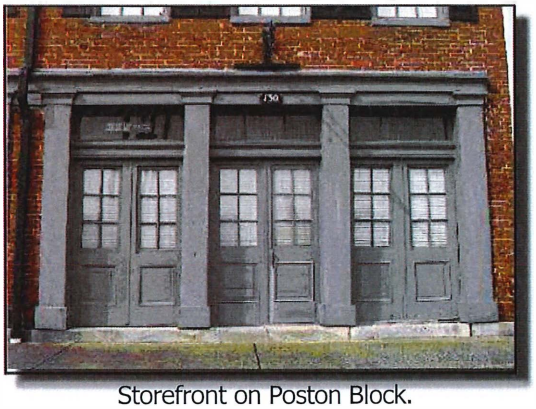
94 West Franklin Street

b. Display windows and bulkheads are essential elements of traditional storefronts and contribute significantly to a commercial property's historic character and appearance. If at all possible, it is better to repair rather than replace original features. If original display windows or bulkheads are missing or deteriorated beyond repair, they may be replaced with new ones to match the original. If the original is unknown, select replacement windows are traditionally scaled with large glass lights and with as few structural divisions as possible to maintain the traditional transparent storefront look. If the original bulkhead material is unknown, replacement may be of wood, brick, metal, or other material that is appropriate with the façade. When historical photographic evidence is not available, comparable buildings should be considered as models for design.



Side elevations of corner buildings should be treated the same as facade elevations.

c. Balconies are acceptable features on infill building design. They are not, however, appropriate additions to historic buildings. The only exception is when there is evidence that a balcony has been removed. Evidence can be in the form of historic photographs, ghost traces of a balcony attachment to the façade exterior, or building design, such as an exterior door on an upper floor.



Storefront on Poston Block.

2. Entrances

a. New entrance openings shall not be added to historic storefronts. If an additional entrance is

required by code, it shall be placed in the rear or on the side of the building. If it is not possible to place the opening in the rear or side, the new opening must be of the same design as the existing historic openings.

b. Existing doors shall be retained. If the design is known, new doors shall match the original in design and materials. If not, the missing door shall be replaced with a new door in a design and materials to match the character and style of the building as much as possible. Traditional designs such as single-light glass and wood doors are encouraged.

3. **Transoms:** Transoms shall be maintained with historic materials. Where missing or damaged transoms are being replaced, the original design shall be replicated based upon physical or pictorial evidence. If neither exists, use similar historic buildings from the same period as examples.



Storefront awning on West Franklin Street.

4. **Awnings and Canopies**: While awnings and canopies have a similar purpose in providing cover, they differ in design. An awning is made of fabric (usually canvas) and mounted on a framework extending from the facade. A canopy is a rigid wooden or metal plane that is parallel or somewhat parallel to the ground and perpendicular to the facade. It can be supported by a series of chains or rods (approximately 45 degree angle) extending from the facade just above it. Guidelines for awnings and canopies are the same for historic and new commercial/mixed use buildings.



An example of an acceptable ground floor awning.

a. **Awnings:** Awnings may be used on storefronts as well as upper levels. Shed awnings shall be used for rectangular openings, and arched awnings shall be used for arched openings. Continuous rows of awnings along the same building shall generally be restricted to the same type awning and application with consistent color.

b. **Canopies:** Canopies function only at the ground-floor level. Canopies that are sloped must be open on the ends and shall have no greater than a 45 degree angle (preferably less). Faux shingled Colonial-type canopies are not allowed. Canopies are relatively permanent, while awnings should be designed at least to appear to be retractable, though do not have to be. Conforming existing awnings and canopies shall be maintained or restored where they occurred. New awnings and canopies can be added to historic buildings for functional purposes. Either may be appropriate provided it complements a building's architectural style and does not irreparably conceal significant architectural features. Awnings or canopies shall be positioned individually within major structural bays of the building and designed to fit the opening in which they occur. New canopies and awnings shall maintain a clear height of seven (7) feet above the sidewalk, shall not extend more than six (6) feet over the sidewalk. Columns are not allowed on sidewalks. Canvas or other durable material is preferred, but plastic, fabric or other material which is glossy in nature is not

permitted. Awnings or canopies may not be internally lit to function as signs. However, signage graphics and text are permitted on awnings as set forth in Subsection J.

5. **Storefront Windows:** Existing historic display windows shall not be reduced, covered, or altered. Missing or damaged windows shall be replaced with windows that match the originals in location, design, and materials. If the original design is unknown, the replacement windows shall maintain the original scale, shall be largely glass with wood or aluminum mullions, and shall have as few subdivisions as practical to maintain the traditional display window appearance. The glass shall be clear or lightly tinted, and decorative glass or glass block shall not be used. On the interior, should the ceiling height be lower than the display window or transom, the ceiling space shall be recessed away from the interior side of the glass.



Proper Upper Story Windows

6. **Upper Windows:** Upper windows shall be maintained with the original size, materials, detailing, and number and arrangement of lights. If the design of the window is unknown, the window type and detailing shall be that of the architectural style or period of the building. Wood mullions with a painted finish or aluminum mullions with a white painted or bronze anodized finish shall be used.

7. **Shutters:** Shutters shall not be added to upper floor windows unless physical or pictorial evidence can be provided that they existed. Shutters shall be of a size and scale that fit the window and shall appear functional. Also, shutter design should be appropriate to the era of the building.



Upper floor windows at 199 Franklin Street

8. **Storm Windows:** Excluding local and national historic districts and structures, storm windows may be added to upper floor windows. They shall be full sash or sash proportionate with minimum mullions.

9. **Cornices:** Existing cornices shall be maintained or restored and shall not be concealed or obscured. Replacement of missing or damaged cornices shall be based on historic physical or pictorial evidence using materials and details which match the existing building. If historic evidence is not available, use similar historic buildings from the same period as examples.

10. **Architectural Features:** Architectural features shall be maintained or restored. Examples of these features such as columns, pilaster, brick detailing, lintels and window hoods are shown here. Replacement of missing or damaged features shall be based upon original materials, design, and detail. Excluding local and national historic districts and structures, alternative materials may be used if they look identical to the original and do not have maintenance issues that would cause them to not look like the original material over time. Decorative features shall not be added where none existed originally.

11. **Building Relocation**: Historic buildings within the downtown area should be relocated only under the following circumstances:
    - if the only alternative is demolition,
    - if the loss of a historic building is not required to create space for the relocation,
    - if the building to be relocated will be architecturally compatible with the adjacent buildings in height, scale, massing, materials, design, and setback.

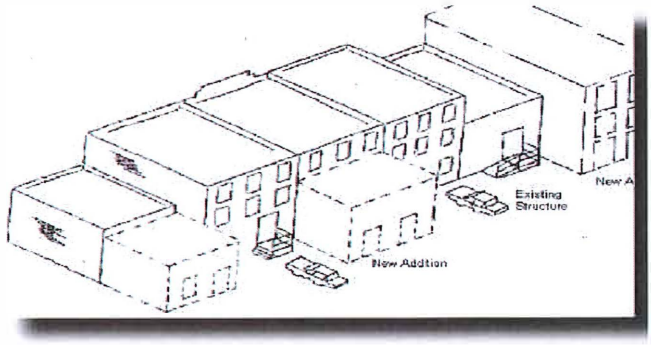


Cornice Detail - Franklin Street

11. **New Additions**: Additions shall be compatible in design and complementary to the existing structure. Additions must be visually subordinate to the main building. They shall have a lower roof, a compatible design, similar proportions and rhythm of openings, and shall be secondary in importance to the existing building. Additions should have exterior materials which are comparable to the original structure. These materials should also help differentiate between the original and the new. The use of sustainable materials such as cementitious siding should be considered for new additions. Additions should be placed at rear facades or adjacent to existing structures in a scale and proportion similar to the existing buildings. Rear additions should be smaller and lower than, or be of similar size to the existing structure. Side additions must be set back slightly from the main building. Additions similar in size should have a distinct break from the original structure.



Column Capital – Franklin Street



Dashed lines represent appropriate additions

E. Design Guidelines for Existing Residential Buildings

1. **Residential Overview:** These guidelines are for use outside the local Historic District Overlays for only townhouse and multiple-family structures because single-family homes and duplexes are excluded from design review outside the local Historic District Overlays, but may be consulted for guidance for improvement review within the local Historic District Overlays. While not all residential neighborhoods are necessarily historically significant, some, such as Emerald Hill and Dog Hill, are historic. The residential character of these areas should be preserved and maintained. Examples of buildings in this area are illustrated below.

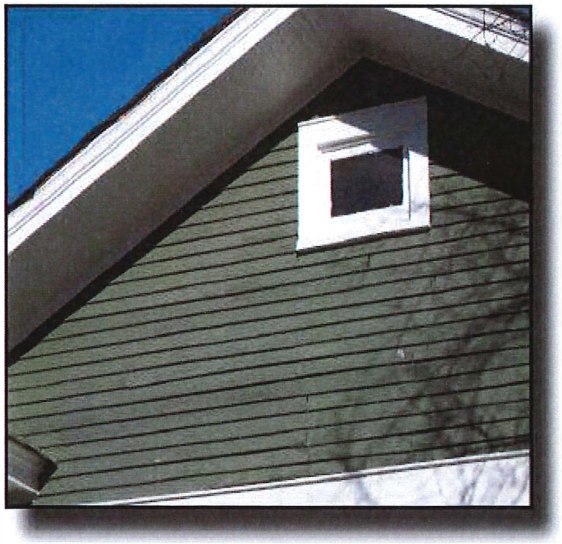




2. **Foundations:** Do not cover or conceal historically visible foundations. Follow the guidelines for masonry to maintain or repair foundations. If infill is desired for pier foundations, the installation of lattice sections between the piers is appropriate. Solid fill is not encouraged.

3. **Siding:** Wood siding is an important character defining feature of a building and preservation of original siding is recommended. Wood siding original to a building should be repaired rather than replaced. Original wood siding should be replaced only where necessary. Repair of original wood siding should be with wood siding to match the original. On a rear elevation, a non-wood siding may be acceptable if done in whole part, not in small pieces or sections.

   Non-original siding alternatives:
   - cementitious siding that matches the dimensions, non-grained texture, and color of the original wood
   - do not allow replacement siding to cover or conceal original architectural details
   - removal of asbestos, aluminum, and vinyl siding and restoration of the original wood siding is recommended
   - do not cover venting on a façade
   - match new siding width to the existing



Preserve and maintain original wood siding materials (99 Union Street).

4. **Porches:**

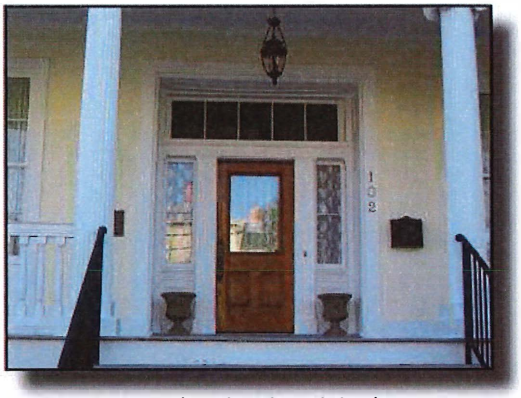
   a. Original porch elements such as columns, railings, valances, balusters and eave decoration should be preserved and maintained. If these features are deteriorated, they should be repaired with like materials and styles as closely as possible. If repair is not possible, they should be replaced with materials to match the original or with the most appropriate and sustainable material.

   b. Appropriate porch step materials include reconstructed wooden steps for wood porches and concrete steps for concrete porches. Brick is not a traditional material for porch steps and is not recommended. Porches on front facades should not be enclosed, as this type of addition alters the character of the façade. If screening is permitted, follow the recommendation below (see 11).



Original porches should be preserved and not removed or enclosed (610 Anderson Drive).

5. **Entrances:** Original doors and door elements such as sidelights and transoms should be preserved and maintained. The removal of original doors is not appropriate. If storm doors are added, they should be full-view design to allow the original door to be visible.



Preserve and maintain original entrance elements including doors, transoms and sidelights (102 Union Street).

6. **Windows:** Original wood or metal windows should be preserved and maintained. Replacement windows should be with materials and forms to match the original as closely as possible. The installation of anodized aluminum or baked enamel aluminum windows is appropriate if they match the original light configuration, color and profile of the original windows. The installation of vinyl windows is discouraged as well as the use of snap-in mullions. Many brands of vinyl windows do not successfully imitate wood windows in their dimensions and profile, and may also discolor due to ultra-violet rays.



Original two-over-two wood sash, arched windows.

7. **Security Doors and Windows:** The installation of security doors and windows is appropriate within some parameters. Statistically, intruders primarily enter through rear or side doors or windows which are not visible from the street. The installation of security doors and window bars on these facades may be appropriate. Although less appropriate on main facades, security doors may be installed if they are full view design or have minimal structural framing which allow the viewing of the historic door behind it. Ornate security doors with extensive grillwork or decorative detailing are not appropriate for entrances on the primary facade. Bars on windows may be placed on side or rear elevations, but never on facades.

8. **Storm Windows and Doors:** The installation of storm windows and doors can help in lowering energy costs and are appropriate for older dwellings. Storm windows should be full-view design or have the central meeting rail (the horizontal element where the top and bottom panes meet) at the same location as the historic window behind it. Storm doors should be of full-view design. Windows and doors of dark anodized aluminum or baked enamel are preferred to those of "raw" or shiny aluminum.

9. **Awnings:** Canvas awnings for windows and porches were common features of buildings in the early 20th century. With the widespread use of air conditioning after World War II, the use of awnings declined. In recent years, the use of awnings has increased because they are attractive and save energy costs. Canvas and similar material awnings are appropriate for many of Clarksville's dwellings.



Storm windows should be full view design or match the meeting rail of the window.



Installing full-view storm doors for energy conservation is appropriate (410 S. First Street).

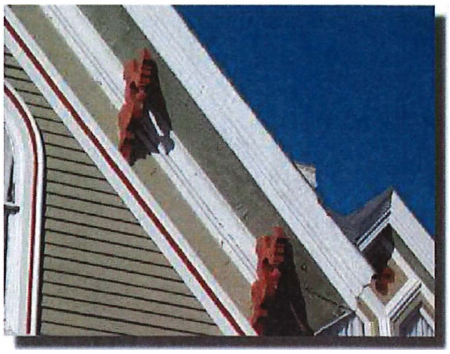


Canvas awnings are appropriate for shading porches and windows.



Appropriate door awning at 612 Anderson Drive.

10. **Architectural Features:** Original architectural features should be preserved and retained. These may include design elements such as wood shingles, eave verge-board and trim, window cornices, and eave brackets. If these features are deteriorated they should be repaired with like materials as closely as possible. If repair is not possible, they should be replaced with materials to match the original or with the most appropriate and sustainable material.



Preserve and maintain original architectural detailing such as eave brackets (422 S. First Street).

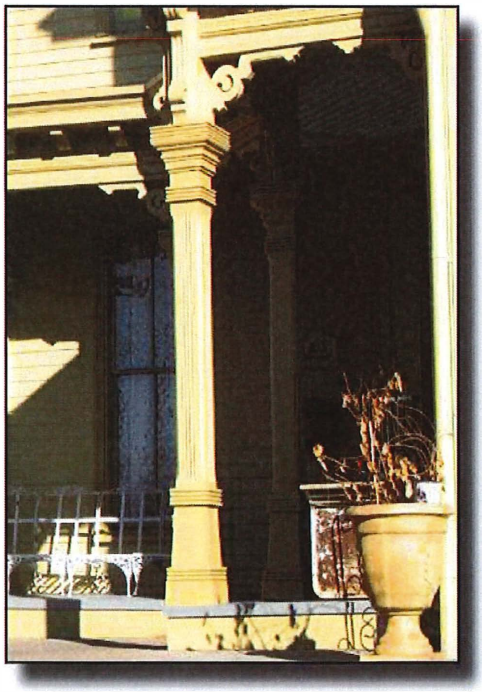
11. **Screens:** While screening in porches is discouraged, this action is permitted and should follow certain guidelines so as to not compromise the architectural integrity of the façade. Visibility of architectural features such as porch columns and any decorative work is essential. Screen panels for porches and screen doors for entrances are appropriate if the structural framework is kept to a minimum to retain the open appearance of the porch and the visibility of the original door behind the screen door.



The enclosure of porches with screen panels is acceptable if guidelines in Section 11 are followed.

12. **Lighting:** Many dwellings retain original exterior light fixtures at the porch ceiling or adjacent to the main entrance. Distinctive tinted globes and the "box" shaped fixtures for Craftsman/ Bungalows are part of a building's character and should be preserved and maintained. If the original light fixtures are missing, light fixtures with simple designs and detailing are preferred to large, ornate colonial or "Williamsburg" style fixtures. Avoid lighting styles that are inconsistent with the architectural style. Many companies now provide light fixtures based upon historic designs and the addition of these types of period fixtures is appropriate and encouraged.

13. **Mechanical Systems:** Modern air conditioning and heating units often require condensers and other units to be placed on the exterior. These units are typically located adjacent to, or within a few feet of, the building. Heating and cooling units should be placed at rear or sides of buildings not visible from the street. The placement of these units at the front of buildings is not appropriate and should be avoided. Screening of these units through shrubbery, fencing, or lattice panels is highly recommended.



Preserve and maintain original porch elements such as porch columns, eave decoration and lighting (103 Union Street).

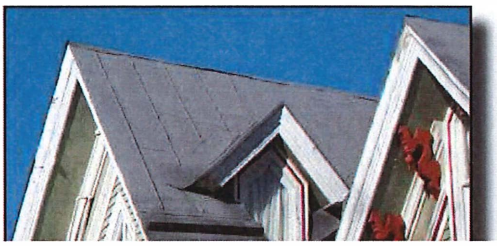
14. Gutters and Downspouts: Retain existing boxed or built-in gutters. Repair deteriorated or damaged boxed or built-in gutters if possible, rather than replacing them with new gutters. If new gutters are needed, the most appropriate design for hanging gutters is half round. Ogee gutters (that taper outward and are flat on the bottom and back), however, are also appropriate on buildings dating from or influenced by designs from the 1940s or later. Locate downspouts away from architectural features and on the least public building elevation.



Half-round gutters and downspouts are recommended for Clarksville's historic dwellings (424 S. First Street).

15. Roofs

a. Original roof designs should not be changed or altered on the primary and readily visible side elevations through the addition of new dormers or raised roof lines. Original materials such as metal, clay tile and slate should be preserved and maintained. If these features are deteriorated, they should be repaired with like materials as closely as possible. If repair is not possible, they should be replaced with materials to match the original or with the most appropriate and sustainable material. Synthetic materials can be acceptable if they accurately depict such roof materials, such as slate or clay tile. If new metal roofs are added they should match the original in crimping and spacing. New roof penetrations (pipes, vents) should be located on slopes of the roof that are not in view from the street.



Preserve and maintain original metal roofs (422 S. First Street).

b. The addition of skylights can make the use of upper floor space or attic space more practical. The installation of skylights is appropriate as long as they are placed on rear roof lines, behind gables or dormers, or otherwise not visible from the street. Skylights which are flush with the roofline or lay flat are more appropriate than those with convex or "bubble" designs.

c. Solar energy collectors or panels are available which can be either freestanding or attached directly to the building. Solar collectors are appropriate as long as freestanding panels are sited in rear yards and the roof panels are on rear facades or side facades not visible from the street.



New roof materials should be compatible with the original roof materials such as this imitative tile roof at 611 Anderson Drive.

16. Decks: Outdoor wood decks are popular additions and can usually work well with older buildings. As in the case of adding rooms, wood decks should be only built at the rear of buildings. Decks may be added to side elevations; however, their design will be reviewed. A review is required of a rear deck that is not visible from the street. A deck should not take visual priority away from the building; it should not extend beyond the sides of the building's walls. Its design should be simple with simple, square posts of 3-4 feet in height, spindles spaced 3-4 inches apart, and with a flat top railing.



Decks are appropriate at rear facades.

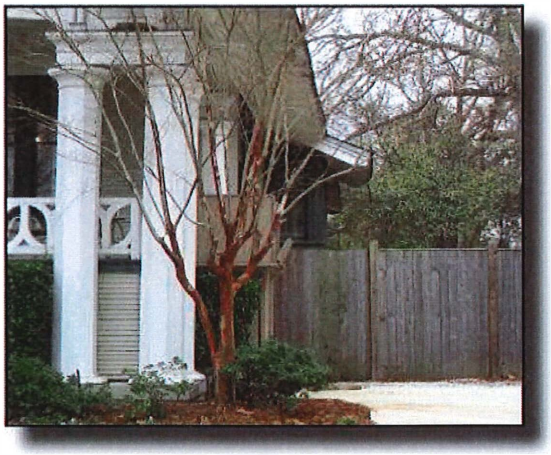
17. Handicap Ramps

a. Handicapped ramps, also known as accessible ramps, are sometimes needed to provide access for those with disabilities. Handicapped ramps are best at the rear or sides of buildings so as not to be visible from the street. Ramps of wood construction are most appropriate for Clarksville's historic residential areas, and the railings should be with simple designs or match the original porch railing in design and detailing. If the ramp must be on the building front, it should be architecturally compatible with the building and/or screened with landscaping.



Handicapped ramps should be sited on the side or rear rather than on the front of dwellings.

b. For properties which have high visitation such as physician offices, consider the installation of a chair lift on a side or rear elevation.



Example of an appropriate chair life on a front porch.

F. Design Guidelines for New Commercial and Mixed-Use Buildings

1. New Building Approach

a. New commercial building design shall reflect the period of its construction and shall not attempt a reproduction of a historic style unless it is reproducing a documented previously-existing building. It shall be compatible with the existing adjacent building, given the adjacent building is historic or exemplifies appropriate infill design in scale, setback, height, width, materials, massing, and rhythm and proportion of openings.



An example of new building construction that adopts an appropriate building mass.

b. While warehouses historically dominated the riverfront, commercial structures are the predominant building type along Riverside Drive today. The area has evolved into a strip commercial corridor, but needs to be transformed into an urban boulevard, including a median with landscaping and/or specialty pavers, street trees, sidewalks, fewer and narrower curb cuts, buildings closer to the street, and off-street parking to the rear or side of the buildings. These features would promote a unified streetscape more in keeping with the balance of the downtown core. Future development should consider the character of and relationship to existing riverfront development. This can include non-commercial buildings, especially housing (townhouses and other multiple-family structures). While the Riverside Drive Corridor should not be as urban as areas such as Franklin Street, it should be much less suburban than its current condition.

2. Height: Currently, building heights are from one to five-story in the downtown core. Residential neighborhoods in the district have one- and two-story single-family dwellings. Townhouses and apartments are two and three-story. The height of new buildings in the historic commercial district will vary from street to street and shall consider the height of adjacent buildings, as well as the entire block face and those of the block face on the opposite side of the street. Taller buildings may be appropriate at key intersections. Based on existing development, the figure on the following page is advisory only for building heights because the height restrictions of the underlying zoning district apply unless varied by the Board of Zoning Appeal. For reasons of financial viability and to encourage greater property values per acre Downtown, building heights greater than the advisory height may be necessary outside of the local and national historic districts. The height of any new structure should not block the view shed of the cupola of the Old Historic Court House, the upper floor of the new City Hall and the spires of churches on the National Register of Historic Places. Consideration should also be given to avoiding the obstruction of views of the Cumberland River from structures on the bluff.

ORDINANCE 4-2021-22

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, TENNESSEE, AS IT PERTAINS TO HISTORIC AND DESIGN OVERLAY DISTRICTS

WHEREAS, the State of Tennessee recently passed Public Chapter 332 (2021) in which all cities and counties in the state are required to update, amend, and readopt any design overlay districts to include historic districts, AND

WHEREAS, the Regional Planning Commission initiated the update of the proper sections of the City of Clarksville Zoning Ordinance via a special called meeting on July 14, 2021, AND

WHEREAS, the updates are viewed as necessary in order to continue to provide design review in the Historic Overlay District, Madison Street Corridor Urban Design Overlay District, and the Downtown Urban Design Overlay District in the City of Clarksville to promote health, safety, welfare, and a more prosperous city.

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

That Chapters 9.3 Historic Overlay District, 9.4 Madison Street Corridor Urban Design Overlay District, and 9.5 Downtown Urban Design Overlay District of the City of Clarksville Zoning Ordinance are hereby repealed and replaced in their entirety with the following language:

9.3 HISTORIC OVERLAY DISTRICT

1. **General Description and Purposes.** The historic district provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic and/or cultural value to the City of Clarksville, Tennessee, pursuant to the authority contained in Section 13-7-402, of the Tennessee Code Annotated. The general intent includes, among others, the following specific purposes:
    A. To preserve and protect the historic and/or architectural value of buildings or other structures;
    B. To protect the historic buildings or other structures from encroachment of surrounding uses which diminish or lessen their significance;
    C. To regulate exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility;
    D. To create an aesthetic appearance which complements the historic buildings or other structures;
    E. To stabilize and improve property values;
    F. To foster civic beauty;
    G. To strengthen the local economy;
    H. To promote the use of historic districts for the education, pleasure, and welfare of the present and future citizens of Clarksville and Montgomery County.

2. **Creation of Historic Districts.** Upon the creation of an historic district, the boundaries shall be shown on the zoning map or on special overlays thereto which are made a part of this section and may be viewed upon request at the office of the Regional Planning Commission. No structure shall be constructed, altered, repaired, moved, or demolished in any historic district unless the action complies with the requirements set forth in this section.
3. **Creation of a Regional Historic Zoning Commission.** A Regional Historic Zoning Commission is hereby created for the City of Clarksville, Tennessee, and it shall consist of seven (7) members who shall have been bona fide residents of the area of jurisdiction of Montgomery County for not less than three (3) years immediately prior to appointment and who shall continue to be so eligible as long as they serve. The Commission shall be made up of the following:
    A. A representative of a local patriotic or historical organization;
    B. An architect, if available;
    C. One representative of the City Council;
    D. One representative of the County Commission;
    E. One representative of the Regional Planning Commission;
    F. The remaining members shall be appointed from the general public.
2. **Appeals from Decision of the Regional Historic Zoning Commission.** Anyone who may be aggrieved by any final order or judgment of the Historic Zoning Commission may have such order or judgment reviewed by the courts by procedure of statutory certiorari as provided for in Tennessee Code Annotated § 27, Chapter 8 (Acts 1982, Ch. 814 and 1; 1987, Ch. 40 and 6).
3. **Appointment to the Regional Historic Zoning Commission.**
    A. The mayor of the City of Clarksville shall appoint the representative of the local patriotic or historical organization, the member of the City Council, and one member from the general public, all subject to confirmation by the City Council.
    B. The Mayor of Montgomery County shall appoint the architect, the member of the Board of County Commissioners, and one member from the general public, all subject to confirmation by the County Commission.
    C. The Regional Planning Commission shall nominate the member of that Commission and that member shall be confirmed by both legislative bodies of the City and County.
2. **Term of Appointment, Removal, and Vacancies.** The members of the Regional Historic Zoning Commission shall serve for five-year terms, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members shall expire each year. The term of the member nominated from the Regional Planning Commission shall be concurrent with the term on the Regional Planning Commission, and the term of members from the local legislative bodies shall be concurrent with the terms on the local legislative body. All members shall serve without compensation and may be removed from membership by the appointing authority for just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the City Council and County Commission. Vacancies on the Regional Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. Vacancies shall be filled within a period of sixty (60) days following their occurrence. The Commission may adopt rules and regulations consistent with the provisions of this Section.
3. **Election of Officers, Rules and Meetings.** The Regional Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The Commission shall adopt rules of order for conducting meetings and establish regular meeting dates.

4. **Conflict of Interest.** Any member of the Regional Historic Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Regional Historic Zoning Commission in connection therewith.
5. **Powers and Duties of the Regional Historic Zoning Commission.** The Regional Historic Zoning Commission may submit and it shall review applications for amendments to this section designating historic sites or buildings for special historic districts. A historic district or zone shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one or more of the following criteria:
    A. That it is associated with an event which has made a significant contribution to local, state, or national history;
    B. That it includes structures associated with the lives of persons significant in local state or national history;
    C. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
    D. That it has yielded or may be likely to yield archaeological information important in history or prehistory;
    E. That it is listed in the National Register of Historic Places; (Acts 1982 (Adj. S.), Ch. 814, 1.); or
    F. That it addresses the cost of acquisition by city and/or county governments, restoration, maintenance and repair, as applicable.
2. **Additional Powers and Duties of the Historic Zoning Commission.**
    A. It shall be the duty of the Regional Historic Zoning Commission to make the following determination with respect to historic districts:
        I. Appropriateness of altering or demolishing any building or structure within the historic district. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure.
        II. Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district.
        III. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.
        IV. The general exterior design, arrangement, texture, material, color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Regional Historic Zoning Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.
    B. It shall also be the responsibility of the Commission to review all proposed nominations to the National Register of Historic Places for properties within the jurisdiction of

Montgomery County. A report of the commission's recommendations in this regard will then be forwarded to the Tennessee Historical Commission/State Historic Preservation Office.

C. The Commission shall also have the authority to conduct surveys of local historical and cultural resources and will maintain a list of districts and individual properties that have been designated historic pursuant to local legislation.
D. The Commission shall also have the authority to establish reasonable fees in regard to applications for certificates of appropriateness.

2. **Right of Entry Upon Land.** The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this section, but there shall be no right of entry into any building without the consent of the owner.
3. **Liability of Regional Historic Zoning Commission Members.** Any Regional Historic Zoning Commission member acting within the powers granted by this section is relieved from all personal liability for any damage and shall be held harmless by the City and County governments. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the City of Clarksville or Montgomery County, until the final termination of the procedure
4. **Submittal of Building Permit to the Historic Zoning Commission.** The City Building Official and the County Building Commissioner shall not issue any permit for the construction, reconstruction, alteration, or extension of building or other structure within any historic zone district, nor shall any other agency issue a permit for the demolition or removal of any building or other structure within said district without first submitting the application for such permit together with all exterior plans, elevations, and other information necessary to determine the appropriateness of the features to be passed upon by the Regional Historic Zoning Commission. In the case of applications for demolition, no plans or other information shall be required to be submitted by the applicant.
5. **Meetings on Application.** Regular meeting dates and time, and the deadline for each regular meeting, shall be established by the Regional Planning Commission Office, or within ten (10) days after notification by the City Building Official or the County Building Commissioner of the filing of an application relating to a historic district or a nomination to the National Register.
6. **Approval by the Regional Historic Zoning Commission.** Upon approval of any application, the historic zoning commission shall forthwith transmit a report to the City Building Official or the County Building Commissioner stating the basis upon which such approval was made, and cause a certificate of appropriateness to be issued to the applicant. Upon failure of the Historical Zoning Commission to take final action within thirty (30) days after receipt of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit. When a certificate of appropriateness has been issued, a copy thereof shall be transmitted to the City Building Official or the County Building Commissioner who shall, from time to time, inspect the construction or alteration of the exterior approved by such certificate, and report to the Regional Historic Zoning Commission any work not in accordance with such certificate before issuing a certificate of zoning compliance.
7. **Disapproval by the Regional Historic Zoning Commission.** In the case of disapproval of any application, the Regional Historic Zoning Commission shall state the reasons therefore in a written statement to the applicant, in terms of design, arrangement, texture, color, material, and the like of the property involved. Notice of such disapproval and a copy of the written statement of reasons therefore shall also be transmitted to the City Building Official or the County Building Commissioner.

8. **Approval of Removal or Demolition.** In the event an application for removal or demolition or redevelopment of a building or other structure within an historic district is submitted or such demolition is required, the governmental agency receiving such request or initiating such action shall transmit a copy thereof to the Regional Historic Zoning Commission, and said Commission shall have a period of one hundred twenty (120) days from the date the application was filed to acquire such property. Upon failure of the Regional Historic Zoning Commission to take final action within one hundred twenty (120) days after the filing of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.
9. **[Reserved** Per Ordinance 64-2019-2020**]**
10. **Public Comment.** All meetings of the commission shall adhere to the Tennessee Open Meetings Act (TCA sec. 8-44-101, et seq.) Further, the Commission will provide opportunity for public comment during the press of the commission's review of the National Register nominations as well as its consideration of local zoning applications
11. **Further Reporting.** The Commission shall send all annual reports of its activities to the Tennessee Historical Commission/State Historic Preservation Office.

9.4 MADISON STREET CORRIDOR URBAN DESIGN OVERLAY DISTRICT

9.4.1 PURPOSE

Purpose

The purpose of the Madison Street Corridor Urban Design Overlay District is to coordinate the physical improvements that will be made to this important corridor by both public and private entities.

The overlay zoning district is placed “over” the base zoning in an area in order to modify the base zoning’s regulatory standards. The overlay district alters such standards as building placement, size and height, parking and access, landscaping and buffering, and signage, but does not determine the use of the property. The use is governed by the underlying base zoning.

How to Use This Section

Government officials, property owners, developers, design consultants and other stakeholders will use this section to prepare improvement plans that are consistent with the Madison Street Corridor Urban Design Overlay and Design Standards and Guidelines, are prepared by Gresham Smith and Partners, and incorporated by reference herein. The standards and guidelines apply to all residential and non-residential new construction and improvements in the area that require building and sign permits and that make modifications to the exterior appearance of buildings, landscaping and parking. Picture 9.1 delineates the area within the Madison Street Corridor Urban Design Overlay District.

Scope of Review

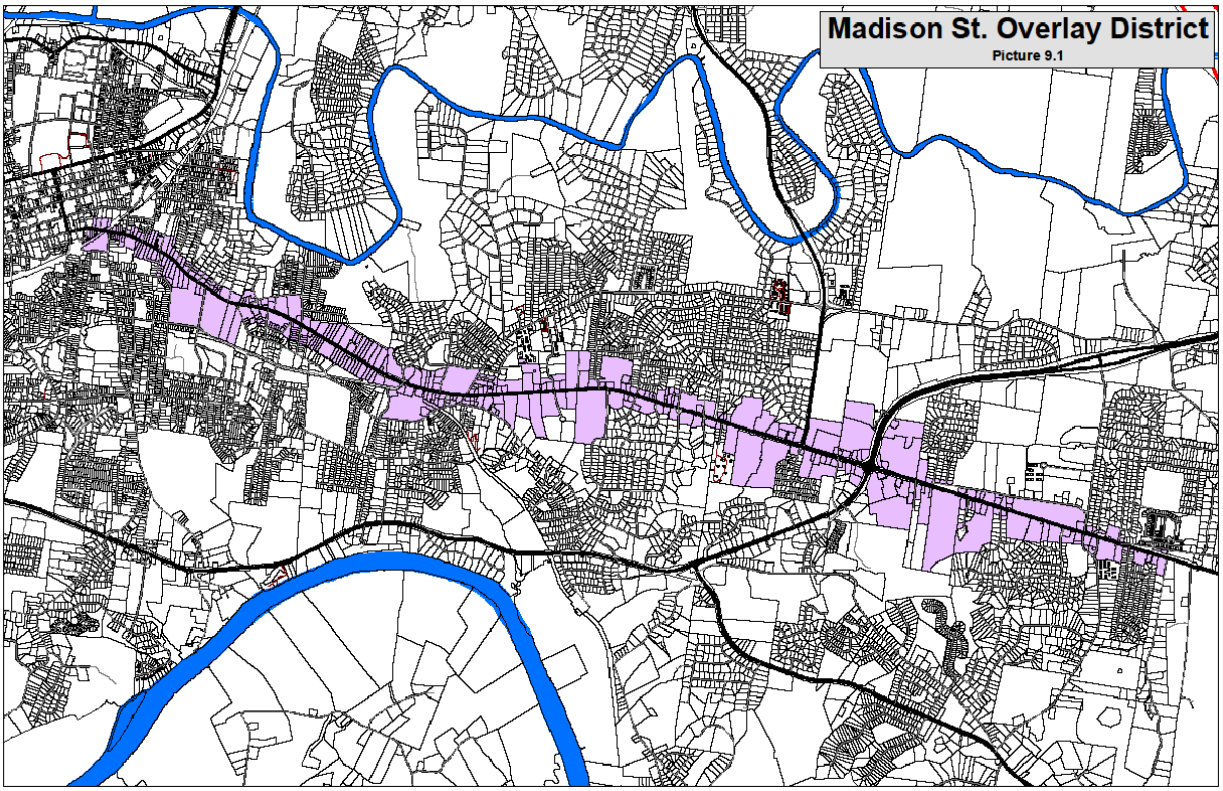
Design review shall apply to all sides of a building. Any discernable changes will require approval from the Design Review Board (* indicates Administrative rather than Board function):

a. Demolition of Contributing Structures

b. Proposed New Construction/Exterior Remodeling/Modifications
c. Relocation of Buildings
d. Exterior Repair or Repainting*
e. Window Changes In-Kind*
f. Landscaping meeting the minimum requirements of Chapter 7 of the Zoning Ordinance*
g. Signage and Awnings*
h. Sidewalk Changes or Improvements on private property
i. Exterior Lighting Changes or Improvements
j. Parking Lot Construction, Changes or Improvements that modify parking locations, number of parking spaces or circulation patterns

The functions above marked with an asterisk (*) are considered administrative in nature, and may be approved at the Staff Level if all objective standards are met. However, the staff will forward the application for action by the full Design Review Board for review and approval if there is a question about meeting the standards or if the applicant is requesting a variance from the standards.

Picture 9.1



9.4.2 DESIGN STANDARDS AND GUIDELINES

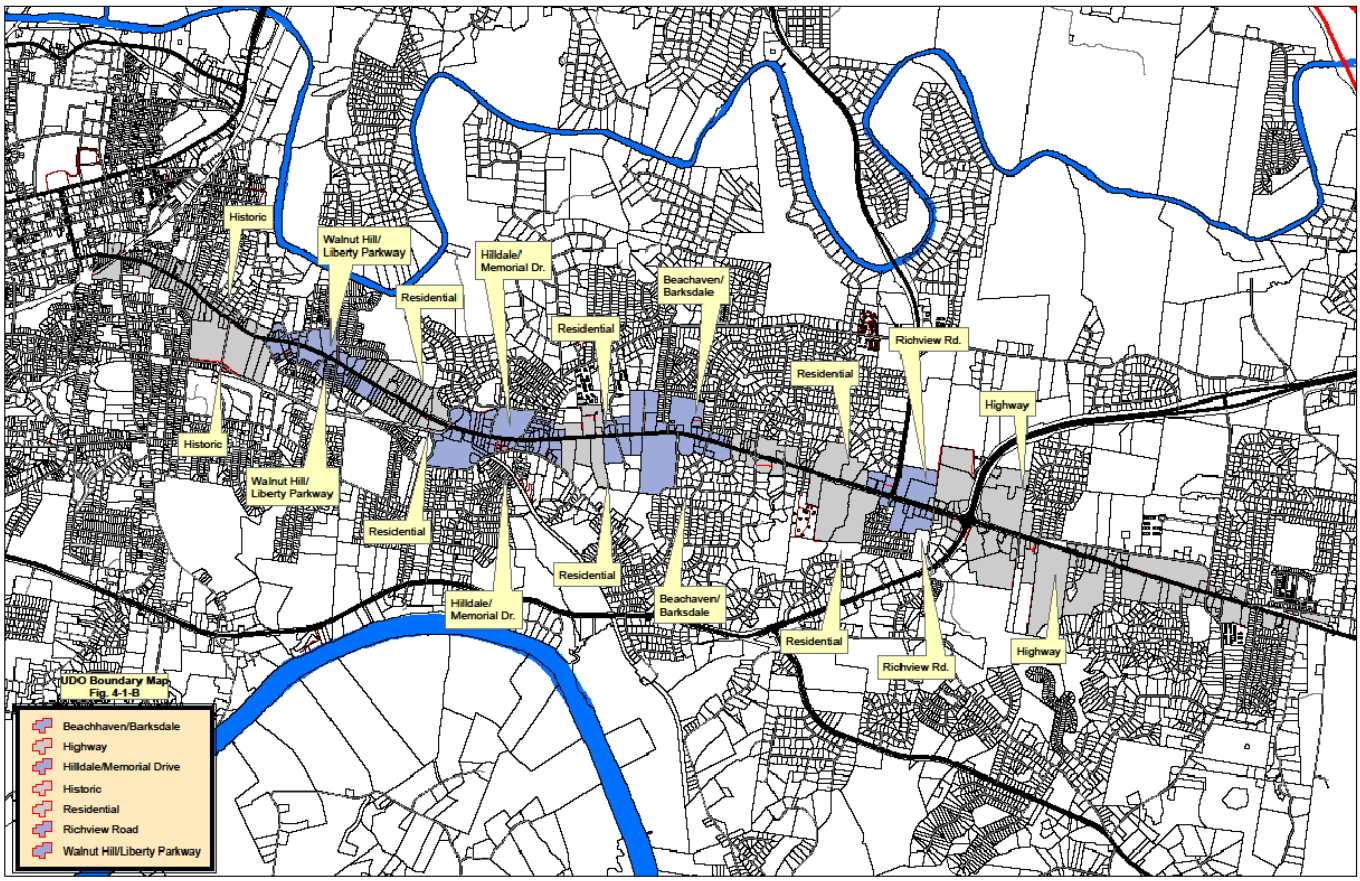
Subsection, 9.4.2. "Design Standards and Guidelines", organizes the overlay standards and guidelines into six sections: Building Standards, Architectural Treatment, Parking and Access, Signs, Landscape Screening and Buffers, and Streetscapes

DESIGN STANDARDS AND GUIDELINES

A. UDO Boundary Map

The Madison Street Corridor Urban Design Overlay District has been divided into seven distinct subdistricts based on the desired development character in the corridor (Picture 9.2). Where appropriate, specific design standards have been for each Subdistrict. The Subdistricts are described below.

Picture 9.2



Centers
Centers are intended to be the focal point of redevelopment in the corridor. They focus on the creation of walkable places. Center subdistricts within the Madison Street Corridor UDO include:

- Walnut Hill/Liberty Parkway
- Hilldale/Memorial Drive
- Beachaven/Barksdale Elementary
- Richview Road

Transitions
Transition Subdistricts are located between the Centers. They are intended to reinforce the underlying base zoning building standards. They include:

- Historic
- Residential
- Highway

B. Building Standards
The Building Standards vary by Subdistrict in the Madison Street Overlay District (Table 9.1)

Goals

- Guide the placement, size, arrangement and articulation of buildings on the Madison Street Corridor.

- Encourage a walkable, pedestrian-friendly environment within each of the Center Subdistricts that is devoid of large, unoccupied spaces.

- Create a sense of enclosure so that drivers realize they are entering a unique place.

TABLE 9.1: BUILDING STANDARDS BY SUBDISTRICTS

	CENTER SUBDISTRICTS				TRANSITION ZONES
STANDARD	WALNUT HILL/ LIBERTY PARKWAY	HILLDALE/MEMORIAL DRIVE	BEACHAVEN/ BARKSDALE	RICHVIEW ROAD	HISTORICAL, RESIDENTIAL& HIGHWAY
SETBACKS					BUILDINGS SHALL BE LOCATED AND SIZED ACCORDING TO BASE ZONING
MIN. BUILDING FRONT SETBACK LINE	5 FEET	5 FEET	5 FEET	25 FEET	
MAX. BUILDING FRONT SETBACK LINE	30 FEET	30 FEET	30 FEET	50 FEET	
MIN. BUILDING SIDE SETBACK-INTERIOR LOT/COVERAGE	ACCORDING TO BASE ZONING				
MINIMUM REAR BUILDING SETBACK LINE					
ADJACENT TO RESIDENTIAL	ACCORDING TO BASE ZONING				
ADJACENT TO NON RESIDENTIAL	5 FEET	5 FEET	5 FEET	5 FEET	
MIN. FRONT FAÇADE AT SETBACK LINE	60%	80%	60%	40%	
BUILDING CONFIGURATION					
MAX. BUILDING HEIGHT (a)	45 FEET	75 FEET	60 FEET	45 FEET	
MAX. NUMBER OF STORIES	THREE	FIVE	FOUR	THREE	
MIN. FIRST FLOOR HEIGHT	14 FEET	14 FEET	14 FEET	14 FEET	
MINIMUM % GLAZING OF STREET WALL (b) (c)					

FIRST FLOOR RETAIL	40%	70%	40%	40%	
FIRST FLOOR NON-RETAIL	40%	40%	40%	40%	
ADDITIONAL FLOORS	25%	25%	25%	25%	
LOT OCCUPATION					
MAX. LOT COVERAGE	70%	80%	70%	60%	

NOTES:
(a) Applicability of Height – Mechanical penthouse is not subject to limitation.
(b) Glazed Area of Calculations – The first floor glazed area calculation shall be based on the façade area measure to a height of fourteen (14) feet from grade.
(c) Corner Lot Glazing – On corner lots with frontage on Madison Street, the glazing shall turn the corner facing the secondary street a minimum of twenty (20) feet in length along the property frontage.
(d) Variance request from this table shall be by the authority of the Madison Street Design Review Committee.

C. Architectural Treatment Design Standards and Guidelines

The Architectural Treatment Design Standards and Guidelines apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Encourage high-quality buildings that are well designed, visually interesting, and compatible with their surroundings.

• Support active and pedestrian-oriented public spaces throughout the corridor.

Standards and Guidelines

1.1 Facades

1.1.1 Provide entrances that are distinct and visible from the street.

1.1.2 Blank walls facing streets shall be prohibited.

1.1.3 Window and door openings shall have a vertical orientation and vertical alignment between floors.

1.1.4 The street frontage of the ground floor of all structures shall have built-out space (e.g., retail, residential, office space).

1.1.5 All commercial buildings shall have a discernible base and cap which are clearly defined by horizontal elements along the bottom and top of the building. Variations in materials and colors can help achieve this standard.

1.2 Massing

1.2.1 The maximum length of an uninterrupted facade plane shall be thirty (30) feet. Building wall offsets, projections and recesses up to four (4) feet, and/or pilasters shall be used to break up the mass of a single building into bays.

1.2.2 Variations in solid and void within walls are encouraged to provide interest along building edges. Changes in color, material and wall height are also encouraged.

1.2.3 The first floor of residential buildings is encouraged to be above the level of the sidewalk to increase privacy.

1.3 Materials

1.3.1 Encourage the use of simple and durable materials, especially at street level.

1.3.2 Minimize the number of building materials to three (3), with one (1) serving as the dominant cladding.

1.3.3 Appropriate exterior wall materials are:

- Brick
- Natural or artificial stone
- Concrete: finish should be architectural level
- Metal panels: individual or systems
- Glass curtain wall systems

1.3.4 Appropriate materials for limited accents are:

- Metal (galvanized, painted or ornamental)
- Concrete (pre-cast or unfinished exposed concrete)
- Wood
- Fiber cement siding
- Tile
- CMU (ground or split face only)
- Exterior insulation and finish system

1.3.5 Inappropriate materials are:

- Applied stone

- Vinyl or aluminum siding

- Mirrored or tinted glass (on ground floor)

- Galvanized metal as veneer

1.4 Colors

1.4.1 Minimize the number of building exterior colors to three.

1.4.2 Subtle neutral colors are encouraged.

1.4.3 Bright, intense or fluorescent colors are prohibited.

1.5 Roofs

1.5.1 Provide straight forward, simple roof forms free of "sculptural" or sign-like visual qualities.

1.5.2 Flat roofs with parapet walls are encouraged.

1.5.3 False mansard roofs are prohibited.

1.6 Awnings and Canopies

1.6.1 Canvas or other durable material is preferred.

1.6.2 Plastic, fabric or other material that is glossy in nature is not permitted.

1.6.3 Internally illuminated canopies are not allowed.

1.6.4 Minimum of eight (8) feet clearance is required.

1.6.5 No awning shall exceed twenty-five (25) feet in length.

D. Parking and Access Design Standards and Guidelines

The Parking and Access Design Standards and Guidelines apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Encourage cooperation among local businesses to promote and develop shared parking and access.

• Eliminate barriers separating commercial properties in favor of pedestrian walkways between parking lots and adjacent businesses.

Standards and Guidelines

1.1 Surface Parking

1.1.1 Surface parking shall be located to the side or rear of buildings and screened from streets and sidewalks, except in the Richview Road Subdistrict.

1.1.2 Surface parking located to the side of a building shall be limited to one double loaded aisle.

1.1.3 Lighting for all parking areas shall be appropriate in function and scale for both the pedestrian and vehicular traffic.

1.1.4 The lighting style shall be ornamental and/or consistent with the surrounding architecture.

1.1.5 'Box' or 'cobra' style lighting is prohibited.

1.1.6 All illumination should be shielded from adjacent properties.

1.1.7 Provide perimeter landscaping and interior landscaping of surface parking lots per City of Clarksville Landscape Ordinance.

1.2 Structured Parking

1.2.1 The ground floor of any parking structure shall have built-out space (e.g., retail, residential, office space) provided for a minimum of seventy-five (75) percent of the street frontage.

1.2.2 Wherever parking structures are permitted to front streets, walls must utilize materials, colors, and a pattern of openings consistent with surrounding buildings.

1.2.3 Any built-out space provided on the ground level of a parking structure fronting a public street shall have direct access to the street and sidewalk.

1.2.4 Parking structures built as a principal use must be of flat floor plate construction with a minimum floor to floor height of twelve (12) feet.

E. Sign Design Standards and Guidelines

The Sign Design Standards and Guidelines apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Encourage a more uniform and aesthetically pleasing appearance on Madison Street

• Provide signage that is complementary and well-integrated for pedestrians in a walkable environment, while also legible to vehicular traffic.

• Commercial signage shall be designed primarily for the purpose of identifying a business rather than serving as advertising.

Standards and Guidelines

1.1 General

1.1.1 Signs may not be erected or altered without obtaining a Certificate of Appropriateness from the Design Review Board.

1.1.2 All signage applicants shall be required to develop and submit for review an overall signage program that exhibits a coordinated uniform theme of design elements.

1.2 Prohibited Signs

1.2.1 Animated, flashing, chasing, running or sequential signs are not permitted.

1.2.2 All portable signs, including parked vehicles with signs expressly for advertising, are not permitted.

1.2.3 Pole banners and streamers are not permitted.

1.2.4 Refer to the Chapter 8, Sign Regulations for additional regulations.

1.3 Design and Materials

1.3.1 Simple overall shapes are preferred over complex geometries.

1.3.2 Signs shall be professionally designed and constructed using high-quality materials.

1.3.3 Well designed, hand-painted signs are permitted.

1.3.4 Sign colors should be compatible with the colors of the building façade.

1.3 5 A dull or matte finish is encouraged to reduce glare and enhance legibility.

1.3.6 Signs shall not obscure key architectural elements, doors or windows.

1.3.7 Marquee type signs for announcements of activities taking place at the location are prohibited (exceptions: churches, schools and institutional uses).

1.3.8 Signs for multiple businesses shall be of similar material and design.

1.3.9 Channel letter signs shall have metal frames and plastic faces, or in the case of reverse channel letter signs, metal faces and frames and plastic backs.

1.4 Lighting

1.4.1 Lighted signs shall be spotlighted, externally lit, or back-lit with a diffused light source.

1.4.2 Spotlighting should completely shield all light sources; light should be contained primarily within the sign frame.

1.4.3 Backlighting should illuminate only the letters, characters or graphics on the sign, but not its background.

1.4.4 Neon signs are discouraged, including open face channel letter signs.

1.4.5 Light emitting diode (LED) signs are prohibited.

1.4.6 Pulsating, flashing, running or rotating lights are not permitted, other than signs depicting time, temperature and gasoline prices.

1.4.7 Illuminated plastic box signs are not permitted.

1.5 Permitted Signs: Awning and Canopy Signs

1.5.1 Copy limited to valance or vertical face of awning or canopy shall be no greater than fifty (50) percent of height or twelve (12) inches, whichever is less.

1.5.2 Copy limited to fifty (50) percent of horizontal width of awning.

1.5.3 Awnings without valances may have copy not exceeding thirty (30) percent of area.

1.6 Permitted Signs: Free-Standing Signs

1.6.1 Only one free-standing sign per parcel or platted lot shall be permitted, unless the parcel is a corner lot in which case two (2) shall be allowed.

1.6.2 Free-standing signs shall be supported on a solid base such as a pylon or two column sign designed to complement the architecture of the building or complex to which it pertains.

1.6.3 A landscaped base or architecturally detailed plinth is required.

1.6.4 The height limit for a free-standing sign shall be twenty (20) feet measured from average grade of parcel.

1.6.5 Maximum sign area shall be fifty (50) square feet. For buildings with four or more tenants, City staff and the Design Review Board may allow a maximum of one hundred (100) square feet.

1.6.6 Letter height shall not exceed twelve (12) inches.

1.7 Permitted Signs: Monument Signs

1.7.1 Monument signs shall not exceed thirty (30) square feet in area, excluding the support structure, and may not be more than three and one half (3 ½) in height within fifteen (15) feet of a driveway or street or five (5) feet in height otherwise.

1.8 Permitted Signs: Wall Signs

1.8.1 All signage affixed to buildings shall conform to Section 8.8 of this Ordinance, relative to signs in the Central Business District, except for properties with building front setbacks one hundred (100) feet or greater. For such properties, wall sign size shall not exceed eighty (80) percent of the width of the front façade and letter height shall not exceed thirty-six (36) inches. Exceptions may be granted by the Design Review Board based on building elevation, proportions and design.

1.8.2 Wall signs shall not extend above an eave line or parapet.

1.9 Permitted Signs: Window Signs

1.9.1 Window signs shall not cover more than fifteen (15) percent of the window area with letters not to exceed ten (10) inches in height.

2.1 Flags and Flagpoles

TABLE 9.2: FLAG AND FLAG POLE DESIGN GUIDELINES

FLAG POLE HEIGHT	FACE SIZE OF FLAG
20 - 30 feet in height	4’ X 6’ Flag
30 - 40 feet in height	5’ X 8’ Flag
40 – 50 feet in height	6’ X 10’ Flag

2.1.1 Flags shall be limited to constitutional flags only (City, County, State and Federal).

2.1.2 The total number of flagpoles per parcel or platted lot shall be limited to one (1).

2.2 Temporary Signage

2.2.1 Real Estate signs shall be allowed as long as the property is being actively marketed for sale or lease and limited to one (1) per parcel or platted lot. Overall sign area is limited to thirty-two (32) square feet.

2.2.3 Construction signs are permitted during construction activity only. Overall sign area is limited to thirty-two (32) square feet.

F. Landscape, Buffering and Screening Requirements

The Landscape, Buffering and Screening Requirements of Chapter 7 of this Ordinance shall apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Develop public spaces that are pedestrian friendly, environmentally responsible and aesthetically pleasing.

Standards and Guidelines

1.1 Parking: Perimeter Screening

1.1.1 Provide perimeter landscaping of vehicular use areas per requirements of Chapter 7 of this Ordinance.

1.1.2 Exterior planting areas should be designed to allow stormwater to collect and percolate.

1.2 Parking: Interior Planting

1.2.1 Provide interior landscaping of vehicular use areas per requirements of Chapter 7 of this Ordinance.

1.2.2 Interior planting areas should be designed to allow stormwater to collect and percolate.

1.3 Zone District Boundaries: Buffers

1.3.1 The base zoning district landscape buffer standards shall apply, except as follows:

- The landscape buffer standards shall be waived along internal base zoning district boundaries within the Center Sub-Districts.

- The landscape buffer standards shall be waived along base zoning district boundaries that coincide with the Center Sub-Districts whenever (1) the

abutting base zoning district outside of the Center Sub-Districts is a non-residential district, or (2) the base zoning district boundary is in a public street.

G. Streetscape Design Standards and Guidelines

The Streetscape Design Standards and Guidelines shall apply to all Subdistricts in the Madison Street Overlay District.

Goals

• Develop a distinct identity and street character for the corridor.

Standards and Guidelines

1.1 General

1.1.1 This section relates primarily to standards and guidelines for the reconstruction of public streets by government or private developers along the corridor.

1.1.2 A specific and unique design theme is encouraged for landscaping, street furniture and lighting for each Center Subdistrict along the corridor.

1.1.3 Minimum roadside (planting strip and sidewalk) width in residential areas is eight (8) feet and in commercial areas is ten (10) feet.

1.2 Sidewalks

1.2.1 New building construction is required to provide sidewalks along Madison Street consistent with the guidelines described below.

1.2.2 Sidewalks adjacent to ground level retail space should have a width of six to eight (6 to 8) feet with a planting strip or eight to ten (8 to 10) feet without a planting strip.

1.2.3 Appearance of sidewalk (scoring pattern or special paving) should be maintained across driveway and alley access points.

1.2.4 The provision of pedestrian crossings should be given the highest priority in the Walnut Hill/Liberty Parkway, Hilldale/Memorial Drive, and Beachaven/Barksdale Sub-Districts.

1.2.5 Provide marked crosswalks at all signalized intersections for all legs of the intersection.

1.2.6 The use of crosswalk materials that are significantly different in color, texture and design is encouraged.

1.2.7 At unsignalized or uncontrolled crossings, in areas such as school zones or where there is a substantial pedestrian presence, special emphasis markings should be used to increase visibility.

1.3 Landscaping

1.3.1 Tree species and planting techniques should be selected to create a unified image for the street.

1.3.2 Planting strips between curb or edge of pavement and sidewalks should be a minimum of three (3) feet in residential areas and four (4) feet in commercial areas.

1.3.3. Street trees should be planted in continuous planting strips between the curb and sidewalk spaced twenty-five (25) feet on center along Madison and intersecting streets. On internal streets, street trees should be planted in discrete tree and planting openings, or in wells with grates in especially constrained contexts.

1.3.4 Planting strips and openings should be designed to allow stormwater to collect and percolate.

1.3.5 At transit stops, planting strips should be discontinued and a clearance four (4) feet wide provided from the curb for wheelchair access.

1.4 Street Furniture

1.4.1 Select the type, design, and materials of street furniture to reflect the desired character and identity of the corridor.

1.4.2 Street furniture, such as benches, bicycle racks, kiosks and trash receptacles are appropriate in the Walnut Hill/Liberty Parkway, Hilldale/Memorial Drive and Beachaven/ Barksdale Sub-Districts.

1.4.3 Priority locations for street furniture include transit stops, major building entries, mixed use locations, and parks.

1.4.4 Newspaper boxes also contribute to the convenience and pedestrian feel of a street, but should be organized to avoid visual clutter.

1.5 Lighting

1.5.1 Street lighting should be pedestrian scale, decorative and provided in all Center Sub-Districts. It should increase in scale at intersections.

1.5.2 The lighting should be selected in conjunction with the street furniture.

H. Project Approval Process

To ensure consistency with these standards and guidelines, the Common Design Review Board (acting as the Design Review Board for the Madison Street Corridor Urban Design Review Overlay District) and the Clarksville-Montgomery Regional Planning Commission staff will review all projects in the urban design overlay district that require demolition, building and sign permits and that make modifications to the exterior appearance of buildings, landscaping and parking. Existing nonconforming structures, unforeseen physical conditions and subsequent architectural programmatic constraints may warrant exceptions to the guidelines. In such cases, the Design Review Board and planning staff will review alternative design solutions as they relate to the intent of the standards and guidelines and accept alternatives that present the best urban design solution. Where a single use or purpose spans more than one sub-district, the Design Review Board and planning staff will explore with the developer alternative solutions that achieve the design intent of the standards and guidelines. The Clarksville-Montgomery County Regional Planning Commission will review site plans as required by Chapter 5.10 of this Zoning Ordinance.

1.1 General Directions

1.1.1 The authority of the Design Review Board to uphold the Madison Street Corridor Urban Design Overlay is limited to the standards and guidelines contained in this ordinance.

1.1.2 Any approval by the Design Review Board is contingent on zoning and building permits issued by the Building and Codes Department and cannot be interpreted as taking precedence over the building code or zoning ordinance.

1.1.3 Other ordinances or parts thereof which are inconsistent with or are in conflict with the specific provisions of this ordinance are expressly superseded by this ordinance and are to be controlled by the provisions of this ordinance.

1.1.4 Existing base district standards that are not varied by provisions set forth in this ordinance shall apply within the Madison Street Corridor Urban Design Overlay.

1.2 Step One/Application

1.2.1 The first step in undertaking a project in the Madison Street Corridor district is to contact and request an application from the Regional Planning Commission.

1.2.2 Planning Commission staff will provide the applicant with the published guidelines and standards (this document and any future amendments) for projects within the various sub-districts of the Madison Street Corridor. It is recommended that the applicant become familiar with the guidelines and standards prior to planning the project and before the development of any working drawings.

1.2.3 The applicant must submit one set of the following documents signed by the applicant that will be retained by the Planning Commission:

• Copies of the proposed site plan (to an engineering scale) showing all site improvements such as buildings, walls, walks, parking, signs, plant materials, and lighting.

• Completed color exterior elevations (1/8th" = 1' architectural scale minimum).

• Exterior painting schedule (Color name/ brand).

• Samples of exterior materials including brick, stone, metals, glass, and roofing.

• Detailed scale drawings of awnings, canopies and signs, indicating proposed colors.

• Color photographs of all sides of the existing exterior for remodeling, rehabilitation, or demolition. For new demolition, remodeling, and construction, photographs shall show contiguous properties.

1.3 Step Two/Design Review Board

1.3.1 The applicant shall appear before the Design Review Board at a regularly scheduled meeting to present the application.

1.3.2 Should the application indicate alterations, remodeling, or repairs that are not governed by this ordinance, the Design Review Board may exempt the application from the provisions of the urban design overlay district.

1.4 Step Three/Approval or Redirection

1.4.1 After a careful review of the presentation, the Design Review Board will act to approve, conditionally approve or disapprove the application. The Building and Codes Department will then review the approved project for zoning and codes compliance when the drawings and specifications are competed and submitted to the department.

1.4.2 If the project is disapproved, the Design Review Board and Planning Commission staff will strive to assist the applicant by providing guidance and redirection of the project. It will then be necessary to present the project to the Board at another regularly scheduled meeting. A building permit shall not be issued until such time as the proposed project receives final approval from the Design Review Board.

1.5 Appeals Process

1.5.1 The Planning Commission shall hear and decide appeals from any order, requirement, decision or determination made by the Design Review Board or

Planning Commission staff where it is alleged by the applicant in writing that Design Review Board or Planning Commission staff is in error or acted arbitrarily. Such appeal shall be made within sixty (60) calendar days of said order, requirement, decision or determination.

9.5 DOWNTOWN URBAN DESIGN OVERLAY DISTRICT

9.5.1 General Description and Purpose

1. Purpose. The purpose of the Downtown Urban Design Overlay District is to enhance the quality, image, and economic vitality of Downtown Clarksville. Accordingly, to that ends, the Overlay District imposes urban design guidelines to coordinate the physical improvements that will be made to this important geographic area by private entities.

2. Overlay District Relation To Base Zoning. This overlay zoning district is placed "over" the base zoning in an area in order to modify the base zoning's regulatory standards. The overlay district alters such standards as building placement, size and height, parking and access, and landscaping and buffering, but does not determine the use of the property. The use of property (both land and structures) is governed by the underlying base zoning.

3. Scope of Review. Government officials, property owners, developers, design consultants and other stakeholders will use this section to prepare improvement plans that are consistent with the Downtown Design Standards and Guidelines. The standards and guidelines apply to private nonresidential and multiple-family residential (excluding single-family and duplex structures) new construction, exterior remodeling or repainting; window and awning changes or improvements; signing changes and improvements; sidewalk changes and improvements; exterior lighting changes and improvements; and landscaping and parking lot construction, changes and improvements. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior elements of any building or structure; nor shall anything in this section be construed to prevent the construction, reconstruction, alteration or demolition of any such elements, which authorized City officials shall certify as required for public safety.

9.5.2 Downtown Overlay District Geographic Boundaries

1. Designation of Boundaries. The geographic boundaries of the Downtown Overlay District shall coincide with those of the Central Business Improvement District (CBID) as set forth in Code of the City of Clarksville Title 12, Chapter 9, Section 12-902 "Boundaries", but exclude those geographic areas within the Historic District Overlay.

2. Modification of Boundaries. Any modifications of the boundaries of the Downtown Overlay District by the City Council or other Department of City of Clarksville will involve referral to the Regional Planning Commission for public hearing, public notice and recommendation to the City Council to amendment this Zoning Ordinance.

9.5.3 Downtown Urban Design Standards and Guidelines

1. Source of Guidelines. The urban design review standards and guidelines to be used by the Common

Design Review Board for determining the appropriateness of physical improvements within the Downtown Overlay District shall be those adopted into or by reference into this Section.

A. Districts and Sub-Districts and Use of Guidelines

1. These guidelines will be used by property owners, developers, architects, builders, business owners, public officials, and interested citizens when considering rehabilitation or new construction in the Downtown Overlay District involving private non-residential and multiple-family residential (excluding single-family and duplex structures). They will be informational only in the case of publically owned lands and structures, and in geographic areas also designated as Local Historic District Overlays (where design review by the Historic Zoning Commission encompasses all private uses including single-family and duplex structures). The guidelines will also be consulted (but are not binding on the public entities) with respect to proposed infrastructure and streetscape improvement projects. While the base land use zoning districts continue to govern land use, these guidelines will supersede other provisions of this zoning ordinance only when more stringent and geographically specific standards are set forth on design and physical planning issues relative to massing, landscaping, parking, and signage. The appropriate City departments will review all new projects in the Downtown Overlay District that require building permits to ensure consistency with these guidelines. The word "shall" indicates those design standards that are mandated; whereas, terms such as "should", "encouraged", and "discouraged" indicate design principles which are more flexible and advisory in nature.

2. These guidelines are intended to preserve and enhance the special character of the Downtown Overlay District by encouraging rehabilitation and new construction that is sensitive to the existing urban form and historic character. The guidelines recognize that no single architectural style predominates, and the guidelines allow for creativity in the design of individual buildings. However, there are certain established urban design and architectural principles shared by most properties within the district that give it a cohesive character and strong sense of place.

3. These guidelines address both architectural design and urban design. Architectural design is addressed in terms of building type. Building types include:

a. commercial/mixed-use
b. single-family residential
c. townhouses
d. multi-family apartments
e. institutional

4. Not all building types are permitted in all areas of the Downtown Overlay District. The map on page 3 is color-coded and keyed to a corresponding chart to note permitted building types in specific areas of the Downtown Overlay District. The following guidelines that relate to architectural design apply to the particular building type, regardless of location. If exceptions exist in any given area, they will be noted in the guidelines. **Land use is determined by the underlying land use zoning districts, and should not be confused with building type.**

5. Additionally, the guidelines address specific urban design regulations to include:

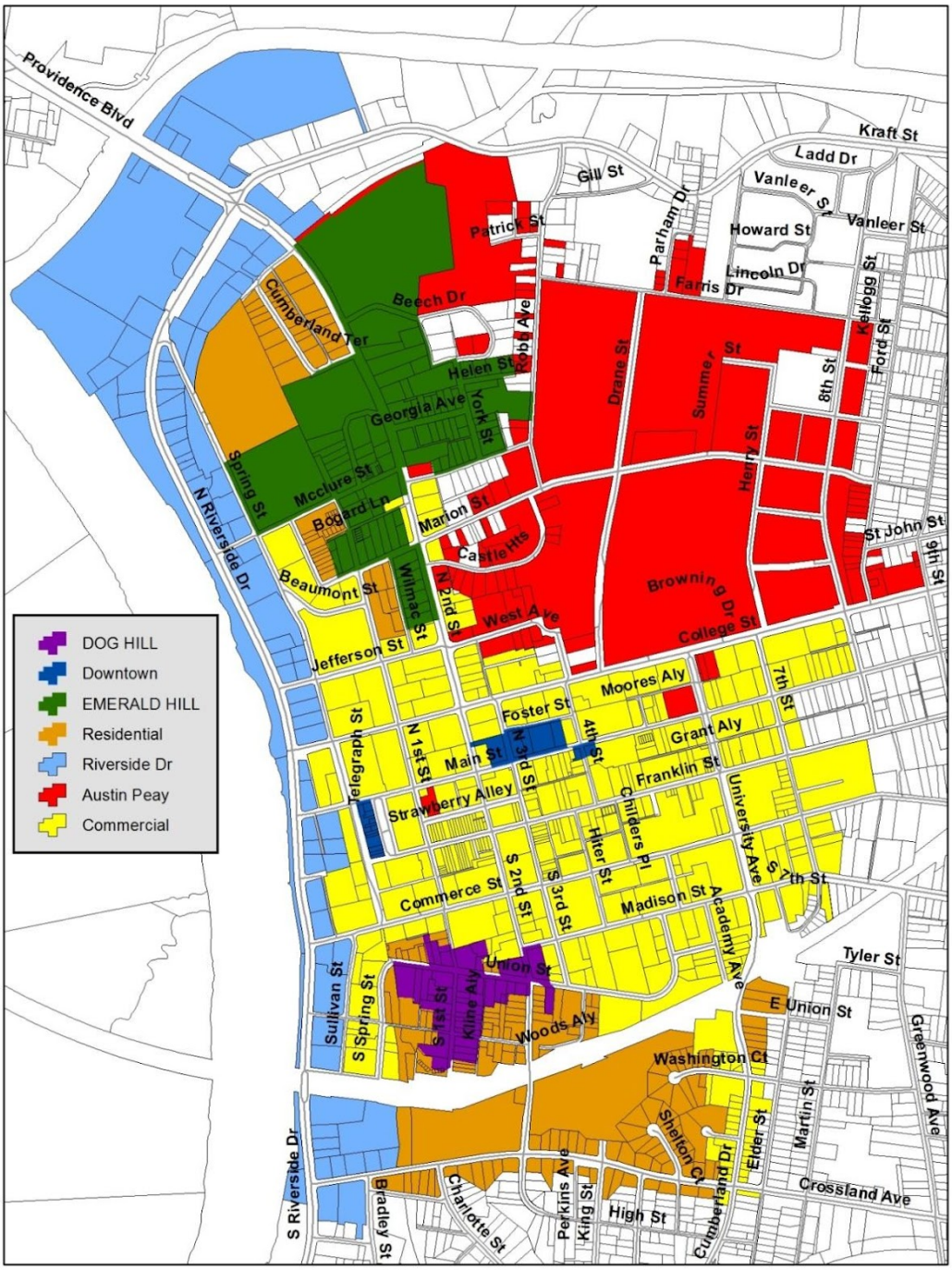
a. building height
b. setback
c. massing
d. driveways
e. sidewalks

6. These urban design specifications can vary based on the building type and/or location. The guidelines clearly explain where or on what building type these requirements apply. Graphics are included as necessary to help convey the design guidelines.

7. **Design review shall apply to all sides of a building.** Any discernable changes will require approval from the Design Review Board (* indicates Administrative rather than Board function):

a. Demolition of Contributing Structures
b. Proposed New Construction/Exterior Remodeling/Modifications
c. Relocation of Buildings
d. Exterior Repair or Repainting*
e. Window Changes In-Kind*
f. Landscaping meeting the minimum requirements of Chapter 7 of the Zoning Ordinance*
g. Signage and Awnings*
h. Sidewalk Changes or Improvements on private property
i. Exterior Lighting Changes or Improvements
j. Parking Lot Construction, Changes or Improvements that modify parking locations, number of parking spaces or circulation patterns

The functions above marked with an asterisk (*) are considered administrative in nature, and may be approved at the Staff Level if all objective standards are met. However, the staff will forward the application for action by the full Design Review Board for review and approval if there is a question about meeting the standards or if the applicant is requesting a variance from the standards.



Map & Chart Intent

It is the intent of this map and chart to illustrate the building types that, in general, tend to predominate within each of the delineated districts. However, it is important to understand that there are many exceptions to the rule. For example, the very northeast corner of the Central Commercial district features a few older single-family houses, yet the chart reflects Single Family Residential building types as not being a predominant building type within that district. Consequently, the determination of whether a particular building type is appropriate for a particular property as new infill development should be made based upon the predominate older existing building types on the block face under consideration. Also, this map and chart are unrelated to land uses, but instead address building types.

District Map

C-Central Commercial

RD-Riverside Drive

R-Residential

H1-Historic

DG-Dog Hill

EH-Emerald Hill

APSU (exempt from review)

Sub-Districts		Building Types				
		commercial and mixed use	residential			institutional
			single-family	townhouse	multi-family	
	C-Central Commercial	YES	NO	YES	YES	YES
	RD-Riverside Drive	YES	NO	YES	YES	YES
	R-Residential	NO	YES	YES	NO	YES
	H1-Downtown Historic*	YES	YES	YES	YES	YES
	DH-Dog Hill*	NO	YES	NO	NO	NO
	EH-Emerald Hill*	NO	YES	NO	NO	YES

Note: *These are local Historic District Overlays governed by Section 9.3 of this Zoning Ordinance.

B. Building Forms, Style & Character

1. **Founding:** The Downtown Overlay District is composed of buildings reflecting a variety of uses, styles, materials, and several periods of development. The district consists primarily of one- to three-story, masonry commercial buildings and one- and two-story, frame residences. Its physical development began at the time of Clarksville's incorporation in 1785. Helping to define the boundaries of the district are a number of natural and man-made features, some of which historically served as logical margins to the downtown area. These include the Cumberland and Red Rivers, turnpikes, and rail lines.

2. **Name Sake:** With a population of 132,929 according to the 2010 census data, Clarksville currently stands as the fifth largest city in the state of Tennessee. Clarksville is a city rich in history and tradition dating back to its founding in 1785. The city is named for General George Rogers Clark, frontier fighter and Revolutionary War hero, brother of William Clark of the Lewis and Clark Expedition.

3. **19th Century History:** Coming into the 19th century, Clarksville grew at a rapid pace. In 1820, steamboats began to navigate the Cumberland River, bringing hardware, coffee, sugar, fabric, and glass. The boats also exported flour, tobacco, cotton, and corn to ports like New Orleans and Pittsburgh along the Ohio and Mississippi Rivers. Trade via land also grew as four main dirt roads were established; two to Nashville, one crossing the Red River via ferry called the Kentucky Road, and Russellville Road. By 1819 the newly-established town had 22 stores, including a bakery and silversmith. In 1829, the first bridge connecting Clarksville to New Providence was built over the Red River. Nine years later, the Clarksville-Hopkinsville Turnpike was built. Railroad service came to the town on October 1, 1859 in the form of the Memphis, Clarksville and Louisville Railroad.

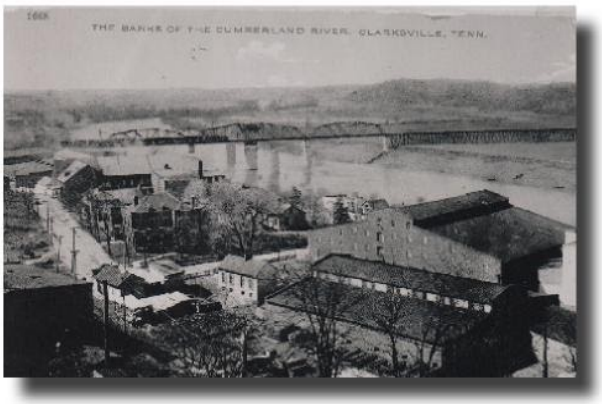
   Civil War: During the Civil War, Clarksville was first fortified by the Confederacy, which built



Historic Franklin Street.



Odd Fellows Home.



Historic Cumberland Riverfront.



Elders Hardware Store.

Fort Sevier (also known as Fort Defiance) on a prominent hill north of downtown. In February of 1862, Fort Sevier and the city were surrendered to federal forces and it remained in Union hands during most of the rest of the conflict. Clarksville slowly recovered its prosperity after the war when it became a center of the tobacco industry with a thriving riverboat and rail traffic. This prosperity was illustrated by dozens of brick warehouses and commercial buildings built along the Cumberland River and adjacent to the courthouse on the hill above. To the north and south of downtown prosperous merchants built dwellings on what became known as Emerald Hill and Dog Hill. A fire in 1878 destroyed much of downtown, but it was soon rebuilt with new brick commercial buildings and a new courthouse. By the early 20th century, Clarksville was a regional commercial center boasting numerous industries such as flour mills and cigar factories.

Downtown Clarksville winter scene on Franklin Street, ca. 1940.

Franklin Street in the 1950s.

4. 20th Century History: The largest change to the city came in 1942, as construction of Camp Campbell (now known as Fort Campbell) began. The new army base was built ten miles northwest of the city. It gave an immediate boost to the population and economy of Clarksville, and is capable of holding 30,000 troops.

Tornado of 1999: On the morning of January 22, 1999, the downtown area of Clarksville was devastated by an F3 tornado, damaging many buildings including the county courthouse. Clarksville has since recovered, and has rebuilt much of the damage as a reflection of the city's resilience. Clarksville is presently the home of Austin Peay State University, the Leaf-Chronicle newspaper, and neighbor to the Fort Campbell, Kentucky, United States Army post.

5. Today's Surviving Architecture: There are a number of architectural styles and building traditions in the district. The most prevalent is wood frame vernacular; however, there are excellent examples of high style architecture. The architecture of the late Victorian period was characterized by flamboyant use of decoration, irregular form, multiple roof types, and a variety of materials and colors. Commercial buildings favored the Italianate style in particular and included the use of cast iron. In general, the period witnessed a flowering of a variety of materials, methods of construction, and architectural styles and types. Around the turn of the twentieth century, flamboyant Revival styles yielded to Classically-influenced architecture both

commercial and residential structures.

6. Architectural Glossary: Commercial Buildings



Commercial Building

7. Commercial Architecture Styles



Italianate - 131 Franklin St.



Victorian Romanesque - 215 Franklin St.



Art Deco/ Art Modern - Roxy Theater.

2.3

a. The Italianate style (1870-1890) derives from the country villas of Italy, though the style was popular in U.S. commercial, as well as residential, architecture of the mid to late nineteenth century. As applied to commercial building, the Italianate style's characteristic decorative features include window hood moldings, elongated windows, string courses, large eave brackets, corbelled brick work, bracketed parapets, and cast iron pilasters. A good example is at 131 Franklin Street.

b. The Victorian Romanesque style (1880-1900) was popular at the same time as the Italianate style for downtown commercial buildings. These two styles share a number of similarities but the Victorian Romanesque style is distinguished by its large arches on window and door openings. These buildings often feature exteriors with a mixture of brick, stone and other materials such as sheet metal and terra cotta. The multi-story building at 215-217 Franklin Street is a notable example of this style in the downtown area.

c. Around the turn of the twentieth century, there was a renewed interest in Classical architecture. The buildings of the 1893 World's Columbian Exposition held in Chicago influenced the rise of the Colonial Revival style (1895-1930), which favored classical ideals of order and balance. Such sensibilities were in stark contrast to the flamboyance and asymmetry that characterized Victorian styles. The Colonial Revival style was popular for commercial, residential, and religious architecture. It often features full-height porticos and classical columns on the primary facades. The style is also characterized by a centered entrance and symmetry. In downtown Clarksville, the Colonial Revival style is exemplified in the old City Hall Building.

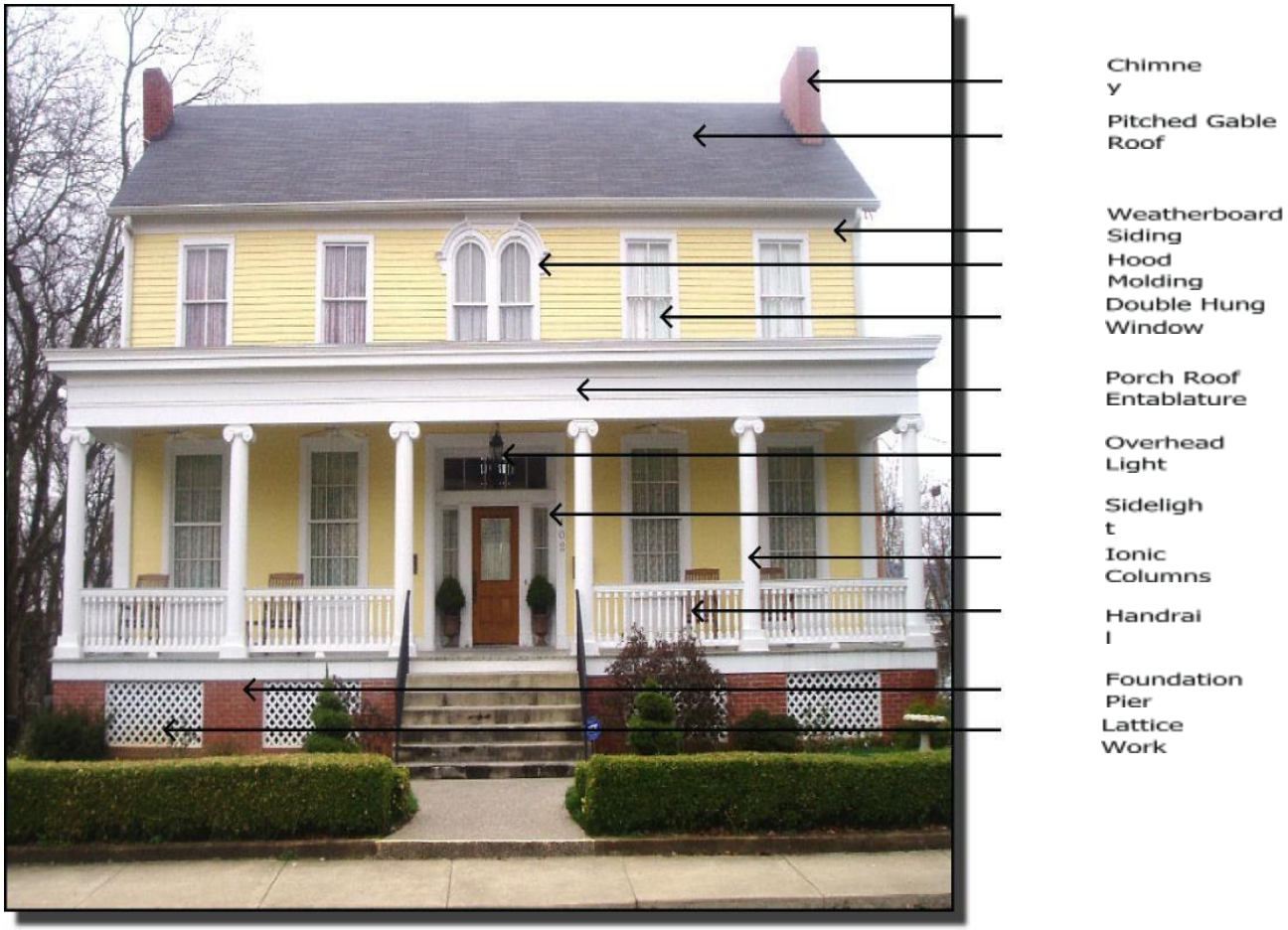
d. In the early 20th century there was also the interest in the Art Deco/Art Moderne styles (1920-1950). These styles originated in Europe and were used in a variety of downtown commercial buildings. Storefronts were often updated in these years with sleek tinted glass in the Art Moderne or Deco styles. Theaters were also popular for these styles, and the notable Roxy Theater built in 1947 features vertical and horizontal banding as well as structural glass blocks indicative of this style.



Colonial Revival with Romanesque influence - City Hall, which is characterized by a symmetrical facade with a central entrance of a Romanesque arch.

Art/Dec/Art Moderne – Roxy Theater

8. Architectural Glossary: Residential Buildings



9. Residential Architecture Styles



Folk Victorian - 415 S. First St.

a. The streetscape of a residential district also has a unity that is in part influenced by common traits. While neighboring houses may have very different architectural styles and building dates, there is an overall conformity to setback, height, orientation to the street, massing, and other characteristics that relate the buildings to their sites. Even modest vernacular building forms will blend harmoniously with dwellings which express a high style of architecture when these site characteristics are upheld.



Italianate - 103 Union St.

b. The Frame Vernacular or Folk Victorian style (1870-1910) is a modest version of more elaborate late nineteenth century styles. These frame dwellings are modest in scale and decoration, but may contain spindle-work porch details or milled wood posts. They are, to some extent, defined by their forms. The forms include gabled ell, front gable, and the pyramidal square with a hip roof. Typically, they are one or one-and-one-half-stories in height.



Queen Anne - 625 Madison St.

c. The Italianate style (1870-1890) derives from the country villas of Italy. The nineteenth-century landscape designer Andrew Jackson Downing believed that beautiful homes promoted morality, which he found embodied in these rural dwellings. The Italianate style that he promoted in his pattern books featured such embellishments as window hood moldings, string courses, large eave brackets, cupolas, and corbelled brick work. This picturesque ideal was meant to uplift standards in architecture and social mores and inspire new home ownership. The style may feature characteristic towers or cupolas as focal points of their designs. They also have low-pitched roofs and elongated windows, eave brackets, and bay windows.

d. The emergence of the Queen Anne style (1880-1905) coincided with the rise of balloon framing and mass production of wood ornamental features. These developments allowed for extravagant architectural designs with asymmetrical floor plans and irregular roof planes. These houses often feature porches that wrap around from the main façade to a side elevation. More exuberant examples may also have a corner tower, highly detailed spindling, oriole or stained glass windows, roof cresting, wood shingle siding, corbelled brick chimneys with chimney pots, and irregular roof planes. Queen Anne style houses are often painted in rich, contrasting color schemes. Its popularity through the state expanded rapidly, as rail lines transported the mass-produced millwork and other stylistic elements.

e. By the end of the nineteenth century, American architects began to look towards the country's own architectural roots.

Colonial Revival - 609 Anderson Dr.

Craftsman - 99 Union St.

f. The Colonial Revival style (1895-1955) reflects the nation's embrace of its colonial past. The style is characterized by simplicity, symmetry, and unadorned order, as a movement away from asymmetrical, highly embellished styles of the Victorian era. Colonial Revival dwellings typically have rectangular plans and symmetrical facades. The roof may be gabled or hipped. Windows are multi-paned double sashes. Doorways may contain sidelights, fanlights, pediments, and columns or pilasters. The details are classically inspired, and entry porticos are common.

g. The Craftsman/Bungalow style (1905-1930) represents a movement away from mass-produced architectural design of the balloon-frame period. The Bungalow plan has roots in British India during the eighteenth and nineteenth centuries. The house type melded with Japanese building techniques exhibited at late nineteenth-century American expositions. Craftsman bungalow buildings typically have low-pitched gabled roofs with a wide eave overhang, exposed rafters, decorative beams or braces, full- or partial-width porches, and tapered posts on brick piers. Designers often used the Craftsman style for bungalows, which were generally one-and-one-half story houses with large porches and open interior floor plans. The Bungalow first emerged as a house type in American residential architecture in California and quickly spread across the country as a popular design choice for small houses. While the bungalow can take the form of a modest gable-front example, elaborate bungalow design can include a multi-plane roof shape, known as an Airplane bungalow, and can feature extensive Craftsman detail on the interior.

Tudor Revival - 611 Anderson Dr.

h. The Tudor Revival style (1910-1940) is based loosely on Medieval architecture. Peaking in popularity during the 1920s, the style was fashionable for single-family dwellings as well as small apartment buildings. The plans often feature cross gable, high-pitched roofs. Exteriors can be of stone, stucco with false half-timbering, brick veneer, or weatherboard siding. A Tudor Revival dwelling may feature a gable-front projecting bay with an arched entrance, an exterior, façade wall chimney, and even an entrance tower. Windows may be double-hung wood sash or multi-light styles. The Tudor Revival style was used almost solely on

residential architecture.

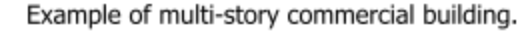
10. Twentieth-Century Commercial Buildings of Riverside Drive

a. Riverside Drive was created in the mid-20th century as a four-lane artery along the Cumberland River. At that time, many of the existing buildings were removed for the construction of the highway, though a few remain. While warehouses historically dominated the riverfront, commercial structures are the predominant building type today.



One-story brick commercial building on Riverside.

b. The development of Riverside Drive was intended to increase vehicular access through the downtown and to stimulate new commercial development. The buildings that have since been constructed here are primarily one- to three- story buildings constructed from the 1950s to present. These buildings are generally rectangular by design, of brick or concrete construction and are functional in form with minimal detailing. Generally, the area was oriented for automobile traffic rather than pedestrians, with most of the buildings recessed from the street with paved parking in front. Along the highway are numerous examples of retail "chain" designs used across the country by restaurants and other businesses.



Example of multi-story commercial building.

c. Recent plans have proposed re-designing this strip commercial corridor into an urban boulevard that is pedestrian-friendly, and has buildings that relate more strongly with the street. This plan would be achieved with a median, buildings closer to the street, specialty pavers, side and rear parking lots, minimized signage and curb cuts, street trees, and more landscaping. These features would promote a unified streetscape more in keeping with the balance of the downtown core. Future development should consider the character of relationship to existing riverfront development. This can include non-commercial buildings, especially housing.

d. The goal of these sub-district guidelines is to provide for regulated development that promotes a safe, attractive, unified streetscape that recognizes the value of the adjacent Historic Downtown and related neighborhoods, the river and developing Riverwalk Park system, and promotes a mix of future development to include retail, housing, entertainment and recreation in a district of increasing value and aesthetic appeal.

C. General Design Principles

1. **Overview:** These guidelines have been developed for specific application in the Downtown Overlay District to provide detailed assistance to building owners and the Design Review Board. These guidelines are used for the review of improvements to buildings in National Historic Districts and on the National Register outside the local Historic District Overlays, and may be consulted for design review within the local Historic District Overlays. The guidelines are based on The Secretary of the Interior's Standards for Rehabilitation, a document created in 1977 and revised in 1990.

2. **Secretary of the Interior's Standards for Rehabilitation:** The Department of the Interior describes the standards as ten basic principles created to help preserve the individual quality of a historic building and its site, while allowing for its evolution through reasonable changes to meet new needs. The Secretary of the Interior uses the Standards when reviewing projects involving federal funding or requiring federal licenses or permits. The Design Review Board uses principles of the Secretary's Standards on a local level as the basis for reviewing historic building rehabilitation and new infill construction. The Secretary of the Interior's Standards for Rehabilitation are:

   a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

   b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

   c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

   d. Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved.

   e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

   f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

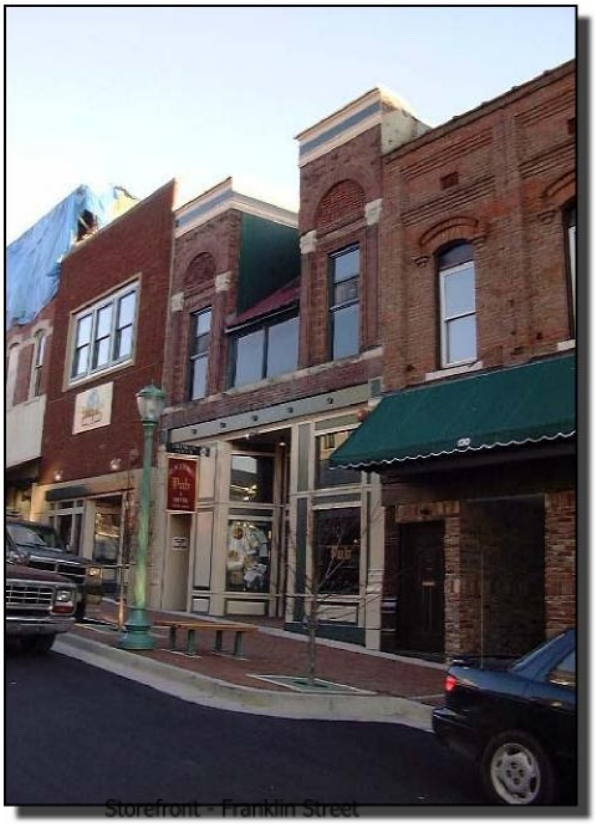
j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

D. Design Guidelines for Existing Commercial and Mixed-Use Buildings

These guidelines are targeted for design standards that preserve the existing historic character and include a wide variety of building types. Development should consider the relationship to surrounding structures currently found in the immediate area. Examples of commercial and mixed-use buildings are illustrated below.



Franklin Street



Storefront - Franklin Street



Recent example of compatible infill - Franklin Street.



Theatre - Franklin Street

1. **Storefronts**

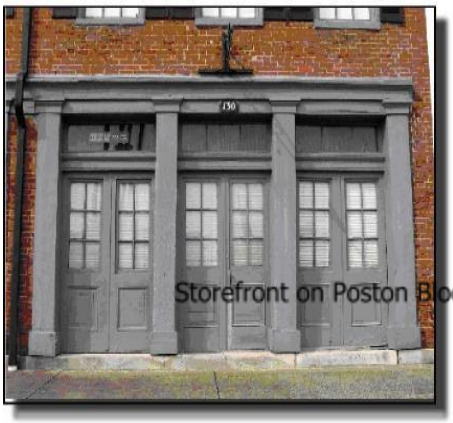

94 West Franklin Street

a. Storefronts are often the most visible feature of historic commercial buildings. Maintain storefront components, including display windows, bulkheads, transoms, doors, cornices, pillars and pilasters, with proper care and treatment. Do not cover or conceal these historic storefront components with modern materials. If historic storefronts or their components are missing, replace them so that they replicate the historic storefront. Match replacement components to the original in size, material, texture, and detail. Use historical photographic evidence to help determine the design and style of missing components.

b. Display windows and bulkheads are essential elements of traditional storefronts and contribute significantly to a commercial property's historic character and appearance. If at all possible, it is better to repair rather than replace original features. If original display windows or bulkheads are missing or deteriorated beyond repair, they may be replaced with new ones to match the original. If the original is unknown, select replacement windows are traditionally scaled with large glass lights and with as few structural divisions as possible to maintain the traditional transparent storefront look. If the original bulkhead material is unknown, replacement may be of wood, brick, metal, or other material that is appropriate with the façade. When historical photographic evidence is not available, comparable buildings should be considered as models for design.


Side elevations of corner buildings should be treated the same as facade elevations.

c. Balconies are acceptable features on infill building design. They are not, however, appropriate additions to historic buildings. The only exception is when there is evidence that a balcony has been removed. Evidence can be in the form of historic photographs, ghost traces of a balcony attachment to the façade exterior, or building design, such as an exterior door on an upper floor.


Storefront on Poston Block.

2. **Entrances**

a. New entrance openings shall not be added to historic storefronts. If an additional entrance is required by code, it shall be placed in the rear or

on the side of the building. If it is not possible to place the opening in the rear or side, the new opening must be of the same design as the existing historic openings.



Storefront awning on West Franklin Street.



An example of an acceptable ground floor awning.

b. Existing doors shall be retained. If the design is known, new doors shall match the original in design and materials. If not, the missing door shall be replaced with a new door in a design and materials to match the character and style of the building as much as possible. Traditional designs such as single-light glass and wood doors are encouraged.

3. **Transoms:** Transoms shall be maintained with historic materials. Where missing or damaged transoms are being replaced, the original design shall be replicated based upon physical or pictorial evidence. If neither exists, use similar historic buildings from the same period as examples.

4. **Awnings and Canopies**: While awnings and canopies have a similar purpose in providing cover, they differ in design. An awning is made of fabric (usually canvas) and mounted on a framework extending from the facade. A canopy is a rigid wooden or metal plane that is parallel or somewhat parallel to the ground and perpendicular to the facade. It can be supported by a series of chains or rods (approximately 45 degree angle) extending from the facade just above it. Guidelines for awnings and canopies are the same for historic and new commercial/mixed use buildings.

   a. **Awnings:** Awnings may be used on storefronts as well as upper levels. Shed awnings shall be used for rectangular openings, and arched awnings shall be used for arched openings. Continuous rows of awnings along the same building shall generally be restricted to the same type awning and application with consistent color.

   b. **Canopies:** Canopies function only at the ground-floor level. Canopies that are sloped must be open on the ends and shall have no greater than a 45 degree angle (preferably less). Faux shingled Colonial-type canopies are not allowed. Canopies are relatively permanent, while awnings should be designed at least to appear to be retractable, though do not have to be. Conforming existing awnings and canopies shall be maintained or restored where they occurred. New awnings and canopies can be added to historic buildings for functional purposes. Either may be appropriate provided it complements a building's architectural style and does not irreparably conceal significant architectural features. Awnings or canopies shall be positioned individually within major structural bays of the building and designed to fit the

opening in which they occur. New canopies and awnings shall maintain a clear height of seven (7) feet above the sidewalk, shall not extend more than six (6) feet over the sidewalk. Columns are not allowed on sidewalks. Canvas or other durable material is preferred, but plastic, fabric or other material which is glossy in nature is not permitted. Awnings or canopies may not be internally lit to function as signs. However, signage graphics and text are permitted on awnings as set forth in Subsection J.

5. **Storefront Windows:** Existing historic display windows shall not be reduced, covered, or altered. Missing or damaged windows shall be replaced with windows that match the originals in location, design, and materials. If the original design is unknown, the replacement windows shall maintain the original scale, shall be largely glass with wood or aluminum mullions, and shall have as few subdivisions as practical to maintain the traditional display window appearance. The glass shall be clear or lightly tinted, and decorative glass or glass block shall not be used. On the interior, should the ceiling height be lower than the display window or transom, the ceiling space shall be recessed away from the interior side of the glass.



6. **Upper Windows:** Upper windows shall be maintained with the original size, materials, detailing, and number and arrangement of lights. If the design of the window is unknown, the window type and detailing shall be that of the architectural style or period of the building. Wood mullions with a painted finish or aluminum mullions with a white painted or bronze anodized finish shall be used.

Proper Upper Story Windows



Upper floor windows at 199 Franklin Street

7. **Shutters:** Shutters shall not be added to upper floor windows unless physical or pictorial evidence can be provided that they existed. Shutters shall be of a size and scale that fit the window and shall appear functional. Also, shutter design should be appropriate to the era of the building.

8. **Storm Windows:** Excluding local and national historic districts and structures, storm windows may be added to upper floor windows. They shall be full sash or sash proportionate with minimum mullions.

9. **Cornices:** Existing cornices shall be maintained or restored and shall not be concealed or obscured. Replacement of missing or damaged cornices shall be based on historic physical or pictorial evidence using materials and details which match the existing building. If historic evidence is not available, use similar historic buildings from the same period as examples.

10. **Architectural Features:** Architectural features shall be maintained or restored. Examples of these features such as columns, pilaster, brick detailing, lintels and window hoods are shown here. Replacement of missing or damaged features shall be based upon original materials,

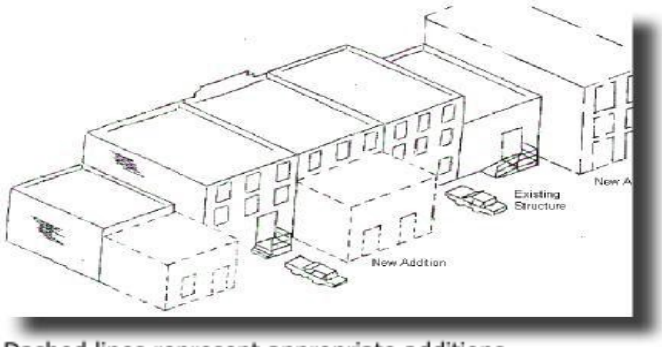
design, and detail. Excluding local and national historic districts and structures, alternative materials may be used if they look identical to the original and do not have maintenance issues that would cause them to not look like the original material over time. Decorative features shall not be added where none existed originally.


Cornice Detail - Franklin Street

11. **Building Relocation**: Historic buildings within the downtown area should be relocated only under the following circumstances:
    if the only alternative is demolition,
    if the loss of a historic building is not required to create space for the relocation,
    if the building to be relocated will be architecturally compatible with the adjacent buildings in height, scale, massing, materials, design, and setback.


Column Capital - West Franklin Street

11. **New Additions**: Additions shall be compatible in design and complementary to the existing structure. Additions must be visually subordinate to the main building. They shall have a lower roof, a compatible design, similar proportions and rhythm of openings, and shall be secondary in importance to the existing building. Additions should have exterior materials which are comparable to the original structure. These materials should also help differentiate between the original and the new. The use of sustainable materials such as cementitious siding should be considered for new additions. Additions should be placed at rear facades or adjacent to existing structures in a scale and proportion similar to the existing buildings. Rear additions should be smaller and lower than, or be of similar size to the existing structure. Side additions must be set back slightly from the main building. Additions similar in size should have a distinct break from the original structure.



Dashed lines represent appropriate additions.

E. Design Guidelines for Existing Residential Buil

Dashed lines represent appropriate additions
Street

1. **Residential Overview:** These guidelines are for use outside the local Historic District Overlays for only townhouse and multiple-family structures because single-family homes and duplexes are excluded from design review outside the local Historic District Overlays, but may be

consulted for guidance for improvement review within the local Historic District Overlays. While not all residential neighborhoods are necessarily historically significant, some, such as Emerald Hill and Dog Hill, are historic. The residential character of these areas should be preserved and maintained. Examples of buildings in this area are illustrated below.





2. **Foundations:** Do not cover or conceal historically visible foundations. Follow the guidelines for masonry to maintain or repair foundations. If infill is desired for pier foundations, the installation of lattice sections between the piers is appropriate. Solid fill is not encouraged.

3. **Siding:** Wood siding is an important character defining feature of a building and preservation of original siding is recommended. Wood siding original to a building should be repaired rather than replaced. Original wood siding should be replaced only where necessary. Repair of original wood siding should be with wood siding to match the original. On a rear elevation, a non-wood siding may be acceptable if done in whole part, not in small pieces or sections.


Preserve and maintain original wood siding materials (99 Union Street).

Non-original siding alternatives:

cementitious siding that matches the dimensions, non-grained texture, and color of the original wood

do not allow replacement siding to cover or conceal original architectural details

removal of asbestos, aluminum, and vinyl siding and restoration of the original wood siding is recommended

do not cover venting on a façade

match new siding width to the existing

4. **Porches:**

a. Original porch elements such as columns, railings, valances, balusters and eave decoration should be preserved and maintained. If these features are deteriorated, they should be repaired with like materials and styles as closely as possible. If repair is not possible, they should be replaced with materials to match the original or with the most appropriate and sustainable material.

b. Appropriate porch step materials include reconstructed wooden steps for wood porches and concrete steps for concrete porches. Brick is not a traditional material for porch steps and is not recommended. Porches on front facades should not be enclosed, as this type of addition alters the character of the façade. If screening is permitted, follow the recommendation below (see 11).



Original porches should be preserved and not removed or enclosed (610 Anderson Drive).

5. **Entrances:** Original doors and door elements such as sidelights and transoms should be preserved and maintained. The removal of original doors is not appropriate. If storm doors are added, they should be full-view design to allow the original door to be visible.



Preserve and maintain original entrance elements including doors, transoms and sidelights (102 Union Street).

6. **Windows:** Original wood or metal windows should be preserved and maintained. Replacement windows should be with materials and forms to match the original as closely as possible. The installation of anodized aluminum or baked enamel aluminum windows is appropriate if they match the original light configuration, color and profile of the original windows. The installation of vinyl windows is discouraged as well as the use of snap-in mullions. Many brands of vinyl windows do not successfully imitate wood windows in their dimensions and profile, and may also discolor due to ultra-violet rays.

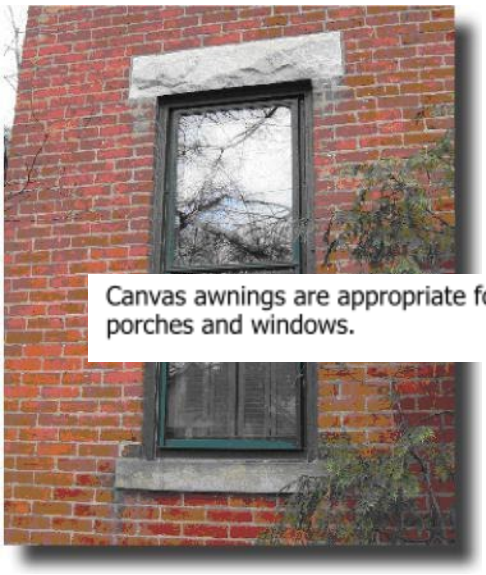


Original two-over-two wood sash, arched windows.

7. **Security Doors and Windows:** The installation of security doors and windows is appropriate within some parameters. Statistically, intruders primarily enter through rear or side doors or windows which are not visible from the street. The installation of security doors and window bars on these facades may be appropriate. Although less appropriate on main facades, security doors may be installed if they are full view design or have minimal structural framing which allow the viewing of the historic door behind it. Ornate security doors with extensive grillwork or decorative detailing are not appropriate for entrances on the primary facade. Bars on windows may be placed on side or rear elevations, but never on facades.

8. **Storm Windows and Doors:** The installation of storm windows and doors can help in lowering energy costs and are appropriate for older dwellings. Storm windows should be full-view design or have the central meeting rail (the horizontal element where the top and bottom panes meet) at the same location as the historic window behind it. Storm doors should be of full-view design. Windows and doors of dark anodized aluminum or baked enamel are preferred to those of "raw" or shiny aluminum.

9. **Awnings:** Canvas awnings for windows and porches were common features of buildings in the early 20th century. With the widespread use of air conditioning after World War II, the use of awnings declined. In recent years, the use of awnings has increased because they are attractive and save energy costs. Canvas and similar material awnings are appropriate for many of Clarksville's dwellings.



Canvas awnings are appropriate for shading porches and windows.

Storm windows should be full view design or match the meeting rail of the window.



Installing full-view storm doors for energy conservation is appropriate (410 S. First Street).

Appropriate door awning at 612 Anderson Drive.





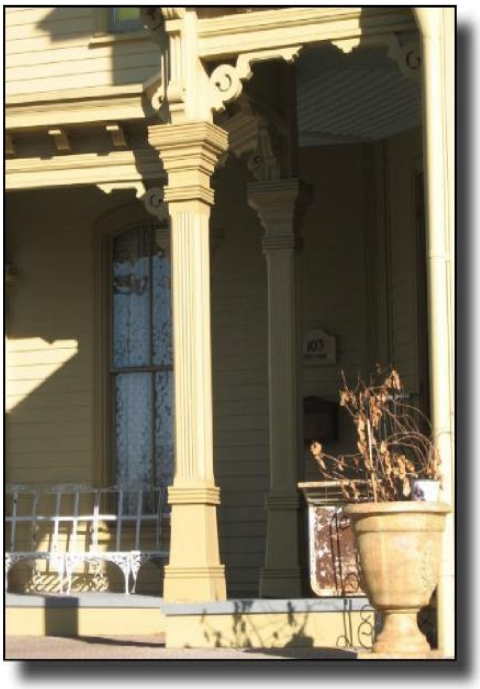
10. **Architectural Features:** Original architectural features should be preserved and retained. These may include design elements such as wood shingles, eave verge-board and trim, window cornices, and eave brackets. If these features are deteriorated they should be repaired with like materials as closely as possible. If repair is not possible, they should be replaced with materials to match the original or with the most appropriate and sustainable material.

11. **Screens:** While screening in porches is discouraged, this action is permitted and should follow certain guidelines so as to not compromise the architectural integrity of the façade. Visibility of architectural features such as porch columns and any decorative work is essential. Screen panels for porches and screen doors for entrances are appropriate if the structural framework is kept to a minimum to retain the open appearance of the porch and the visibility of the original door behind the screen door.

12. **Lighting:** Many dwellings retain original exterior light fixtures at the porch ceiling or adjacent to the main entrance. Distinctive tinted globes and the "box" shaped fixtures for Craftsman/ Bungalows are part of a building's character and should be preserved and maintained. If the original light fixtures are missing, light fixtures with simple designs and detailing are preferred to large, ornate colonial or "Williamsburg" style fixtures. Avoid lighting styles that are inconsistent with the architectural style. Many companies now provide light fixtures based upon historic designs and the addition of these types of period fixtures is appropriate and encouraged.

13. **Mechanical Systems:** Modern air conditioning and heating units often require condensers and other units to be placed on the exterior. These units are typically located adjacent to, or within a few feet of, the building. Heating and cooling units should be placed at rear or sides of buildings not visible from the street. The placement of these units at the front of buildings is not appropriate and should be avoided. Screening of these units through shrubbery, fencing, or lattice panels is highly recommended.





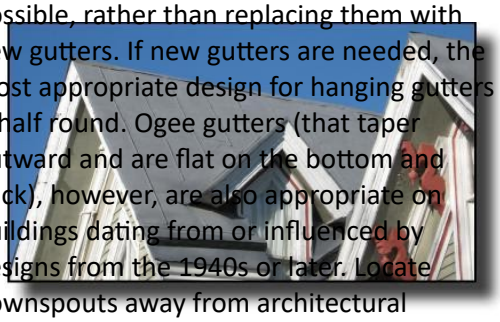
Preserve and maintain original porch elements such as porch columns, eave decoration and lighting (103 Union Street).



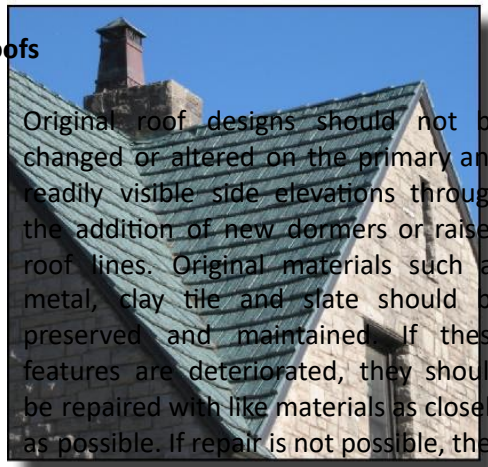
Preserve and maintain original architectural detailing such as eave brackets (422 S. First Street).



14. Gutters and Downspouts: Retain existing boxed or built-in gutters. Repair deteriorated or damaged boxed or built-in gutters if possible, rather than replacing them with new gutters. If new gutters are needed, the most appropriate design for hanging gutters is half round. Ogee gutters (that taper outward and are flat on the bottom and back), however, are also appropriate on buildings dating from or influenced by designs from the 1940s or later. Locate downspouts away from architectural features and on the least public building elevation.



15. Roofs



a. Original roof designs should not be changed or altered on the primary and readily visible side elevations through the addition of new dormers or raised roof lines. Original materials such as metal, clay tile and slate should be preserved and maintained. If these features are deteriorated, they should be repaired with like materials as closely as possible. If repair is not possible, they should be replaced with materials to match the original or with the most

appropriate and sustainable material. Synthetic materials can be acceptable if they accurately depict such roof materials, such as slate or clay tile. If new metal roofs are added they should match the original in crimping and spacing. New roof penetrations (pipes, vents) should be located on slopes of the roof that are not in view from the street.

b. The addition of skylights can make the use of upper floor space or attic space more practical. The installation of skylights is appropriate as long as they are placed on rear roof lines, behind gables or dormers, or otherwise not visible from the street. Skylights which are flush with the roofline or lay flat are more appropriate than those with convex or "bubble" designs.

c. Solar energy collectors or panels are available which can be either freestanding or attached directly to the building. Solar collectors are appropriate as long as freestanding panels are sited in rear yards and the roof panels are on rear facades or side facades not visible from the street.

Half-round gutters and downspouts are recommended for Clarksville's historic dwellings (424 S. First Street).

Preserve and maintain original metal roofs (422 S. First Street).

New roof materials should be compatible with the original roof materials such as this imitative tile roof at 611 Anderson Drive.

16. Decks: Outdoor wood decks are popular additions and can usually work well with older buildings. As in the case of adding rooms, wood decks should be only built at the rear of buildings. Decks may be added to side elevations; however, their design will be reviewed. A review is required of a rear deck that is not visible from the street. A deck should not take visual priority away from the building; it should not extend beyond the sides of the building's walls. Its design should be simple with simple, square posts of 3-4 feet in height, spindles spaced 3-4 inches apart, and with a flat top railing.



17. Handicap Ramps

a. Handicapped ramps, also known as accessible ramps, are sometimes needed to provide access for those with disabilities. Handicapped ramps are best at the rear or sides of buildings so as not to be visible from the street. Ramps of wood construction are most appropriate for Clarksville's historic residential areas, and the railings should be with simple designs or match the original porch railing in design and detailing. If the ramp must be on the building front, it should be architecturally compatible with the building and/or screened with landscaping.



Handicapped ramps should be sited on the side or rear rather than on the front of dwellings.

b. For properties which have high visitation such as physician offices, consider the installation of a chair lift on a side or rear elevation.



Example of an appropriate chair life on a front porch.

An example of new building construction that adopts an appropriate building mass.

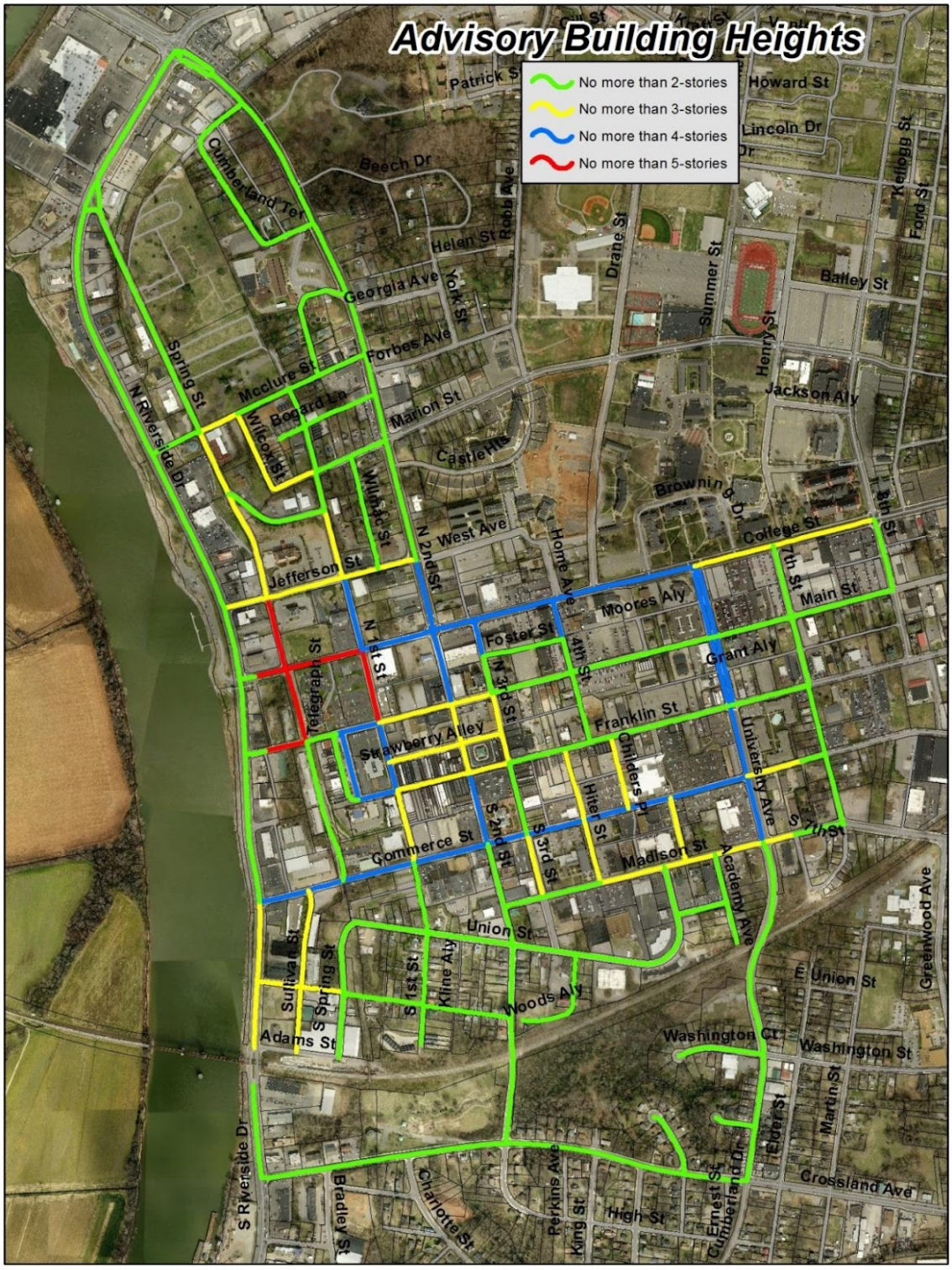
F. Design Guidelines for New Commercial and Mixed-Use Buildings

1. New Building Approach

a. New commercial building design shall reflect the period of its construction and shall not attempt a reproduction of a historic style unless it is reproducing a documented previously-existing building. It shall be compatible with the existing adjacent building, given the adjacent building is historic or exemplifies appropriate infill design in scale, setback, height, width, materials, massing, and rhythm and proportion of openings.

b. While warehouses historically dominated the riverfront, commercial structures are the predominant building type along Riverside Drive today. The area has evolved into a strip commercial corridor, but needs to be transformed into an urban boulevard, including a median with landscaping and/or specialty pavers, street trees, sidewalks, fewer and narrower curb cuts, buildings closer to the street, and off-street parking to the rear or side of the buildings. These features would promote a unified streetscape more in keeping with the balance of the downtown core. Future development should consider the character of and relationship to existing riverfront development. This can include non-commercial buildings, especially housing (townhouses and other multiple-family structures). While the Riverside Drive Corridor should not be as urban as areas such as Franklin Street, it should be much less suburban than its current condition.

2. Height: Currently, building heights are from one to five-story in the downtown core. Residential neighborhoods in the district have one- and two-story single-family dwellings. Townhouses and apartments are two and three-story. The height of new buildings in the historic commercial district will vary from street to street and shall consider the height of adjacent buildings, as well as the entire block face and those of the block face on the opposite side of the street. Taller buildings may be appropriate at key intersections. Based on existing development, the figure on the following page is advisory only for building heights because the height restrictions of the underlying zoning district apply unless varied by the Board of Zoning Appeal. For reasons of financial viability and to encourage greater property values per acre Downtown, building heights greater than the advisory height may be necessary outside of the local and national historic districts. The height of any new structure should not block the view shed of the cupola of the Old Historic Court House, the upper floor of the new City Hall and the spires of churches on the National Register of Historic Places. Consideration should also be given to avoiding the obstruction of views of the Cumberland River from structures on the bluff.


Advisory Building Heights
No more than 2-stories
No more than 3-stories
No more than 4-stories
No more than 5-stories
Patrick St
Howard St
Lincoln Dr
Beech Dr
Cumberland Trl
Helen St
Robb Ave
Drane St
Summer St
Kellogg St
Ford St
Bailey St
Georgia Ave
York St
Forbes Ave
Henry St
Jackson Aly
Spring St
Mcclure St
Bogard Ln
Marion St
N Riverside Dr
Wilson St
Castle Hts
Browning Dr
College St
8th St
Jefferson St
N 2nd St
West Ave
Home Ave
7th St
Main St
Moores Aly
N 1st St
Foster St
4th St
Grant Aly
Telegraph St
N 3rd St
Franklin St
Strawberry Alley
Childers Pl
University Ave
S 7th St
S 2nd St
Hiter St
S 3rd St
Commerce St
Madison St
Academy Ave
Union St
Greenwood Ave
E Union St
Sullivan St
S Spring St
S 1st St
Kline Aly
Woods Aly
Adams St
Washington Ct
Washington St
Martin St
Elder St
S Riverside Dr
Bradley St
Charlotte St
Perkins Ave
King St
High St
Ernest St
Cumberland Dr
Crossland Ave



The façade of the Poston Building is divided by pilasters on the first floor. Additionally, the roofline has ridges that have a similar visual effect of breaking a long building into bays.



Another exception to using adjacent building setbacks as a determinant is when such neighboring buildings are inappropriate infill, such as many of the post-1950s buildings existing along Riverside Drive.



3. **Massing**

   a. No uninterrupted front façade plane shall extend more than thirty feet. Pilasters, variations in the roof line or parapet wall, or building wall recesses shall be used to break up the mass of a single building into distinct bays no wider than thirty feet. Variations in materials and colors can also help achieve this massing standard. The length of the street wall for all buildings shall be at least seventy-five percent (75%) of the lot frontage along downtown blocks.

   b. A minimum of fifty percent (50%) of the building wall shall be built to the building setback line. Taller buildings shall be carefully designed with a narrow profile towards Riverside Drive to maintain views of the river from the downtown core.

4. **Building Setback Lines:** Buildings shall be located in a manner compatible with the existing structures; incompatible or inappropriate adjacent buildings shall not be used as a contextual reference point.

   a. Central Commercial Sub-District. The front yard setback should be based on the predominant setback of existing structures on the blockface or across the street. If adjacent buildings are zero lot line, then the front facade shall be zero lot line with the street right-of-way line.

   b. Riverside Drive Sub-District: The front yard setback along Riverside Drive should not be less than twenty (20) feet to accommodate public utility easements and landscaping outside the street right-of-way, should encourage off-street parking to be located to the rear and side of structures, and should enable the building pad to be raised above the one percent (1%) storm elevation. In addition, building massing will provide guidance on desirable building setbacks.

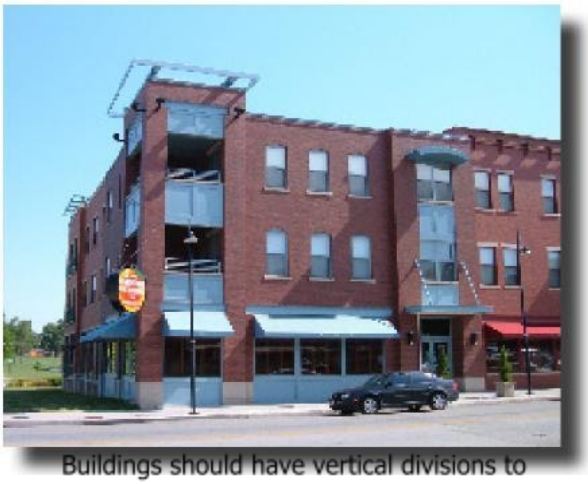
   d. An exception to setback guidelines would occur where outdoor seating/dining is planned

into the design. In this case, the building's façade wall may be located behind the adjacent setback line between twenty (25) to thirty (30) feet if a low and/or pierced brick wall delineates the patio area and constitutes the setback line. The wall shall be between 2 ½ and 3 ½ feet in height. If decorative ironwork is included atop the wall, the entire structure shall not exceed 3 ½ feet in total height.



5. Roofs

a. Roof forms should be appropriate to the building's architecture and surrounding context. Most flat roofs in the downtown area are not readily visible from the street. Parapet walls along the façade roofline are used to conceal the roof, as well as any mechanical systems located on rooftops. This is an appropriate design for new buildings. However, there is historical precedence for a gable roof on commercial buildings, as seen on the Poston Building from the 1840s. A gable roof design may be appropriate on a new commercial building provided it is adjacent to a commercial building with a gable roof or dominates the blockface. Metal roofs should have crimping and spacing to be consistent with historic metal roofs. Corrugated metal roofs are not an appropriate material in place of standing-seam metal roofs.



Buildings should have vertical divisions to maintain streetscape rhythm.

b. Parapet walls should be used on flat roofs for buildings in the Riverside Drive Sub-District, as well. Buildings there should have simple roof forms free of "sculptural or sign-like visual qualities.

6. Facades

a. In order for infill buildings to blend into the existing streetscape, their design should complement that of historic buildings. To achieve the desired results, new buildings should incorporate design elements of historic facades. A new building should have a street-level storefront consisting of a primary entrance and large, clear display windows. A transom can be included over the entrance, and display windows can rest on bulkheads, as in traditional commercial design. There should be a distinct transition between the storefront and upper façade, which can be achieved by use of decorative means such as corbelled brick. The following points are also essential to appropriate infill design:

b. Facade Articulation: Building facades shall emphasize clearly articulated main entrances using awnings, canopies, columns, pilasters and recessed entrances. Provide entrances that are distinct and visible from the street. Avoid long expanses of uninterrupted storefronts. Divide with architectural elements.

c. Doors and Windows: Infill buildings shall have their primary entrance on the primary facade fronting the street. Window and door openings should have a vertical orientation and alignment. Upper floor windows also need to be vertically oriented in proportions close to those of existing.

d. Glazing: A minimum of sixty-five percent (65%) of the front facade's ground floor shall be glazed (consisting of glass in the form of doors and/ or windows). The ground floor is considered the area between grade and the first floor's ceiling. Glass anywhere on the front façade may not be reflective or heavily tinted.

e. Side and Rear Facades: Rear and side facades do not need to be designed to the extent of primary facades. However, side and rear facades within and adjacent to local Historic District Overlays and the National Historic Districts and Structures are subject to review as well as other new structures visible from the public right of way.

7. Materials

a. Materials and their texture should be appropriate for the building's architecture and surrounding context. Exterior insulation finish systems and metal panels shall be considered for use only by careful review by the Design Review Board. Vinyl and aluminum siding are not appropriate in any sub-district.

b. The primary exterior wall materials should be brick and natural or artificial stone, split-faced concrete masonry, smooth surface stucco, historically correct painted wood siding or painted cement composite sidings. Additionally, cementitious siding and Exterior Insulation Finishing System (EIFS) are acceptable; however, the latter is not encouraged due to concerns about its longevity. Brick shall not be painted unless it is extremely mismatched or so deteriorated that it cannot resist moisture penetration. If painting is necessary, the natural color of the brick shall be used. Stone shall not be painted.

c. Wall materials that are discouraged:
Unfinished or rough natural wood siding
Aluminum or other large sheet painted metal
Heavy textured stucco
(Note: Many of the above materials may be used as accents or trim in small amounts)

e. The following wall materials are discouraged in the Downtown Overlay District, however, may be given special consideration by board approval only. Use of these materials:
must be consistent with the architectural style or character of the building and adjacent structures.
shall not provide a false sense of historic development.

reflect the period of the building's construction.
be compatible with adjacent historic materials.
not accelerate the deterioration of adjacent historic materials.
match the appearance of adjacent historic materials.

These special consideration materials are:

Plywood
Vinyl siding
Wood shakes
Plastic or fiberglass
Asphalt shingles
Reflective, opaque or mirrored glass
Unfinished concrete
Illuminated plastic elements
Unsurfaced or unpainted precision face concrete blocks (on street or public fencing facades)

8. Colors

a. Colors shall be complimentary to the dominant neutral building material colors such as dark red or red brown for brick and buff, taupe or gray for natural stone. Softer muted hues with gray or white added to the basic color shall be used to highlight architectural features such as window frames, sills, cornices, and details.

b. Avoid large areas of intense bright or very dark colors. Medium or subtle colors are encouraged. **Fluorescent or "day-bright" colors are prohibited.** Minimize the number of colors on an exterior to three except where accent colors may reflect a particular historic character.

9. Awnings and Canopies: Guidelines for awnings and canopies are the same for infill buildings as for historic buildings. Please see these guidelines in Section D.4.

10. Balconies: On infill buildings, balconies shall be metal or wood. If balconies have supporting columns, they should not impede pedestrian traffic. If covered, the roofs shall follow the standards for canopies. Permanent screens are prohibited, but roll-down screens and wood (or simulated wood) shutters are acceptable.

11. Retractable Storefront Windows: Façade windows that retract for an open-air design may be acceptable in some areas of downtown. Hinged bi-fold windows open laterally and are the best option visually as they least detract from the building design. The use of full-glass garage-style doors may also be appropriate.



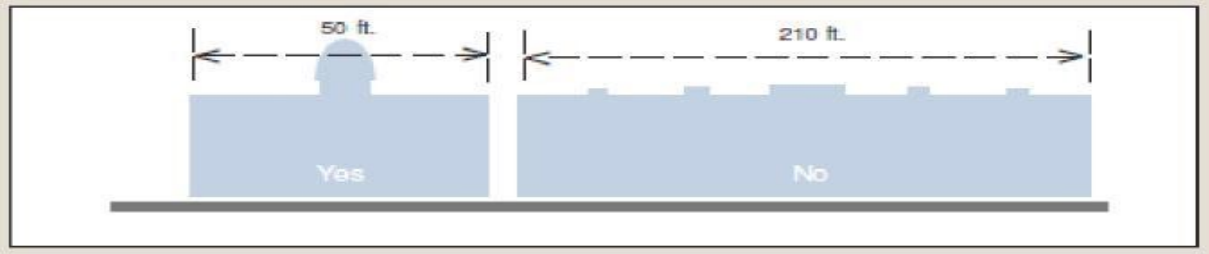
building.

G. Design Guidelines for New Institutional Buildings

1. **General Approach:** Institutional buildings include a broad range of structures that are publicly or privately developed for governmental, religious, educational, and similar purposes. They include churches, schools, post offices, and municipal buildings. Institutional buildings are geographic landmarks in the sense that they are readily identifiable, and their designs clearly express their function. Therefore, unlike other types of development, it is understood that an institutional building should accentuate its design differences from other downtown buildings, in order to underscore its significance. For this reason the standards for institutional design are minimal relative to other building types. Nevertheless, these guidelines will be used to review the design of private buildings, and may be consulted in the case of publically owned lands and structures.

2. **Height:** The height of an institutional building should be comparable to that of commercial/mixed use buildings on the same block or street. Height varies through the Downtown Overlay District according to building type and location. See suggestions for maximum height in Section F. The vertical architectural elements which are not habitable, such as spires, steeples and cupolas, shall not count toward height measurements. The height restrictions of the underlying zoning district shall govern.

3. **Width:** The maximum width for new institutional buildings shall not exceed 200 feet. The examples of an exception to this limit are conference centers and similar large-footprint buildings. These may exceed the width if the facade massing can be visually broken up.



4. **Setback:** There are no building setback requirements for new institutional buildings, although no parking shall exist within the front yard. Also, where appropriate, a generous setback is encouraged as a means of lending the building prominence and underscoring its significance.

5. **Roofs:** In the case of institutional buildings with flat or only slightly sloped roofs, a parapet wall shall serve as the front facade to mask the roof. Mechanical systems placed on the roof top shall be screened or obscured from public streets by either a parapet wall or by its location. Decorative, vertically-oriented architectural features, such as steeples and cupolas, are encouraged.

6. **Ground Floor Façade Massing:** The ground-floor level of a primary facade plane shall not exceed a width of 50 ft. without an interruption. Ground-floor façades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least 4 inches in depth, pilasters (engaged pillars) with a minimum depth of 4 inches, columns/posts, projecting bays, and porches. These means of achieving massing may be accompanied by other approaches such as material changes, roofline changes and front steps.

7. **Front Façades and Entrances:** A building's primary façade and its entrance shall front onto the building's associated street. For corner lots, the front façade and primary entrance shall face the "primary" street rather than the side street. The design of the primary entrance should be most prominent, clearly indicating it as the main point of entry. Its design may be echoed at secondary entrances, on a lesser scale or with lesser degree decorative embellishment, to identify them as subordinate.

8. **Glazing:** Glass on any facade fronting a street may not be reflective or heavily tinted, but colored glass in the form of leaded "stained glass" is permitted.

H. New Residential Buildings: These guidelines are advisory only for single-family and duplex structures outside of the local Historic District Overlays, and may be consulted (but are informational only) for the review of new residential housing of all types within the local Historic District Overlays.



High-pitched roof.

1. **Height:** The building height of a single-family dwelling shall not exceed 2 stories and 25 feet to the eave line. Multifamily apartment buildings can vary in height between one and four stories depending on their location, as depicted on the map in Section F. The height restrictions of the underlying zoning district shall govern provided the building height does not exceed the predominant building height of existing structures on the blockface and across the street.



Low-pitched roof.

2. **Setbacks:** All residential dwellings shall have a setback equal to or greater than that of the adjacent buildings' setbacks, given that the adjacent buildings represent compatible models.

    a. In residential neighborhoods of the Downtown Overlay District, front yard setbacks need to be within five (5) feet of the average of the block face. (Consult Chapter 4 for setback standards and Section 4.1.1 for setback exceptions in this zoning ordinance.) An exception from the front setback standards is permitted for a front courtyard design in which at least one third of the building's frontage adheres to the required setback. The courtyard depth shall not exceed fifty (50) feet as measured from the public right-of-way line and no parking is permitted within the courtyard area. Street side yard setbacks can vary and should be an average of existing examples on the block face. (Street side yard setbacks follow the same standards as front yard setbacks in this zoning ordinance.)



Appropriate setback for townhouse.

3. **Roofs:** For single-family dwellings, pitched roofs with a slope between 6:12 and 12:12 are required excluding porch roofs. Roofing materials shall include slate, heavy textured asphalt shingles, wood shakes, or standing seam metal compatible with the construction period of the area. Roof penetrations (pipes, vents) should be located on slopes of the roof that are not in view from the street. Synthetic materials that accurately depict materials such as slate and wood shakes may be permitted if they are appropriate to the style of the house. Single-family attached and detached houses shall have sloped roofs. Townhouses and apartment buildings can have either sloped or flat roofs with a parapet wall.

4. **Façades:** In order for infill buildings to blend into the existing streetscape, their design should complement that of historic buildings. To achieve the desired results, new buildings should incorporate design elements of historic facades. Facades shall reflect the residential building types in the area. For all new single-family dwellings, porches shall be a minimum depth of six (6) feet and extend across a minimum of sixty percent (60%) of the front façade. The following points are also essential to appropriate infill design:

    a. **Façade Articulation:** Building façades shall emphasize clearly articulated main entrances that are distinct and visible from the street. This applies to apartment buildings as well. In the case of courtyard apartments, the ends of the buildings face the street and would not need to meet this requirement. However, their front facades (the ends) would need to meet the requirement for build-to range for front setbacks.

    b. **Doors and Windows:** Infill buildings shall have their primary entrance on the primary facade fronting the street. Window and door openings should have a vertical orientation and alignment.

    c. **Glazing:** Glass anywhere on the front façade may not be reflective or heavily tinted.

    d. **Side and Rear Facades:** Side and rear facades do not need to be designed to the extent of primary facades. However, side and rear elevations are reviewed when within or adjacent to local Historic District Overlays, the National Register Historic Districts and Structures, and all other new multiple-family (townhouses and apartments) residential visible from the public way.



Appropriate porch depth and width.

5. **Raised Foundations:** Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least 24 inches. Foundation materials should be of poured concrete, stone, brick or split faced concrete masonry unit (CMU).

6. **Door and Window Design**

   a. The building's primary entrance shall face the associated street.

   b. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Door and window mullions shall be true divided lights or simulated divided lights on both sides of the glass.

   c. Shutters, if provided, shall be sized to fit the window and appear to be operable.

7. **Materials**

   a. Appropriate materials shall include:
   Brick (foundations and siding)
   Weatherboard or wood shingle siding (not on townhouse or apartments in the downtown core)
   Stone (foundations)
   Lattice panels (foundations)
   Cast stone (siding and foundations)
   Split-face concrete masonry unit (foundations)

   b. Additionally, cementitious siding and Exterior Insulation Finishing System (EIFS) are acceptable for siding; however, the latter is not encouraged due to concerns about its longevity.

8. **Garages and Accessory Buildings**
   a. Garages for new single-family residential construction shall be detached in the local Historic District Overlays, the National Register Historic Districts and Structures, and abutting such historic properties. Garages may be attached to the rear of residential structures not in or adjacent to historic structures. Garages and other accessory buildings shall occur in the rear of a lot, and shall meet the minimum side and rear yard requirements unless a variance is approved by the Board of Zoning Appeals.

   b. Multi-vehicle garages visible from the street shall have one bay door per vehicle.

   c. Parking garages are addressed in Section I.7.





The above examples illustrate appropriate sidewalks and cross walks.

The above examples illustrate appropriate brick sidewalks and crosswalks.



I. Streetscape and Site Planning

1. **Streetscape and Site Planning:** Clarksville has undertaken several projects involving streetscapes and other improvements to the downtown area. Future work planned for downtown should be in accordance with the following guidelines. However, these streetscape guidelines are not mandatory for any public entity.

2. **Sidewalks**

   a. The repair, construction, or modification of sidewalks within the District will require a Certificate of Appropriateness and a building permit from the City of Clarksville. Sidewalks along street right-of-ways shall be well maintained and provided where not already present.

   b. Design: Continuous formed curb and gutter shall be used on both sides of the public streets. Walkways should be raised above the street level and curbed, but should have depressed curbs at intersections for ADA accessibility. Accessibility for wheelchairs should be at least a minimum of thirty-six inches in width. In the Riverside Drive Subdistrict, the sidewalk should be a minimum of six (6) feet wide or maintain the existing building face. In residential areas, the sidewalks should be a minimum of four (4) feet wide; for multiple-family developments, wider sidewalk widths may be required. In the Central Commercial Subdistrict, sidewalks should be at least six (6) feet in width and wider sidewalks may be appropriate to match predominant sidewalk widths in the immediate area. Sidewalks shall be expanded at street corners to include "bulb-outs," which protect parked end vehicles and decrease the distance for pedestrians to cross the street.

   c. Materials: Sidewalks along Commerce Street from Third Street to Second Street, Franklin Street from Third Street to Public Square, Strawberry Alley/Legion Street from Third Street to First Street, First Street from Franklin to Main Street, Second Street from Commerce Street to Main Street, and Third Street from Commerce Street to Main Street, and the Public Square should contain brick elements with concrete curb and gutter.

d. Other sidewalks are recommended to be of a combination of brick pavers, brick pavers with concrete bands, or broom finish concrete paving with brick bands. Pedestrian street crossings should be clearly delineated with paving materials that stand out from the street surface.

3. **Lighting**

New light standards in the downtown area should be consistent with standards added in previous streetscape improvements.

a. New light standards should be consistent with those introduced into the downtown area during recent streetscape improvements. Metal halide lighting is preferred and should be used in locations where it complements the lighting design. The use of LED and high-pressure sodium lights may also be appropriate. In particular, all parking lot lighting shall have low cut-off fixtures which do not throw lighting on adjacent properties. 'Box' or 'cobra' style lighting is prohibited.

b. Pedestrian lighting in residential areas shall use lamp-post fixtures fourteen (14) feet in height. Fixtures shall use high-pressure sodium luminaire lighting. The street lighting for major streets shall be standard fixtures from the utility company painted to be compatible with pedestrian street lighting.

4 **Street Trees**: Street trees shall be used along the street right-of-ways to create a sense of place. Trees shall be Willow Oaks and Littleleaf Lindens, "Village Green" Zelkovas or other approved species compatible with the existing landscaping.

5. **Street Furniture**: Street furniture shall include benches, trash receptacles, bollards, planters, bicycle racks and kiosks. Benches and trash receptacles are appropriate in carefully selected locations. Newspaper boxes also contribute to the convenience of an area, but should be









grouped to avoid visual clutter. The color of street furniture shall blend harmoniously into the streetscape.

6. **Parking and Egress**

   a. Parking shall be provided in accordance with the requirements of the zoning ordinance. Shared parking facilities are encouraged. Parking lots should be sited on rear or side elevations, and screened with appropriate fencing or landscaping. Surface parking located on the side elevation of building shall be limited to one double loaded aisle. The layout and screening of lots should minimize direct views of parked vehicles from streets and sidewalks, and should provide a reasonable amount of shade.

An example of appropriate screening of parking lots includes vegetation and fencing, two acceptable elements for this purpose.

   b. Parking lots shall be screened from the streets by landscaping or a wall a minimum of three (3) feet in height. Evergreen hedges and walls shall be used. Screening should be compatible with the style, materials, and colors of the principal building on the same lot. The parking areas for the car dealerships shall use street trees and planting strips along the street frontage to improve the quality of the streetscape and the image of the downtown. On residential streets, parking shall be to the rear of the primary dwelling. Front parking pads are not permitted in residential areas. On-street parking is acceptable throughout the downtown and residential areas, but parking lots and structures are not permitted in front of the primary building. Side parking lots between buildings may be permitted with screening. Neither parking structures nor spaces shall be located in front of the primary building.

7. **Parking Structures:** Parking structure entrances and exits should be located on side streets if available. Walls fronting streets shall utilize materials, colors, and a pattern of openings consistent with surrounding buildings. Commercial business space shall be placed along the ground floor of new parking structures to maximize activity along the street frontage, and shall have direct access to the street and sidewalk. This is not a requirement on non-retail streets. A minimum of seventy-five percent (75%) of that commercial space wall area shall be transparent. Louvers and other open screening devices shall be used on upper level openings to hide the automobiles, screen garage lighting, and allow the garages to blend with the urban design fabric.

8. Fences

a. Wood fences were widely used in Clarksville to separate lots and outline front yards, but are no longer appropriate in the front yards of properties in the H-1 local Historic District Overlays. Cast iron, brick, stone, and wire fences were also used. In recent decades, chain link fences have been popular, but are no longer appropriate. Historic (pre-1960) fences should be preserved and maintained.





b. Appropriate front yard fences:
historic wrought iron fences or black, steel fences that replicate wrought iron, not to exceed 3-½ feet in height
historic stone walls
wood picket fences, not to exceed 3-½ feet in height.

c. Appropriate side yard (not along a street):
wood picket fences
wood privacy fences, not to exceed six (6) feet in height
No chain link or wire fence is appropriate.

Appropriate design and location of a privacy fence at 103 Marion Street.

d. Appropriate rear yards:
privacy fences
chain link and wire fences are prohibited
landscape screening.

J. Sign Standards

1. **General Principles:** The following principles are broad concepts that are addressed below with more specific standards.

Mixed use urban districts can utilize a broad range of sign types to identify businesses in a visually appealing manner.

   a. Signs may NOT be erected or altered without obtaining a permit from the Clarksville Building and Codes Department. Signs meeting the objective standards of Chapter 8 may be approved at the Staff Level without going to the Design Review Board; however, within the H-1 local Historic District Overlays, a Certificate of Appropriateness will require Historic Zoning Commission approval.

   b. Commercial signage shall be designed primarily for the purpose of identifying a business rather than serving as advertising.

   c. Signage should balance the need for businesses to be identified with the objective of avoiding visual clutter.

   d. Signage should not visually obscure significant architectural elements of a building (windows, opening trim, architectural detailing, etc.).

   e. In the case of wall-mounted signs, channel letter signs are preferred over cabinet signs.

   f. Sign materials should reflect a high level of quality and a historic character by utilizing traditional, non-synthetic materials (wood, metal, etc.). Material exceptions may be granted in the Riverside Drive Sub-District on a case-by-case basis.

   g. Refer to Chapter 8 of this ordinance for additional sign regulations. In particular, Section 8.2 of this ordinance establishes sign regulations applicable to all land use zoning districts and all zoning overlay districts. When more stringent sign regulations are established below, they shall prevail for the Downtown Overlay District.

2. **Sign Standards:** Within the Downtown Overlay District and including the local Historic Overlays encompassed therein, the following sign standards shall apply:

   a. For land uses in the Residential Zoning Districts, the residential Planned Unit Development (PUD) District and residential uses in the CBD and C-2 Districts, the sign provisions of Section 8.3 “Residential Districts” shall apply.

   b. For land uses in the Office, Commercial, Industrial and Mixed Land Use District (MLUD) Districts, the sign provisions of Section 8.8 “Central Business District” and Section 8.9

"Downtown Sidewalk Signs" shall apply.

2. Precedence of Regional Historic Zoning Commission Review Guidelines. The Review Guidelines adopted by the Regional Historic Zoning Commission and this Ordinance for locally designated historic districts within the Downtown Boundaries shall take precedence within the H-1 Historic District Overlay, in the event of a conflict between the two sets of guidelines.

9.5.4. Project Approval Process

1. Overview. To ensure consistency with the Downtown Urban Design Standards and Guidelines, the Common Design Review Board and the Clarksville-Montgomery Regional Planning Commission staff will review all private projects in the Downtown Urban Design Overlay District that require demolition and building permits and that make modifications to the exterior appearance of buildings, signing, landscaping and parking. Existing nonconforming structures, unforeseen physical conditions and subsequent architectural programmatic constraints may warrant exceptions to the guidelines. In such cases, the Common Design Review Board and planning staff will review alternative design solutions as they relate to the intent of the standards and guidelines, and will accept alternatives that present the best urban design solution. Where a single use or structure spans more than one sub-district (i.e., Central Commercial District, River District, Residential or Historic), the Common Design Review Board and planning staff will explore with the developer alternative solutions that achieve the design intent of the standards and guidelines. The Clarksville-Montgomery County Regional Planning Commission will continue to review site plans as required by Chapter 5.10 "Site Plan Requirements" and landscape plans as required by Chapter 7 "Landscape, Buffering and Screening Requirements" of this Zoning Ordinance.

2. General Directions:

A. The authority of the Common Design Review Board to uphold the Downtown Urban Design Overlay guidelines is limited to the standards and guidelines referenced in Subsection 9.5.3.1 of this ordinance.

B. Any approval by the Common Design Review Board is contingent on zoning and building permits issued by the Building and Codes Department, and cannot be interpreted as taking precedence over the building code or zoning ordinance except where the zoning standards set forth in the Downtown Overlay Standards and Guidelines are more stringent than other Sections of this Ordinance.
C. Other ordinances or parts thereof which are inconsistent with or are in conflict with the specific provisions of this ordinance are expressly superseded by this ordinance and are to be controlled by the provisions of this Ordinance.

D. Existing base zoning district standards that are not varied by this Section as set forth in this Ordinance shall apply within the Downtown Urban Design Overlay.

3. Step One/Application

A. The first step in undertaking a project in the Downtown Urban Design Overlay is to contact and request an application from the Regional Planning Commission.

B. Regional Planning Commission staff will provide the applicant with the published guidelines and standards (this document and any future amendments) for projects within the various sub-districts of the Downtown Urban Design Overlay. It is recommended that the applicant become familiar with the guidelines and standards prior to planning the project and before the development of any working drawings.

C. The applicant must submit one set of the following documents signed by the applicant that will be retained by the Planning Commission:

I. Copies of the proposed site plan (to an engineering scale) showing all site improvements such as buildings, walls, walks, parking, signs, plant materials, and lighting.

II. Completed color exterior elevations (1/8th" = 1' architectural scale minimum).

III. Exterior painting schedule (Color name/brand).

IV. Samples of exterior materials including brick, stone, metals, glass, roofing.

V. Detailed scale drawings of awnings and canopies, indicating proposed colors.

VI. Color photographs of all sides of the existing exterior for remodeling, rehabilitation, or demolition. For demolition, remodeling, and new construction, photographs shall show contiguous properties.

4. Step Two/Common Design Review Board

A. Should the application indicate alterations, remodeling, or repairs that are not governed by this Ordinance, the Common Design Review Board may exempt the application from the provisions of this urban design overlay district.

5. Step Three/Approval or Redirection

A. After a careful review of the presentation, the Common Design Review Board will act to approve, conditionally approve or disapprove the application. The Clarksville Building and Codes Department will then review the approved project for zoning and codes compliance when the drawings and specifications are competed and submitted to the department.

B. If the project is disapproved, the Common Design Review Board and Planning Commission staff will strive to assist the applicant by providing guidance and redirection of the project. It will then be necessary to present the project to the Board at another regularly scheduled meeting. A building permit shall not be issued until such time as the proposed project receives final approval from the Common Design Review Board.

C. Under extreme circumstances, the Common Design Review Board shall have the right to approve projects which do not absolutely meet the guidelines, but that follow the intent and spirit of the urban design guidelines.

D. Upon project approval, the project must be executed as presented and approved. Any substantial departure from the plans as presented will require another review by the Common Design Review Board.

9.5.5 Appeals Process

A. The Planning Commission shall hear and decide appeals from any order, requirement, decision or determination made by the Common Design Review Board or Planning Commission staff where it is alleged by the applicant in writing that Common Design Review Board or Planning Commission staff is in error or acted arbitrarily. Such appeal shall be made within sixty (60) calendar days of said order, requirement, decision or determination.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 6-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE,APPLICATION OF REDA HOME BUILDERS FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF TWIN RIVERS ROAD AND NOLEN 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 R-4 Multiple-Family Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing capped iron pin located in the south right of way of Nolen Road, said iron pin being 27,4 ft from the centerline of the said Nolen Road, and being approximately 1,288 feet southwest of the intersection of Old Trenton Road, and corner to Campus Crest of Clarksville, LLS (V1358/482), being the point of beginning. Thence leaving Nolen Road with Campus Crest, South 6 degrees 38 minutes 5 seconds West 553.16 feet to an existing iron pin on the bluff in the line of Greenfield (V948/1432) and a corner to Steve Meadows (1/6511760); thence with Meadows, South 81 degrees 48 minutes 40 Seconds West 267.77 feet to an existing iron pin; thence North 16 degrees 28 minutes 46 seconds West 118.41 feet to an existing capped iron pin, corner to Sutton (V1364/2353); thence with Sutton, North 16 degrees 25 minutes 09 seconds West 294.02 feet to an existing iron pin set in concrete, lying 21.4 feet in a southerly direction from the centerline of Nolen Road; thence along the south right of way line of Nolen Road, North 66 degrees 41 minutes 25 seconds East 485,26 feet to the point of beginning, and containing 3.92 +/- acres (Tax Map 055 Parcel 033.00)

ORDINANCE 7-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE,APPLICATION OF LYNDA ANN HOLT CONNER FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF WILSON ROAD AND OLD FARMERS 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 and R-1 Single-Family Residential District, as R-5 Residential District Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

TRACT I Beginning at a point, said point being the southeastern corner of the Allen Chase subdivision as described in Plat Book I page 127, said point being N 89° 10' E for a distance of 141 feet from the centerline intersection of Coyote Ct. and Wilson Road, said point also being the southwestern corner of the herein described parcel; Thence, along said Allen Chase subdivision, lots 15 thru 29, N 03° 35' 55" E for a distance of 1397.51 feet to a point on a line, said point being the north west corner of the herein described parcel; Thence, along thence along the Bellshire Subdivision Section D, Lot 89 as described in Plat Book K page 6, S 86° 08' 11" E for a distance of 7.78 feet to a point on a line; Thence, leaving said Bellshire subdivision Section D and along Bellshire Subdivision Section E as described in Plat Book K page 9, lots 117 thru 121 and lot 109, S 86° 08' 11" E a distance of 862.95; Thence, along the Cottages at Townsend as described in Plat book J page 392, lots 14 thru 18, S 03° 57' 26" W for a distance of 479.90 feet to a point on a line; Thence, along Townsend Condos as described in ORV 733 page 1075, S 03° 57' 26.0" W for a distance of 826.87 feet to a point on a line; Thence, along Robert Conner property as described in ORV 175 page 282 for the next 2 calls, N 84° 00' 00" W for a distance of 144.60 feet to a point on a line; Thence, S 04° 43' 29" W for a distance of 165.70 feet to a point on a line, said point being the northern right of way of Wilson Road; Thence, along said Wilson Road right of way, N 81° 20' 04" W for a distance of 255.90 feet to a point on a line, said point being the south east corner of the herein described parcel; Thence, leaving said Wilson Road right of way and along Michael Lowe property as described in ORV 463 page 1822 for the next 7 calls, N 06° 02' 00" W for a distance of 322.20 feet to a point on a line; Thence, N 84° 58' 00" E for a distance of 152.00 feet to a point on a line; Thence, N 05° 02' 00" W for a distance of

175.00 feet to a point on a line; Thence, S 84° 58' 00" W for a distance of 200.00 feet to a point on a line; Thence, S 05° 02' 00" E for a distance of 175.00 feet to a point on a line; Thence, N 84° 58' 00" E for a distance of 32.00 feet to a point on a line; Thence, S 05° 49' 34" E for a distance of 317.98 feet to a point on a line, said point being the northern right of way of said Wilson Road; Thence, along said Wilson Road, N 80° 06' 58" W for a distance of 444.93 feet to the point of beginning, said tract containing 1,183,069 Square Feet or 27.16 Acres, more or less.

TRACT II Beginning at a point, said point being the northwestern corner of the Randy Thrash property as described in ORV 1682 page 750, said point being the southern right of way of Wilson Road, said point being S 71° 48' E for a distance of 164 feet from the centerline intersection of Coyote Ct. and Wilson Road, said point also being the northwestern corner of the herein described parcel Thence, along said Wilson Road right of way, S 80° 07' 00" E a distance of 246.01, to a point on the northwestern corner of the Aaron Chamberlain as described in ORV 1874 page 2823; Thence, along said Chamberlain property for the next 2 calls, S 27° 08' 09" W for a distance of 42.24 feet to a point on a line; Thence, S 20° 11' 40" W for a distance of 42.92 feet to a point on a line, said point being the northeastern corner of the Rosie Devault property as described in ORV 510, page 766, said point being the south eastern corner of the herein described parcel; Thence, N 77° 27' 14" W for a distance of 222.63 feet to a point on a line, said point being the eastern property line of said Randy Thrash property; Thence, N 07° 10' 26" E for a distance of 72.30 feet to the point of beginning, said tract containing 18,059 Square Feet or 0.41 Acres, more or less.

ORDINANCE 8-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE,APPLICATION OF KRUECKEBERG, LLC FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF HIGHWAY 76 AND LITTLE HOPE 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 R-4 Multiple-Family Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 119 +/- feet southeast of the centerline of the intersection of Little Hope Rd. & highway 76 intersection, said point being the northeast corner of the Merlyn Mayes property and the northwest corner of the herein described tract, thence in a southerly direction 221 +/- feet with the eastern boundary of the Mayes property to a point, said point being in the northern boundary of the Maude C. Powers property, thence in a easterly direction 364 +/- feet with the northern boundary of the Powers property, to a point, said pint being in the western boundary of the Linda E. Carter property, thence in a northerly direction 276 +/- feet with the western boundary of the Carter property to a point said point being the northwest corner of the Carter property and located in the southern right of way margin of Highway 76, thence in a westerly direction 423 +/- feet with the southern right of way margin of Highway 76 to the point of beginning. said tract containing 2.23 +/- acres, further identified as Tax Map 63, parcel 63

ORDINANCE 9-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE,APPLICATION OF BRET AND PATRICIA LOGAN FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF PETERSON LANE AND OLD TRENTON ROAD

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

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

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Tract 1: BEGINNING at a new iron pin in the east margin of Peterson Lane at Michael W. Cannan's (ORBV 481, Page 2263, ROMCT) southeast comer, 228.00 feet, more or less, South of the centerline of Priesly Drive, as measured along said margin of Peterson Lane; thence leaving said margin of said Lane and along Cannan's south boundary as follows: North 01 degrees 57 minutes 14 seconds East 166.86 feet to an old iron pin, North 02 degrees 17 minutes 14 seconds East 258.03 feet to an old iron pin and North 06 degrees 26 minutes 05 seconds East 440.35 feet to an old iron pin at Cannan's northeast comer; thence with a portion of Cannan's north boundary, South 87 degrees 11 minutes OS seconds West 87.90 feet to an old iron pin at MarvinE. Smith's southeast comer (ORBV 235, Page 294, ROMCT); thence with portions of Smith's boundaries as follows: North 20 degrees 45 minutes 23 seconds West 271.80 feet to an old fence post, North 88 degrees 56 minutes 26 seconds West 224.21 feet to an old iron pin at a fence post and North 13 degrees 20 minutes 31 seconds East 233.06 feet to an old iron pin at Johnnie B. Buhler's (ORBV 453, Page 2013, ROMCT) southwest comer; thence with Buhler's south boundary, South 70 degrees 33 minutes 48 seconds East 354.77 feet to a 42 inch poplar tree; thence continuing with Buhler's boundary, South 73 degrees 23 minutes 45 seconds East 275.88 feet to an old P. K. nail in a tree; thence continuing with Buhler's boundary, South 81 degrees 16 minutes 29 seconds East 28.82 feet to an old iron pin at a metal fence post; thence South 01 degrees 41 minutes 29 seconds West 357.93 feet to a new iron pin at the northwest corner of Carolyn C. Whitford's property (ORBV 409, Page 1774, ROMC1); thence along Whitford's west boundary as follows: South 06 degrees 26 minutes 05 seconds West 374.87 feet to a new iron pin, South 02 degrees 17 minutes 14 seconds West 258.27 feet to a new iron pin and South 01 degrees 57 minutes 14 seconds West 166.86 feet to a new iron pin in the north margin of Peterson Lane; thence with said margin of Peterson Lane, North 87 degrees 08 minutes 37 seconds West 270.00 feet to the point of beginning and containing 9.64 acres, more or less, according to survey dated July 16, 1993, bearing Job No. 93 168, by David N. Young, TRLS #1562, of Young & Associates, 1532 New Ashland City Road, Clarksville, Tennessee 37041·1463. This description was taken from the previous deed of record in ORBV 511, Pager 1264, ROMCT.

Tract 2: Beginning at an old fence post, said fence post being the most southwesterly comer of the tract which is being conveyed herein, and said old fence post being located South 88 degrees 57 minutes 29 seconds West 11.78 feet from an old iron pin located in the east margin ofa road leading to the APSU farm (as shown in ORBV 624, page 812, ROMCT); thence as measured along the westerly boundary line of the property being conveyed herein aod the easterly boundary of the Austin Peay farm property (Deed Book 113, page 592,ROMCT) North 03 degrees 07 minutes 20 seconds East 417.91 feet to an iron pin; thence North 02 degrees 57 minutes 11 seconds East 360.57 feet to an iron pin; thence North 03 degrees 03 minutes 47 seconds East 527.67 feet to a new iron pin; thence South 86 degrees 53 minutes 36 seconds East 324.76 feet to an old iron pin; thence South 11 degrees 01 minutes 41 seconds East 266.26 feet to an old iron pin; thence South 13 degrees 19 minutes 36 seconds West 140.13 feet to an old iron pin; thence South 13 degrees 15 minutes 01 seconds West 49.21 feet to an iron pin; thence South 13 degrees 10 minutes 28 seconds West 302.01 feet to an old iron pin; thence South 13 degrees 20 minutes 31 seconds West 233.06 feet an old iron pin; thence South 88 degrees 56 minutes 26 seconds East 224.21 feet to an old fence post; thence South 20 degrees 45 minutes 23 seconds East 271.80 feet to ao old iron pin; thence South 83 degrees 49 minutes 13 seconds West 412.47 feet to an old iron pin; thence South 84 degrees 24 minutes 38 seconds West I 78.04 feet to an old iron pin; thence South 88 degrees 57 minutes 29 seconds West I I.78 feet to the point of beginning, containing 11.11 acres, more or less, all according to survey of David N. Young, TRLS #1562, dated March 21, 2000.

ORDINANCE 10-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SDRA HOLDINGS, LLC, ALLEN MOSER, MANAGER-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF FRANKLIN STREET AND HORNBERGER LANE

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

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

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an old iron pin located in the southerly right of way margin of Franklin Street, said iron pin being located North 71 degrees 59 minutes 13 seconds East 118.55 feet from the centerline intersection of the railroad tracks and Franklin Street, thence as measured along said right-of-margin of Franklin Street North 61 degrees 17 minutes 14 seconds East 139.86 feet to an old iron pin; thence leaving the said right-of-way margin of Franklin Street and running along the common boundary line of the Kip Chaa Gilkey, South 14 degrees 05 minutes 12 seconds East 342.22 feet to pipe, thence running with the common boundary with Andrew Harland, then Kenneth McDaniel, north 82 degrees 06 minutes 21 seconds West 103.57 feet to an old iron pin, thence running with the common boundary of Kenneth McDaniel, then Rosie M. Camey, North 82 degrees 26 minutes 20 seconds West 43.08 feet to an old iron pin, thence running with the common boundary of the Rosie M. Carney, then Joonho Lim, North 13 degrees 54 minutes 52 seconds West 252.24 feet to the point of beginning and containing 0.97 +/- further identified as (Tax Map 66-D-D, Parcel 4.00)

ORDINANCE 11-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE,APPLICATION OF THOMAS NEAL BATEMAN FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF WILMA RUDOLPH BOULEVARD AND OLD TRENTON ROAD

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

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

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin in the southeastern right of way margin of Wilma Rudolph Blvd., said iron pin being 60.00 feet southwest of a concrete monument, as measure along said margin of Wilma Rudolph Blvd., which monument marks the northeast corner of the Leo Smith property; thence leaving said margin, North 67 degrees 15 minutes 58 seconds West 143.53 feet to an iron pin; thence North 38 degrees 45 minutes 58 seconds East 151.80 feet to an iron pin; thence South 48 degrees 15 minutes 40 seconds East 161.29 feet to an iron pin in the southeastern right of way margin of Wilma Rudolph Blvd., thence along said margin, North 51 degrees 19 minutes 49 seconds East 106.34 feet to the point of beginning, containing 0.43 +/- acre.

ORDINANCE 12-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF BEN KIMBROUGH-RINGGOLD MILL PROPERTIES, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF FORT CAMPBELL BOULEVARD AND MILLSWOOD DRIVE

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

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

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being the southwestern corner of the Millswood Subdivision Lot 53 as recorded in Plat Book 66, page 66 ROMCT , said pin being N 82° 38' W for a distance of 776.00 feet, said point also being the western right of way of Leonard Drive; Thence along a curve along said Leonard Drive for the next 3 calls, said curve turning to the left, having a radius of 129.16 feet, and whose long chord bears S 11° 10' 38" W for a distance of 175.39 feet to a point of intersection with a non-tangential line; Thence, S 31° 42' 56" E for a distance of 242.99 feet to the beginning of a non- tangential curve; Thence on said curve turning to the left having a radius of 130.78 feet, and whose long chord bears S 50° 48' 36" E for a distance of 84.97 feet to a point of intersection with a non-tangential line; Thence, leaving said Leonard Drive right of way and with Steven Brooks property as described in ORV 371, page 1652, S 18° 27' 13" W for a distance of 275.45 feet to a point on a line, said point being the north west corner of the Melanie McCullen property as described in ORV 1139, page 2825; Thence, along said McCullen property, S 19° 19' 05" E for a distance of 171.74 feet to a point on a line, said point being the northern right of way of Millswood Drive, said point also being the south east corner of the herein described parcel; Thence, along said Millswood Drive right of way, S 70° 24' 10" W for a distance of 325.48 feet to a point on a line, said point being the south east corner of the Ben Kimbrough property as described in ORV 1210, page 1760; Thence, along said Kimbrough property for the next 5 calls, N 18° 56' 53" W for a distance of 154.65 feet to a point on a line; Thence, N 27° 07' 14" W for a distance of 246.75 feet to a point on a line; Thence, N 23° 59' 23" W a distance of 95.55 feet to a point on a line; Thence, N 28° 16' 25" W a distance of 268.51 feet to a point on a line; Thence, N 28° 33' 34" W for a distance of 338.83 feet to a point on a line, said point being the south east corner of the Ben Kimbrough as described in ORV 1107, page 1083; Thence, along said Ben Kimbrough property for the next 2 calls, N 29° 34' 06" W for a distance of 150.00 feet to a point on a line. Thence, S 60° 25' 33" W for a distance of 45.33 feet to a point on a line, said point being the south east corner of the Kun Ho Pan property as described in ORV 850, page 1830; Thence, along said Kun Ho Pan property for the next 3 calls, N 28° 06' 02" W for a distance of 81.49 feet to a point on a line; Thence, N 23° 12' 46" W for a distance of 68.75 feet to a point on a line; Thence, N 31° 07' 44" W for a distance of 37.49 feet to

a point on a line, said point being the south east corner of the Luther Anderson property as described in ORV 1725, page 265; Thence, along said Anderson property, N 08° 13' 08" E for a distance of 270.51 feet to a point on a line, said point being the southern property line of the Clarksville Montgomery County School System as described in ORV 103, page 670, said point also being the north west corner of the herein described parcel; Thence, along said Clarksville Montgomery County School System property for the next 2 calls, S 83° 17' 20" E for a distance of 699.12 feet to a point on a line; Thence, S 05° 15' 03" W for a distance of 224.19 feet to a point on a line, said point being the north west corner of the said Lot 53 of the Millswood Subdivision; Thence, along said Lot 53 for the next 2 calls, N 83° 46' 05" W for a distance of 10.64 feet to a point on a line; Thence, S 32° 10' 40" E for a distance of 308.92 feet to the beginning of a non-tangential curve which is the point of beginning, said parcel containing 789,060 Square Feet or 18.11 Acres, more or less. Said parcel to exclude a portion of the Ben Kimbrough property, said parcel being tax map 30J group C parcel 21.0, as described in ORV 1210, page 1760, said parcel being S 60° 29' W for a distance of 221 feet from the south west corner of the said Millswood subdivision Lot 53. Said point also being the north east corner of the herein described parcel; Thence, along the excluded portion for the next 4 calls, S 14° 51' 35" E for a distance of 100.00 feet to a point on a line; Thence, S 75° 08' 25" W for a distance of 100.00 feet to a point on a line; Thence, N 14° 51' 35" W for a distance of 100.00 feet to a point on a line; Thence, N 75° 08' 25" E for a distance of 100.00 feet to a point on a line, said parcel containing 10,000 Square Feet or 0.23 Acres, more or less;

ORDINANCE 1-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RICK REDA FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF EVANS ROAD AND SHAW DRIVE

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

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

PUBLIC HEARING:	July 1, 2021
FIRST READING:	July 1, 2021
SECOND READING:	*Scheduled for August 5, 2021*
EFFECTIVE DATE:	

EXHIBIT A

Beginning at a point said point being 29 +/- feet east of the centerline of the Evans Rd. & Shaw Dr. intersection, said point also being in the eastern right of way margin of Evans Rd. & said point being the southwest corner of the herein described tract, thence in a northerly direction 149 +/- feet to a point said point being the southwest corner of the 911 Bail Bounding Real Estate Investment, LLC, thence in a easterly direction 100 +/- feet with the southern boundary of the 911 Bail Bounding Real Estate Investment, LLC property to a point, said point being at an existing zoning boundary line, thence in a southerly direction 156 +/- feet with the zoning line boundary to a point, said point being in the northern boundary of the Xu Feng property, thence in a westerly direction 107 +/- feet with the northern property boundary of the Xu Feng property to the point of being, said herein described containing 0.4 +/- acre

ORDINANCE 2-2021-22

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CITY OF CLARKSVILLE FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF UNION STREET AND SOUTH THIRD 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 CBD Central Business District, as R-4 Multiple-Family Residential District.

PUBLIC HEARING: July 1, 1021
FIRST READING: July 1, 2021
SECOND READING: *Scheduled for August 5, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a new iron pin along the south right-of-way line of Union Street, said pin being located South 27 Degrees 24 Minutes 08 Seconds East 29.20 feet from the centerline intersection of Union Street and South 3rd Street; thence along said right-of-way line for the next two calls as follows: South 81 Degrees 38 Minutes 58 Seconds East 49.07 feet to a new iron pin; thence South 81 Degrees 38 Minutes 33 Seconds East 52.74 feet to a new iron pin; thence leaving said right-of-way line along the James Henry Property (recorded in volume 1529, page 430) for the next two calls as follows: South 02 Degrees 05 Minutes 45 Seconds West 106.31 feet to an old iron pin; thence South 01 Degrees 26 Minutes 21 Seconds West 80.36 feet to a new iron pin; thence along the Dorothy Ogburn Lyle Property (recorded in volume 1940, page 2694) North 80 Degrees 28 Minutes 34 Seconds West 108.47 feet to an old iron pin, said iron pin being located in the east right-of-way line of South 3rd Street; thence along said right-of-way line North 03 Degrees 47 Minutes 23 Seconds East 183.82 feet to the point of beginning containing an area of 0.44 acres

RESOLUTION 7-2021-22

A RESOLUTION APPROVING A CERTIFICATE OF COMPLIANCE FOR SALE OF WINE AT SILVER DOLLAR, INC.

WHEREAS, Yogeshkumar Patel has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for sale of wine at Silver Dollar, Inc., located at 2700 Trenton Road; and

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

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

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

That the Clarksville City Council hereby approves a Certificate of Compliance for Yogeshkumar Patel for sale of wine at Silver Dollar, Inc., 2700 Trenton Road, Clarksville, Tennessee.

ADOPTED:

RESOLUTION 9-2021-22

A RESOLUTION APPROVING APPOINTMENTS TO THE ADULT ORIENTED ESTABLISHMENT BOARD, ARTS & HERITAGE DEVELOPMENT COUNCIL, AND TREE BOARD

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

That the Clarksville City Council hereby approves the following appointments:

Adult-Oriented Establishment Board: Geno Grubbs, Chonoliah Teasley: - January 2021 through December 2024

Arts & Heritage Development Council: Yvonne Kendall - August 2021 through June 2024

Tree Board: Sheela Clark, Karla Kean - June 2021 through June 2024

ADOPTED:

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 28, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Monday, June 28, 2021, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson DaJuan Little; the Pledge of Allegiance was led by Councilperson Stacey Streetman.

ATTENDANCE

PRESENT: Richard Garrett, Mayor Pro Tem (Ward 1), Vondell Richmond (Ward 2), DaJuan Little (Ward 3; arrived late), Wallace Redd (Ward 4), Jason Knight (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), Wanda Allen (Ward 8), Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

FY22 GENERAL GOVERNMENT BUDGET

ORDINANCE 130-2020-21 (First Reading) Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for the Governmental Funds and adopting the Tax Rate for the fiscal year beginning July 1, 2021 and ending June 30, 2022

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

MAYOR'S STATEMENT: Mayor Pitts said the previous budget, which included a property tax increase of twenty cents to fund the proposed 2020+ Transportation Plan was recently disapproved. He said the Transportation Plan would have touched every ward in the City and could have addressed critical infrastructure needs. He said this budget was being presented without a tax increase, and therefore, without the Transportation Plan, but with funding for public safety, code enforcement, neighborhood recreational demands, employee pay, and revised retiree health care.

AMENDMENT 1: Councilperson Streetman made a motion to amend this ordinance by changing the proposed property tax rate from $1.0296 to $1.23. The motion was seconded by Councilperson Little. Councilperson Streetman thanked Department Heads and CFO Laurie Matta for their efforts in developing the budget and noted all had been available for questions since the budget was released. She said this amendment would provide funding for the Transportation 2020+ Plan. Councilperson Reynolds made a motion to amend AMENDMENT 1 by reducing department operating increases. Mayor Pitts ruled the motion failed due to lack of a second. Councilperson Allen challenged the ruling. The following vote in support of the challenge was recorded:

AYE: Allen, Butler, Evans, Reynolds

NAY: Garrett, Holleman, Knight, Little, Pitts, Redd, Richmond, Smith, Streetman

The challenge failed. Councilperson Redd called for the question on AMENDMENT 1; there was no objection to ceasing discussion. The following vote was recorded:

AYE: Evans, Garrett, Holleman, Knight, Little, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Allen, Butler, Redd

The motion to amend this ordinance to establish the property tax rate at $1.23 (AMENDMENT 1) passed.

AMENDMENT 2: Councilperson Streetman made a motion to amend this ordinance to correct a typographical error in Section 7 by changing the fiscal year for Tennessee Consolidated Retirement System payments from 2020 to 2022. The motion was seconded by Councilperson Smith. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to change the TCRS payment fiscal year to 2022 (AMENDMENT 2) unanimously passed.

Councilperson Redd called for the question on the main motion. The motion was seconded by Councilperson Streetman. The following vote was recorded:

AYE: Garrett, Holleman, Knight, Pitts, Redd, Richmond, Streetman

NAY: Allen, Butler, Evans, Reynolds, Smith

The motion to cease discussion failed due to lack of ⅔ majority.

AMENDMENT 3: Councilperson Reynolds made a motion to reduce the proposed property tax rate to $1.20 and reduce department appropriations. The motion was seconded by Councilperson Evans. Councilperson Streetman did not support reducing funding for public safety. Councilperson Allen said some residents cannot afford the tax increase and said the City Council should also make sacrifices. Councilperson Redd called for the question. There was no objection to ceasing discussion. The following vote was recorded:

AYE: Allen, Butler, Evans, Reynolds

NAY: Garrett, Holleman, Knight, Little, Pitts, Redd, Richmond, Streetman

The motion to reduce the property tax rate to $1.20 and reduce funding increases (AMENDMENT 3) failed.

Councilperson Redd called for the question on the main motion. There was no objection to ceasing discussion. The following vote on the main motion was recorded:

AYE: Evans, Garrett, Holleman, Little, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Allen, Butler, Knight, Redd

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

ADJOURNMENT

The meeting was adjourned at 5:12 p.m.

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 29, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Tuesday, June 29, 2021, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson Wallace Redd; the Pledge of Allegiance was led by Councilperson Ashlee Evans.

ATTENDANCE

PRESENT: Richard Garrett, Mayor Pro Tem (Ward 1), DaJuan Little (Ward 3; arrived late), Wallace Redd (Ward 4), Jason Knight (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7),, Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

ABSENT: Vondell Richmond (Ward 2; Excused), Wanda Allen (Ward 8)

ROBINSON V. CITY

ORDINANCE 92-2020-21 (First Reading) Approving a settlement of the Robinsons and/or Franklin Street Corporation (FSC) v. City State Court and Federal Court lawsuits

Councilperson Butler made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Little. City Attorney Lance Baker said the Plaintiff's attorney had requested changes to the proposed settlement earlier in

the day and recommended action be postponed. The City Council did not hold a non-public meeting. Councilperson Butler made a motion to postpone action on this ordinance to a special session pertaining to the Robinson lawsuits. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Smith, Streetman

The motion to postpone action on this ordinance to a special session pertaining to the Robinson lawsuits passed.

ADJOURNMENT

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

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 30, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Wednesday, June 30, 2021, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson Richard Garrett; the Pledge of Allegiance was led by Councilperson Trisha Butler.

ATTENDANCE

PRESENT: Richard Garrett, Mayor Pro Tem (Ward 1), Vondell Richmond (Ward 2), DaJuan Little (Ward 3; arrived late), Wallace Redd (Ward 4), Jason Knight (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), ,Wanda Allen (Ward 8) Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

FY22 GENERAL GOVERNMENT BUDGET

ORDINANCE 130-2020-21 (Second Reading) Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for the Governmental Funds and adopting the Tax Rate for the fiscal year beginning July 1, 2021 and ending June 30, 2022

Councilperson Knight made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Allen. Councilperson Butler expressed support for the proposed 2020+ Transportation Plan but felt it would be

possible for the City to operate on a lesser budget. Councilperson Streetman thanked members for their support and said the City needed to address its infrastructure problem. Councilperson Knight noted the Transportation Plan addressed traffic issues in every ward. Councilperson Holleman said the Plan would address the overall needs for traffic improvement. Councilperson Reynolds expressed support for the Transportation Plan and asked for honesty and transparent communication with the public. Councilperson Allen said the City should evaluate what spending can be discontinued and felt the taxpayers should also compromise. Councilperson Redd called for the question. There was no objection to creasing discussion. The following vote was recorded:

AYE: Evans, Garrett, Holleman, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Allen, Butler, Knight, Little, Redd

The motion to adopt this ordinance on second reading passed.

ADJOURNMENT

The meeting was adjourned at 4:41 p.m.

REGULAR SESSION
JULY 1, 2021

MINUTES

PUBLIC COMMENTS

Michael Langley had requested to speak but was not present. Denita Robertson Brooks reported sewer problems at her Kelsey Drive residence. Joel Andalon expressed his objection to the renaming of Mammy Lane to Hattie Lane; he questioned the process and was concerned about the cost for residents to change their personal address information.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, July 1, 2021, at 6:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

An individual moment of silence was led by Councilperson Ashlee Evans; the Pledge of Allegiance was led by Councilperson Jason Knight .

ATTENDANCE

PRESENT: Richard Garrett, Mayor Pro Tem (Ward 1), Vondell Richmond Ward 2, DaJuan Little (Ward 3), Wallace Redd, Ward 4), Jason Knight (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (12)

ABSENT: Wanda Allen (Ward 8, Excused)

SPECIAL PRESENTATIONS

Councilperson Knight presented a Certificate of Recognition to Noell Thompson, Miss Austin Peay State University 2021, for representing the City of Clarksville in the recent

Miss Tennessee Volunteer Pageant on June 19th in Jackson, Tennessee, finishing as 2nd Runner-Up.

Councilperson Little presented Certificates of Recognition to the following individuals for representing the City of Clarksville in the Cage Fighting Championship:

Saigh Mullens, Heavyweight Champion
Isaac Morris - Bantamweight Champion
Alexander Schenk- Featherweight Champion
Adonis Bonilla Carrillo- Interim Middleweight Champion
George Peiratt- Middleweight Champion

ZONING & ANNEXATION PUBLIC HEARING

Councilperson Garett made a motion to conduct a public hearing to hear comments regarding requests for zone change and the annexation progress report. The motion was seconded by Councilperson Holleman. There was no objection.

ORDINANCE 1-2021-22 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Rick Reda for zone change on property located at the intersection of Evans Rd. and Shaw Dr. from RM-1 Single-Family Mobile Home Residential District to R-4 Multiple-Family Residential District

Rick Reda said his plan was to build affordable housing for the area. No one expressed opposition to this request.

ORDINANCE 2-2021-22 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of City of Clarksville, Joe Pitts, Mayor - Agent for zone change on property located at the intersection of Union St. and South 3rd St. from CBD Central Business District to R-4 Multiple-Family Residential District

No one expressed support for or opposition to this request.

RESOLUTION 2-2021-22 Approving the Final Plan of Services Progress Report for annexed territory off Britton Springs near Center Road

There were no comments regarding this report.

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

ADOPTION OF ZONING AND ANNEXATION

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 1-2021-22**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 2-2021-22**. Councilperson Garrett made a motion to adopt this ordinance on first reading. In response to Councilperson Smith's question, Mayor Pitts said adoption of this ordinance would allow the Office of Housing and Community Development to donate the property to Urban Ministries. The motion was seconded by Councilperson Evans. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

Councilperson Garrett made a motion to adopt **RESOLUTION 2-2021-22**. The motion was seconded by Councilperson Allen. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution 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 83-2020-21** (Second Reading) Authorizing sale of city owned property located near I-24 Exit 8 to Silicon Ranch Corporation for a solar power generation facility *Removed; see Parks & Recreation Report*

2. **ORDINANCE 105-2020-21** (Second Reading) Authorizing exercise of right of eminent domain to obtain easements granting access over and across property necessary to construct, operate, and maintain the North Clarksville Water Treatment Plant *Removed; see Gas & Water Report*

3. **ORDINANCE 106-2020-21** (Second Reading) Amending the Official Code relative to the Occupational Safety and Health Program

4. **ORDINANCE 107-2020-21** (Second Reading) Authorizing sale of surplus tax sale properties at public auction

5. **ORDINANCE 108-2020-21** (Second Reading) Authorizing donation of properties located on Dumas Drive and Elm Hill Drive to Habitat For Humanity for Community Development

6. **ORDINANCE 111-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reda Home Builders, Inc. for zone change on property located at the intersection of Oak Street and Mann Circle from R-3 Three Family Residential District to R-4 Multiple Family Residential District

7. **ORDINANCE 112-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Satish Prabhu, Matt Ellis-Agent, for zone change on property located at the intersection of Dr. Martin Luther King Jr. Parkway/Hwy. 76 and New South Drive from C-4 Highway Interchange District to R-4 Multiple Family Residential District

8. **ORDINANCE 113-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Singletary Construction, LLC, Bert Singletary-Agent, for zone change on property located at the intersection of Center Pointe Drive and Center Court from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

9. **ORDINANCE 114-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Salvador Castro, Rex Hawkins-Agent, for zone change on property located at the intersection of Ft. Campbell Boulevard and Jack Miller Boulevard from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

10. **ORDINANCE 115-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Syd Hedrick, Syd Hedrick-Agent, for zone change on property located south of Crossland Avenue, north of West High Street, and east of Charlotte Street from R-3 Three Family Residential District and R-6 Single Family Residential District to C-2 General Commercial District

11. **ORDINANCE 116-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Bristol Ridge Apartments for zone change on property located south of Highway 76 and north of Karmaflux Way from C-5 Highway & Arterial Commercial District and R-1A Single Family Residential District to R-4 Multiple Family Residential District, C-5 Highway & Arterial Commercial District, and R-1A Single Family Residential District

12. **ORDINANCE 117-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Brian Wolff, Houston Smith-Agent, for zone change on property located north of Providence Boulevard and east of Cave Springs Road from R-3 Three Family Residential District and C-2 General Commercial District to C-2 General Commercial District and R-3 Three Family Residential District

13. **ORDINANCE 119-2020-21** (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 southeast corner of Needmore Road and Hazelwood Road from R-1A Single Family Residential District to C-5 Highway & Arterial commercial District

14. **RESOLUTION 3-2021-22** Approving appointments to the Arts & Heritage DevelopmentCouncil, Ethics Commission, Parking Commission, Power Board, and Sustainability Board

- *Arts & Heritage Development Council: Jordan Burns - July 21 through June 2022, Brenda Harper - July 2021 through June 2024, David Smith - July 2021 through June 2023*
- *Economic & Community Development Board: Melinda Shepard - July 2021 through June 2025*

- *Ethics Commission: Dr. David Kanervo, Mark Rassas - July 2021 through June 2024*
- *Parking Commission: Andy Kean - July 2021 through August 2021*
- *Power Board: Travis Holleman - July 2021 through June 2024*
- *Sustainability Board: Karen Reynolds, Bert Singletery - July 2021 through June 2022; Valerie Guzman, Wanda Smith - July 2021 through June 2023; Travis Holleman, Jimmie Mann, Chris Rasnic - July 2021 through June 2024*

15. Adoption of Minutes: June 3, June 15, June 17, June 22

Councilperson Reynolds requested separate consideration of **ORDINANCE 83-2020-21**. Councilperson Redd requested separate consideration of **ORDINANCE 105-2020-21**. Councilperson Redd made a motion to adopt this Consent Agenda as amended. The motion was seconded by Councilperson Holleman. Councilperson Evans registered "nay" on Item #13, **ORDINANCE 119-2020-21.** The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt the Consent Agenda as amended passed.

FINANCE COMMITTEE *Councilperson Stacey Streetman*

Councilperson Streetman announced the Broadband Division of CDE Lightband recently repaid the $17 million interdivisional loan to the Electric Division 17 years ahead of schedule.

GAS & WATER COMMITTEE *Councilperson Wallace Redd*

ORDINANCE 105-2020-21 (Second Reading) Authorizing exercise of right of eminent domain to obtain easements granting access over and across property necessary to construct, operate, and maintain the North Clarksville Water Treatment Plant

Councilperson Redd made a motion to adopt this ordinance on first reading. The motion failed due to lack of a second.

RESOLUTION 63-2020-21 (Postponed June 3rd) Authorizing an interlocal agreement Bi-County Solid Waste Management for acceptance of biosolids from the wastewater treatment plant

Councilperson Redd made a motion to postpone action to the next regular session. The motion was seconded by Councillady Streetman. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

Councilperson Redd shared the following monthly department statistics: 46 leak repairs, 4,107 feet of pipe installed, 14 utility plan approvals, 38 ongoing projects, 104,445 meter readings.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Councilperson Wanda Smith*

Councilperson Smith said the department would soon begin reviewing possible improvements to Dixon Park including public recommendations.

PARKS & RECREATION COMMITTEE *Councilperson Vondell Richmond*

ORDINANCE 83-2020-21 (Second Reading) Authorizing sale of city owned property located near I-24 Exit 8 to Silicon Ranch Corporation for a solar power generation facility

This ordinance was removed from the original Consent Agenda. Councilperson Richmond made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Redd. In response to Councilperson Reynolds' question, Mayor Pitts said funds were available for this project and the revenue from sale of the property would go to the General Fund until specifically appropriated. He said all solar energy produced would go directly to Clarksville Department of Electricity. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

Councilperson Richmond said the committee had recently discussed the Heritage Park soccer field project as well as open positions in the department, and noted upcoming events including Independence Day Celebration at Liberty Park, Mayor's Summer Night Lights, Kleeman Center Block Party, and Pre-School Prom.

PUBLIC SAFETY COMMITTEE *Councilman Richard Garrett*

Councilperson Garrett shared the following monthly department statistics: Police - 12,768 calls for service; Fire Rescue - 2,219 emergency responses, 20 community events, 69 maintenance work orders, 26 service calls, 203 inspections, 4 investigations; Building & Codes - 3,465 inspections, 276 code enforcement cases, 59 abatement work orders, 141 single-family permits, 15 multi-family permits, 26 commercial permits.

Councilperson Garrett said the new Police Precinct was near completion. Seven cadets had recently graduated from the Police Academy. He said the new Fire Rescue maintenance building was also completed.

TRANSPORTATION-STREETS-GARAGE COMMITTEE *Councilperson Wanda Smith*

Councilperson Smith shared the following monthly department statistics: 36,740 passengers including 6,969 senior citizens, 2,952 demand responses; Streets - 238 work orders, paving of Arbor Green North, Greenspoint, and Barkers Mill subdivisions; Garage - $168,402 in requisitions, 480 work orders, 1,036 work hours, unleaded fuel at $2.39 per gallon, diesel fuel at $2.20 per gallon.

Councilperson Smith said CTS would provide free rides to the Independence Day Celebration at Liberty Park from various locations.

ROBINSON V. CITY

ORDINANCE 92-2020-21 (First Reading) Approving a settlement of the Robinsons and/or Franklin Street Corporation v. City State Court and Federal Court lawsuits

First reading for this ordinance was postponed on June 29th to a special session. Councilperson Butler, Sponsor, made a motion to adopt this ordinance; the motion failed due to lack of a second.

CITY COUNCIL RESIDENCY

ORDINANCE 98-2020-21 (First Reading; Postponed June 3) Amending the Official Code relative to failure to retain continuous council ward residency requirements

Councilperson Reynolds, Sponsor, said her intent was to provide a tool to enforce residency as required by the City Charter. Councilperson Reynolds made a motion to postpone action on this ordinance indefinitely. The motion was seconded by Councilperosn Evans. The following vote was recorded:

AYE: Butler, Evans, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

ABSTAIN: Garrett

The motion to postpone action on this ordinance indefinitely passed.

CODE OF ETHICS

RESOLUTION 65-2020-21 (Postponed April 1st) Requesting the Mayor call a special session of the City Council as a Committee of the Whole to study and make recommendations pertaining to the City Code of Ethics

In the absence of Councilperson Allen, Sponsor, Councilperson Little made a motion to postpone action to the next regular session. The motion was seconded by Councilperson Little. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

RED RIVER DISTRICT ZONING STUDY

RESOLUTION 4-2021-22 Requesting the Regional Planning Commission Director and Staff to perform an area-wide study of the R-3 residential neighborhood in the Red River District

Because this resolution was not presented during the previous executive session, Councilperson Smith made a motion to consider **RESOLUTION 4-2021-22**. The motion was seconded by Councilperson Evans. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion passed with the required 3/4 majority approval. Councilperson Smith made a motion to adopt this resolution. The motion was seconded by Councilperson Holleman. Councilperson Streetman made a motion to postpone action on this resolution to the next regular session to allow the Regional Planning Staff time to evaluate the impact of this study. The motion was seconded by Councilperson Redd. The following vote was recorded:

AYE: Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Butler

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

MAYOR AND COUNCIL MEMBER COMMENTS

Councilperson Streetman invited members to the first meeting of the 2021 Legislative Liaison Committee which was scheduled for July 13. In response to Councilperson Reynolds' question, Mayor Pitts said agendas and minutes of previous meetings of the committee were posted on the City's website. Councilperson Evans wished everyone a safe Independence Day and Councilperson Knight said everyone should remember its meaning. Councilperson Smith invited the public to the upcoming August 8 celebrations.

ADJOURNMENT

The meeting was adjourned at 6:58 p.m.

ORDINANCE 109-2020-21

AN ORDINANCE AMENDING TITLE 5 OF THE OFFICIAL CITY CODE RELATIVE TO SHORT TERM RENTALS PERTAINING TO INDIVIDUAL OWNER EXEMPTIONS

WHEREAS, for economic reasons and for the purpose of making short-term rental requirements less onerous and less burdensome upon the residents of the City of Clarksville, the City Council finds it to be in the best interest of the City to provide certain exceptions to the general rule requiring individuals to obtain a permit in order to operate a short-term rental unit.

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

The Clarksville City Code, Title 5 (Business, Professions, and Occupations) Section 5-303 is hereby amended by adding new paragraph (c) (1), (2), and (3) as set forth below:

(c) This short-term rental ordinance shall not apply:

(1) to individuals who operate only one single short-term rental unit;

(2) to individuals who operate and list only one single room as a short-term rental unit in a dwelling unit that is owner-occupied; and

(3) to individuals who operate a short-term rental unit for less than six (6) months in any calendar year.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 3-2021-22

ORDINANCE TO ESTABLISH RESPONSIBILITIES FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY AND THE CHIEF INFORMATION OFFICER, AND ESTABLISHING REGULATIONS FOR THE ACQUISITION OF TECHNOLOGY RESOURCES

WHEREAS, due to growth of technology throughout the City, it has become necessary to formalize the responsibilities of the information technology department.

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

1. That Title 1 (Administration, Officers, and Personnel), Chapter 11 (Reserved), of the Official Code of the City of Clarksville, Tennessee, is hereby amended by adding a new Chapter 11 as follows:

Chapter 11 - INFORMATION TECHNOLOGY DEPARTMENT

Section 1-1101. Responsibilities of the Department of Information Technology.

a. The information technology (IT) department shall be responsible for maintaining, installing, upgrading, and supporting all information technology hardware, software, and online systems; providing internet security; backing up data; researching and providing technical expertise for information technology-related issues; production and distribution of web streams and government television; and performing other duties as may be assigned by the Mayor.

b. The IT department shall provide services to all departments of the city. Other than the direction of the design, coordination, and operation of the local and wide area network, the department of gas and water is exempt from this section, subject to the approval of the Mayor.

Section 1-1102. Powers and duties of the Chief Information Officer.

The City Chief Information Officer (CIO) shall have the power, duties, and responsibilities to:

a. Manage and coordinate internal information technology systems and data processing functions.
b. Coordinate the acquisition, development, and implementation of computer applications, and recommend changes and improvements to operations and programming.
c. Direct the design, coordination, and operation of the local and wide area network and the evaluation and implementation of computers throughout the city.
d. Develop and operate automated information systems for the purpose of providing efficient data handling.
e. Manage the preparation of the proposed annual budget for the City of Clarksville Information Technology Department, authorizing necessary expenditures.
f. Coordinate with departments, recommend and establish policies, procedures, and standards for the development of the City's technology operations, subject to the approval of the Mayor.

g. To provide leadership to the city council, Mayor, and directors on the alignment of technology with city initiatives, planning priorities, policy, and strategic objectives.
h. Appoint, remove, and supervise employees in the Information Technology Department in accordance with City of Clarksville policies and regulations.
i. Review applicants that will manage and/or support technology in other departments.

Section 1-1103. Criminal Justice Information Systems.

All criminal justice information systems (CJIS) are subject to any management control agreement with the Tennessee Bureau of Investigation (TBI) and / or any applicable federal criminal justice agencies, and will be managed by the Chief of Police. With regard to CJIS and the responsibilities of the CIO, the Information Technology Department and the Clarksville Police Department will coordinate and consult on technology and policies to ensure CJIS compliance.

Section 1-1104. Acquisition of technology resources.

No City officer or employee shall acquire, through purchase, lease, or any form of contract, any information technology resources for the City except through, in coordination with, or in accordance with, policies, guidelines, standards, and procedures established by the Chief Information Officer and subject to approval by the Mayor.

2. *BE IT FURTHER ORDAINED,* that Section 10-112, "Department of information and technology," is hereby amended by deleting the section in its entirety and substituting the following therefore:

Section 10-112. Department of information ~~and~~ technology.

There is hereby established a department of information technology which shall be headed by a ~~director of information and technology~~ Chief Information Officer.

3. This ordinance shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the City of Clarksville requiring it.

FIRST READING:
SECOND READING:
EFFECTIVE DATE

ORDINANCE 5-2021-22

AN ORDINANCE AUTHORIZING THE MAYOR, THROUGH THE CITY ATTORNEY OR HIS DESIGNEE, TO CONDUCT NEGOTIATION AND ENTER INTO AN AGREEMENT FOR THE PURCHASE OF AN EASEMENT OR RIGHT OF WAY AND TO ACQUIRE PROPERTY FOR A PUBLIC PURPOSE FOR INTERSECTION IMPROVEMENTS FOR THE WHITFIELD ROAD IMPROVEMENT PROJECT AND TO CONVEY CITY OF CLARKSVILLE PROPERTY IN EXCHANGE THEREFORE

WHEREAS, the City of Clarksville finds that improvements to road and intersections within the City are vital to the to the transportation system and enhanced quality of life for City residents; and

WHEREAS, the Clarksville City Council finds it to be in the public interest to acquire easements and / or right of way rights for constructing improvements to Whitfield Road and Needmore Road; and

WHEREAS, Sonjia Mae McGlown, Fonda Malone and Riniski McGlown (hereinafter "McGlown") are the owners of certain real property, being approximately 205.94 feet and being located at 2704 Whitfield Road being a portion of Tax Map and Parcel 32P-C-61, more particularly described in **Exhibit A** and having an opined value at $1,465.00; and

WHEREAS, the City of Clarksville is the owner of certain real property to the west of the McGlown property being located at 773 Needmore Road being Tax Map and Parcel 32P-C-60, and more particularly described in **Exhibit B** having acquired said property for the Whitfield Road and Needmore Road improvement project; and

WHEREAS, the City of Clarksville property located at 773 Needmore Road being Tax Map and Parcel 32P-C-60 which will remain after the roadway improvement project is complete will have no road access, cannot be adjoined to adjoining properties as one parcel due to zoning regulations and will have an opined market value of $0.13 per square foot or $1,509.00 total; and

WHEREAS, the City of Clarksville did acquire the 205.94 square feet parcel, more or less including a utility, construction and slope easement, located at 2704 Whitfield Road being a portion of Tax Map and Parcel 32P-C-60 as depicted in **Exhibit C** from Sonjia Mae McGlown, Fonda Malone and Riniski McGlown for the purpose of improving Whitfield and Needmore Road said conveyance being filed of record on April 5, 2021 in Official Record Book Volume 2078, Page 1658, Register Office for Montgomery County, Tennessee ; and

WHEREAS, to avoid maintenance costs on the City of Clarksville property remaining after the improvement project is completed the Clarksville City Council finds it to be in the public interest to convey the property remaining after roadway improvements and located at 773 Needmore Road being Tax Map and Parcel 32P-C-60 to Sonjia Mae McGlown, Fonda Malone and Riniski McGlown as payment for the acquisition of the 205.94 feet parcel and easement being located at 2704 Whitfield Road which conveyance has been agreed to by Sonjia Mae McGlown, Fonda Malone and Riniski McGlown and which conveyance shall become effective at the completion of the Whitfield Road project.

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

That the Mayor, in consideration for the purchase of property located at 2704 Whitfield Road being a portion of Tax Map and Parcel 32P-C-60 from Sonjia Mae McGlown, Fonda Malone and Riniski McGlown being 205.94 square feet, more or less including a utility, construction and slope easement, may quitclaim transfer and convey the City of Clarksville property remaining after the Whitfield Roadway Project improvement identified as a portion of Tax Map and Parcel 32P-C-61 and located at 773 Needmore Road to Sonjia Mae McGlown, Fonda Malone and Riniski McGlown as payment therefore which conveyance shall become effective at the completion of the Whitfield Road project.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Tract A
Fee Simple

Being a Tract of land situated in the Sixth (6th) Civil District of Montgomery County, Tennessee, said Tract being 5.0 miles, more or less, northeast of downtown Clarksville and being generally located north of 101st Airborne Division Parkway, east of and adjacent to North Whitfield Road, south of Glen Ellen Way, and west of Ann Drive, said Tract being more particularly described as follows:

Beginning at a point 45.50 feet right of Whitfield Road at Station 124+86.30, said point being 0.03 miles, more or less, north of the intersection of Whitfield and Needmore Roads, as measured along the eastern North Whitfield Road right of way; thence along the existing North Whitfield Road right of way N 6°19'32" E a distance of 69.20 feet to a point 39.77 feet right of Whitfield Road at Station 125+54.26 said point being in the northern property line with Orlando Rudolph Reed, as recorded in O.R.V. 511, Page 2359, R.O.M.C.T.; thence along the northern property line with Orlando Rudolph Reed S 75°40'28" E a distance of 5.74 feet to a point 45.50 feet right of Whitfield Road at Station 125+53.87, said point being an iron pin (new); thence along the proposed North Whitfield Road right of way along an arc 68.64 feet to the right, having a radius of 2910.29 feet, the chord of which is S 11°04'32" W for a distance of 68.64 feet and the POINT OF BEGINNING.

Said Tract contains 0.00 acres (205.94 sq. ft.) more or less.

The above described property is hereby conveyed in fee simple. Property is subject to all easements, rights-of-way, covenants, and restrictions of record.

Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on March 2019.

All iron pins set are ½" x 18" rebar with plastic cap stamped "SUITER 1837".

EXHIBIT
tabbies
A

Tract B
Permanent Slope Easement

Being a Tract of land situated in the Sixth (6th) Civil District of Montgomery County, Tennessee, said Tract being 5.0 miles, more or less, northeast of downtown Clarksville and being generally located north of 101st Airborne Division Parkway, east of and adjacent to North Whitfield Road, south of Glen Ellen Way, and west of Ann Drive, said Tract being more particularly described as follows:

Beginning at a point 45.50 feet right of Whitfield Road at Station 124+87.22, said point being 0.03 miles, more or less, north of the intersection of Whitfield and Needmore Roads as measured along the eastern North Whitfield Road right of way and 0.09 feet, more or less, east of the eastern North Whitfield Road right of way; thence along the proposed slope easement along an arc 67.71 feet to the left, having a radius of 2910.29 feet, the chord of which is N 11°03'59" E for a distance of 67.71 feet, to a point 45.50 feet right of Whitfield Road at Station 125+53.87, said point being in the northern property line with Orlando Rudolph Reed, as recorded in O.R.V. 511, Page 2359, R.O.M.C.T.; thence along the northern property line with Orlando Rudolph Reed S 75°40'28" E a distance of 2.02 feet to a point 47.52 feet right of Whitfield Road at Station 125+53.73; thence along the proposed slope easement for the next 4 courses as follows: S 9°35'49" W a distance of 3.80 feet to a point 47.57 feet right of Whitfield Road at Station 125+50.00; thence S 11°48'57" W a distance of 50.83 feet to a point 46.83 feet right of Whitfield Road at Station 125+00.00; thence S 12°16'48" W a distance of 12.83 feet to a point 46.68 feet right of Whitfield Road at Station 124+87.38; thence N 85°59'26" W a distance of 1.19 feet to a point 45.50 feet right of Whitfield Road at Station 124+87.22 and the POINT OF BEGINNING.

Said Tract contains 0.00 acres (106.69 sq. ft.) more or less.

By this instrument the Grantor(s) hereby grants a permanent easement for construction and maintenance of slopes outside the proposed right-of-way line. The land described above, on which the slopes are to be constructed, is to remain the property of the Grantor(s) and may be used for any purpose desired, provided such use does not interfere with the use of maintenance of said slopes.

Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on March 2019.

Tract C
Construction Easement

Being a Tract of land situated in the Sixth (6th) Civil District of Montgomery County, Tennessee, said Tract being 5.0 miles, more or less, northeast of downtown Clarksville and being generally located north of 101st Airborne Division Parkway, east of and adjacent to North Whitfield Road, south of Glen Ellen Way, and west of Ann Drive, said Tract being more particularly described as follows:

Beginning at a point 50.19 feet right of Whitfield Road at Station 124+41.47, said point being 0.02 miles, more or less, north of the intersection of Whitfield and Needmore Roads as measured along the eastern North Whitfield Road right of way and said point being located in the southern property line with Robert E. Lee, a married person, as recorded in O.R.V.736, Page 1753, R.O.M.C.T.; thence along the proposed construction easement for the next 6 courses as follows: N 6°19'32" E a distance of 34.57 feet to a point 46.59 feet right of Whitfield Road at Station 124+75.28; thence N 12°16'48" E a distance of 1.18 feet to a point 46.59 feet right of Whitfield Road at Station 124+76.44; thence S 85°59'26" E a distance of 10.11 feet to a point 56.60 feet right of Whitfield Road at Station 124+77.81; thence S 12°16'48" W a distance of 8.13 feet to a point 56.56 feet right of Whitfield Road at Station 124+69.84; thence S 78°40'12" E a distance of 5.65 feet to a point 62.21 feet right of Whitfield Road at Station 124+69.91; thence S 6°19'32" W a distance of 28.46 feet to a point 65.20 feet right of Whitfield Road at Station 124+42.22, said point being located in the southern property line with Robert E. Lee; thence along the southern property line with Robert E. Lee, N 80°17'18" W a distance of 15.03 feet to a point 50.19 feet right of Whitfield Road at Station 124+41.47 and the POINT OF BEGINNING.

Said Tract contains 0.01 acres (503.27 sq. ft.) more or less.

By this instrument the Grantor(s) hereby grants an easement for the construction of a working area and erosion control outside of the proposed right-of-way line. The title to the above described land remains vested in the Grantor(s), and is to be used by the City of Clarksville, its contractors or assigns for a period of three (3) years, from and after the commencement of construction.

Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on March 2019.

Tract D
Construction Easement

Being a Tract of land situated in the Sixth (6^{th}) Civil District of Montgomery County, Tennessee, said Tract being 5.0 miles, more or less, northeast of downtown Clarksville and being generally located north of 101^{st} Airborne Division Parkway, east of and adjacent to North Whitfield Road, south of Glen Ellen Way, and west of Ann Drive, said Tract being more particularly described as follows:

Beginning at a point 46.68 feet right of Whitfield Road at Station 124+87.38, said point being located said point being 0.03 miles, more or less, north of the intersection of Whitfield and Needmore Roads as measured along the eastern North Whitfield Road right of way and 1.21 feet, more or less, east of the eastern North Whitfield Road right of way; thence along the proposed construction easement for the next 3 courses as follows: N 12°16'48" E a distance of 12.83 feet to a point 46.83 feet right of Whitfield Road at Station 125+00.00; thence N 11°48'57" E a distance of 50.83 feet to a point 47.57 feet right of Whitfield Road at Station 125+50.00; thence N 9°35'49" E a distance of 3.80 feet to a point

47.52 feet right of Whitfield Road at Station 125+53.73, said point being located in the northern property line with Orlando Rudolph Reed, as recorded in O.R.V. 511, Page 2359, R.O.M.C.T.; thence along the northern property line with Orlando Rudolph Reed S 75°40'28" E a distance of 10.03 feet to a point 57.53 feet right of Whitfield Road at Station 125+53.06; thence along the proposed construction easement for the next 4 courses as follows: S 9°35'49" W a distance of 3.16 feet to a point 57.58 feet right of Whitfield Road at Station 125+49.96; thence S 11°48'57" W a distance of 51.06 feet to a point 56.83 feet right of Whitfield Road at Station 124+99.90; thence S 12°16'48" W a distance of 11.42 feet to a point 56.69 feet right of Whitfield Road at Station 124+88.71; thence N 85°59'26" W a distance of 10.11 feet to a point 46.68 feet right of Whitfield Road at Station 124+87.38 and the POINT OF BEGINNING.

Said Tract contains 0.02 acres (665.48 sq. ft.) more or less.

By this instrument the Grantor(s) hereby grants an easement for the construction of a working area and erosion control outside of the proposed right-of-way line. The title to the above described land remains vested in the Grantor(s), and is to be used by the City of Clarksville, its contractors or assigns for a period of three (3) years, from and after the commencement of construction.

Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on March 2019.

Being part of the same property conveyed to Sonjia Mae McGlown, Fonda Malone and Riniski McGlown, of record in Deed Book Volume 1737, Page 2197, all of record in the Office of the Montgomery County Court Clerk.

Tract X
Excess

Beginning at a point 33.58 feet left of Needmore Rd at Station 301+70.71, said point being 0.01 mile, more or less, east of the intersection of Whitfield and Needmore Roads, as measured along the northern right of way of Needmore Road and 9.37 feet, more or less, north of the northern right of way of Needmore Road and said point being located in the eastern property line with Stokley Jenkins and Ronald Drake Jenkins, wife and husband, as recorded in O.R.V.1844, Page 1816, R.O.M.C.T.;thence along an arc 53.61 feet to the right, having a radius of 125.00 feet, the chord of which is N 63°24'34" W for a distance of 53.20 feet, to a point 47.23 feet left of Needmore Rd at Station 301+20.00; thence along an arc 69.85 feet to the right, having a radius of 125.00 feet, the chord of which is N35°06'55" W for a distance of 68.94 feet; thence along the eastern right of way line of North Whitfield Road N 1°14'48" E a distance of 70.93 feet to a point 164.89 feet left of Needmore Rd at Station 300+58.44, said point being located in the northern property line with Sonjia Mae McGlown, Fonda Malone and Riniski McGlown as recorded in O.R.V. 1737, Page 2197, R.O.M.C.T.; thence along the northern property line with Sonjia Mae McGlown, et al S 80°17'18" E 25.28 feet to a point 165.46 feet left of Needmore Rd at Station 300+83.71; thence S 80°17'18" E a distance of 99.20 feet to a point 168.60 feet left of Needmore Rd at Station 301+78.82, said point being located in the eastern property line with Stokley Jenkins and Ronald Drake Jenkins; thence along the eastern property line with Stokley Jenkins and Ronald Drake Jenkins S 15°52'37" W 110.27 feet to a point 58.54 feet left of Needmore Rd at Station 301+72.26; thence S 15°52'37" W a distance of 25.01 feet to a point 33.58 feet left of Needmore Rd at Station 301+70.71 and the POINT OF BEGINNING.

The above described parcel contains ± 0.29 acres (12,720.47 sq. ft.)
Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on March 2019.

THIS CONVEYANCE is subject to the following encumbrances as described as follows:

Tract B
Permanent Drainage Easement

Beginning at a point 33.58 feet left of Needmore Rd at Station 301+70.71, said point being 0.01 mile, more or less, east of the intersection of Whitfield and Needmore Roads, as measured along the northern right of way of Needmore Road and 9.37 feet, more or less, north of the northern right of way of Needmore Road and said point being located in the eastern property line with Stokley Jenkins and Ronald Drake Jenkins, wife and husband, as recorded in O.R.V.1844, Page 1816, R.O.M.C.T.; thence along the proposed permanent easement for the next 3 courses as follows: along an arc 53.61 feet to the right, having a radius of 125.00 feet, the chord of which is N 63°24'34" W for a distance of 53.20 feet, to a point 47.23 feet left of Needmore Rd at Station 301+20.00; thence S

EXHIBIT B

88°56'14" E a distance of 15.50 feet to a point 50.00 feet left of Needmore Rd at Station 301+35.00; thence S 77°49'49" E a distance of 37.36 feet to a point 49.82 feet left of Needmore Rd at Station 301+71.72, said point being located in the eastern property line with Stokley Jenkins and Ronald Drake Jenkins; thence along the eastern property line with Stokley Jenkins and Ronald Drake Jenkins S 15°52'37" W a distance of 16.27 feet to a point 33.58 feet left of Needmore Rd at Station 301+70.71 and the POINT OF BEGINNING.

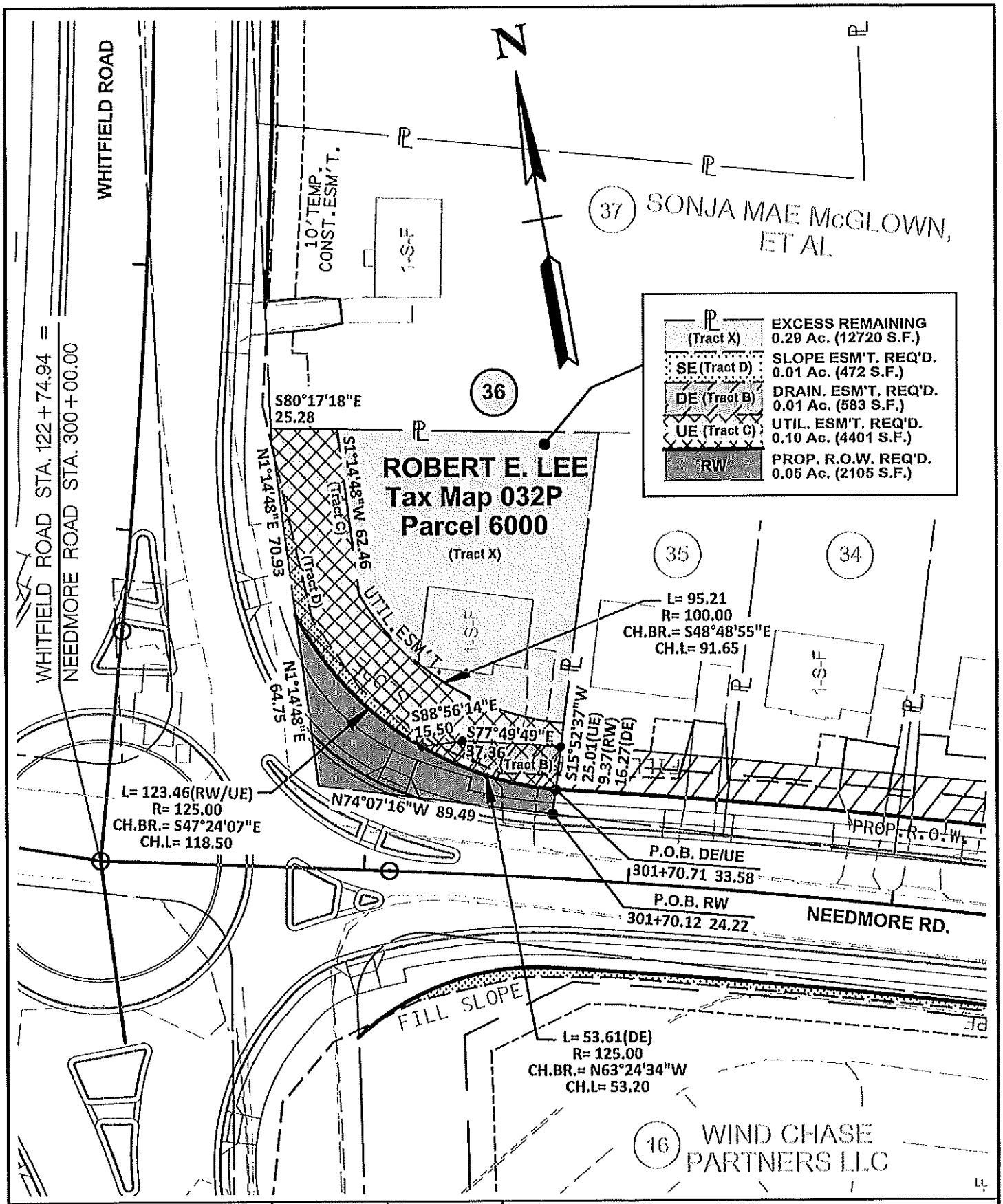
Tract C
Permanent Utility Easement

Beginning at a point 33.58 feet left of Needmore Rd at Station 301+70.71, said point being 0.01 mile, more or less, east of the intersection of Whitfield and Needmore Roads, as measured along the northern right of way of Needmore Road and 9.37 feet, more or less, north of the northern right of way of Needmore Road and said point being located in the eastern property line with Stokley Jenkins and Ronald Drake Jenkins, wife and husband, as recorded in O.R.V.1844, Page 1816, R.O.M.C.T.; thence along the proposed utility easement along an arc 123.46 feet to the right, having a radius of 125.00 feet, the chord of which is N 47°24'07" W for a distance of 118.50 feet, to a point 94.99 feet left of Needmore Rd at Station 300+70.47, said point being located in the eastern right of way line of North Whitfield Road; thence along the eastern right of way line of North Whitfield Road N 1°14'48" E a distance of 70.93 feet to a point 164.89 feet left of Needmore Rd at Station 300+58.44, said point being located in the northern property line with Sonjia Mae McGlown, Fonda Malone and Riniski McGlown as recorded in O.R.V. 1737, Page 2197, R.O.M.C.T.; thence along the northern property line with Sonjia Mae McGlown, et al S 80°17'18" E a distance of 25.28 feet to a point 165.46 feet left of Needmore Rd at Station 300+83.71; thence along the proposed utility easement for the next 2 courses as follows: S 1°14'48" W a distance of 62.46 feet to a point 103.91 feet left of Needmore Rd at Station 300+94.30; thence along an arc 95.21 feet to the left, having a radius of 100.00 feet, the chord of which is S 48°48'55" E for a distance of 91.65 feet, to a point 58.54 feet left of Needmore Rd at Station 301+72.26, said point being located in the eastern property line with Stokley Jenkins and Ronald Drake Jenkins; thence along the eastern property line with Stokley Jenkins and Ronald Drake Jenkins S 15°52'37" W a distance of 25.01 feet to a point 33.58 feet left of Needmore Rd at Station 301+70.71 and the POINT OF BEGINNING.

Tract D
Permanent Slope Easement

Beginning at a point 94.99 feet left of Needmore Rd at Station 300+70.47, said point being 64.75 feet, more or less, north of the intersection of Whitfield and Needmore Roads, as measured along the eastern right of way of North Whitfield Road; thence along the eastern right of way of North Whitfield Road N 1°14'48" E a distance of 60.12 feet to a point 154.24 feet left of Needmore Rd at Station 300+60.27; thence along the proposed

slope easement for the next 5 courses as follows: S 4°11'46" E a distance of 62.76 feet to a point 93.68 feet left of Needmore Rd at Station 300+76.74; thence S 26°04'20" E a distance of 32.12 feet to a point 68.05 feet left of Needmore Rd at Station 300+96.10; thence S 44°09'52" E a distance of 35.06 feet to a point 48.07 feet left of Needmore Rd at Station 301+24.63; thence N 88°56'14" W a distance of 4.79 feet to a point 47.23 feet left of Needmore Rd at Station 301+20.00; thence along an arc 69.85 feet to the right, having a radius of 125.00 feet, the chord of which is N 35°06'55" W for a distance of 68.94 feet and the POINT OF BEGINNING.



HDR 750 Old Hickory Blvd. Building One, Suite 200 Brentwood, TN 37027 629.228.7500 www.hdrinc.com	DATE: Jan. 2020	OWNER: STREET DEPARTMENT - CLARKSVILLE, TENN.
	SCALE: 0' 50'	PROJECT: WHITFIELD ROAD (Tracy Lane to Glen ... and NEEDMORE ROAD (Cornerstone Cir...
		DRAWING: ROBERT E. LEE

EXHIBIT C

RESOLUTION 1-2021-22

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSVILLE POLICE DEPARTMENT, CLARKSVILLE FIRE RESCUE, MONTGOMERY COUNTY SHERIFF, MONTGOMERY COUNTY VOLUNTEER FIRE SERVICE, MONTGOMERY COUNTY EMERGENCY MEDICAL SERVICES AND THE CLARKSVILLE-MONTGOMERY COUNTY SCHOOL SYSTEM FOR THE HANDLE WITH CARE PILOT PROGRAM

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

That the Clarksville City Council hereby authorizes an interlocal agreement between the Clarksville Police Department, Clarksville Fire Rescue, Montgomery County Sheriff, Montgomery County Volunteer Fire Service, Montgomery County Emergency Medical Services and the Clarksville-Montgomery County School System, attached hereto as Exhibit A, for Handle With Care pilot program.

ADOPTED:

INTERLOCAL AGREEMENT
BETWEEN THE

Clarksville Police Department, Montgomery County Sheriffs Office, Clarksville Fire Rescue, Montgomery Co. Volunteer Fire Service and Montgomery County Emergency Medical Services

AND THE

Clarksville-Montgomery County School System

This Interlocal Agreement (the "Agreement") is entered into by and between the Clarksville-Montgomery County School System ("District"), the Clarksville Police Department , Montgomery County Sheriffs Office, Clarksville Fire Rescue, Montgomery Co. Volunteer Fire Service and Montgomery County Emergency Medical Services ("First Responders"). All entities may be referred to collectively as the "Parties."

1. Statement of Purpose

1.1. The District is committed to assisting trauma-affected students while eliminating barriers to their successful education.

1.2. The District has students who are enrolled and are experiencing extraordinary events outside of the school day that involve first responder agencies.

1.3. . In order to participate in the pilot program, Handle With Care, the District will partner with first responders through an Interlocal Agreement.

1.4. The best interests of the District's trauma-affected students will be served by the mutual support of the District and first responders as described herein.

1.5. The Handle With Care program entails first responders sending a confidential notification to the District whose students may have experienced a traumatic event that required a first responder response in the community. The respective District school's trained staff would then provide the appropriate care to the student at the school following the incident.

2. District Obligations

The District agrees to provide the following to first responders if the purposes identified above continue to be met and the appropriate controls continue to be implemented .

2.1. District will utilize current staff members and resources to operate and facilitate distribution within its schools of the information received from first responders.

2.2. District will be responsible for distributing first responder notifications to its schools' principals and their two designated points of contact.

2.3. District will count:

2.3.1. Total number of notifications each school receives.
2.3.2. Total number of counselor referrals related to the notification events.
2.3.3. Total number of administrative referrals related to the notification events.

2.4. District will coordinate the delivery of the data to first responders with the understanding that the District will not provide or disclose any confidential information about its students to first responders pursuant to this Agreement.

2.5. District will maintain and control all supporting documentation relating to data collection, students lists, and any additional identifying student data.

3. First Responders

First responders agree to provide the following to the District, provided that the purposes identified above continue to be met and the appropriate controls continue to be implemented.

3.1. First responders shall serve as the point of contact for notifications delivered to the District.

3.2. First responders will send the District notifications to handlewithcare @cmcss.net with the following data:
3.2.1. Student name
3.2.2. Student age
3.2.3. Student grade
3.2.4. Student school name

4. Terms and Termination

4.1. This Agreement shall become effective upon execution of all the Parties, and will remain in effect through the 2021-22 school year unless extension or earlier termination shall occur pursuant to the terms of this agreement. This Agreement may be renewed by mutual consent of the Parties for up to two (2) successive one (l) year terms (each, a "Renewal Term"). Any Renewal Term(s) shall be in writing, and signed by the Parties.

4.2. The Parties understand and mutually agree that this Agreement may be terminated by any party upon giving thirty (30) days' written notice to the other party. Notice is said to be given when the written notice is received by the other party.

5. Amendment

5.1. No amendment, modification, or alteration of the terms of this Agreement shall be binding unless the same be in writing, dated subsequent to the date hereof , and duly executed and mutually agreed to by the Parties.

6. Assigning Interest

6.1. No party shall transfer or assign any interest in this Agreement without the prior written consent of the other party.

7. Compliance

7.1. The Parties agree to comply with all federal and state laws regarding nondiscrimination in the execution of this Agreement. In accordance therewith, the Parties shall ensure that no person is denied benefits hereunder on the basis of race, color, national origin, religion, gender, age, handicap, or political affiliation.

8. Indemnity

8.1 The Parties acknowledge that they are governmental entities, and that no party indemnifies the other party. The Parties agree, however, to notify the other parties if they are provided notice of a lawsuit or potential lawsuit related in any manner to this agreement between the Parties.

8.2 NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, THE PARTIES ACKNOWLEDGE, STIPULATE, AND AGREE THAT NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED AS A WAIYER OF ANY DEFENSE AVAILABLE TO THE PARTIES, INCLUDING BUT NOT LIMITED TO ANY STATUTORY OR GOVERNMENT AL IMMUNITY AVAILABLE TO THE PARTIES UNDER APPLICABLE LAW.

9. Relationship of the Parties

9.1 The Parties agree and acknowledge that each entity is not an agent of one of the other entities and that each entity is responsible for its own acts, forbearance, negligence and deeds, and of its agents or employees in conjunction with the performance of work covered under this Agreement. The parties agree that each entity shall be responsible for any liability or damages of its personnel.

9.2 This agreement is intended for the benefit of the parties hereto and their successors and permitted assigns only. There are no third party beneficiaries.

9.3 The Parties understand and agree that no party has authority to bind another party or to hold out to third parties that it has the authority to bind the others.

10. Notices

10.1. For purposes of this Agreement, all official communications and notices between the Parties shall be deemed sufficient if in writing and delivered in person and/or mailed, Postage prepaid, or emailed to the addresses set forth below on attached signature pages:

District
621 Gracey Avenue
Clarksville, TN 37040
Attn: Millard L. House, II, Director of Schools
Email: millard.house@cmcss.net
Phone: (931)920-7808

With a copy to Ashley Dale, Elementary Lead Counselor
1312 Hwy 48/13
Clarksville, TN 37040
Email: ashley.dale@cmcss.net
Phone: (931)553-1130

CPD	MCSO
Attn:	Attn:
Email:	Email:
Phone:	Phone:

CFR	MCVFS
Attn:	Attn:
Email:	Email:
Phone:	Phone:

MCEMS
Attn:
Email:
Phone:

11. Miscellaneous Terms

11.1. Full Agreement. This Agreement constitutes the final and entire agreement between the Parties hereto and contains all of the terms and conditions agreed upon. No other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the Parties hereto unless same be in writing, dated subsequent to the date hereof, and duly executed by the Parties.

11.2. Authority. The signers of this Agreement, by placing their respective signatures below, represent and warrant that they have full authority to execute this Agreement on behalf of the Respective party each represents.

11.3. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. The Parties further agree that in lieu of each clause or provision of this Agreement that is invalid, illegal, or unenforceable, there be added as a part of the Agreement a clause or provision as similar in terms to be in valid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

11.4. Captions. The captions contained in this Agreement are for convenience of reference only, and in no way limit or enlarge the terms or conditions of this Agreement.

1 1.5. Law of State to Govern. The validity, enforceability and interpretation of any provision of this Agreement will be determined and governed by the substantive and procedural laws of the State of Tennessee. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Montgomery County, Tennessee.

Montgomery County Mayor

BY:_____

Title: _____

Date:_____

City of Clarksville Mayor

BY:_____

Title:_____

Date:_____

MONTGOMERY COUNTY SHERIFF'S OFFICE

BY:_____

Title:_____

Date:_____

CLARKSVILLE FIRE RESCUE

BY:_____

Title:_____

Date:_____

MONTGOMERY CO. VOLUNTEER FIRE SERVICE

BY:_____

Title:_____

Date:_____

MONTGOMERY COUNTY EMERGENCY MEDICAL SERVICES

BY:_____

Title:_____

Date:_____

CLARKSVILLE-MONTGOMERY COUNTY SCHOOL SYSTEM

BY:_____

Title:_____

Date:_____

CLARKSVILLE POLICE DEPARTMENT

BY:_____

Title:_____

Date:_____

RESOLUTION 5-20211-22

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH MT. OLIVE CEMETERY HISTORICAL PRESERVATION SOCIETY AND ACCEPTING DONATION OF THE UNITED STATES COLORED TROOPS MONUMENT

WHEREAS, the United States Colored Troops (hereafter USCT) were part of the United States Army and were composed primarily of African-American soldiers; and

WHEREAS, by the end of the Civil War in 1865, 175 USCT regiments constituted 10% of the manpower of the Union Army (approximately 179,000 soldiers); and

WHEREAS, among the United States, Tennessee had 20,133 Colored Troops, the third largest contingent; and

WHEREAS, in 1863, some black laborers working Union fortifications in Clarksville were organized into regiments, and officially designated United States Colored Infantries. Historians estimate 1 to 3 thousand ex-slaves were recruited in Clarksville for service in the Union Army's 12th, 13th and 101st USCT regiments; and

WHEREAS, the 16th Regiment USCT established a recruiting station in Clarksville from December 1863 through April of 1864; and

WHEREAS, it is in the best interest for the City of Clarksville to memorialize and honor these men and to highlight the contributions made by Clarksville's African-American community; and

WHEREAS, there are at least 30 USCT interred in Mt. Olive Cemetery; and

WHEREAS, this history contributed to Mt. Olive Cemetery being placed on the National Register of Historical Places on November 16, 2020; and

WHEREAS, Mt. Olive is collecting contributions from community members that seek to honor the history of Tennessee's USCT and especially those from and stationed in Clarksville, and direct those contributions toward the effort to erect a tribute that is worthy of their sacrifice; and

WHEREAS, Mt. Olive, a local non-profit organization of local civic-minded persons, has commissioned and is funding a bronze statue commemorating the USCT's, and a dedication plaque, in honor of the 20,133Tennesseeans who served in the USCT Regiments; and

WHEREAS, the City of Clarksville and MT OLIVE desire to enter into this agreement for the purpose of installing the bronze statue at Ft. Defiance Interpretive Center.

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

The Clarksville City hereby authorizes a Memorandum of Understanding, attached hereto as Exhibit A, with the Mt. Olive Cemetery Historical Preservation Society to accept donation of the United States Colored Troops Monument to be placed at the Fort Defiance Interpretive Center.

ADOPTED:

EXHIBIT A

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the CITY OF CLARKSVILLE, TENNESSEE and the MT OLIVE CEMETERY HISTORICAL PRESERVATION SOCIETY (hereafter MT OLIVE) as of the date written below.

WHEREAS, the United States Colored Troops (hereafter USCT) were part of the United States Army and were composed primarily of African-American soldiers and

WHEREAS, by the end of the Civil War in 1865, 175 USCT regiments constituted 10% of the manpower of the Union Army (approximately 179,000 soldiers) and

WHEREAS, among the United States, Tennessee had 20,133 Colored Troops, the third largest contingent, and

WHEREAS, in 1863, some black laborers working Union fortifications in Clarksville were organized into regiments, and officially designated United States Colored Infantries. Historians estimate 1 to 3 thousand ex-slaves were recruited in Clarksville for service in the Union Army's 12th, 13th and 101st USCT regiments, and

WHEREAS, the 16th Regiment USCT established a recruiting station in Clarksville from December 1863 through April of 1864, and

WHEREAS, it is in the best interest for the City of Clarksville to memorialize and honor these men and to highlight the contributions made by Clarksville's African-American community, and

WHEREAS, there are at least 30 USCT interred in Mt Olive Cemetery, and

WHEREAS, this history contributed to Mt Olive Cemetery being placed on the National Register of Historical Places on November 16 2020, and

WHEREAS, MT OLIVE, is collecting contributions from community members that seek to honor the history of Tennessee's USCT and especially those from and stationed in Clarksville, and direct those contributions toward the effort to erect a tribute that is worthy of their sacrifice, and

WHEREAS, Mt Olive, a local non-profit organization of local civic-minded persons, has commissioned and is funding a bronze statue commemorating the USCT's, and a dedication plaque, in honor of the 20,133 Tennesseeans who served in the USCT Regiments, and

WHEREAS, the City of Clarksville and MT OLIVE desire to enter into this agreement for the purpose of installing the bronze statue at Ft Defiance Interpretive Center.

Now, therefore, the parties agree as follows:

Cost: The total cost of this project is estimated to be $73,000. One hundred percent of this project shall be funded by the Mt Olive Cemetery Historical Preservation Society and/or a combination of donations. This dollar amount includes the construction, delivery and installation of the statue and plaque, construction of the statue base and stone base to which the statue is mounted. All marketing expenses associated with Mt Olive's fundraising campaign will be the responsibility of MT OLIVE.

I. Donation. The City agrees to accept donation from MT OLIVE of these elements:

a. A hyper-realism, bronze statue of a USCT soldier approximately 6 feet high valued at $73,000, and created by Tennessee Artist, Roy W Butler, an internationally recognized sculptor.

b. Labor and materials for construction of the bronze statue by the City, in an approximate value of $73,000.

c. Cost: Mt Olive Cemetery Historical Preservation Society, shall donate to the City of Clarksville all the elements listed above for the completion of this project. Said donation shall be provided to the City pursuant to this Memorandum of Understanding. The City shall not be responsible for any additional funding for this project.

II. Construction and Project Description: The City of Clarksville will be responsible for the contracting and oversight of the construction of the footer and installation of the USCT Statue at Ft Defiance. As per City appropriation requirements, the project footer construction and installation cannot commence until all funding is secured and able to be encumbered. Start and completion of the project at Ft Defiance shall be dependent on funding and coordinated with MT OLIVE and approved by the City.

III. Maintenance: Maintenance will be provided by the City as per the City Maintenance Standards and in accordance with the City Council approved operating budget.

IV. Consultation: The City shall consult with and coordinate with MT OLIVE in the design and planning of the project.

V. Media Relations: The City of Clarksville shall consult with and coordinate with MT OLIVE regarding the media relations in connection with the project.

VI. Target Project Completion and City Dedication: The project shall have a target completion date on or about June 16, 2022.

MT. OLIVE:

_____ Date: _____

CITY OF CLARKSVILLE:

Mayor: _____ Date: _____

City Clerk: _____ Date: _____

RESOLUTION 6-2021-22

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH COMBAT VETERANS MOTORCYCLE ASSOCIATION-TENNESSEE CHAPTER 18-2, PERTAINING TO A MEMORIAL WALL AT PATRIOTS PARK

WHEREAS, members of Combat Veterans Motorcycle Association 18-2 are current and past members of the United States Armed Forces; and

WHEREAS, in September 2013 members of CVMA 18-2 helped build the flowerbed located at Patriot Park and have maintained the flowerbed ever since; and

WHEREAS, since 09/11/2001 more than 653 soldiers stationed at Fort Campbell, Kentucky lost in Iraq and Afghanistan; and

WHEREAS, members of CVMA 18-2 have planted Flags for the Fallen at Patriots Park every Memorial Day, Independence Day, 9/11, and Veterans Day; and

WHEREAS, members of CVMA 18-2 the Flags for the Fallen at Patriots Park represent soldiers that members of CVMA 18-2 served alongside; and

WHEREAS, 2021 is the 20th Anniversary of 09/11/2001; and

WHEREAS, it is in the best interest for the City of Clarksville to memorialize and honor the men and women who lost their lives in Iraq and Afghanistan since 09/11/2001 and to highlight the contributions and sacrifices made by military members stationed at Fort Campbell, Kentucky; and

WHEREAS, CVMA 18-2, will solicit and collect contributions from community members and other organizations that seek to honor the sacrifices of the above-mentioned men and women, and direct those contributions toward the effort to erect a memorial wall to be located at Patriots Park (3095 Fort Campbell Blvd) that is worthy of their sacrifice; and

WHEREAS, CVMA 18-2, a local 501c3 non-profit organization of military veterans, is working with local architect Pam Powell to come up with a design and potential costs in order to commission and fund a memorial wall that lists the names, ranks, and death date of the men and women who lost their lives in Iraq and Afghanistan since 09/11/2001; and

WHEREAS, CVMA 18-2 has coordinated with Clarksville Mayor Joe Pitts, the Tennessee Department of Transportation, and the City Parks and Recreation Department; and

WHEREAS, the City of Clarksville and CVMA 18-2 desire to enter into this agreement for the purpose of installing a memorial wall at Patriots Park that will memorialize and honor the men and women who lost their lives in Iraq and Afghanistan since 09/11/2001.

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

That the Clarksville City Council hereby authorizes a Memorandum of Understanding with Combat Veterans Motorcycle Association, Tennessee Chapter 18-2, attached hereto as Exhibit A, pertaining to a memorial wall at Patriots Park.

ADOPTED:

EXHIBIT A

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the CITY OF CLARKSVILLE, TENNESSEE, and Combat Veterans Motorcycle Association®, Tennessee Chapter 18-2 (hereafter CVMA® 18-2) as of the date written below.

WHEREAS, members of CVMA 18-2 are current and past members of the United States Armed Forces, and

WHEREAS, in September 2013 members of CVMA 18-2 helped build the flowerbed located at Patriot Park and have maintained the flowerbed ever since, and

WHEREAS, since 09/11/2001 more than 653 soldiers stationed at Fort Campbell, Kentucky lost their lives in Iraq and Afghanistan, and

WHEREAS, members of CVMA 18-2 have planted Flags for the Fallen at Patriots Park every Memorial Day, Independence Day, 9/11, and Veterans Day, and

WHEREAS, members of CVMA 18-2 the Flags for the Fallen at Patriots Park represent soldiers that members of CVMA 18-2 served alongside, and

WHEREAS, 2021 is the 20th Anniversary of 09/11/2001, and

WHEREAS, it is in the best interest for the City of Clarksville to memorialize and honor the men and women who lost their lives in Iraq and Afghanistan since 09/11/2001 and to highlight the contributions and sacrifices made by military members stationed at Fort Campbell, Kentucky, and

WHEREAS, CVMA 18-2, will solicit and collect contributions from community members and other organizations that seek to honor the sacrifices of the above-mentioned men and women, and direct those contributions toward the effort to erect a memorial wall to be located at Patriots Park (3095 Fort Campbell Blvd) that is worthy of their sacrifice, and

WHEREAS, CVMA 18-2, a local 501c3 non-profit organization of military veterans, is working with local architect Pam Powell to come up with a design and potential costs in order to commission and fund a memorial wall that lists the names, ranks, and death date of the men and women who lost their lives in Iraq and Afghanistan since 09/11/2001, and

WHEREAS, CVMA 18-2 has coordinated with Clarksville Mayor Joe Pitts, the Tennessee Department of Transportation, and the City Parks and Recreation Department, and

WHEREAS, the City of Clarksville and CVMA 18-2 desire to enter into this agreement for the purpose of installing a memorial wall at Patriots Park that will memorialize and honor the men and women who lost their lives in Iraq and Afghanistan since 09/11/2001.

Now, therefore, the parties agree as follows:

Cost: The total cost of this project is estimated to be up to $150,000. One hundred percent of this project shall be funded by the CVMA 18-2 and/or a combination of donations. This dollar amount includes the construction, delivery, and installation of the memorial wall, construction of the wall base to which the wall is mounted. All marketing expenses associated with CVMA 18-2's fundraising campaign will be the responsibility of CVMA 18-2.

I. Donation. The City agrees to accept the donation from CVMA 18-2 of these elements:

a. A memorial wall that lists the names of the Fort Campbell men and women who lost their lives in Iraq and Afghanistan since 09/11/2001.

b. Labor and materials for construction of the memorial wall by the City, in an approximate value of up to $150,000.

c. Cost: CVMA 18-2, shall donate to the City of Clarksville all the elements listed above for the completion of this project. Said donation shall be provided to the City pursuant to this Memorandum of Understanding. The City shall not be responsible for any additional funding for this project.

II. Construction and Project Description: The City of Clarksville will be responsible for the contracting and oversight of the construction of the footer and installation of the wall base. As per City appropriation requirements, the project footer construction and installation cannot commence until all funding is secured and able to be encumbered. The start and completion of the project at Patriots Park shall be dependent on funding and coordinated with CVMA 18-2 and approved by the City.

III. Maintenance: Maintenance will be provided by the City as per the City Maintenance Standards and in accordance with the City Council approved operating budget.

IV. Consultation: The City shall consult with and coordinate with CVMA 18-2 in the design and planning of the project.

V. Media Relations: The City of Clarksville shall consult with and coordinate with CVMA 18-2 regarding the media relations in connection with the project.

VI. Target Project Completion and City Dedication: The project shall have a target completion date on or about September 11, 2022.

Signatures:

Combat Veterans Motorcycle Association, Tennessee Chapter 18-2:

Commander: _____Date_____
Kevin Armstrong

The City of Clarksville:

Mayor:_____Date_____
Joe PItts

City Clerk:_____Date_____
Sylvia Skinner

RESOLUTION 8-2021-22

A RESOLUTION DECLARING THE INTENT OF THE CITY OF CLARKSVILLE, TENNESSEE TO REIMBURSE ITSELF IN A NOT TO EXCEED AMOUNT OF $7,500,000 FOR CERTAIN PROJECT EXPENDITURES WITH THE PROCEEDS OF GENERAL OBLIGATION BONDS, NOTES OR OTHER DEBT OBLIGATIONS TO BE ISSUED BY THE CITY

WHEREAS, it is the intention of the City Council of the City of Clarksville, Tennessee (the "City") to provide funds for the (i) acquisition of land for and/or acquisition, construction, improvement, repair, renovation, maintenance and/or equipping of (a) police and fire department buildings, facilities, equipment and vehicles, (b) parks and recreational facilities, (c) municipal buildings and facilities, including but not limited to the Smith-Trahern building and facilities, and (d) streets, roads and bridges, including but not limited to sidewalks, signage, signalization, related facilities, lighting, retaining walls and streetscape, storm sewer and drainage improvements; (ii) acquisition of all property real or personal, appurtenant thereto, or connected with the foregoing; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; and (iv) payment of costs incident to the issuance and sale of related debt obligations; and

WHEREAS, it is the intention of the City Council of the City to pay all or a portion of the costs associated with the aforementioned activities by the sale of general obligation bonds or notes, in one or more emissions, or other debt obligations of the City; and

WHEREAS, it is anticipated that it will be necessary to make expenditures in payment of said costs prior to the issuance of said bonds, notes or other debt obligations; and

WHEREAS, the City Council of the City wishes to state its intentions with respect to reimbursements for said expenditures, in a not to exceed amount of $7,500,000, in accordance with the requirements of final regulations applicable thereto promulgated by the United States Department of the Treasury.

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

SECTION 1. It is reasonably expected that the City will reimburse itself for certain expenditures, in a not to exceed amount of $7,500,000, made by the City in connection with the activities hereinabove described. The City further reasonably expects to reimburse all such expenditures from the proceeds of its general obligation bonds, notes or other debt obligations. The expenditures made prior to the issuance of said bonds, notes or other debt obligations are expected to be paid from the General Fund of the City, and reimbursement shall be made to the General Fund. Debt service on the bonds, notes or other debt obligations is expected to be paid from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the City.

SECTION 2. This resolution shall be placed in the minutes of the City Council and shall be made available for inspection by the general public at the office of the City Clerk.

SECTION 3. This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.

SECTION 4. All other resolutions and orders, or parts thereof in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed, and this resolution shall be in immediate effect from and after its adoption.

ADOPTED:

RESOLUTION 10-2021-22

A RESOLUTION APPROVING A CONSENT DECREE IN THE CASE OF TENNESSEE RIVERKEEPERS, INC. V. CITY OF CLARKSVILLE

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

That the Clarksville City Council hereby approves the Consent Decree, attached hereto as Exhibit A, in the case of Tennessee Riverkeepers, Inc. v. City of Clarksville, Tennessee.

ADOPTED:

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE RIVERKEEPER, INC.	)	
	)	
v.	)	**NO. 3:20-0068**
	)	**Campbell/Holmes**
CITY OF CLARKSVILLE, TENNESSEE	)	
	)	

CONSENT DECREE

I. STIPULATIONS

The City of Clarksville, Tennessee ("City") owns and operates a wastewater treatment plant ("WWTP") and associated wastewater collection system ("WWCS") (collectively, the Facility") that provides sewer service to approximately 160,000 citizens and discharges treated wastewater into the Cumberland River in accordance with a National Pollutant Discharge Elimination Permit (Permit No. TN0020656) ("Permit"). In May of 2010, the City experienced a catastrophic flood that decimated its WWTP and electrical systems at the plant and a number of lift stations. The flood resulted in water elevations that exceeded the 500 year flood level. The flood caused the WWTP and some lift stations to be submerged by floodwaters.

Tennessee Riverkeeper ("Riverkeeper") issued a notice of intent to sue letter dated November 15, 2019 ("Notice of Intent") and filed the complaint in this action on January 24, 2020 under Section 505 of the Clean Water Act ("CWA"), 33 U.S.C. § 1365, alleging that the City is in violation of certain terms of the Permit. Riverkeeper's complaint seeks declaratory and injunctive relief, imposition of civil penalties, and an award of litigation expenses, including attorney and expert fees. The City denies any and all of Riverkeeper's claims in its Notice of Intent and complaint.

Solely for the purposes of this Consent Decree, the City and Riverkeeper (collectively, the "Parties") stipulate that the Court has jurisdiction over the Parties and the subject matter of this action under section 505(a) of the CWA, 33 U.S.C. § 1365(a).

On February 23, 2012, TDEC and the City entered into an administrative Consent Order that addressed the issues set forth in the Notice of Intent and Complaint. A copy of the Consent Order is attached hereto as Exhibit A. The Consent Order requires the City to take numerous actions, by certain specified deadlines over many years, including but not limited to the submission of a corrective action plan/engineering report, sanitary sewer overflow evaluation reports, a long term control plan, and a comprehensive assessment of the City's collection system. The Consent Order provides specific time frames for compliance with implementation of requirements in the deliverables and for compliance with the requirements of the Permit.

The City has submitted all deliverables required to date in compliance with the Consent Order and TDEC has approved those deliverables. On March 31, 2020, the City submitted to TDEC the final annual comprehensive assessment of collection system ("CACS") report required by the Consent Order. Pursuant to the Consent Order, the City is obligated to complete all actions in this CACS within ten years from this date.

II. ORDER AND DECREE

THIS MATTER came before the Court upon the foregoing Stipulations of the Parties and joint motion for entry of Consent Decree. Having considered the Stipulations and the terms and conditions set forth below, the Court hereby ORDERS, ADJUDGES, and DECREES as follows:

1. This Court has jurisdiction over the Parties and the subject matter of this action pursuant to section 505(a) of the CWA, 33 U.S.C. § 1365(a).

2. This Consent Decree shall inure to the benefit of, and be binding upon, the Parties and their successors, assigns, officials, agents, representatives, officers, directors, and employees.

Changes in the organizational form or status of a party shall have no effect on the binding nature of this Consent Decree or its applicability.

3. This Consent Decree, and any injunctive relief ordered within, applies solely to the City's wastewater discharges from the Facility subject to the Permit.

4. This Consent Decree is a full and complete settlement and release of any and all claims and demands of any kind, nature, or description whatsoever, and from any and all liabilities, damages, injuries, costs, attorneys' fees or expenses, actions or causes of action of any nature whatsoever, either at law or in equity, known or unknown, fixed or contingent, which Riverkeeper may have against the City and its respective affiliates, divisions, insurers, successors, assigns, and current and former employees, attorneys, officers, directors and agents arising from, or related to, the discharge of wastewater from the Facility that are subject to the Permit and/or the acts, facts, or transactions described or alleged in Riverkeeper's notice of intent to sue letter and complaint. Upon termination of this Consent Decree pursuant to Paragraph 10, these claims shall be released and dismissed with prejudice.

5. This Consent Decree is a settlement of disputed facts and law. It is not an admission or adjudication regarding any allegations by Riverkeeper in this case or of any fact or conclusion of law related to those allegations. Neither this Consent Decree nor any payment pursuant hereto shall constitute evidence or be construed as a finding, adjudication, or acknowledgment of any fact, law or liability, nor shall it be construed as an admission of violation of any law, rule or regulation.

6. The City agrees to the following terms and conditions in full and complete satisfaction of all the claims covered by this Consent Decree:

(a) The City shall fully comply with all outstanding obligations under the TDEC Consent Order in accordance with its terms upon entry of this Consent Decree by the Court, including but not limited to the completion of all corrective actions listed in the last annual CACS report that the City filed with TDEC on March 31, 2020, no later than March 31, 2030. In the event of any dispute as to whether the City has complied with its obligations under the Consent Order, TDEC's decision shall control.

(b) Upon completion of the measures required by the TDEC Consent Order, the City shall provide written notification thereof to Riverkeeper.

(c) During the period between the entry of this Consent Decree and its termination, the City shall provide to Riverkeeper the same information concerning sanitary sewer overflows that is contained on the City's sanitary sewer overflow reports provided to TDEC.

7. Within fourteen (14) calendar days of entry of this Consent Decree, the City shall pay Riverkeeper's attorney fees and costs in the amount of $21,288.00 in full and complete satisfaction of any claims Riverkeeper may have under the CWA for all costs of litigation, including investigative, expert and attorneys' fees and costs incurred by Riverkeeper that have or could have been claimed now or in the future in connection with Riverkeeper's claims, up to and including the entry of this Consent Decree. Such payments shall be made by check payable to "Tennessee Riverkeeper" and mailed to its attorney, Mark E. Martin at the address below in Paragraph 12. Riverkeeper's above-signed counsel hereby certifies that the actual costs and fees incurred in this matter equal or exceed $21,288.000. The payment of this sum as part of the compromise and settlement is meant to be a total amount of investigative, expert and attorney fees and cost incurred in this matter.

8. This Court retains jurisdiction over this matter and, while this Consent Decree remains in force, this case may be reopened without filing fee so that the Parties may apply to the Court for any further order or relief that may be necessary regarding compliance with this Consent Decree or to resolve any dispute regarding the terms or conditions of this Consent Decree until it is terminated. A precondition to any application to the Court under this paragraph is that the Parties must first seek to resolve the dispute themselves as follows: (1) the party identifying or wishing to raise an issue or dispute must provide the other party a written notice detailing the nature of the issue or dispute; and (2) within thirty (30) calendar days of receipt of such notice, the Parties shall meet and confer regarding the issue or dispute. If no resolution is reached at that meeting or within thirty (30) calendar days of the written notice, whichever occurs first, either party may file a motion with this Court to resolve the dispute. In any action to enforce this Consent Decree, the Court shall apply the same standard applied by courts in awarding fees and costs under section 505(d) of the CWA, 33 U.S.C. 1365(d), but the Parties otherwise reserve all rights and arguments concerning the right to and the allocation of attorneys' fees and costs in connection with the resolution of any such dispute.

9. This agreement shall take effect upon entry of the Consent Decree by the Court.

10. The obligations set forth in this Consent Decree shall terminate ninety (90) days after the written notification to Riverkeeper of the City's notification of completion to TDEC pursuant to Section XXIII, Paragraph 7 of the Consent Order.

11. During the effective period of this Consent Decree and prior to its termination pursuant to Section 10, above, Riverkeeper shall not support other lawsuits, by providing financial assistance, personnel time or other affirmative actions, against or relating to the Facility that may be proposed by other groups or individuals who would rely upon the citizen suit

provision of the CWA to challenge the Facility's compliance with the Permit or any successor thereto.

12. All notices and other communications regarding this Consent Decree shall be in writing and shall be fully given by mailing via first-class mail, postage pre-paid; by delivering the same by hand; or by sending the same via e-mail to the following addresses, or to such other addresses as the Parties may designate by written notice, provided that communications that are mailed shall not be deemed to have been given until three (3) business days after mailing:

For Riverkeeper:	For City of Clarksville:
Mark E. Martin P.O. Box 1486 Oneonta, AL 35121 mmartin@markemartin.com	INSERT

13. This Consent Decree constitutes the entire agreement between the Parties. There are no other or further agreements, either written or verbal. This agreement may not be modified or amended except by a writing signed by both Parties and entered by the Court.

14. Each party acknowledges that it has sought and obtained the advice of its own independent legal counsel before executing this Consent Decree. The Parties acknowledge that they have had the opportunity to freely negotiate the terms of this Consent Decree.

15. If any term, covenant, or condition of this Consent Decree is held to be invalid or unenforceable in any respect, such invalidity or unenforceability shall not affect any other provision included in this Consent Decree.

16. If for any reason the Court should decline to approve this proposed Consent Decree in the form presented, this Consent Decree is voidable at the discretion of either party.

The Parties agree to continue negotiations in good faith in an attempt to cure any objection raised by the Court to entry of this Consent Decree.

17. Each party shall, at the request of the other, execute, acknowledge, and deliver whatever additional documents, and do such other acts, as may be reasonably required in order to accomplish and/or carry out the intent, spirit, and purposes of this Consent Decree.

18. If any event occurs that is outside of the reasonable control of the City (a "force majeure event" as further defined below), which causes a delay in performing tasks required by this Consent Decree, the delay shall not constitute a failure to comply with the terms of this Consent Decree, provided that the City has submitted written notification to Riverkeeper no later than seven (7) calendar days after the date that the City first concludes that such event has caused or will cause noncompliance, describing the length or anticipated length of non-compliance, the precise circumstances causing non-compliance, the measures taken or to be taken to prevent or minimize non-compliance, and a schedule for implementation of the measure to be taken.

19. A force majeure event shall include, but not be limited to the following, to the extent they are outside the reasonable control of the City and cannot be overcome by diligence:

(a) Acts of God, war, insurrection, or civil disturbance;

(b) Earthquakes, landslides, fire, floods;

(c) Actions or inactions of third parties over which the City of Clarksville has no control;

(d) Adverse weather conditions or unusual delay in transportation;

(e) Restraint by court order or order of public authority;

(f) Governmental approvals and authorizations;

(g) Strikes; and

(h) Any other litigation or arbitration that causes delay.

Provided that the City complies with the notice provision of this paragraph, then in the event that the City fails to comply or anticipates failing to comply with the requirements of this Consent Decree because of a force majeure event, the City's failure to comply, as described in the written notice to Riverkeeper under this paragraph, shall not be a violation of this Consent Decree and shall not result in any liability or other sanctions. In such event, the milestone date(s) shall be extended for a reasonable period of time following the force majeure event.

20. The Parties recognize that, pursuant to 33 U.S.C. § 1365(c)(3), no consent judgment can be entered in a CWA suit in which the United States is not a party prior to forty-five (45) calendar days following the receipt of a copy of the proposed consent judgment by the U.S. Attorney General and the Administrator of the U.S. Environmental Protection Agency ("U.S. EPA"). Therefore, no later than five (5) calendar days after the execution of this proposed Consent Decree by the Parties, Riverkeeper shall serve copies of this Consent Decree via certified mail, return receipt requested, upon the Administrator of the U.S. EPA and the U.S. Attorney General. Riverkeeper shall provide copies of the return receipts to the City upon receipt by Riverkeeper. Thereafter, the Parties shall lodge this Consent Decree with the Court and request that its entry be delayed by a period of sixty (60) days to allow adequate time for any objection by the U.S.Attorney or the Administrator of the U.S. EPA.

DATED this ____ day of _____, 2021

IT IS SO ORDERED.

_____
William L. Campbell, Jr.
United States District Judge

Approved for Entry:

/s/ *Garry K. Grooms*

William L. Penny (BPR #9606)
Garry K. Grooms (BPR #12647)
Burr & Forman LLP
222 Second Avenue South, Suite 2000
Nashville, Tennessee 37201
Telephone: (615) 724-3229
E-mail: bpenny@burr.com; ggrooms@burr.com

/s/ Mark E. Martin
Mark E. Martin (Alabama Bar No. ASB-9361-A41M)
P. O. Box 1486
Oneonta, AL 35121
(205) 516-9350
mmartin@markemartin.com

RESOLUTION 63-2020-21

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSVILLE, TENNESSEE AND BI-COUNTY SOLID WASTE MANAGEMENT FOR ACCEPTANCE OF BIOSOLIDS FROM THE WASTEWATER TREATMENT PLANT

WHEREAS, the City of Clarksville owns, operates, and maintains a wastewater treatment plant through its Department of Gas & Water (CGW); and

WHEREAS, Bi-County Solid Waste Management owns, operates, and maintains a landfill in service to Montgomery and Stewart Counties in Tennessee; and

WHEREAS, CGW currently disposes of biosolids yielded from said wastewater treatment plant at the Bi-county landfill; and

WHEREAS, CGW, through current and future contracts and agreements, plans to construct infrastructure to improve the consistency and reduce the amount of said biosolids yielded from the wastewater treatment plant; and

WHEREAS, planning, bidding, and constructing said infrastructure will continue for approximately three calendar years; and

WHEREAS, the City, through its CGW, and Bi-County Solid Waste Management, through its' Board, (together the "Parties") have determined it to be necessary and mutually beneficial to the parties hereto to enter into an agreement outlining the disposal and acceptance, including the associated rate to be charged and paid, of biosolids from the wastewater treatment plant, pursuant to the terms and provisions set forth in an agreement between the Parties (Interlocal Agreement), attached hereto and incorporated herein as Attachment A; and

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

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

That the Clarksville City Council hereby authorizes and approves a interlocal agreement, pertaining to the disposal and acceptance of biosolids from the wastewater treatment plant, pursuant to the terms and provisions set forth in an agreement between the Parties (Interlocal Cooperative Agreement), attached hereto and incorporated herein as Attachment A**,** said interlocal agreement to be effective and binding upon execution by the Mayor of the City of Clarksville, Tennessee and the Chairman of the Bi-County Solid Waste Management.

POSTPONED: April 1, 2021 to May 6, 2021
POSTPONED: May 6, 2021 to June 3, 2021
POSTPONED: June 3, 2021 to July 1, 2021
POSTPONED: July 1, 2021 to August 5, 2021
ADOPTED: *Scheduled for August 5, 2021*

Attachment A

INTERLOCAL AGREEMENT FOR DISPOSAL/ACCEPTANCE OF BIOSOLIDS FROM WASTEWATER TREATMENT PLANT

THIS INTERLOCAL AGREEMENT FOR DISPOSAL/ACCEPTANCE OF BIOSOLIDS FROM WASTEWATER TREATMENT PLANT (hereinafter, "Interlocal Agreement") is entered into this the _____ day of _____, 2021, by and between the CITY OF CLARKSVILLE, TENNESSEE, a Tennessee Municipal Corporation, created and established by Charter, most recently amended and restated by Chapter 24 of the Private Acts of 2015, (hereinafter, the "City"), and BY-COUNTY SOLID WASTE MANAGEMENT, operator of a government-run Class I Landfill (hereinafter, "Bi-County").

WITNESSETH:

WHEREAS, the City owns, operates, and maintains a wastewater treatment plant through its Department of Gas & Water (hereinafter, "CGW");

WHEREAS, Bi-County owns, operates, and maintains a landfill in service to Montgomery and Stewart Counties in Tennessee (hereinafter, the "Bi-County Landfill");

WHEREAS, CGW currently disposes of biosolids yielded from said wastewater treatment plant at the Bi-County Landfill;

WHEREAS, CGW, through current and future contracts and agreements, plans to construct infrastructure to improve the consistency and reduce the amount of said biosolids yielded from the wastewater treatment plant;

WHEREAS, planning, bidding, and constructing said infrastructure will continue for approximately three calendar years; and

WHEREAS, the City, through CGW, and Bi-County, through its Board, (hereinafter referred to collectively from time to time as, the "Parties") have determined it to be necessary and mutually beneficial to the Parties to enter into this Interlocal Agreement outlining the disposal and

acceptance, including the associated rate to be charged and paid, of biosolids from CGW's wastewater treatment plant.

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

1. **Amount of Biosolids Accepted.** Bi-County agrees to accept the following amount of sludge (in truckloads), per day, from CGW:

Monday through Friday: five (5) truckloads per day;

Saturday: three (3) truckloads per day; and

Sunday: zero (0) truckloads per day.

2. **Tipping Fee.** CGW agrees to pay a sludge tipping fee in the amount of $29.00 (TWENTY-NINE DOLLARS AND NO CENTS) per ton to Bi-County, which includes the cost of odor control materials for Bi-County's use.

3. **Industrial Sewer Rate unaffected.** Bi-County leachate disposal will remain on the Industrial Sewer Rate, as published in the Official Code of the City of Clarksville.

4. **Term.** This Interlocal Agreement shall remain in effect for a term of up to three (3) years from the date of its execution, and this Interlocal Agreement may be renegotiated by the Parties at the end of said three (3)-year term or upon the installation of thermal dryers at CGW's wastewater treatment plant.

5. **Records.** The City and Bi-County shall be responsible for maintaining their records in compliance with the laws of the State of Tennessee.

6. **No Waiver.** Neither any failure nor any delay by any party in exercising any right, power or privilege under this Interlocal Agreement will operate as a waiver of such right, power

or privilege, and no single or partial exercise of any such right, power or privilege will preclude any other or further exercise of the same.

7. **Choice of Law.** This Interlocal Agreement shall be construed and enforced in accordance with the laws of the State of Tennessee. Any action arising from this Interlocal Agreement shall be brought in the Circuit or Chancery Courts of Montgomery County, Tennessee.

8. **Captions.** The captions appearing in this Interlocal Agreement are inserted only as a matter of convenience and in no way define, limit, construe, or describe the scope or intent of any sections.

9. **Integration; Amendment.** This Interlocal Agreement is fully integrated and sets forth all of the understandings of the parties. This Interlocal Agreement shall not be modified or amended except by an instrument in writing signed by the Parties hereto.

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

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

THE CITY OF CLARKSVILLE, TN

By: _____
Joe Pitts, Mayor

ATTEST:

_____
Sylvia Skinner, City Clerk

BI-COUNTY SOLID WASTE MANAGEMENT

By: _____
James Lewis, Chairman

ATTACHMENT A

- REVISED -

INTERLOCAL AGREEMENT FOR DISPOSAL/ACCEPTANCE OF BIOSOLIDS FROM WASTEWATER TREATMENT PLANT

THIS INTERLOCAL AGREEMENT FOR DISPOSAL/ACCEPTANCE OF BIOSOLIDS FROM WASTEWATER TREATMENT PLANT (hereinafter, "Interlocal Agreement") is entered into this the _____ day of _____, 2021, by and between the CITY OF CLARKSVILLE, TENNESSEE, a Tennessee Municipal Corporation, created and established by Charter, most recently amended and restated by Chapter 24 of the Private Acts of 2015, (hereinafter, the "City"), and BI-COUNTY SOLID WASTE MANAGEMENT, operator of a government-run Class I Landfill (hereinafter, "Bi-County").

WITNESSETH:

WHEREAS, the City owns, operates, and maintains a wastewater treatment plant through its Department of Gas & Water (hereinafter, "CGW");

WHEREAS, Bi-County owns, operates, and maintains a landfill in service to Montgomery and Stewart Counties in Tennessee (hereinafter, the "Bi-County Landfill");

WHEREAS, CGW currently disposes of biosolids yielded from said wastewater treatment plant at the Bi-County Landfill;

WHEREAS, CGW, through current and future contracts and agreements, plans to construct infrastructure to improve the consistency and reduce the amount of said biosolids yielded from the wastewater treatment plant;

WHEREAS, planning, bidding, and constructing said infrastructure will continue for approximately three calendar years; and

WHEREAS, the City, through CGW, and Bi-County, through its Board, (hereinafter referred to collectively from time to time as, the "Parties") have determined it to be necessary and mutually beneficial to the Parties to enter into this Interlocal Agreement outlining the disposal and

acceptance, including the associated rate to be charged and paid, of biosolids from CGW's wastewater treatment plant.

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

1. **Amount of Biosolids Accepted.** Bi-County agrees to accept the following amount of biosolids or "sludge" (in truckloads), per day, from CGW:

(a) Schedule:

With the exception of holiday and unexpected closures as set forth in subparagraph 1(b) below, the Parties agree to the following Schedule of sludge disposal/acceptance:

Monday through Friday: five (5) truckloads per day;

Saturday: two (2) truckloads per day; and

Sunday: zero (0) truckloads per day.

(b) Holiday Closures and Unexpected Closures:

In the event Bi-County, due to Bi-County's closure of operations during a government-recognized holiday, is unable to accept biosolids from CGW, the Parties agree that Bi-County will accept biosolids from CGW within a reasonable time period prior to such holiday or within four (4) calendar days immediately following such holiday. Likewise, in the event Bi-County, due to its unexpected closure of operations for any reason, is unable to accept biosolids from CGW, the Parties agree that Bi-County will accept biosolids from CGW within four (4) calendar days immediately following such an unexpected closure. Any such disposal/acceptance of biosolids during a holiday or unexpected closure shall be credited/counted, as if it had occurred on the actual date of the subject holiday or unexpected closure and, accordingly, shall not be considered as a

truckload, delivery, disposal, acceptance of disposal, etc., in excess of the particular Schedule set forth in subparagraph 1(a) above.

2. **Tipping Fee.** CGW agrees to pay a sludge tipping fee in the amount of $29.00 (TWENTY-NINE DOLLARS AND NO CENTS) per ton to Bi-County, which includes the cost of odor control materials for Bi-County's use. In the event Bi-County requires more or different odor control materials or has increased costs associated with the use of odor control materials for the biosolids delivered by CGW, or if the costs associated with acceptance of biosolids delivered by CGW becomes economically unfeasible to sustain by Bi-County, then Bi-County will timely transmit this information to CGW and the parties shall meet within thirty (30) days, to renegotiate the tipping fees or the Interlocal Agreement. If the tipping fees cannot be resolved by agreement and modification of the terms of this Interlocal Agreement by written amendment, then this Interlocal Agreement shall terminate on the ninetieth (90^{th}) day following notice by Bi-County to CGW.

3. **Industrial Sewer Rate unaffected.** Bi-County leachate disposal will remain on the Industrial Sewer Rate, as published in the Official Code of the City of Clarksville.

4. **Term.** Except as hereinafter provided, this Interlocal Agreement shall remain in effect for a term of three (3) years from the date of its execution. Within one hundred eighty (180) calendar days prior to the end of said three (3) year term, or within thirty (30) calendar days after completion of installation of thermal dryers of at CGW's wastewater treatment plan, the Parties shall meet to discuss the terms of a new Interlocal Agreement.

5. **Records.** The City and Bi-County shall be responsible for maintaining their records in compliance with the laws of the State of Tennessee.

6. **No Waiver.** Neither any failure nor any delay by any party in exercising any right, power or privilege under this Interlocal Agreement will operate as a waiver of such right, power or privilege, and no single or partial exercise of any such right, power or privilege will preclude any other or further exercise of the same.

7. **Choice of Law.** This Interlocal Agreement shall be construed and enforced in accordance with the laws of the State of Tennessee. Any action arising from this Interlocal Agreement shall be brought in the Circuit or Chancery Courts of Montgomery County, Tennessee.

8. **Captions.** The captions appearing in this Interlocal Agreement are inserted only as a matter of convenience and in no way define, limit, construe, or describe the scope or intent of any sections.

9. **Integration; Amendment.** This Interlocal Agreement is fully integrated and sets forth all of the understandings of the Parties. This Interlocal Agreement shall not be modified or amended except by an instrument in writing mutually executed by the Parties hereto.

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

11. **Legality of Biosolid Disposal**. If at any time during the pendency of this Interlocal Agreement, a change in applicable law should render the acceptance and/or delivery of biosolids from CGW as contemplated in this Interlocal Agreement to be illegal, then Bi-County, in its sole discretion, may immediately terminate same by providing written notice to CGW with said termination being effective on the date notice is provided to CGW.

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

THE CITY OF CLARKSVILLE, TN

By: _____
Joe Pitts, Mayor

BI-COUNTY SOLID WASTE MANAGEMENT

By: _____
James Lewis, Chairman

ATTEST:

_____
Sylvia Skinner, City Clerk

ORDINANCE 13-2021-22

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT AND GRANT A TRANSMISSION LINE STRUCTURE EASEMENT, GUY RIGHTS EASEMENT AND ACCESS ROAD EASEMENT ON PROPERTY ADJACENT TO LITTLE HOPE ROAD AND ARROW LANE TO THE TENNESSEE VALLEY AUTHORITY

WHEREAS, the City of Clarksville, finds that construction and improvements to power transmission lines are vital to the enhanced quality of life for City residents; and

WHEREAS, the Clarksville City Council finds it to be in the public interest to cooperate with the Tennessee Valley Authority (hereinafter, "TVA") in its construction and improvement of power transmission lines; and

WHEREAS, the City of Clarksville, by deed of record in Official Record Book Volume 1542, Page 1817, Register's Office for Montgomery County, Tennessee owns certain real property located adjacent to Little Hope Road and Arrow Lane, being Map & Parcel Number 63-12.00, and

WHEREAS, the Tennessee Valley Authority by deed of record in Official Record Book Volume 1779, Page 1091, Register's Office for Montgomery County, Tennessee has a transmission line easement on the above described property which was previously granted to it by the City of Clarksville as depicted in Exhibit A attached hereto; and

WHEREAS, the Tennessee Valley Authority requires certain additional transmission line easements and a right of way on the above described property to access, improve, repair, rebuild and operate its transmission lines, structures and guy wires, said easements being described in collective Exhibit B, attached hereto;

WHEREAS, the City of Clarksville has agreed to sell the required easements and right of way to TVA for the total sum of Three Thousand One Hundred and 00/100 Dollars ($3,100.00), and other good and valuable consideration;

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 the Transmission Line Easements and right of way access as shown in Exhibit B to the Tennessee Valley Authority for the total sum of Three Thousand One Hundred and 00/100 Dollars ($3,100.00) and, further, that any and all necessary forms required to effectuate said sale and transfer be executed by the Mayor after approval of the City Attorney.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Connie E. Gunnett, Register
Montgomery County Tennessee
Rec #: 395253 Instrument #: 1145086
Rec'd: 20.00 Recorded
State: 0.00 11/28/2017 at 12:01 PM
Clerk: 0.00 in Volume
Other: 2.00 1779
Total: 22.00 Pgs 1091-1094

Prepared by and return to:
J. Wayne Owens, Attorney
Tennessee Valley Authority
1101 Market Street, BR 4B
Chattanooga, Tennessee 37402-2801
1-888-817-5201

TVA Tract Nos. SPTM-26 and 34

GRANT OF TRANSMISSION LINE EASEMENT

FOR AND IN CONSIDERATION of the sum of SIXTY-SIX THOUSAND TWO HUNDRED TWENTY-FIVE AND NO/100 DOLLARS ($66,225.00), cash in hand paid, receipt whereof is hereby acknowledged, the undersigned,

CITY OF CLARKSVILLE, a Tennessee Municipal Corporation,

(hereinafter sometimes referred to as "GRANTOR") has this day bargained and sold, and by these presents does hereby grant, bargain, sell, transfer, and convey unto the UNITED STATES OF AMERICA a permanent easement and right-of-way for the following purposes, namely: the perpetual right to enter at any time and from time to time and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of brush, trees, buildings, signboards, billboards, and fire hazards; to destroy or otherwise dispose of such trees and brush; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five (5) feet of any transmission line structure or conductor; all over, upon, across, and under the land described in Exhibit A hereto attached and by this reference hereby incorporated in and made a part of this instrument as fully as if here written.

The previous and last conveyances of this property are deeds of record in Official Record Volume 1542, page 1817, and Deed Book 70, page 259, in the office of the Register of Montgomery County, Tennessee.

Subject to existing easement rights owned by the United States of America.

TO HAVE AND TO HOLD the said easement and right-of-way to the UNITED STATES OF AMERICA and its assigns forever.

GRANTOR covenants with the said UNITED STATES OF AMERICA that it is lawfully seized and possessed of said real estate, has a good and lawful right to convey the easement rights hereinabove described, that said property is free of all encumbrances, and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

GRANTOR agrees that the payment of the purchase price above stated is accepted by it as full compensation for all damage caused by the exercise of any of the rights above described; except that the UNITED STATES OF AMERICA shall remain liable for any damage to annual growing crops and any direct physical damage caused to the property of the undersigned by its construction forces or by the construction forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said lines.

GRANTOR, for itself, and its successors and assigns, covenants with the UNITED STATES OF AMERICA that no buildings, signboards, billboards, or fire hazards will be erected or maintained within the limits of the right-of-way, and agrees that this shall be a real covenant which shall attach to and run

EXHIBIT
tabbies
A

with the land affected by the easement rights and shall be binding upon everyone who may hereafter come into ownership of said land, whether by purchase, devise, descent, or succession.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed on this 21st day of November, 2017.

ATTEST:

By: _____

Title: City Clerk

CITY OF CLARKSVILLE

By: Kim McMillan

Title: Kim McMillan, Mayor

STATE OF TENNESSEE)
) SS
COUNTY OF MONTGOMERY)

Before me appeared Kim McMillan, to me personally known, who, being by me duly sworn, did say that she is the Mayor of the CITY OF CLARKSVILLE, a Tennessee Municipal Corporation, and that said instrument was signed and delivered on behalf of said Municipal Corporation, and that she, as such official, acknowledged said instrument to be the free act and deed of said Municipal Corporation, on the day and year therein mentioned.

WITNESS my hand and official seal this 21st day of November, 2017.

Debra H. Johnson
NOTARY PUBLIC

DEBRA H. JOHNSON
STATE OF TENNESSEE NOTARY PUBLIC
MONTGOMERY COUNTY

My Commission Expires: 10-14-19

The name and address of the owner of the aforedescribed easement are:

EASEMENT OWNER: United States of America
Tennessee Valley Authority
1101 Market Street, BR 4B
Chattanooga, Tennessee 37402-2801

[Tax Exempt
TCA §67-5-203(a)(1)]

The name(s) and address of the legal owner(s) are:

OWNER(S): City of Clarksville
One Public Square, 4th Floor
Clarksville, Tennessee 37040

(See O.R.V. 1542, page 1817 and D.B. 70, page 259)

Tax Map	Group	Parcel
063		012.00 000
066E	E	002.00 000

TVA TRACT NO. SPTM-26A-AR

EXHIBIT A

MONTGOMERY-CLARKSVILLE NO. 3
161-kV TRANSMISSION LINE

City of Clarksville, Tennessee

A permanent easement for an access road on, over, and across a strip of land located in the Fifth Civil District of Montgomery County, Tennessee, as shown on Sheet 3 of US-TVA Drawing LW-9028, Revision 1, the said strip being 30 feet wide, lying 15 feet on each side of the centerline of the access road location, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Beginning at a point in the centerline of the transmission line location at survey station 254+79.00 as shown on said LW-9028; thence in a south and then southwest direction along the centerline of said access road, 375.5 feet to a point on the right-of-way of Little Hope Road and being 251.27 feet right of the centerline of the location at survey station 255+95.83.

Said access easement having an overall length of 375.5 feet, and containing 0.26 acres more or less.

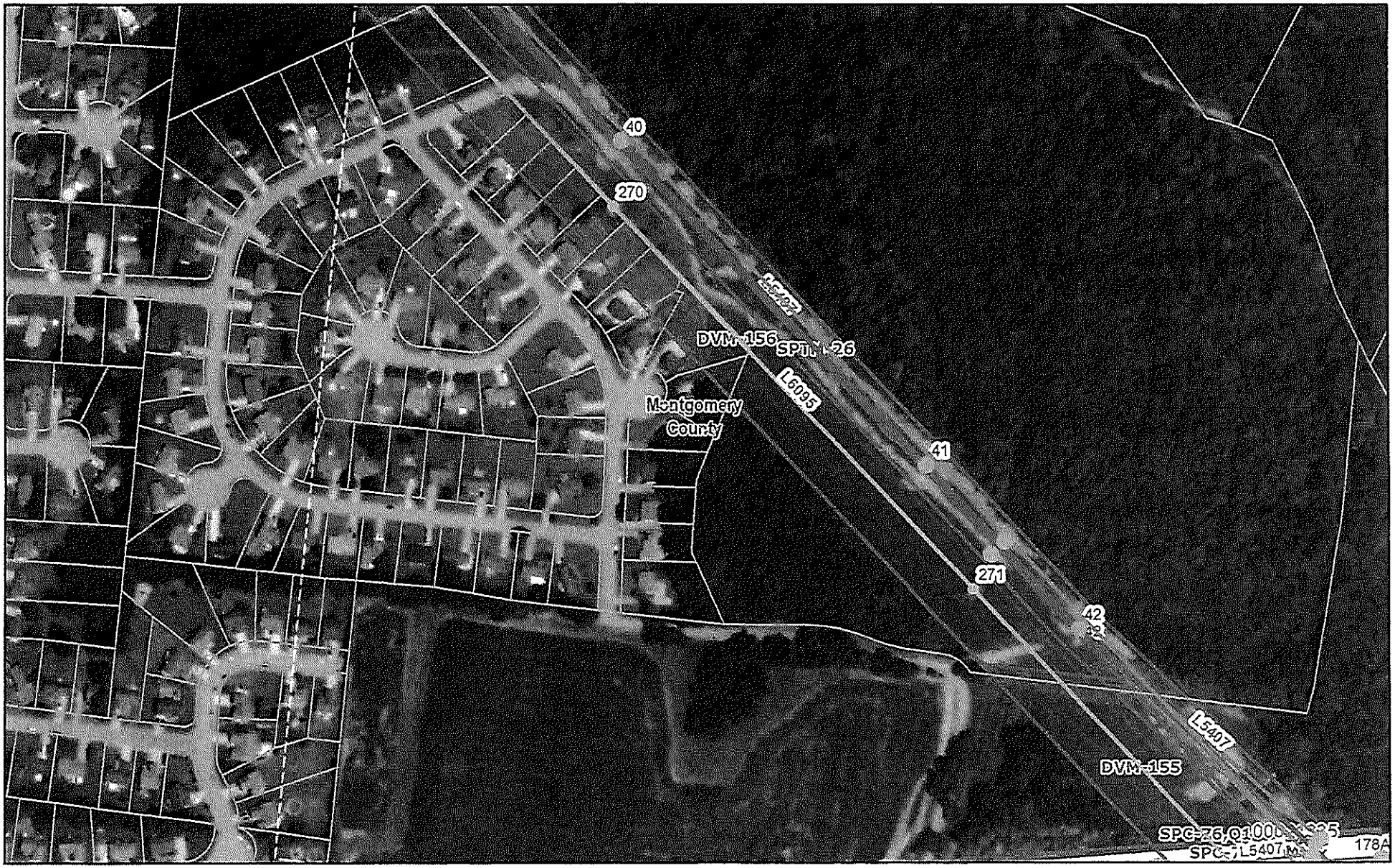
This description prepared from a survey by:
Barry A. Savage, RLS
Tennessee Valley Authority
1101 Market Street, MR-4B
Chattanooga, Tennessee 37402-2801

EXHIBIT
tabbies
B 1/5

Date rec'd 10/7/2020
Date rev'd 02/22/2021tsb

10/07/2020

EGIS Web Map



March 4, 2021

1:4,514

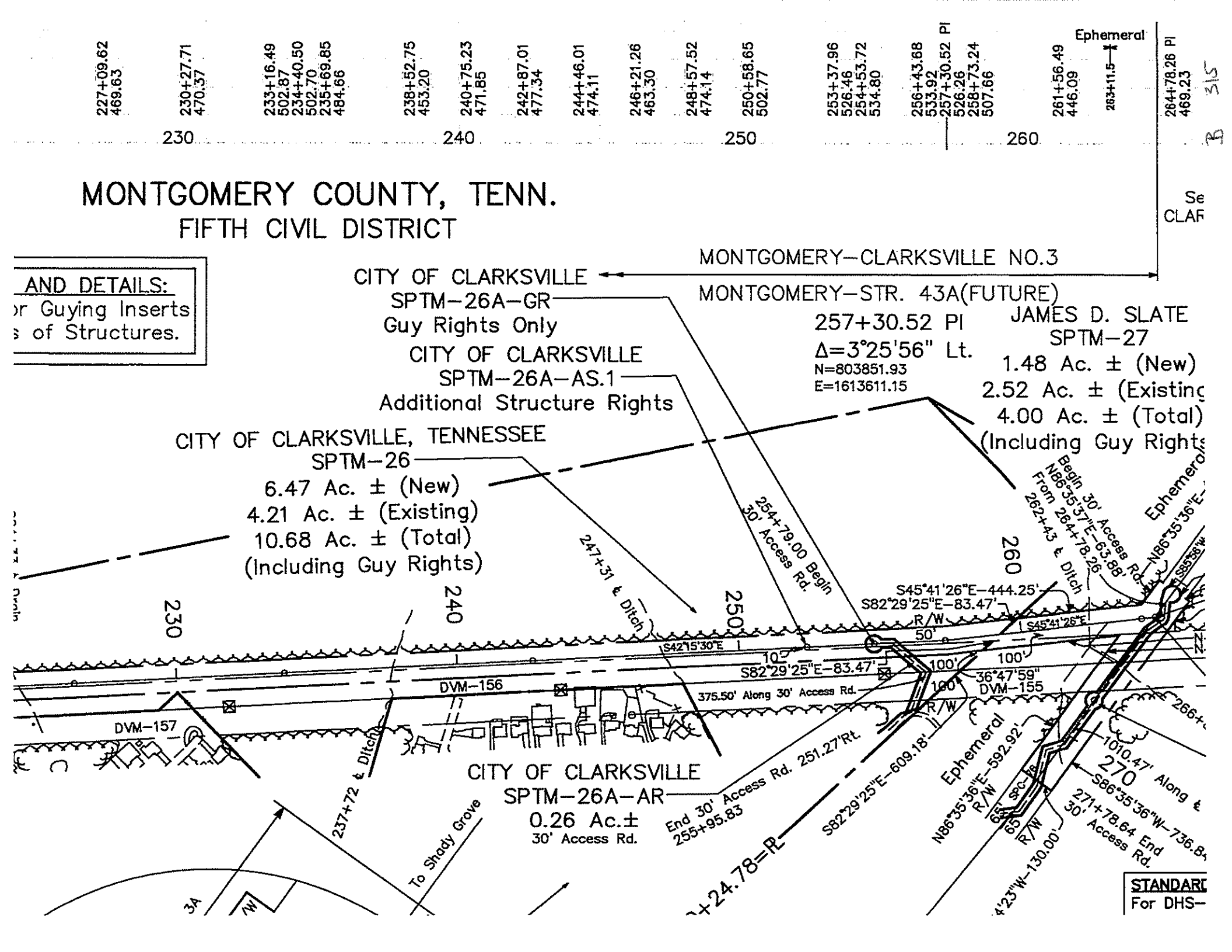
0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

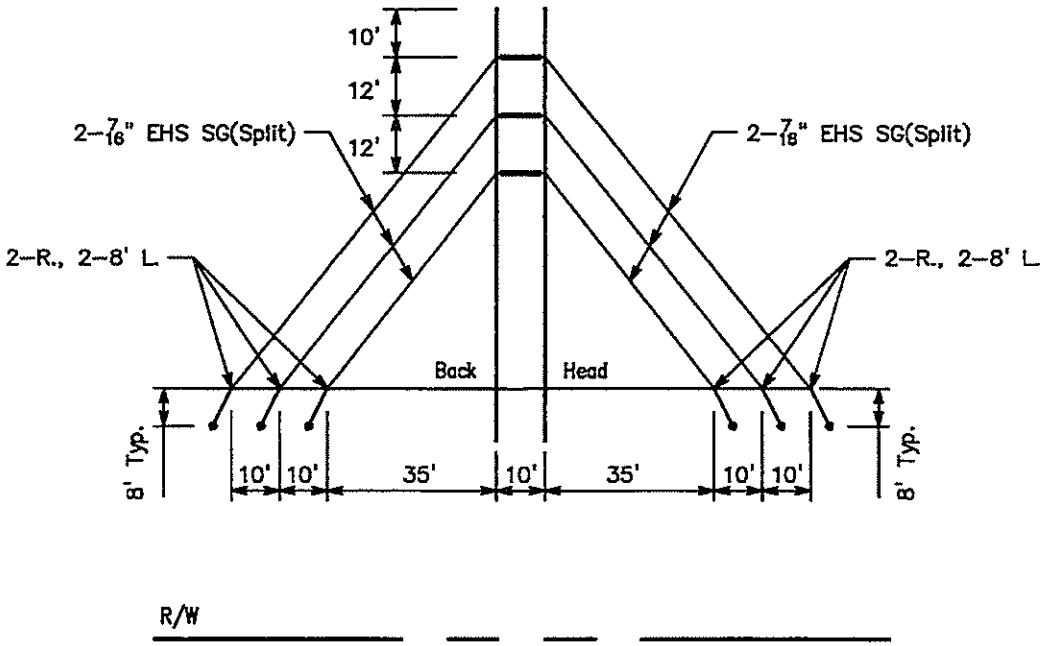
- GCT Pipeline Points
- Tax Parcels
- Property Hazard Structures
- Property Hazard Segments
- States
- Counties
- Siting Preliminary Structures
- Siting Preliminary Work Lines
- Proposed Centerline

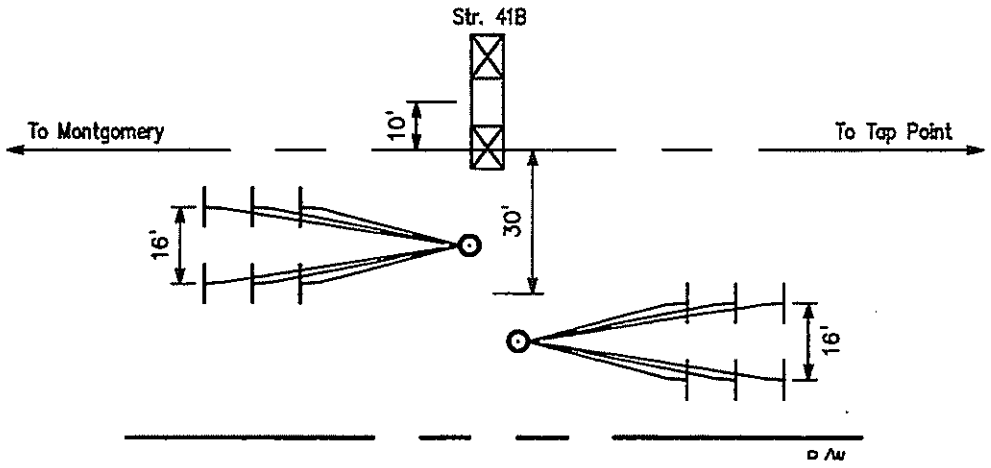
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

TVA GIS & Mapping


227+09.62
469.63
230+27.71
470.37
233+16.49
502.87
234+40.50
502.70
235+69.85
484.66
238+52.75
453.20
240+75.23
471.85
242+87.01
477.34
244+46.01
474.11
246+21.26
463.30
248+57.52
474.14
250+58.65
502.77
253+37.96
526.46
254+53.72
534.80
256+43.68
533.92
257+30.52 PI
526.26
258+73.24
507.66
261+56.49
446.09
Ephemeral
263+11.5
264+78.26 PI
469.23
230
240
250
260
MONTGOMERY COUNTY, TENN.
FIFTH CIVIL DISTRICT
AND DETAILS:
or Guying Inserts
s of Structures.
MONTGOMERY–CLARKSVILLE NO.3
MONTGOMERY–STR. 43A(FUTURE)
257+30.52 PI
Δ=3°25'56" Lt.
N=803851.93
E=1613611.15
JAMES D. SLATE
SPTM–27
1.48 Ac. ± (New)
2.52 Ac. ± (Existing
4.00 Ac. ± (Total)
(Including Guy Rights
CITY OF CLARKSVILLE
SPTM–26A–GR
Guy Rights Only
CITY OF CLARKSVILLE
SPTM–26A–AS.1
Additional Structure Rights
CITY OF CLARKSVILLE, TENNESSEE
SPTM–26
6.47 Ac. ± (New)
4.21 Ac. ± (Existing)
10.68 Ac. ± (Total)
(Including Guy Rights)
254+79.00 Begin
30' Access Rd.
247+31 ℄ Ditch
Begin 30' Access Rd.
From 264+78.26
262+43 ℄ Ditch
N86°35'37"E–63.88'
Ephemeral
N86°35'36"E–
S85°56"W
S45°41'26"E–444.25'
S82°29'25"E–83.47'
R/W
50'
S45°41'26"E
S42°15'30"E
100'
100'
100'
S82°29'25"E–83.47'
36°47'59"
DVM–155
DVM–156
375.50' Along 30' Access Rd.
R/W
DVM–157
Ephemeral
N86°35'36"E–592.92'
R/W
65'
SPC–FS
65'
R/W
1010.47' Along ℄
270
S86°35'36"W–736.8
271+78.64 End
30' Access Rd.
4'23"W–130.00'
237+72 ℄ Ditch
To Shady Grove
CITY OF CLARKSVILLE
SPTM–26A–AR
0.26 Ac.±
30' Access Rd.
End 30' Access Rd. 251.27'Rt.
255+95.83
S82°29'25"E–609.18'
+24.78=PI
3A
W
STANDARD
For DHS–

D.T. (ML+K) 795 K.S. (West) C
120F
Rev 1
SS1-50
Offset 10' Lt.
2 POLE DE
80 80
Class H4 Poles
Offset 30' Rt.
DHS-1G
110 110
Class H6 Poles
92mm² OPGW 2500# D.T.
(ML+K) 368.74' D.E.S.(North)
92mm² OPGW 350(
(ML+K) 564' D.E.
DHS-1G 115 115
Class H6 Poles
DHS-1G
115 115
Class H6 Poles
S-5G 85
One Way
Class 1 Pole
Str. ID. S55A
SSDE ID 5Q1
GWDE ID 643
43A
HS-5G 70 75 80
Class H2 Poles
Str. ID S62A
SSDE ID 5Q1
OPGWDE ID 668(H&B)
Splice Case
43
Rev 1
SS1-50
Offset 18' Rt.
GW Pole 105
Class H2 Pole
1-A24R,1-A23R
OPGWDE ID665(H&B)
OP
DI
Reel
14
B 415
500 Kv.
T.L.
238 251.52
PI
699.48
48.26'
368.74
564
34
972
254+79
Rev 1
℄ Ditch
℄ Ditch
℄ Ditch
℄ Ditch
242+69
252+41
254+79
Offset 10' Lt. (41B)
Offset 30' Rt. (41A)
257+30.52
264+30
Offset 25' Lt
264+78.26
Offset 50' Rt.
along Bisector
268+47
Offset 52' Rt. (44A)
Offset 18' Rt. (44C)
274+11
44B See LW-
40
41
41A
42
43
44A
Rev 1
44
Mont.-Clark.#


10'
12'
12'
2–7/16" EHS SG(Split)
2–7/8" EHS SG(Split)
2–R., 2–8' L
2–R., 2–8' L
Back
Head
8' Typ.
8' Typ.
10'
10'
35'
10'
35'
10'
10'
R/W


Str. 41B
To Montgomery
To Tap Point
10'
30'
16'
16'
R/W

RESOLUTION 59-2020-21

A RESOLUTION REQUESTING THE TENNESSEE GENERAL ASSEMBLY TO ENACT LEGISLATION TO AMEND THE OFFICIAL CHARTER OF THE CITY OF CLARKSVILLE

WHEREAS, the City Council finds that the best interests of the City would be served by the enactment of certain amendments to the Charter of the City of Clarksville, as set forth in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the City Council formally requests that the Tennessee General Assembly enact an amendment to the City's private act, state law Charter, as set forth in Exhibit A; and

WHEREAS, the City Council formally requests that the local state delegation members of the Tennessee General Assembly to sponsor and support legislation to amend the City Charter as set forth in Exhibit A.

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

1. That the Tennessee General Assembly is hereby requested to enact legislation to amend the Official Charter of the City of Clarksville, as set forth in Exhibit A, attached hereto and incorporated herein.

2. That the local state delegation members of the Tennessee General Assembly are hereby requested to sponsor and support legislation to amend the City Charter, as set forth in Exhibit A, attached hereto and incorporated herein.

POSTPONED: March 4, 2021 to April 1, 2021
POSTPONED: April 1, 2021 to August 5, 2021
ADOPTED:
RATIFIED:

EXHIBIT A

1. (Reynolds) That the **City Charter, Article I. Charter, Definitions, Corporate Limits, and Powers, Section 2. Definitions**, subsections (a) (4), and (b), are hereby amended by deleting same in the entirety, and substituting therefore as new subsections (a) (4) and (b) as follows:

Section 2. Definitions.
(a)…
(4) "Councilperson" or "Council member" shall mean a person elected to the city council as provided in this Charter.

…
(b) Reserved.

2. (Reynolds) That the **City Charter, Article II. City Council, Section 3. City Council designated; eligibility for office**, is hereby amended by adding a new subsection (d) as follows:

Section 3. City Council designated; eligibility for office.
(a) …

(d) Any City Council member who no longer resides in the ward from which they were elected to serve shall resign from their office immediately thereafter.

3. (Allen) That the **City Charter, Article II. City Council, Section 3. City Council designated; eligibility for office**, subsections (a) and (c)(1), is hereby amended by deleting subsections (a) and (c)(1) in the entirety, and by substituting therefore a new subsection (a) and (c)(1) as follows:

(a) The governing body of the City shall be known as the "City Council" and shall be composed of a Mayor and as many Councilmen as there are wards in the City. Candidates for Mayor and City Councilman shall be residents of the City of Clarksville and shall have resided in the City for twelve (12) months next preceding their election, and shall be qualified to vote in the election in which they are candidates. Candidates for City Councilman, other than the Mayor, shall also reside in and be qualified to vote in the ward to which they seek election at the time said candidate files his election qualifying petition with the Montgomery County Election Commission. City Councilmen, other than the Mayor, shall continue to reside and/or retain ownership of residence for the duration of their term of office, in the ward from which they were elected to serve. City Councilmen shall continue to remain registered to vote in the ward in which they were elected. They may not seek re-election unless the residence is their primary residence. The Mayor shall continue to reside within the City limits and/or retain

ownership of residence for the duration of the Mayor's term of office. The Mayor may not seek re-election unless the residence is their primary residence.

...

(c) For purposes of this section, a person's "principal residence" shall be that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return. There can be only one "principal residence." The following factors may be considered in the determination of a person's "principal residence":

(1) The location of a person's ownership, lease, possession, occupation, or use of inhabitable or residential real property owned, leased, possessed, occupied, or used by such person;

4. (Reynolds) That the **City Charter, Article II. City Council, Section 4. Term limits for Councilmen**, is hereby amended by deleting the word "consecutive" wherever same shall appear in Section 4, and by deleting subsection (c) in its entirety.

5. (Garrett) That the **City Charter, Article II. City Council, Section 4. Term limits for Councilmen**, is hereby amended by deleting Section 4 in its entirety, and substituting therefore the following:

Section 4. Reserved.

[Drafter's Note: If item number 4 passes, then obviously item number 3 will become a nullity.]

6. (Garrett) That the **City Charter, Article II. City Council, Section 15. Restrictions on Councilmen**, is hereby amended by deleting Section 15 in its entirety, and substituting a new Section 15 therefore as follows:

Section 15. Restrictions on City Council Members.

(a) The City Council, and its committees, shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the City, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. Nothing contained herein shall prevent the City Council or its committees from conducting such inquiries into the operation of City government and the conduct of the City's affairs as the City Council or its committees may deem proper. As a body, by resolution, the City Council may

request the removal of a department head, to include but not limited to the City Attorney and City Clerk, based on just cause, as defined in the City Code provisions pertaining to discipline of City employees.

(b) City Council members, to include the Mayor, may be employed by the City as an employee, and may hold office as an elected official and while being employed as an employee of the City, and may receive the compensation and benefits due by law as an elected official and employee at the same time.

7. (Reynolds) That the **City Charter**, **Article II. City Council**, **Section 15. Restrictions on Councilmen**, is hereby amended by adding a new subsection (c) as follows:

Section 15. Restrictions on City Council Members.
(a) …

(c) No City Council member shall concurrently hold another publicly elected office with either the city, county, state, or federal governments. This provision shall not apply to any City Council member serving any current term of publicly elected office, and any such City Council member may continue to serve as a City Council member until the expiration of their current term as a City Council member, while holding any other publicly elected office with the city, county, state or federal governments.

8. (Garrett) That the **City Charter**, **Article IV. Mayor; Power and Duties Generally**, **Section 1. Mayor; powers and duties generally**, subsections (b), (g) and (i) are hereby amended by deleting said subsections in the entirety, and by substituting therefore new subsections (b), (g) and (i) as follows:

Section 1. Mayor, Power and Duties Generally.
(a) …
(b) The Mayor shall preside at all meetings of the City Council, and perform such other duties consistent with his office as may be imposed by the City Council, and the Mayor shall have a seat, a voice, and the right to vote but only in cases of a tie vote by the City Council ward members. The Mayor may introduce ordinances and resolutions for action by the City Council.
…
(g) The Mayor shall have the power to appoint all standing committee as the Mayor may deem necessary, with approval by the City Council by majority vote.
…

(h) The Mayor shall have no right or power to veto any ordinance duly adopted by the City Council.

9. (Reynolds) That the **City Charter, Article V. City Court, Section 2. Election of City Judge; term of office, subsection (c),** is hereby amended by deleting the word "consecutive" wherever same shall appear in subsection (c), and by deleting the last sentence of subsection (c) in its entirety.

[Drafter's Note: If item number 9 passes, then obviously item number 8 will become a nullity.]

10. (Garrett) That the **City Charter, Article V. City Court, Section 2. Election of City Judge; term of office, subsection (c),** is hereby amended by deleting subsection (c) in its entirety, and by substituting a new subsection (c) therefore as follows:

Section 2. Election of City Judge; term of office.

(a) …
(b)
(c) Reserved.

RESOLUTION 59-2020-21 SMITH AMENDMENT TO EXHIBIT A

Motion: Amend Exhibit A by adding an amendment to City Charter Article II, Sec. 3, by adding the following new paragraph (d):

(d). A City Council member who has served on the City Council for four years or more in the ward they were elected to serve in but decided to move-out of their elected ward before their term is up, will be allowed to serve out the remainder of the term in their elected ward.

Butler Amendment to Smith Amendment

RESOLUTION 59-2020-21 SMITH AMENDMENT TO EXHIBIT A

Motion: Amend Exhibit A by adding an amendment to City Charter Article II, Sec. 3, by adding the following new paragraph (d):

(d) A City Council member who has served on the City Council for four years or more in the ward they were elected to serve in but decided to move-out of their elected ward before their term is up, will be allowed to serve out the remainder of the term in their elected ward or until the next scheduled city council election, whichever comes first.

Butler Amendment to Garrett Item #6

That the **City Charter, Article** II. **City Council, Section 15. Restrictions on Councilmen,** is hereby amended ~~by deleting Section 15 in its entirety, and substituting a new Section 15 therefore~~ as follows:

Section 15. Restrictions on City Council Members.

(a) The City Council, and its committees, shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the City, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. Nothing contained herein shall prevent the City Council or its committees from conducting such inquiries into the operation of City government and the conduct of the City's affairs as the City Council or its committees may deem necessary. As a body, by resolution, the City Council may request the removal of a department head, to include but not limited to the City Attorney and City Clerk, based on just cause, as defined in the City Code provisions pertaining to discipline of City employees.

(b) No City Councilman, to include the Mayor, shall be employed by the City as an employee, but may hold office as an elected official and may receive compensation and benefits therefor as provided herein or otherwise by ordinance.

~~City Council members, to include the Mayor, may be employed by the City as an employee, and may hold office as an elected official and while being employed as an employee of the City, and may receive the compensation and benefits due by law as an elected official and employee at the same time.~~

RESOLUTION 65-2020-21

A RESOLUTION REQUESTING THE MAYOR TO CALL A SPECIAL SESSION OF THE CITY COUNCIL AS A COMMITTEE OF THE WHOLE TO STUDY AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL PERTAINING TO THE CITY CODE OF ETHICS

WHEREAS, the City Council finds that the best interests of the City may best be served by the enactment of certain amendments to the City Code of Ethics; and

WHEREAS, the City Council finds that the City Code of Ethics is extremely important, and proposed amendments to the City Code of Ethics should not be proposed in haste, but that study, reflection, and debate should occur regarding potential amendments to the City Code of Ethics.

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

1. That the Mayor is requested to call a special session of the City Council as a "committee of the whole" to study and make recommendations to the City Council pertaining to proposed amendments to the City Code of Ethics.

POSTPONED: April 1, 2021 to July 1, 2021
POSTPONED: July 1, 2021 to August 5, 2021
ADOPTED:

RESOLUTION 4-2021-22

A RESOLUTION REQUESTING THE REGIONAL PLANNING COMMISSION DIRECTOR AND STAFF TO PERFORM AN AREA-WIDE STUDY OF THE R-3 RESIDENTIAL NEIGHBORHOOD IN THE RED RIVER DISTRICT

WHEREAS, residents of the Red River District finds that unfettered development can lead to a host of problems that decrease property values and thus reduce the ad valorem property tax base; and

WHEREAS, the residents of the Red River District finds that certain neighborhoods have changed, and do not reflect their original zoning or current base zoning; and

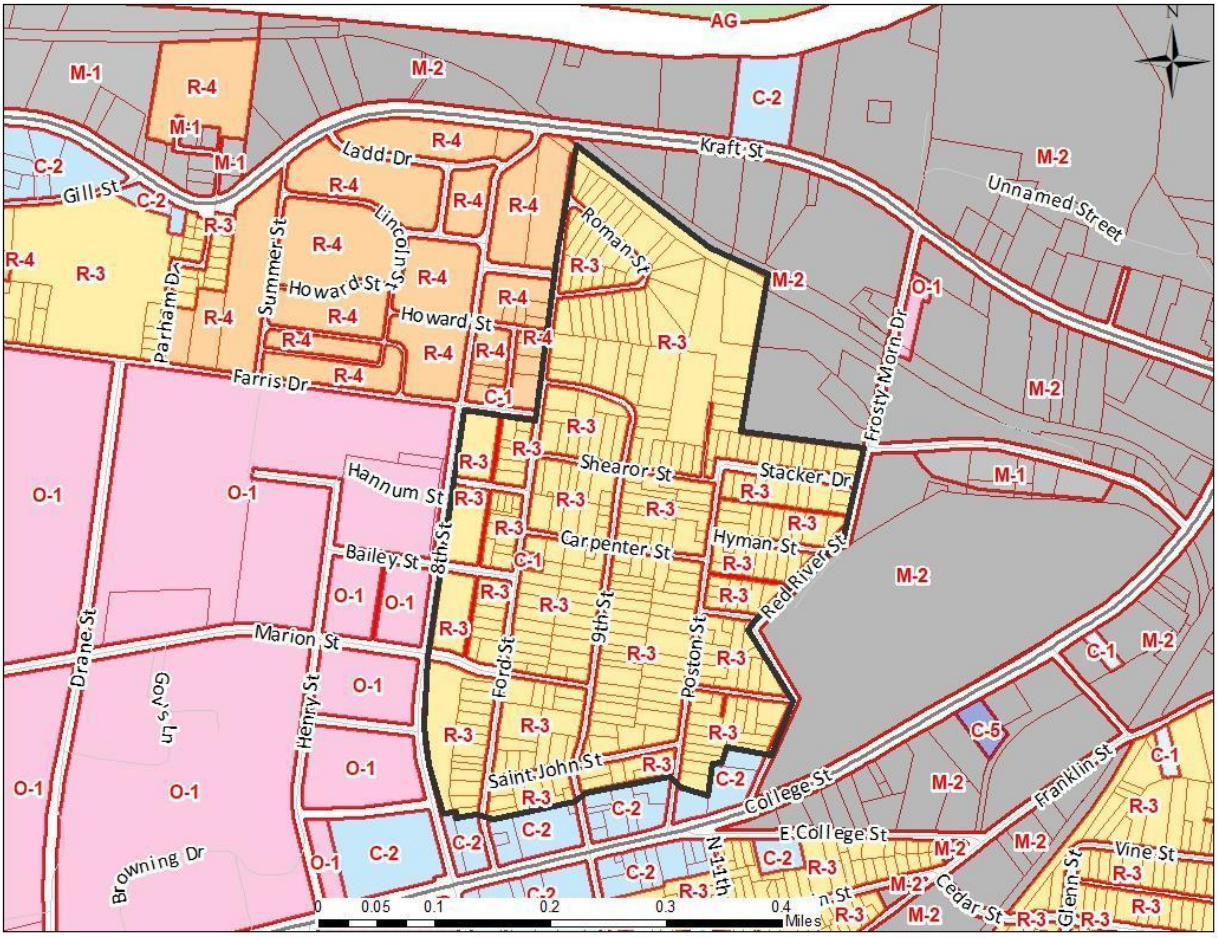
WHEREAS, the residents of the Red River District finds that the small property lots in the neighborhood need an analysis/study and potential rezoning that remain and enhance the character of single-family homes in the Red River District.

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

The Clarksville City Council hereby requests the Regional Planning Commission Director and staff to conduct a study of the small area and to recommend rezoning exclusively for single-family residential properties in the Red River District, identified on the map attached hereto as Exhibit A with a black outline that starts on Eighth Street to Red River Street.

POSTPONED: July 1, 2021
ADOPTED:

EXHIBIT A


AG
M-1
R-4
M-2
C-2
Kraft St
Ladd Dr
Gill St
Unnamed Street
Summer St
Lincoln St
Howard St
Roman St
Parham Dr
Farris Dr
Frosty Morn Dr
O-1
C-1
Shearor St
Stacker Dr
Hannum St
8th St
Carpenter St
Hyman St
Bailey St
Red River St
9th St
Poston St
Marion St
Drane St
Ford St
Henry St
Guy's Ln
Saint John St
College St
E College St
Franklin St
Browning Dr
11th St
Cedar St
Vine St
Glenn St
C-5
Miles
0
0.05
0.1
0.2
0.3
0.4
N

State Form No. CT-0253
Revised Effective 2/6/2020

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-151)

1. Public Entity:

Name: City of Clarksville, Tennessee

Address: One Public Square
Clarksville, Tennessee 37040

Debt Issue Name: Water, Sewer & Gas Revenue Refunding Bonds, Series 2021B (Federally Taxable)

If disclosing initially for a program, attach the form specified for updates, indicating the frequency required.

2. Face Amount: $ 62,290,000.00

Premium/Discount: $ 0.00

3. Interest Cost: 2.1757 % ☐ Tax-exempt ☑ Taxable

☑ TIC ☐ NIC

☐ Variable: Index _____ plus _____ basis points; or

☐ Variable: Remarketing Agent _____

☐ Other: _____

4. Debt Obligation:

☐ TRAN ☐ RAN ☐ CON

☐ BAN ☐ CRAN ☐ GAN

☑ Bond ☐ Loan Agreement ☐ Capital Lease

If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Division of Local Government Finance ("LGF").

5. Ratings:

☐ Unrated

Moody's _____ Standard & Poor's _____ Fitch _____

6. Purpose:

		BRIEF DESCRIPTION
☐ General Government	%	
☐ Education	%	
☐ Utilities	%	
☐ Other	%	
☑ Refunding/Renewal	100.00 %	Series 2013 and 2016 Water, Sewer and Gas Bonds

7. Security:

☐ General Obligation ☐ General Obligation + Revenue/Tax

☑ Revenue ☐ Tax Increment Financing (TIF)

☐ Annual Appropriation (Capital Lease Only) ☐ Other (Describe): _____

8. Type of Sale:

☐ Competitive Public Sale ☐ Interfund Loan _____

☑ Negotiated Sale ☐ Loan Program _____

☐ Informal Bid

9. Date:

Dated Date: 08/04/2021 Issue/Closing Date: 08/04/2021

State Form No. CT-0253
Revised Effective 2/6/2020

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-151)

10. Maturity Dates, Amounts and Interest Rates *:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2022	$2,070,000.00	0.2250 %	2033	$3,370,000.00	1.9190 %
2023	$2,350,000.00	0.3750 %	2034	$3,435,000.00	2.0190 %
2024	$1,045,000.00	0.6380 %	2035	$3,505,000.00	2.1190 %
2025	$1,050,000.00	0.8860 %	2036	$3,580,000.00	2.2190 %
2026	$1,060,000.00	0.9860 %	2037	$3,660,000.00	2.3890 %
2027	$1,070,000.00	1.2340 %	2038	$3,745,000.00	2.4890 %
2028	$1,085,000.00	1.3340 %	2039	$3,840,000.00	2.5390 %
2029	$1,095,000.00	1.5190 %	2040	$3,935,000.00	2.6190 %
2030	$6,400,000.00	1.6190 %	2041	$4,040,000.00	2.6690 %
2031	$6,500,000.00	1.7190 %		$	%
2032	$5,455,000.00	1.8190 %		$	%

If more space is needed, attach an additional sheet.

If (1) the debt has a final maturity of 31 or more years from the date of issuance, (2) principal repayment is delayed for two or more years, or (3) debt service payments are not level throughout the retirement period, then a cumulative repayment schedule (grouped in 5 year increments out to 30 years) including this and all other entity debt secured by the same source **MUST BE PREPARED AND ATTACHED.** For purposes of this form, debt secured by an ad valorem tax pledge and debt secured by a dual ad valorem tax and revenue pledge are secured by the same source. Also, debt secured by the same revenue stream, no matter what lien level, is considered secured by the same source.

* This section is not applicable to the Initial Report for a Borrowing Program.

11. Cost of Issuance and Professionals:

☐ No costs or professionals

	AMOUNT (Round to nearest $)	FIRM NAME
Financial Advisor Fees	$ 40,000	PFM Financial Advisors LLC
Legal Fees	$ 0	
Bond Counsel	$ 50,000	Bass, Berry & Sims PLC
Issuer's Counsel	$ 0	
Trustee's Counsel	$ 0	
Bank Counsel	$ 0	
Disclosure Counsel	$ 0	
_____	$ 0	
Paying Agent Fees	$ 950	U.S. Bank National Association (includes escrow agent)
Registrar Fees	$ 0	
Trustee Fees	$ 0	
Remarketing Agent Fees	$	
Liquidity Fees	$ 0	
Rating Agency Fees	$ 65,034	Moody's; Fitch
Credit Enhancement Fees	$ 0	
Bank Closing Costs	$ 0	
Underwriter's Discount 0.30 %		
Take Down	$ 161,999	Morgan Stanley & Co. LLC
Management Fee	$ 0	
Risk Premium	$ 0	
Underwriter's Counsel	$ 18,688	Adams and Reese, LLP
Other expenses	$ 9,055	
Printing and Advertising Fees	$ 1,121	ImageMaster
Issuer/Administrator Program Fees	$ 0	
Real Estate Fees	$ 0	
Sponsorship/Referral Fee	$ 0	
Other Costs Miscellaneous	$ 28,069	DAC, Verification and Escrow Bidding Agents
TOTAL COSTS	$ **374,916**	

State Form No. CT-0253
Revised Effective 2/6/2020

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-151)

12. Recurring Costs:

☐ No Recurring Costs

	AMOUNT (Basis points/$)	FIRM NAME (If different from #11)
Remarketing Agent		
Paying Agent / Registrar	450	U.S. Bank National Association
Trustee		
Liquidity / Credit Enhancement		
Escrow Agent	500	U.S. Bank National Association
Sponsorship / Program / Admin		
Other _____		

13. Disclosure Document / Official Statement:

☐ None Prepared

☑ EMMA link https://emma.msrb.org/P21478935-P21146751-P21560374.pdf or

☐ Copy attached

14. Continuing Disclosure Obligations:

Is there an existing continuing disclosure obligation related to the security for this debt? ☑ Yes ☐ No

Is there a continuing disclosure obligation agreement related to this debt? ☑ Yes ☐ No

If yes to either question, date that disclosure is due June 30th

Name and title of person responsible for compliance Laurie Matta, Chief Financial Officer

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy 02/02/2012

Is the debt obligation in compliance with and clearly authorized under the policy? ☑ Yes ☐ No

16. Written Derivative Management Policy:

☑ No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy? ☐ Yes ☐ No

17. Submission of Report:

To the Governing Body: on 08/05/2021 and presented at public meeting held on 08/05/2021

Copy to Director, Division of Local Govt Finance: on 08/04/2021 either by:

☐ Mail to: Cordell Hull Building, 425 Fifth Avenue North, 4th Floor, Nashville, TN 37243-3400

OR

☑ Email to: LGF@cot.tn.gov

18. Signatures:

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	Joe Pitts	Jeffrey A. Oldham
Title	Mayor	Attorney
Firm	Mayor	Bass, Berry & Sims PLC
Email	joe.pitts@cityofclarksville.com	joldham@bassberry.com
Date	08/04/2021	08/04/2021

State Form No. CT-0253
Revised Effective 2/6/2020

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-151)

1. Public Entity:

Name: City of Clarksville, Tennessee

Address: One Public Square
Clarksville, Tennessee 37040

Debt Issue Name: Water, Sewer & Gas Revenue Bonds, Series 2021A

If disclosing initially for a program, attach the form specified for updates, indicating the frequency required.

2. Face Amount: $ 187,695,000.00

Premium/Discount: $ 51,272,588.05

3. Interest Cost: 2.6313 % ☑ Tax-exempt ☐ Taxable

☑ TIC ☐ NIC

☐ Variable: Index _____ plus _____ basis points; or

☐ Variable: Remarketing Agent _____

☐ Other: _____

4. Debt Obligation:

☐ TRAN ☐ RAN ☐ CON

☐ BAN ☐ CRAN ☐ GAN

☑ Bond ☐ Loan Agreement ☐ Capital Lease

If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Division of Local Government Finance ("LGF").

5. Ratings:

☐ Unrated

Moody's Aa2 Standard & Poor's AA Fitch _____

6. Purpose:

		BRIEF DESCRIPTION
☐ General Government	%	
☐ Education	%	
☑ Utilities	100.00 %	Water Treatment Plant
☐ Other	%	
☐ Refunding/Renewal	%	

7. Security:

☐ General Obligation ☐ General Obligation + Revenue/Tax

☑ Revenue ☐ Tax Increment Financing (TIF)

☐ Annual Appropriation (Capital Lease Only) ☐ Other (Describe): _____

8. Type of Sale:

☐ Competitive Public Sale ☐ Interfund Loan _____

☑ Negotiated Sale ☐ Loan Program _____

☐ Informal Bid

9. Date:

Dated Date: 08/04/2021 Issue/Closing Date: 08/04/2021

State Form No. CT-0253
Revised Effective 2/6/2020

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-151)

10. Maturity Dates, Amounts and Interest Rates *:

Year	Amount	Interest Rate
2026	$3,960,000.00	5.0000 %
2027	$4,075,000.00	5.0000 %
2028	$4,185,000.00	5.0000 %
2029	$4,305,000.00	5.0000 %
2030	$5,105,000.00	5.0000 %
2031	$5,260,000.00	5.0000 %
2032	$5,190,000.00	5.0000 %
2033	$7,720,000.00	5.0000 %
2034	$5,385,000.00	5.0000 %
2035	$5,655,000.00	5.0000 %
2036	$5,935,000.00	5.0000 %

Year	Amount	Interest Rate
2037	$6,230,000.00	5.0000 %
2038	$6,545,000.00	5.0000 %
2039	$6,870,000.00	5.0000 %
2040	$7,215,000.00	4.0000 %
2041	$7,505,000.00	4.0000 %
2045	$33,640,000.00	5.0000 %
2051	$62,915,000.00	4.0000 %
	$	%
	$	%
	$	%
	$	%

If more space is needed, attach an additional sheet.

If (1) the debt has a final maturity of 31 or more years from the date of issuance, (2) principal repayment is delayed for two or more years, or (3) debt service payments are not level throughout the retirement period, then a cumulative repayment schedule (grouped in 5 year increments out to 30 years) including this and all other entity debt secured by the same source **MUST BE PREPARED AND ATTACHED.** For purposes of this form, debt secured by an ad valorem tax pledge and debt secured by a dual ad valorem tax and revenue pledge are secured by the same source. Also, debt secured by the same revenue stream, no matter what lien level, is considered secured by the same source.

* This section is not applicable to the Initial Report for a Borrowing Program.

11. Cost of Issuance and Professionals:

☐ No costs or professionals

	AMOUNT (Round to nearest $)	FIRM NAME
Financial Advisor Fees	$ 85,000	PFM Financial Advisors LLC
Legal Fees	$ 0	
Bond Counsel	$ 100,000	Bass, Berry & Sims PLC
Issuer's Counsel	$ 0	
Trustee's Counsel	$ 0	
Bank Counsel	$ 0	
Disclosure Counsel	$ 0	
_____	$ 0	
Paying Agent Fees	$ 750	U.S. Bank National Association
Registrar Fees	$ 0	
Trustee Fees	$ 0	
Remarketing Agent Fees	$ 195,966	Moody's; Fitch
Liquidity Fees	$ 0	
Rating Agency Fees	$ 0	
Credit Enhancement Fees	$ 0	
Bank Closing Costs	$ 0	
Underwriter's Discount 0.33 %		
Take Down	$ 542,917	Morgan Stanley & Co. LLC, representative
Management Fee	$ 0	
Risk Premium	$ 0	
Underwriter's Counsel	$ 56,312	Adams and Reese, LLP
Other expenses	$ 27,286	
Printing and Advertising Fees	$ 3,379	ImageMaster
Issuer/Administrator Program Fees	$ 0	
Real Estate Fees	$ 0	
Sponsorship/Referral Fee	$ 0	
Other Costs _____	$ 5,631	DAC; Miscellaneous
TOTAL COSTS	$ **1,017,241**	

State Form No. CT-0253
Revised Effective 2/6/2020

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-151)

12. Recurring Costs:

☐ No Recurring Costs

	AMOUNT (Basis points/$)	FIRM NAME (If different from #11)
Remarketing Agent		
Paying Agent / Registrar	450	U.S. Bank National Association
Trustee		
Liquidity / Credit Enhancement		
Escrow Agent		
Sponsorship / Program / Admin		
Other _____		

13. Disclosure Document / Official Statement:

☐ None Prepared

☑ EMMA link https://emma.msrb.org/P21478935-P21146751-P21560374.pdf or

☐ Copy attached

14. Continuing Disclosure Obligations:

Is there an existing continuing disclosure obligation related to the security for this debt? ☑ Yes ☐ No

Is there a continuing disclosure obligation agreement related to this debt? ☑ Yes ☐ No

If yes to either question, date that disclosure is due June 30th

Name and title of person responsible for compliance Laurie Matta, Chief Financial Officer

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy 02/02/2012

Is the debt obligation in compliance with and clearly authorized under the policy? ☑ Yes ☐ No

16. Written Derivative Management Policy:

☑ No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy? ☐ Yes ☐ No

17. Submission of Report:

To the Governing Body: on 08/05/2021 and presented at public meeting held on 08/05/2021

Copy to Director, Division of Local Govt Finance: on 08/04/2021 either by:

☐ Mail to: OR ☑ Email to:

Cordell Hull Building
425 Fifth Avenue North, 4th Floor
Nashville, TN 37243-3400

LGF@cot.tn.gov

18. Signatures:

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	Joe Pitts	Jeffrey A. Oldham
Title	Mayor	Bond Counsel
Firm	Mayor	Bass, Berry & Sims PLC
Email	joe.pitts@cityofclarksville.com	joldham@bassberry.com
Date	08/04/2021	08/04/2021