CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
JUNE 24, 2021, 4:30 P.M.

AGENDA

1) PLANNING COMMISSION *RPC Director Jeff Tyndall*

PUBLIC HEARING

1. **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 *RPC*: *Approval/Approval*

2. **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 *RPC:Approval/Approval*

3. **RESOLUTION 2-2021-22** Approving the Final Plan of Services Progress Report for annexed territory off Britton Springs near Center Road

2) CONSENT AGENDA *City Clerk*

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

1. **ORDINANCE 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

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

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

9. **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

10. **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

11. **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

12. **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

13. **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 (fill unexpired term of Valerie Hunter-Kelly) July 21 through June 2022, Brenda Harper (replace Shelia Bryant-term expired) - July 2021 through June 2024, David Smith (replace Leah Foote-term expired) - July 2021 through June 2023*
- *Economic & Community Development Board: Melinda Shepard (reappointment) - July 2021 through June 2025*
- *Ethics Commission: Dr. David Kanervo, Mark Rassas (reappointments) - July 2021 through June 2024*
- *Parking Commission: Andy Kean (fill unexpired term of Morgan Knight-resigned) - July 2021 through August 2021*
- *Power Board: Travis Holleman (reappointment) - July 2021 through June 2024*
- *Sustainability Board: Karen Reynolds (City Council), Bert Singletery (Community) - July 2021 through June 2022; Valerie Guzman (Community), Wanda Smith (City Council) - July 2021 through June 2023; Travis Holleman (City Council), Jimmie Mann (Community), Chris Rasnic (County Commission) - July 2021 through June 2024*

14. Adoption of Minutes: June 3, June 15, June 17, June 22

3) FINANCE COMMITTEE *Councilperson Stacey Streetman*

1. Department Report

4) GAS & WATER COMMITTEE *Councilperson Wallace Redd*

1. **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 *Gas & Water Committee: Approval*

2. Department Report

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

1. Department Report

6) PARKS & RECREATION COMMITTEE *Councilperson Vondell Richmond*

1. Department Report

7) PUBLIC SAFETY COMMITTEE *Councilman Richard Garrett*

1. Department Reports

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

1. Department Reports

9)NEW BUSINESS

1. **ORDINANCE 92-2020-21** (First Reading; Postponed June 3) Approving a settlement of the Robinsons and/or Franklin Street Corporation v. City State Court and Federal Court lawsuits *Councilperson Butler*

2. **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*

3. **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

10) MAYOR AND COUNCIL MEMBER COMMENTS

11) PUBLIC COMMENTS

12) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: July 1, 2021. The public hearing will be held on: June 24, 2021.

CITY ORD. #: 1-2021-22 RPC CASE NUMBER: Z-32-2021
Applicant: RICK REDA

Location: Property fronting on the east frontage of Evans Rd. east of the intersection of Evans Rd. & Shaw Dr.
Ward #: 3
Request: RM-1 Single-Family Mobile Home Residential District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 2-2021-22 RPC CASE NUMBER: Z-33-2021
Applicant: CITY OF CLARKSVILLE
Agent: Joe Pitts, Mayor
Location: Property located at the southeast corner of the Union St. & South 3rd. St. intersection.
Ward #: 6
Request: CBD Central Business District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE 06/22/2021 **CASE NUMBER:** Z - 32 - 2021

NAME OF APPLICANT: Rick Reda

AGENT:

GENERAL INFORMATION

TAX PLAT: 029M **PARCEL(S):** B 001.00

ACREAGE TO BE REZONED: 0.4 +/-

PRESENT ZONING: RM-1

PROPOSED ZONING: R-4

EXTENSION OF ZONING CLASSIFICATION: YES

PROPERTY LOCATION: Property fronting on the east frontage of Evans Rd. east of the intersection of Evans Rd. & Shaw Dr.

CITY COUNCIL WARD: 3 **COUNTY COMMISSION DISTRICT:** 10 **CIVIL DISTRICT:** 3

DESCRIPTION OF PROPERTY: Existing home site with a single wide mobile home with moderate slope.

APPLICANT'S STATEMENT FOR PROPOSED USE: Purpose of rezoning is to build affordable housing to the area and improve current property. Planning to build town homes with garage 200K and under.

GROWTH PLAN AREA: CITY **PLANNING AREA:** Lafayette

PREVIOUS ZONING HISTORY:

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

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

1. CITY ENGINEER/UTILITY DISTRICT: No Comment(s) Received

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: No Comment(s) Received

ELEMENTARY:	**MINGLEWOOD**
MIDDLE SCHOOL:	**NEW PROVIDENCE**
HIGH SCHOOL:	**NORTHWEST**

9. FT. CAMPBELL: Within the recommended " Noise disclosure area." Residents may be exposed to increased noise levels from Sabre Army Heliport & Fort 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: Evans Rd.

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		8
POPULATION:		21

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The Evans Road area continues to be an area in transition. Long standing mobile home districts are seeing increased interest to redevelop into conventional built single family homes, duplexes & multi-family residential.
3. The request is an extension of an existing R-4 Multi-Family Residential District & will bring the remainder of the parcel into R-4 zoning.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
5.



Z-32-2021

APPLICANT:
RICKY REDA

REQUEST:
RM-1
TO
R-4

MAP & PARCEL
029M B 00100

ACRES +/-
0.74

Scale: 1:4,000

N

0 200 400
Feet

6/22/2021



Z-32-2021

APPLICANT:
RICKY REDA

REQUEST:
RM-1
TO
R-4

MAP & PARCEL
029M B 00100

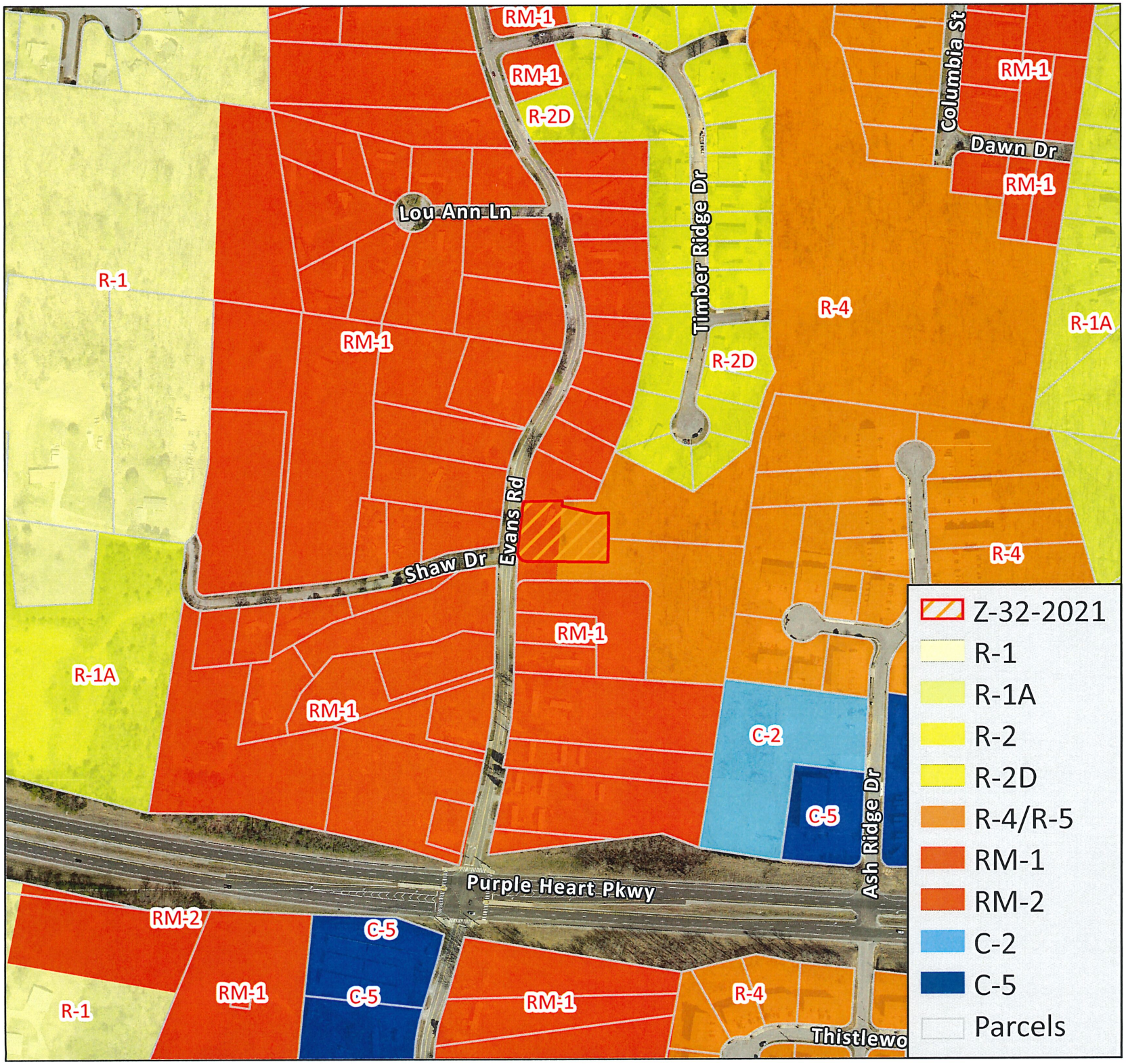
ACRES +/-
0.74

Scale: 1:2,000

N

0 100 200
Feet

6/22/2021



Z-32-2021

APPLICANT:
RICKY REDA

REQUEST:
RM-1
TO
R-4

MAP & PARCEL
029M B 00100

ACRES +/-
0.74

Scale: 1:4,000

N

0 200 400
Feet

6/22/2021

CASE NUMBER: Z 32 2021 **MEETING DATE** 06/22/2021

APPLICANT: Rick Reda

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

TAX PLAT # 029M **PARCEL** B 001.00

GEN. LOCATION Property fronting on the east frontage of Evans Rd. east of the intersection of Evans Rd. & Shaw Dr.

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PUBLIC COMMENTS

None received as of 4:30 p.m. on 6/21/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE 06/22/2021 **CASE NUMBER:** Z - 33 - 2021

NAME OF APPLICANT: City Of Clarksville

AGENT: Joe Pitts, Mayor

GENERAL INFORMATION

TAX PLAT: 066K **PARCEL(S):** D 025.00, D 011.00, D 026.00

ACREAGE TO BE REZONED: .43

PRESENT ZONING: CBD

PROPOSED ZONING: R-4

EXTENSION OF ZONING CLASSIFICATION: NO

PROPERTY LOCATION: Property located at the southeast corner of the Union St. & South 3rd. St. intersection.

CITY COUNCIL WARD: 6 **COUNTY COMMISSION DISTRICT:** 5 **CIVIL DISTRICT:** 12

DESCRIPTION OF PROPERTY:

APPLICANT'S STATEMENT FOR PROPOSED USE: Property is in an area of other R-4 properties. Upon approval the property will be donated to a non-profit agency for construction of transitional housing facility for families affected by trauma. Services provided include: emergency housing, 24 hr hotline, transportation, community education, information & referral. The location is close to other supportive services and access to public transportation.

GROWTH PLAN AREA: CITY **PLANNING AREA:** Central Business District

PREVIOUS ZONING HISTORY:

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

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

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

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

3. DRAINAGE COMMENTS: Comments received from department and they had no concerns.

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

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

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

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

8. SCHOOL SYSTEM:

ELEMENTARY:	NORMAN SMITH
MIDDLE SCHOOL:	ROSSVIEW
HIGH SCHOOL:	ROSSVIEW

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: S. 3rd St. & Union St.

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		5
POPULATION:		13

APPLICABLE LAND USE PLAN

Central Business District- The historic node of highest density land use in the County. Situated sa as to take full advantage of the major modes of transportation, first the rivers, then railroads & finally highways, the CBD is the nerve center of the community.

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. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
4.
5.



Z-33-2021

APPLICANT:
JOE PITTS, MAYOR

REQUEST:

CBD

TO

R-4

MAP & PARCEL

066K D 02500

066K D 01100

066K D 02600

ACRES +/-
0.43

Scale: 1:4,000

N

0 200 400
Feet

6/22/2021



Z-33-2021

APPLICANT:
JOE PITTS, MAYOR

REQUEST:
CBD
TO
R-4

MAP & PARCEL
066K D 02500
066K D 01100
066K D 02600

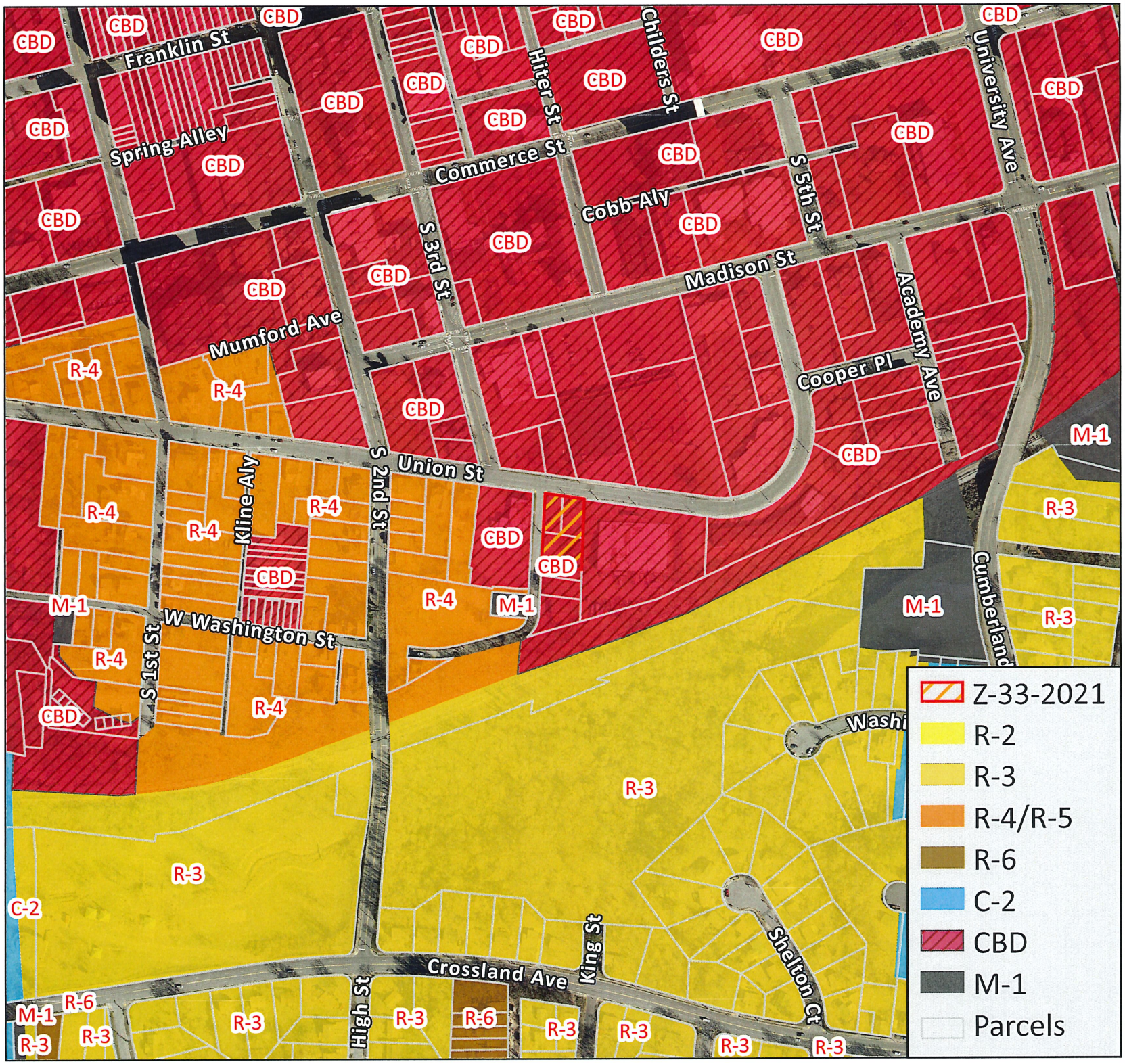
ACRES +/-
0.43

Scale: 1:2,000

N

0 100 200
Feet

6/22/2021



Z-33-2021

APPLICANT:
JOE PITTS, MAYOR

REQUEST:
CBD
TO
R-4

MAP & PARCEL
066K D 02500
066K D 01100
066K D 02600

ACRES +/-
0.43

Scale: 1:4,000

0 200 400
Feet

6/22/2021

CASE NUMBER: Z 33 2021 **MEETING DATE** 06/22/2021

APPLICANT: City Of Clarksville

PRESENT ZONING CBD **PROPOSED ZONING** R-4

TAX PLAT # 066K **PARCEL** D 025.00, D 011.00, D 026.00

GEN. LOCATION Property located at the southeast corner of the Union St. & South 3rd. St. intersection.

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PUBLIC COMMENTS

None received as of 4:30 p.m. on 6/21/2021 (A.L.)

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:
FIRST READING:
SECOND READING:
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:
FIRST READING:
SECOND READING:
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 2-2021-22

A RESOLUTION ADOPTING A FINAL PLAN OF SERVICES PROGRESS REPORT FOR ANNEXED TERRITORY OFF BRITTON SPRINGS ROAD NEAR CENTER ROAD

WHEREAS, the Clarksville City Council has determined it was necessary for the welfare of the residents and property owners, and of the City as a whole, to annex territory off Britton Springs Road near Center Road; and

WHEREAS, annexation of said territory was approved by the adoption of RESOLUTION 26-2020-21 on November 5, 2020, with an effective date of said annexation designated as December 5, 2020; and

WHEREAS, by of adoption of RESOLUTION 27-2020-21, the Clarksville City Council approved the Plan of Services for said territory on November 5, 2020; and

WHEREAS, *T.C.A 6-51-108(c)* requires municipalities to report on and hold a public hearing on the progress made in the subsequent year toward the extension of services according to the adopted Plan of Service; and

WHEREAS, it has been determined that all original Plan of Service elements have been met and were completed within the first six months of annexation including the provision of: Police, Fire, Electricity, Gas, Water, Sewer, Solid Waste Disposal, Transit, Streets, Building and Codes (Inspection Services), E911, City Finance, County Assessor, Election Commission, Planning and Zoning, Street Lighting, and Parks and Recreation where applicable.

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

That the Final Plan of Services Progress Report for annexed territory off Britton Springs Road near Center Road is hereby adopted.

PUBLIC HEARING:
ADOPTED:

ORDINANCE 83-2020-21

AN ORDINANCE AUTHORIZING THE SALE OF A PORTION OF CITY OWNED PROPERTY LOCATED NEAR EXIT 8 OFF INTERSTATE 24 (CLARKSVILLE ATHLETIC COMPLEX) TO SILICON RANCH CORPORATION FOR THE PURPOSE OF DEVELOPMENT, CONSTRUCTION, INSTALLING, OPERATING, MAINTAINING, AND MANAGING A SOLAR POWER GENERATION FACILITY

WHEREAS, the City of Clarksville owns certain real property located near Exit 8 off of Interstate 24 that has been designated for future development and use as a large athletic complex; and

WHEREAS, the City Council finds that a substantial portion of that property is not suitable for use for athletic fields; and

WHEREAS, the Silicon Ranch Corporation (Silicon Ranch) is a business that develops, constructs, installs, operates, maintains, and manages solar power generating facilities; and

WHEREAS, Silicon Ranch desires to purchase from the City an option to purchase a portion of the Exit 8 Athletic Complex land owned by the City for the purpose of developing, constructing, installing, operating, maintaining, and managing a solar power generating facility; and

WHEREAS, the City of Clarksville, through its Clarksville Department of Electricity Lightband (CDE) , as a retail local power company (LPC) that sells electricity to end user customers, has a long term contract with the electric power wholesaler the Tennessee Valley Authority (TVA) to purchase electric power; and

WHEREAS, TVA has established a green sustainable energy program to allow LPCs to purchase a portion of their electric power needs from non-TVA companies using green, sustainable, renewable energy production resources / facilities; and

WHEREAS, Silicon Ranch and the City of Clarksville, through CDE, desire to enter into a long term contract for the purchase of wholesale electric power by CDE from Silicon Ranch, using the solar power generating facility referred to herein; and

WHEREAS, the City Council finds that the best interests of the City would be served by selling a portion of the City owned Exit 8 Athletic Complex property, being 140.2 acres +/-, to Silicon Ranch for the purpose of Silicon Ranch to develop, construct, install, operate, maintain, and manage a solar power generating facility to generate and sell electrical power to the City of Clarksville, CDE.

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 a portion of City owned property located near Exit 8 off of Interstate 24, known as the future Clarksville Athletic Complex, being 140.2 acres +/-, and being more particularly described in the attached Option Purchase agreement, upon the terms and conditions stated in the Option Purchase agreement, attached hereto and incorporated herein, to include the stated purchase price of Three Million Two Hundred Fifty Thousand Dollars and Zero Cents ($3,250,000.00).

REFERRED:	April 1, 2021 to Finance Committee and Parks & Recreation Committee
APPROVED:	April 19, 2021, Finance Committee and Parks & Recreation Committee
FIRST READING:	June 3, 2021
SECOND READING:	*Scheduled for July 1, 2023*
EFFECTIVE DATE:	

ORDINANCE 105-2020-21

AN ORDINANCE AUTHORIZING THE 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.

WHEREAS, the City of Clarksville is in the process of bidding and ultimately constructing a second water treatment plant in Clarksville, Tennessee; and

WHEREAS, the water plant is intended to serve as a redundant potable water source to customers within the Clarksville water service area; and

WHEREAS, the City of Clarksville has previously been conveyed easements granting access over and across property owned by Urban Farms, INC. **(Attachment A)**; and

WHEREAS, it has been determined to be in the best interest of the City of Clarksville, its customers, Urban Farms, INC., and its tenants that said existing easements be revised to include additional property, while excluding existing property, owned by Urban Farms, INC. **(Attachment B)**; and

WHEREAS, it has proven impossible to cost-effectively negotiate timely easement acquisition with the affected property owners for the required construction, operation, and maintenance activities.

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

That if negotiation efforts continue to be untimely or ineffective, the City is hereby authorized to exercise the right of eminent domain to obtain necessary easements granting access over and across property required to construct, operate, and maintain the north Clarksville water treatment plant.

FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

ORDINANCE 106-2020-21

ORDINANCE TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM PLAN

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Clarksville hereby updates the Occupational Safety and Health Program Plan for our employees.

WHEREAS, due to various changes in subsequent years, it has become necessary to amend the program plan to comply with more recent state requirements.

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

1. That Title 1, Chapter 15, of the Official Code of the City of Clarksville, Tennessee is hereby amended by deleting the chapter in its entirety, and by substituting instead the following:

Chapter 15 - OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Sec. 1-1501. - Title.

This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Clarksville.

Sec. 1-1502. - Purpose.

The City of Clarksville in electing to update the established Program Plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

1) Provide a safe and healthful place and condition of employment that includes:
   a) Top Management Commitment and Employee Involvement;
   b) Continually analyze the worksite to identify all hazards and potential hazards;
   c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
   d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce

Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.

6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this Program Plan.

Sec. 1-1503. - Coverage.

The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Clarksville shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.

Sec. 1-1504. - Standards authorized.

The Occupational Safety and Health standards adopted by the City of Clarksville are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

Sec. 1-1505. - Variances from standards authorized.

Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, the City may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, the City will notify or serve notice to City employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

Sec. 1-1506. - Administration.

For the purposes of this ordinance, The Health & Safety Manager is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Director shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

Sec. 1-1507. - Funding the program plan.

Sufficient funds for administering and staffing the Program Plan pursuant to this ordinance shall be made available as authorized by the City of Clarksville.

Sec. 1508. - Severability.

If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Sec. 1509. - Plan of Operation for the Occupational Safety and Health Program.

There is hereby approved a Plan of Operation for the Occupational Safety and Health Program attached and incorporated herein as Exhibit A which shall be an Appendix to the City Code.

2. 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: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE

EXHIBIT A

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN FOR THE EMPLOYEES OF THE CITY OF CLARKSVILLE

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Clarksville.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

a. Provide a safe and healthful place and condition of employment.
b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
h. Provide reasonable opportunities for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
b. CITY or EMPLOYER means the City of Clarksville and includes each administrative department, board, commission, division, or other agency of the City.
c. SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY DIRECTOR means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of the City of Clarksville.
d. INSPECTOR(S) means the individual(s) appointed or designated by the Safety Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director of Occupational Safety and Health.
e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department,

board, commission, division, or other agency of the City.

f. EMPLOYEE means any person performing services for this employer and listed on the payroll of the City, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers, provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
j. ESTABLISHMENT or WORKSITE means a single physical location under the control of the City where business is conducted, services are rendered, or industrial type operations are performed.
k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:

    1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
    2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

l. ACT or TOSH Act shall mean the Tennessee Occupational Safety and Health Act of 1972.
m. GOVERNING BODY means the City Council.
n. CHIEF EXECUTIVE OFFICER means the City Mayor.

III. EMPLOYERS RIGHTS AND DUTIES

Rights and duties of the City shall include, but are not limited to, the following provisions:

a. The City shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
b. The City shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
c. The City shall refrain from an unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the City's place(s) of business. The City shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
d. The City is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
e. The City is entitled to request an order granting a variance from an occupational safety and health

standard.

f. The City is entitled to protection of its legally privileged communication.
g. The City shall inspect all worksites to ensure the provisions of this Program Plan are complied with and carried out.
h. The City shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
i. The City shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEES RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the City a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the City with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Director or Inspector at the time of the physical inspection of the worksite.
g. Any employee may bring to the attention of the Safety Director any violation or suspected violations of the standards or any other health or safety hazards.
h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

a. The Safety Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.

1. The Safety Director may designate a person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
2. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director.
3. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
4. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
6. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
7. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
9. The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, ensure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours. All work-related inpatient hospitalizations, amputations, and loss of an eye must be reported to TOSHA within 24 hours.

b. The administrative or operational head of each department, division, board, or other agency of the City shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.

1. The administrative or operational head shall follow the directions of the Safety Director on all issues involving occupational safety and health of employees as set forth in this plan.
2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director along with his findings and/or recommendations in accordance with ATTACHMENT D of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of the City as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE

The Safety Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

a. The application for a variance shall be prepared in writing and shall contain:

    1. A specification of the standard or portion thereof from which the variance is sought.
    2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
    3. A statement of the steps the City or department has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
    4. A statement of when the City or department expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
    5. A certification that the City or department has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

    1. The City:
        i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
        ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
        iii. Has an effective Program Plan for coming into compliance with the standard as quickly as possible.

    2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.

d. A variance may be granted for a period of no longer than is required to achieve compliance or

one (1) year, whichever is shorter.

e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accidents, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in this plan.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, ATTACHMENT A to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, ATTACHMENT D to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

a. The complaint should be in the form of a letter or email and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan). Anonymous complaints can also be made upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted.
b. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
e. After the above steps have been followed and the complainant is still not satisfied with the results,

he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.

f. Copies of all complaints and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

a. Safety Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Safety Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.

2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocution; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.

    i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.
    ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
    iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and

emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

a. In order to carry out the purposes of this Ordinance, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
   1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
   2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

g. Advance Notice of Inspections.

   1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
   2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

h. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:

1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.

i. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
5. The imminent danger shall be deemed abated if:

    i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
    ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (i) of Section XI of this plan.

b. Refusal to Abate.

1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and Chief Executive Officer immediately.
2. The Safety Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS

a. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations

pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:

1. Issue an abatement order to the head of the worksite.
2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

b. Abatement orders shall contain the following information:

1. The standard, rule, or regulation which was found to be violated.
2. A description of the nature and location of the violation.
3. A description of what is required to abate or correct the violation.
4. A reasonable period of time during which the violation must be abated or corrected.

c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director shall act promptly to hold a meeting with all interested and/or responsible parties in an effort to resolve any objections. Following such meeting, the Safety Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

1. Oral reprimand.
2. Written reprimand.
3. Suspension for three (3) or more working days.
4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

a. Compliance with any other law, statute, ordinance, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statue, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.

Signature: Safety Director, Occupational Safety and Health and Date

ATTACHMENT - A WORK LOCATIONS
(ORGANIZATIONAL CHART)

A list of each work location within the City of Clarksville wherein employees work will be maintained by the Health & Safety Manager. This list will include the department name, name of location, address for the workplace, phone number at the workplace, and number of employees who work there.

ATTACHMENT - B NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE CITY OF CLARKSVILLE

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished with conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director, the Health & Safety Manager or any Health & Safety Coordinator.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before Safety Director for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of The City of Clarksville is available for inspection by any employee at City Hall, 1 Public Square, Suite 200, Clarksville, TN, 37040, during regular office hours.

_____

Signature: CITY MAYOR AND DATE

ATTACHMENT - C PROGRAM PLAN BUDGET

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that The City of Clarksville has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

ATTACHMENT - D ACCIDENT REPORTING PROCEDURES

1. Employees shall report all accidents, injuries (whether requiring medical attention or not), or illnesses to their supervisors as soon as possible and no later than the end of the employee's shift.
2. Supervisors shall report the incident to Risk Management as soon as possible but no later than the next business day via the On-the-job Injury & Incident Report. The URL to the report form is: clarksvilletn.seamlessdocs.com/f/incidentreport
    a. Sections within the form that have a red asterisk must be completed. The form will not allow the user to complete the form if they are not completed.
    b. Submitting the On-the-job Injury & Incident Report will automatically notify the Department Head, Risk Management, H&S Safety, and the Mayor.
3. The Claims Specialist within Risk Management will maintain all records and notify TOSHA when appropriate.
4. Pursuant to the Tennessee Occupational Safety and Health Administration (TOSHA) a workplace fatality must be reported to TOSHA within eight (8) hours of the occurrence. Any work-related injury causing amputation, loss of eye, or hospitalization must be reported to TOSHA within twenty-four (24) hours of the occurrence, with no exceptions.
5. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within twenty-four (24) hours after the accident, injury, or first report of illness.
6. Employees must report to their supervisor all potentially unsafe or hazardous conditions, or safety violations which could contribute to or result in injuries to employees or others. Supervisors are obligated to take reasonable steps to correct or have corrected any unsafe conditions and/or safety violations which are reported to them. If a supervisor finds that they are unable to correct any unsafe condition, they shall notify Health & Safety Management as well as all employees that could potentially be impacted by the unsafe condition(s).

ORDINANCE 107-2020-21

AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS TAX SALE PROPERTIES AT PUBLIC AUCTION

WHEREAS, The City of Clarksville has previously obtained through a tax sale the properties listed below; and

WHEREAS, The City of Clarksville desires to sell said properties and return them to the tax rolls; and

WHEREAS, The City of Clarksville and Montgomery County wish to sell their tax sale properties in a joint public auction to be held in August 2021 or after; and

WHEREAS, The City of Clarksville shall start the bidding for each property for those back city and county taxes that are owed at the time of the public auction; and

WHEREAS, Those properties are listed as:

Map & Parcel	**Address**
019H D 02200 000	JACK MILLER BLVD
031H D 00801 000	1045 HARDING DR
032O E 00400 000	LARK DR – BUILDABLE WITH CONDITIONS
032O E 00500 000	LARK DR – THIS IS NOT A BUILDABLE LOT
054E B 05000 000	222 CAVE ST
055N B 01200 000	PARHAM DR
055N D 04900 000	903 SHEAROR ST
055N D 06100 000	FORD ST
066C D 00600 000	699 FORD ST
066C E 00902 000	600 9TH ST
066E G 01900 000	MYRTLE DR
066K G 01600 000	500 ELDER ST
066M A 02100 000	1103 CROSSLAND AVE
066M C 01100 000	724 RICHARDSON ST
079C A 03400 000	341 HICKORY HGTS
079D D 01100 000	1238 PARADISE HILL RD
088G C 00101 000	ASHLAND CITY RD

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 aforementioned properties at public auction for no less than the amount due in city and county taxes.

AMENDED: Finance Committee, May 25, 2021 (removed Shelby Street)
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

ORDINANCE 108-2020-21

AN ORDINANCE AUTHORIZING THE DONATION OF PROPERTIES LOCATED ON DUMAS DRIVE AND ELM HILL DRIVE TO HABITAT FOR HUMANITY FOR COMMUNITY DEVELOPMENT

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

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

WHEREAS, the City proposes to have the city donate the properties located on Dumas Drive (Map, Group and Parcel 080H A 00100 000), 918 Dumas Drive (Map, Group and Parcel 080H A 00200 000) and Elm Hill Drive (Map, Group and Parcel 080H A 00300 000) to the Habitat for Humanity of Montgomery County, Tennessee, Inc.; and

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

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

That the Clarksville City Council hereby agrees to donate the properties on Dumas Drive, 918 Dumas Drive and Elm Hill Drive to Habitat for Humanity of Montgomery County, Tennessee, Inc.

FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

ORDINANCE 111-2020-21

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

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-4 Multiple Family Residential District.

PUBLIC HEARING: June 3, 2021
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a new iron pin in the north margin of Mann Circle and the west margin of Oak Street (Formerly Peachers Mill Road); thence along the north margin of Mann Circle South 89 Degrees 14 Minutes 32 Seconds West 228.88 feet to a point; thence with a curve turning to the right with an arc length of 56.74 feet, with a radius of 50.00 feet and with a chord of North 58 Degrees 15 Minutes 00 Seconds West 53.74 feet to a point; thence North 25 Degrees 44 Minutes 31 Seconds West 18.32 feet to a point; thence with a curve turning to the left with an arc length of 115.60 feet, with a radius of 30.00 feet and with a chord of South 43 Degrees 52 Minutes 05 Seconds West 56.24 feet to a point, said point being the northwest corner of the Thomas M. Sasko, ET UX Property (Volume 802, Page 714); thence leaving margin of said road South 10 Degrees 43 Minutes 06 Seconds East 52.66 feet to a point in the north line of the Clarksville Montgomery County School System Property (Volume 377, Page 862); thence North 79 Degrees 33 Minutes 08 Seconds West 199.99 feet to an existing PK Nail; thence North 07 Degrees 15 Minutes 34 Seconds East 348.17 feet to a point to a point at an existing fence intersection at the southwest corner of the Ada Foster Chambers Property (Volume 299, Page 1116); thence South 81 Degrees 32 Minutes 37 Seconds East 251.95 feet to a point to an existing iron pin at the northwest corner of the Warren L. Keesee Property (Volume 464, Page 1710); thence along said property South 07 Degrees 22 Minutes 01 Seconds West 126.22 feet to an existing iron pin; thence South 83 Degrees 37 Minutes 59 Seconds East 204.95 feet to a point in the west margin of Oak Street; thence along margin of said road South 10 Degrees 43 Minutes 06 Seconds East 148.76 feet to the point of beginning containing an area of 2.72 acres.

ORDINANCE 112 -2020-21

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

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

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

PUBLIC HEARING: June 3, 2021
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being the southeast corner of the southern terminus of public right of way New South Dr., said point also being the southwest corner of lot 4 of the Gateway Village subdivision, said point also being located in the northern boundary of the Gateway Homes, LLC property, thence in a northwesterly direction with the eastern right of way margin of New South Dr. to a point, said point being the northeast corner of lot 3 of the Gateway Village subdivision, further identified as the southeast corner of the VRK Properties, LLC, thence in a northeasterly direction 316 +/- feet with the southern boundary of VRK Properties, LLC to a point, said point being in the western boundary of the Henry Oil Company of Tennessee, thence in a southeasterly direction 294 +/- feet with the western boundary of the Henry Oil Company of Tennessee & Kayla Goad Levan properties to a point, said point being in the northern boundary of the Gateway Homes, LLC property, thence in a southwesterly direction 369 +/- feet with the northern boundary of the Gateway Homes, LLC property to the point of beginning, said herein described lots further identified as lots 3 & of the Gateway Village subdivision, containing 2.26 +/- acres.

ORDINANCE 113-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SINGLETARY CONSTRUCTION, LLC, BERT SINGLETEARY-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF CENTER POINT DRIVE AND CEDAR COURT

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

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

PUBLIC HEARING: June 3, 2021
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 637 +/- feet west of the centerline of the Center Pointe Dr. & Center Ct. intersection, said point being in the southern right of way margin of Center Pointe Dr. and also being the northwest corner of the SRH Rentals property, thence in a southerly direction 278 +/- feet with the western property boundary of the SRH Rentals property to a point, said point being in the northern property boundary of the HP Apartments Holding, LLC property, thence in a westerly direction 176 +/- feet with the northern boundary of the HP Apartments Holding, LLC property to a point, said point being the southeast corner of the Singletary Investments property, thence in a northerly direction 148 +/- feet with the eastern property boundary of the Singletary Investments property to a point, said point being in the southern right of way margin of Center Pointe Dr., thence in a northeasterly direction along the curve of the southern right of way margin of Center Pointe Dr. to the point of beginning. Property further identified as Lot # 19 on the subdivision replat of Center point Commercial Lot 10 (Division into 13 lots) containing 0.76 +/- acre

ORDINANCE 114-2020-21

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 ROAD

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

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

PUBLIC HEARING: June 3, 2021
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

EXHIBIT A

BEGINNING with an iron pin in the northern margin of Jack Miller Boulevard, said point of beginning being located at the southwest corner of the XI Properties property (ORBV 768, Page 47, ROMCT), said point of beginning also being the southeast corner of the realty conveyed to the Grantors herein by deed of record In Official Record Book Volume 834, Page 1814, in the Register's Office for Montgomery County, Tennessee, runs thence leaving said right of way along the western boundary of the Xi Properties property, North 34 degrees 11 minutes 13 seconds West 417.42 feet to an iron pin, thence North 73 degrees 26 minutes 34 seconds East 208.73 feet to an iron pin, thence North 35 degrees 04 minutes 54 seconds West 278.86 feet to an iron pin in the southern margin of Cinderella Lane, thence with the southern margin of Cinderella Lane, North 79 degrees 30 minutes 47 seconds West 110.00 feet to an iron pin, thence on a slight curve to the right, a radius of 304.17 feet, an arc length of 109.83 feet, a chord length of 109.23 feet, a delta angle of 20 degrees 41 minutes 16 seconds, a tangent of 55.52 feet to an iron pin, thence leaving Cinderella Lane along the southeasterly margin of Kiddieland Inc. property (ORBV 294, Page 900, ROMCT), South 64 degrees 53 minutes 08 seconds West 330.47 feet to an iron pin, thence with the eastern boundary of the Skyway Motel property (ORBV 925, Page 2319, ROMCT), South 09 degrees 35 minutes 43 seconds East 137.09 feet to an iron pin, thence South 20 degrees 03 minutes 51 seconds East 352.33 feet to an iron pin, thence South 25 degrees 43 minutes 12 seconds East 240.57 feet to an iron pin in the northern margin of Jack Miller Boulevard, thence with the margin of Jack Miller Boulevard, North 73 degrees 56 minutes 40 seconds East 474.61 feet to the point of beginning, containing 8.34 acres, more or less.

ORDINANCE 115-2020-21

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

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 and R-6 Single Family Residential District, as C-2 General Commercial District.

PUBLIC HEARING: June 3, 2021
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 38 +/- feet southwest of the centerline of the Crossland Ave. and Charlotte St. intersection, said point being the southwest corner of the right of way margin of Crossland Ave. & Charlotte St. intersection, and further identified as the northeast corner of the herein described tract. thence in a southerly direction with the western right of way margin of Charlotte St. 208+/- feet to a point, said point being the northwest corner of the right of way margin of Charlotte St. and W. High St., thence in a westerly direction 218 +/- feet with the northern right of way margin of W. High St. to a point, said point being the southeast corner of the City of Clarksville property, thence in a northerly direction 161 +/- feet with the eastern property boundary of the City of Clarksville to a point, said point located in the southern right of way margin of Crossland Ave., thence in a easterly direction 184 +/- feet with the southern right of way margin of Crossland Ave. to the point of beginning, said herein described tract containing 0.87 +/- acre.

ORDINANCE 116-2020-21

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

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-1A Single Family Residential District, as R-4 Multiple Family Residential District, C-5 Highway & Arterial Commercial District, and R-1A Single Family Residential District.

PUBLIC HEARING: June 3, 2021
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

EXHIBIT A

C-5 to R-1A:

Beginning at a point, said point being N 81 0 31' E for a distance of 863 from the centerline intersection of S. Gateway Blvd. and Neptune Dr., said point also being the northwestern corner of the herein described parcel; Thence, along a new zone line for the next 7 calls, said curve turning to the left, having a radius of 425.00 feet, and whose long chord bears N 45 0 01 1 49" E for a distance of 98,01 feet to the beginning of a non-tangential curve; Said curve turning to the right, having a radius of 25,00 feet, and whose long chord bears N 85 0 07' 19" E for a distance of 36.45 feet; Thence, S 48 0 04' 55' E a distance of 21.33 feet to a point; Thence, N 41 0 55' 05" E for a distance of 9 01 feet to a point on a line; Thence, S 20 0 57' 50" E for a distance of 201,37 feet to the beginning of a curve; Said curve turning to the right, having a radius of 75.00 feet, and whose long chord bears S 07 0 20 1 10" E for a distance of 35.34 feet to the beginning of a non-tangential curve; Said curve turning to the right having a radius of 25.00 feet, and whose long chord bears S 55 00' 47" W for a distance of 3427 feet; Thence, N 81 0 42' 51 " W for a distance of 11369 feet to a point on a line, said point being the south west corner of the herein described parcel; Thence, N 08 0 1 7 1 06" E for a distance of 69.54 feet to a point on a line; Thence, N 38 0 25 00" W for a distance of 118.35 feet to the beginning of a non-tangential curve, to the point of beginning, said parcel containing 29,814 Square Feet or 0.68 Acres, more or less.

C-5 to R-4:

Beginning at a point, said point being N 86 0 26' E for a distance of 660' from the centerline intersection of S. Gateway Blvd. and Neptune Dr., said point also being the northwestern corner of the herein described parcel; Thence, along a new zone line, said curve turning to the left, having a radius of 425.00 feet, and whose long chord bears N 66 0 08' 57' E for a distance of 212.79 feet to a point of intersection with a non-tangential line; Thence along a new zone line for the next 4 calls, S 38 0 25' 00" E for a distance of 118.35 feet to a point on a line; Thence, S 08 0 17' 06" W a distance of 69.54 feet to a point, said point being the south east corner of the herein described parcel; Thence, N 81 0 42' 51" W for a distance of 254.39 feet to a point on a line; Thence, N 09 0 21' 1 1" W for a distance of 39.36 feet to the beginning of a non-tangential curve, to the point of beginning, said parcel containing 24,292 Square Feet or 0.56 Acres, more or less.

R-1A to C-5:

Beginning at a point said point being N 74 0 01 1 E for a distance of 993' from the centerline intersection of S, Gateway Blvd. and Neptune Dr., said point also being the northwestern corner of the herein described parcel; Thence, along a new zone line for the next 6 calls, S 82 0 49' 35" E for a distance of 266.07 feet to a point on a line; Thence S 41 0 55' 05" Wa distance of 153.57 feet to a point on a line; Thence, N 48 0 04' 55" W for a distance of 144.76 feet to a point on a line; Thence, S 41 0 55 05' W for a distance of 40.99 feet to a point on a fine, Thence, N 20 0 57' 50" W for a distance of 40.36 feet to the beginning of a curve; Said curve turning to the right, having a radius of 225.00 feet, and whose long chord bears N 15 0 12 03" W for a distance of 45.19 feet to a point of intersection with a non-tangential line to the point of beginning, said parcel containing 18,568 Square Feet or 0.43 Acres, more or less.

ORDINANCE 117-2020-21

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

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 and C-2 General Commercial District, as C-2 General Commercial District and R-3 Three Family Residential District.

PUBLIC HEARING: June 3, 2021
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

EXHIBIT A

C-2 to R-3:

Beginning at an iron pin lying in the north right of way of Sinclair Drive, said pin being the south corner of the Curtis Johnson property as recorded in ORV 794, Page 2292 ROMCT, also being the southwest corner of Wolff property, thence North 07 degrees 56 minutes 10 seconds west for 309.95 feet to the "TRUE POINT OF BEGINNNG", lying in the John Danko east property line as recorded in ORV 1485, Page 990 ROMCT•, Thence along Danko's east property line, North 08 degrees 06 minutes 30 seconds East for 154.69 feet to a point, said pin being the northwest corner of herein described property; Thence leaving Danko property on a new zone line South 81 degrees 23 minutes 40 seconds East for 142.54 feet to a point, being the east corner of herein described property; Thence continuing on a new zone line, South 50 degrees 59 minutes 46 seconds West for 20943 feet to TRUE POINT OF BEGINNING. Said tract contains 0.25 acres more or less.

C-2 to R-3:

Beginning at an iron pin lying in the north right of way of Sinclair Drive, said pin being the south corner of the Curtis Johnson property as recorded in ORV 794, Page 2292 ROMCT, also being the southwest corner of Wolff property, thence North 40 degrees 04 minutes 54 seconds East for 815.09 feet to the "TRUE POINT OF BEGINNING; Thence on a new zone line, North 07 degrees 48 minutes 29 seconds East for 160.09 feet to a point; Thence continuing on a new zone line South 69 degrees 26 minutes 11 seconds East for 109.20 feet to a point, being the northeast corner of herein described property; Thence continuing on a new zone line, South 07 degrees 50 minutes 29 seconds West for 74.25 feet to a point, said point lying in the property line of Amsouth Bank property as recorded in ORV 13, Page 359 ROMCT; Thence leaving Amsouth west property line, South 67 degrees 42 minutes 17 seconds West for 123.06 feet to TRUE POINT OF BEGINNING. Said tract contains 0.29 acres more or less.

R-3 to C-2:

Beginning at an iron pin lying in the north right of way of Sinclair Drive, said pin being the south corner of the Curtis Johnson property as recorded in ORV 794, Page 2292 ROMCT, also being the southwest corner of Wolff property, thence North 15 degrees 17 minutes 24 seconds East for 454.89 feet to the "TRUE POINT OF BEGINNING"; Thence on a new zone line, North 50 degrees 59 minutes 46 seconds East for 60.68 feet to a point; Thence continuing on a new zone line North 67 degrees 42 minutes 17 seconds East for 386.61 feet to a point, being the north corner of herein described property; Thence continuing on a new zone line, South 07 degrees 47 minutes 32 seconds West for 270.35 feet to a point, said point lying in the north property line of Mercer Storage of Macon, LLC property as recorded in ORV 1155, Page 272 ROMCT; Thence along Mercer north property line, North 76 degrees 04 minutes 10 seconds West for 55.86 feet to a point; Thence leaving Mercer property on a new zone line, North 66 degrees 06 minutes 28 seconds West for 82.59 feet to a point; Thence North 81 degrees 23 minutes 40 seconds West for 241.19 feet to the TRUE POINT OF BEGINNING. Said tract contains 1.18 acres more or less.

ORDINANCE 119-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF WILLIAM BELEW, JR. FOR ZONE CHANGE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NEEDMORE ROAD AND HAZELWOOD 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-1A Single Family Residential District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING: June 3, 2021
FIRST READING: June 3, 2021
SECOND READING: *Scheduled for July 1, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin (new) said pin being located in the southern right of way of Hazelwood Road said pin also being the northwestern corner of the herein described parcel, said pin being S 80 0 49' E for a distance of 291 feet from the centerline intersection of Hazelwood Road and Needmore Roads said point being the north east corner of the herein described parcel; Thence, leaving said Hazelwood Road right of way and along a new severance line for the next 2 calls, S 05 0 28' 03" W for a distance of 300.00 feet to an iron rod new, said rod having the coordinates of Northing 833014.95 and Easting 1571279.46, said point being the south east corner of the herein described parcel; Thence, continuing along a new severance line, N 80 0 06' 08" W for a distance of 300.00 feet to e point on a line, said point being the eastern right of way of Needmore Road, said point having the coordinates of Northing 833066 52 and Easting 1570983.92, said point being the south west corner of the herein described parcel; Thence, along said Needmore Road right of way for the next 2 calls, N 09 0 53' 52' E for a distance of 250.57 feet to the beginning of a curve; Said curve turning to the right, having a radius of 25.00 feet, and whose long chord bears N 52 0 01' 43' E for a distance of 33.54 feet to a point in the southern right of way of Hazelwood Road; Thence, leaving said Needmore Road and along said Hazelwood Road for the next 2 calls, S 85 0 50' 26" E a distance of 90.49 feet to the beginning of a curve; Said curve turning to the right, having a radius of 7225 feet, and whose long chord bears S 850 1 T 06" E for a distance of 164.94 feet to a point of intersection with a non-tangential line, which is the point of beginning, said parcel containing 82,731 Square Feet or 1.90 Acres, more or less.

RESOLUTION 3-2021-22

A RESOLUTION APPROVING APPOINTMENTS TO THE ARTS & HERITAGE DEVELOPMENT COUNCIL, ECONOMIC & COMMUNITY DEVELOPMENT BOARD, ETHICS COMMISSION, PARKING COMMISSION, POWER BOARD, AND SUSTAINABILITY BOARD

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

That the Clarksville City Council hereby approves the following appointments:

Arts & Heritage Development Council: David Smith - July 2021 through June 2024

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

ADOPTED:

CLARKSVILLE CITY COUNCIL
REGULAR SESSION
JUNE 3, 2021, 6:00 P.M.

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Juanita Charles invited members of the City Council to the upcoming Junetteenth event. John Mohr expressed his displeasure with the renaming of Mammy Lane to Hattie Lane noting many residents' objection to the change.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, June 3, 2021, at 6:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson Wanda Allen; the Pledge of Allegiance was led by Councilperson Wallace Redd.

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)

SPECIAL PRESENTATIONS

Councilperson Ashlee Evans presented a Certificate of Recognition to Maurice Stegall for his commitment as a community activist to protect civil rights for all.

Gas & Water Department Manager Mark Riggins presented a Certificate of Recognition to Troy Jones, Gas Manager, for being selected Tennessee Association of Utility District Gas Operator of the Year.

Mayor Pitts proclaimed June as “Post Traumatic Stress Disorder Recognition Month.”

PUBLIC HEARING

Councilperson Garrett made a motion to conduct a public hearing to receive comments related to requests for zone change, annexation, and abandonment of property. The motion was seconded by Councilperson Holleman. There was no objection.

ORDINANCE 111-2020-21 (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 Oak Street and Mann Circle from R-3 Three Family Residential District to R-4 Multiple Family Residential District

Rick Reda said he planned to develop this property to meet the need for affordable housing in the New Providence area. No one spoke against this request.

ORDINANCE 112-2020-21 (First 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

Matthew Ellis said the developer planned to construct townhomes adjacent to the existing R-4 zones. No one spoke against this request.

ORDINANCE 113-2020-21 (First 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

Bert Singletary said he planned to construct office buildings and multifamily residences. No one spoke against this request.

ORDINANCE 114-2020-21 (First 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

Rex Hawkins said the owner planned to construct a mixed used development including some commercial. No one spoke against this request.

ORDINANCE 115-2020-21 (First 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

Syd Hedrick said his plans included a mixed use development with a commercial component to provide local services to the residential area. In response to Councilperson Reynolds's question, Mr. Hedrick said he would allow access to the completed Upland Trail. No one spoke against this request.

ORDINANCE 116-2020-21 (First 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

No one spoke for or against this request.

ORDINANCE 117-2020-21 (First 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

No one spoke for or against this request.

ORDINANCE 118-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Dan Johnson, Todd Morris-Agent, for zone change on property located at the intersection of Powell Road and Ellie Piper Circle from AG Agricultural District to R-1 Single Family Residential District

Todd Morris said the widening of Rossview Road and proposed signalized intersection would benefit this development and noted the proposed three-way stop at the curve of Powell Road. In response to Councilperson Smith's question, Mr. Morris said he was willing to work with the Street Street Department regarding turn lanes. He said the rear of this property would have a street stub that could access a future development on the adjacent parcel.

Kayla Goad Lavan encouraged approval of this request to allow for homes to be constructed for residents who have sold their homes during the increase in housing market sales.

Ralph Mackens expressed opposition to this change and said Rossview Road improvements would not affect traffic for drivers of 553 homes currently traveling on Powell Road. He noted Powell Road had only one ingress and egress, no shoulders, and no sidewalks.

Pam Klomfas expressed concern for safety of residents because there were no sidewalks or shoulders on Powell Road for students who walk to and from to the school bus. She said the portions of the road had hazardous curves and limited sight distance.

ORDINANCE 119-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William Belew, Jr. for zone change on property located at the southeast corner of Needmore Road and Hazelwood Road from R-1A Single Family Residential District to C-5 Highway & Arterial commercial District

No one spoke for this request. Roy Malloy felt there was already too much commercial operations in the area and this change could increase crime in the area.

RESOLUTION 75-2020-21 Annexing territory north of Britton Springs Road and east of Kay Road; request of Majorie Tanner

Christian Black spoke on behalf of the applicant and offered to answer questions. No one spoke against this request.

RESOLUTION 76-2020-21 Adopting a Plan of Service for annexed territory north of Britton Springs Road and east of Kay Road

No one spoke for or against this plan.

RESOLUTION 78-2020-21 Approving abandonment of an unimproved alleyway located north of Golf Club Lane, south of Madison Street, and east of Liberty Parkway; request of Cody and Lindsey Heggie

No one spoke for or against this request.

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

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 111-2020-21**. 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: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 112-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 113-2020-21**. 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: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 114-2020-21**. 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: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 115-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 116-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 117-2020-21**. 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: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 118-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Little. Councilperson Streetman said Powell Road does not serve its residents well and felt a three-way stop would not solve the existing traffic problems. Councilperson Reynolds said the condition of Powell Road has not improved as development occurs. Councilperson Butler felt the City had failed to accommodate the area with adequate infrastructure and said the Powell Road residents need an additional access point. Councilperson Garrett said future development of the adjacent Ross property could allow Powell Road to connect to Dunbar Cave Road and noted no City departments expressed concern about additional traffic on Powell Road. Councilperson Richmond said he supports this change with eventual improvements to Powell Road. The following vote was recorded:

AYE: Butler, Garrett, Little, Redd, Richmond

NAY: Allen, Evans, Holleman, Knight, Pitts, Reynolds, Smith, Streetman

The motion to adopt this ordinance on first reading failed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 119-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Holleman. Councilperson Reynolds expressed concern that the Clarksville-Montgomery County School System did not comment on this proposed change. Councilperson Evans expressed opposition to allowing commercial operations in a residential area. The following vote was recorded:

AYE: Butler, Garrett, Holleman, Knight, Little, Pitts, Redd, Richmond

NAY: Allen, Evans, Reynolds, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

ANNEXATION

Councilperson Garrett made a motion to adopt **RESOLUTION 75-2020-21**. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

The recommendation of the Regional Planning Commission was for approval of **RESOLUTION 76-2020-21**. Councilperson Garrett made a motion to adopt this resolution. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

ABANDONMENT

The recommendations of the Regional Planning Staff and Commission were for approval of **RESOLUTION 78-2020-21**. Councilperson Garrett made a motion to adopt this resolution. The motion was seconded by Councilperson Richmond. The following voe was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

REAPPORTIONMENT

ORDINANCE 97-2020-21 (Second Reading) Reapportioning the City of Clarksville for the purpose of electing persons for office of City Council Member for annexed territory north and west of Shaw Drive and north of Britton Springs Road and east of Kay Road

Councilperson Garrett made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Richmond. Councilperson Garrett made a motion to amend this ordinance by adding language to include reapportionment of annexed territory north of Britton Springs Road and east of Kay Road. The motion was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Richmond, Smith, Streetman

NAY: Reynolds

Councilperson Garrett's amendment passed. The following vote on the motion as amended was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

REAPPLICATION FOR ZONE CHANGE

RESOLUTION 81-2020-21 Authorizing reapplication for zone change for Reda Home Builders, Inc. on property located at the intersection of Twin Rivers Road and Nolen Road

Councilperson Allen made a motion to adopt this resolution. The motion was seconded by Councilperson Knight. Councilperson said an ultimate approval of this rezoning request could provide for affordable housing. Councilperson Reynolds was concerned that this change would result in an increase in traffic problems. Councilperson Garrett noted the City Council had already approved rezoning on other properties alon Nolen Road. Councilperson Butler said infrastructure must be improved instead of halting development. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Redd Richmond, Smith, Streetman

NAY: Pitts, Reynolds

The motion to adopt this resolution passed.

INTRODUCTION OF NOMINEE FOR ETHICS COMMISSION

Mayor Pitts introduced his nominee for appointment to the Ethics Commission, Dr. Gregory Stallworth. Dr. Stallworth said he was an area minister with a 31-year military career. Several members of the City Council expressed appreciation to Dr. Stallworth for his service to the community.

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 93-2020-21** (Second Reading) Amending the Official Code relative to hiring outside counsel

2. **ORDINANCE 94-2020-21** (Second Reading) Accepting donation of certain real property from Larry Metcalf for the purpose of a sewer pump station (Applegrove 2)

3. **ORDINANCE 95-2020-21** (Second Reading) Accepting donation of certain real property from Todd Morris for the purpose of a sewer pump station (Aspen Grove)

4. **ORDINANCE 96-2020-21** (Second Reading) Amending the City Code relative to water and sewer rates, charges, and/or fees *[Removed; see Finance Committee]*

5. **ORDINANCE 99-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Charles Hand, Brad Martin/Lyle, Cook, Martin) - Agent, for zone change on property located at the intersection of Cedarcroft Drive and Ussery Road from E-1 Single Family Estate District to PUD-1 Planned Unit Development Residential District

6. **ORDINANCE 100-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Hilldale United Methodist Church, Inc., Mark Holleman-Agent, for zone change on property located at the intersection of Madison Street and Tanglewood Drive from R-1 Single Family Residential District to C-2 General Commercial District

7. **ORDINANCE 101-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Henry Galvez and Saul Ramos Chavez for zone change on property located at the intersection of Evans Road and Shaw Drive from RM-1 Single Family Mobile Home Residential District to R-1 Single Family Residential District

8. **RESOLUTION 82-2020-21** Approving appointments the Ethics Commission

9. Adoption of Minutes: April 29, May 6, May 12, May 17

Councilperson Streetman requested separate consideration of **ORDINANCE 96-2020-21**. Councilperson Holleman made a motion to adopt the amended Consent Agenda. The motion was seconded by Councilperson Allen. Councilperson Holleman abstained on voting on **ORDINANCE 100-2020-21**; Councilperson Redd, Councilperson Streetman, and Councilperson Knight recorded a "nay" vote on **ORDINANCE 93-2020-21**. The following vote on the main motion was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt the Consent Agenda as amended and with notations passed.

FINANCE COMMITTEE *Chairperson Stacey Streetman*

ORDINANCE 83-2020-21 (First Reading) Authorizing sale of city owned property located near I-24 Exit 8 to Silicon Ranch Corporation for a solar power generation facility

The recommendations of the Finance Committee and Parks & Recreation Committee were for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Evans. There was no objection to Mayor Pitts' request for a recess to introduce Matt Kisber, Co-Founder and Chairman of Silicon Ranch Corporation, who offered a brief explanation of the mission of the Tennessee based company. There was no objection to reverting to regular session.

Councilperson Streetman made a motion to amend this ordinance by changing the proposed acreage from 142 to 140.2, and changing the purchase price from $3,480,000 to $3,250,000. The motion was seconded by Councilperson Little. Mayor Pitts said the amendments would exclude property that was undevelopable. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The amendment unanimously passed. The following vote on the main motion was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

ORDINANCE 104-2020-21 (First Reading) Amending the Official Code requiring all new legislation first to be considered by the Finance Committee

Action on this ordinance was postponed by the Finance Committee because Councilperson Butler, sponsor, was not in attendance. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Redd. Councilperson Reynolds felt members should be allowed to present legislation to the City Council without review by a committee. Councilperson Knight opposed routing legislation only to the Finance Committee. Councilperson Allen noted that all legislation must be forwarded to the City Council within 45 days no matter what action is taken by the Finance Committee. The following vote was recorded:

AYE: Butler, Pitts, Redd

NAY: Allen, Evans, Garrett, Holleman, Knight, Little, Reynolds, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading failed.

RECESS

The City Council recessed at 8:04 p.m. and reconvened at 8:15 p.m.

ORDINANCE 105-2020-21 (First 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

The recommendations of the Gas & Water Committee and Finance Committee were for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Butler

The motion to adopt this ordinance on first reading passed.

NOTE: This motion was reconsidered following the adoption of **RESOLUTION 74-2020-21**.

ORDINANCE 106-2020-21 (First Reading) Amending the Official Code relative to the Occupational Safety and Health Program

The recommendation of the Finance Committee was for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

ORDINANCE 107-2020-21 Authorizing sale of surplus tax sale properties at public auction

The recommendation of the Finance Committee was for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. 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 adopt this ordinance on first reading unanimously passed.

ORDINANCE 108-2020-21 (First Reading) Authorizing donation of properties located on Dumas Drive and Elm Hill Drive to Habitat For Humanity for Community Development

The recommendation of the Finance Committee was for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Evans. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

ORDINANCE 110-2020-21 (First Reading) Amending the Official Code relative to city officials, department heads, and employee disciplinary process

The recommendation of the Finance Committee was for disapproval. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was not seconded, therefore the motion failed.

RESOLUTION 71-2020-21 Authorizing a Memorandum of Agreement with Fort Campbell, KY for fire fighting assistance

The recommendations of the Public Safety Committee and Finance Committee were for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Evans. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

RESOLUTION 73-2020-21 Adopting revisions to Personnel Policy 08-01, Bereavement Leave

The recommendation of the Finance Committee was for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Little. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

RESOLUTION 74-2020-21 Authorizing an interlocal agreement with the E911 Emergency Communications District of Montgomery County

The recommendations of the Public Safety Committee and Finance Committee were for approval. Councilperson Streetman made a motion to adopt this resolution. 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 adopt this resolution unanimously passed.

RECONSIDERATION OF **ORDINANCE 105-2020-21** (First 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

This ordinance was adopted on first reading earlier in the meeting. Councilperson Allen made a motion to reconsider this ordinance. The motion was seconded by Councilperson Streetman. The following vote was recorded:

AYE: Allen, Evans, Garrett, Holleman,Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Butler, Knight

The motion to reconsider this ordinance passed. Councilperson Allen made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Smith. Councilperson Allen said she wanted to note for the record that she opposes eminent domain. The following second vote was recorded:

AYE: Evans, Garrett, Holleman, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Allen, Butler, Knight

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

ORDINANCE 96-2020-21 (Second Reading) Amending the City Code relative to water and sewer rates, charges, and/or fees

This ordinance was removed from the original Consent Agenda. Councilperson Streetman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Knight. Councilperson Streetman made a motion to amend this ordinance by changing rates for industrial customers to make rates more equitable for residential and commercial customers. The motion was seconded by Councilperson Smith. Details of the proposed changes were explained by Gas-Water-Sewer General Manager Mark Riggins. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

Councilperson Streetman's amendment unanimously passed. Councilperson Smith made a motion to amend this ordinance by adding the following language:

"That the Director of the Gas and Water Department will provide a report to the City Council after the first-year increase of $4.00 and thereafter, to provide how much money the increased bill (meter and water) has accumulated to meet the cost of a new water treatment plant. If the increase has met the cost, the further increase would cease."

The motion was seconded by Councilperson Reynolds. Councilperson Smith said after her discussion with Mr. Riggins, she determined this amendment was not necessary. The following vote was recorded:

NAY: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

Councilperson Smith's amendment failed. The following vote on the main motion was recorded:

AYE: Allen, Evans, Garrett, Holleman, Little, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Butler, Knight, Redd

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

RESOLUTION 77-2020-21 Authorizing issuance, sale, and payment of up to $240,000,000 in water, sewer, and gas revenue bonds and up to $65,000,000 in water, sewer, and gas revenue refunding bonds

The recommendation of the Finance Committee was for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

RESOLUTION 80-2020-21 Accepting the FY22-26 Public Improvement Program approved by the Regional Planning Commission

The recommendation of the Finance Committee was for approval. Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Little. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

Councilperson Streetman reminded the members and the public of the City's first Reverse Vendor Fair scheduled for June 16 at the Wilma Rudolph Event Center. The fair will give local vendors an opportunity to share information about their products and services with City departments.

GAS & WATER COMMITTEE *Chairperson Wallace Redd*

RESOLUTION 63-2020-21 (Postponed May 6) Authorizing an interlocal agreement Bi-County Solid Waste Management for acceptance of biosolids from the wastewater treatment plant

The recommendation of the Gas & Water Committee was for approval. Councilperson Redd made a motion to adopt this resolution. The motion was seconded by Councilperson Streetman. Councilperson Redd made a motion to postpone action on this resolution to the July regular session to allow time for further negotiations. The motion was seconded by Councilperson Streetman. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to postpone action on this resolution to the July 2021 regular session unanimously passed.

Councilperson Redd shared the following monthly department statistics: 11,563 calls, 5,106 work orders, 209 after-hour responses, and 104,136 meter reads.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairperson Wanda Smith*

RESOLUTION 79-2020-21 Authorizing the Mayor to file the FY 2021-22 Annual Action Plan and the FY 2021-22 Application for Community Development Block Grant Funds and HOME Investments Partnership Program Funds

The recommendation of the Housing & Community Development Committee was for approval. Councilperson Smith made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Butler. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution unanimously passed.

Councilperson Smith said the City's request for funding will be submitted on June 7th to the Department of Housing & Urban Development for the 2021-22 Community Development Block Grant Program and HOME Program funds totalling $3,151,706.

PARKS & RECREATION COMMITTEE *Chairperson Vondell Richmond*

Councilperson Richmond said the committee recently met to discuss the Heritage Park soccer fields, a regional recreational center, and open positions in the department. He noted upcoming events including Mayor's Summer Night Lights, Ladies Golf Night Out, and Movies in the Park.

PUBLIC SAFETY COMMITTEE *Chairperson Richard Garrett*

Councilperson Garrett shared the following monthly department statistics: Building & Codes - 3,135 inspections, 244 enforcement cases, 54 abatement work orders, 106 single-family permits, 8 multi-family permits, 32 commercial permits; Police - 12,691 calls for service, 11 new officers; Fire Rescue - 1,297 calls, 18 community events, 51 promotions, 1 retirement, 76 maintenance work orders, and 318 training classes.

TRANSPORTATION-STREETS-GARAGE COMMITTEE *Chairperson Wanda Smith*

Chairperson Smith shared the following monthly department statistics: Clarksville Transit System - 35,563 passengers, 6,743 senior citizens, 2,722 demand responses; Streets - 220 work orders, paving of Applegrove, Centerstone Village, Crestview North, Autumnwood Farms, and North Winwood; Garage - requisitions totaling $200,557, 365 work orders, unleaded fuel $2.45 per gallon, diesel fuel $2.35 per gallon.

She said CTS received a perfect review with zero findings in April during their tri-annual review by the Federal Transit Administration. She said CTS would be celebrating 34 years of service in June.

ROBINSON V. CITY

ORDINANCE 92-2020-21 (First Reading; Postponed May 6) Approving a settlement of the Robinsons and/or Franklin Street Corporation 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 Knight. Councilperson Butler made a motion to postpone action on this ordinance to the July regular session. The motion was seconded by Councilperson Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to postpone action on this ordinance to the July 2021 regular session unanimously passed.

CITY COUNCIL WARD RESIDENCY

ORDINANCE 98-2020-21 (First Reading; Postponed May 6) Amending the Official Code relative to failure to retain continuous council ward residency requirements

Councilperson Reynolds made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Streetman. Councilperson Reynolds made a motion to postpone action on this resolution to the July regular session to allow time for additional research and legality. The motion was seconded by Councilperson Allen. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Redd

The motion to postpone action on this ordinance to the July 2021 regular session passed.

HONORING WOMEN VETERANS

RESOLUTION 67-2020-21 (Postponed April 1st) Expressing the sense of the City Council honoring Women Veterans

Councilperson Knight made a motion to adopt this resolution. The motion was seconded by Councilperson Little. Councilperson Knight made a motion to amend this resolution be designating June 12th as the date to honor Women

Veterans. The motion was seconded by Councilperson Allen. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

Councilperson Knight's amendment unanimously passed. The following vote on the main motion was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this resolution as amended unanimously passed.

MAYOR AND COUNCIL MEMBER COMMENTS

Councilperson Allen thanked the City of Clarksville for donating 9,500 water bottles to the Fallen Soldiers display at Fort Campbell Division Headquarters.

Councilperson Allen urged all citizens observe speed limits in neighborhoods

Mayor Pitts thanked department heads for their work.

ADJOURNMENT

The meeting was adjourned at 9:04 p.m.

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 15, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Tuesday, June 15, 2021, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson Trisha Butler; the Pledge of Allegiance was led by Councilperson Vondell Richmond.

ATTENDANCE

PRESENT: Vondell Richmond (Ward 2), DaJuan Little (Ward 3; arrived 4:40 p.m.), 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)

ABSENT: Richard Garrett, Mayor Pro Tem (Ward 1)

TRANSPORTATION 2020+ STRATEGY

RESOLUTION 83-2020-21 Accepting and endorsing the Transportation 2020+ Strategy, a public improvement program for construction of roads, sidewalks, transit facilities, and other transportation system infrastructure during Fiscal Year 2021-2022 through Fiscal Year 2025-26

In response to Councilperson Reynolds' question, Mayor Pitts said revenues collected from the proposed 20 cent property tax increase would be collected over a full fiscal year and the City Council would determine which projects would take priority. Also answering Councilperson Reynolds, he said the Street Department will submit a monthly progress report for each project to the City Council.

Mayor Pitts responded to Councilperson Smith stating the tax increase will be dedicated to funding the Transportation Plan. Councilperson Butler inquired about the process for requesting a public referendum pertaining to a tax increase.

FY22 BUDGET WORK SESSION

Chief Financial Officer Laurie Matta offered a review of the budget process and highlighted each proposed budget. She noted some comparisons between FY21 and FY22 could be misleading because of the originally adopted FY22 Status Quo budgets and the actual monies spent. She gave an overview of the governmental funds, enterprise funds, and component units.

Ms. Matta's highlights included the proposed property tax rate of $1.23, 2.5% employee general wage increase, 35 new positions, no cost increase for employee health insurance, unchanged Tennessee Consolidated Retirement System contribution rate, and a proposed retiree insurance plan for persons who were hired after July 2006. She reviewed General Fund revenues as well as special revenues and COVID relief funds. Ms. Matta said some capital projects may be eligible for grants. She also shared a summary of debt projections.

Ms. Matta restated her opinion that the current property tax rate of $1.026 was not sustainable and said the proposed 20 cent tax increase would be budgeted toward a new Street Department crew to support the Transportation Plan 2020+ road improvements.

In response to Councilperson Richmond's question, Ms. Matta said the 2020 Census results have not been received.

In response to Councilperson Butler's question, Ms. Matta said the Parking Commission's expenditures currently exceed revenue and noted revenues were drastically affected by the COVID-19 Pandemic in 2020. She said the recent "first hour free" program was not successful and many meters did not function properly because of faulty software. Ms. Matta said some American Rescue Plan funds may provide assistance for non-profit agencies and water and sewer infrastructure.

Ms. Matta answered Councilperson Streetman stating the Government Finance Officers Association recommends a fund balance equal to three months or 20% of budgeted expenditures to cover extraordinary circumstances.

Responding to Councilperson Reynolds, Ms. Matta said the funding for the Arts & Heritage Development Council is for the director's salary. Ms. Matta explained the need to separate the Building & Facilities Maintenance Department from Parks & Recreation. She said proposed funding for the new department is greater than the reduction for the Parks & Recreation Department because it has not been fully staffed in recent years. Ms.

Matta said no department other than Streets will receive any funding from the proposed 20 cent tax increase. She said the separation was necessary to appropriately charge non-parks related work orders to the correct departments. She noted the City Forester and City Forester Assistant would transfer to the new department.

In response to Councilperson Smith, Ms. Matta said the appropriation of $100,000 for the Assessor of Property for appraisal services will be formalized in an interlocal agreement.

The City Council recessed at 6:28 p.m. and reconvened at 6:40 p.m.

Responding to Councilperson Allen's question, Ms. Matta said the North Clarksville Recreation Center is an active capital project and is not requiring new funding.

Ms. Matta answered Councilperson Little's question stating new funding for the Street Department was for the proposed new road crew and all other funding would be for one-time purchases.

Director of Human resources Will Wyatt explained the proposed addition of retiree benefits for employees hired after July 1, 2006. He said of the City's 1,260 employees, many were not currently eligible for retirement health care benefits. Mr. Wyatt said the City's on-site clinic has saved several millions of dollars over its existence and noted the City has been self-insured since 2014. He said the State's mandatory public safety retirement age was not in effect when 37 current employees were hired. Mr. Wyatt said this plan would cover retirees from age 60 or 62 to age 65 with full access to the on-site clinic.

ORDINANCE 120-2020-21 Amending the FY21 Operating Budget and approving the FY22 Operating Budget for the Central Business Improvement District (CBID)

ORDINANCE 121-2020-21 Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for CDE Lightband

CDE General Manager Brian Taylor presented the department's proposed budget. He noted the Broadband Division would fully repay the interdivisional loan to the Electric Division 17 years early. Mr. Taylor highlighted the partnership with Silicon Ranch Corporation for production of solar power which will not immediately affect electric rates, but will significantly delay a rate increase. Responding to Councilperson Reynolds, Mr. Taylor said no current City building have solar panels, but some CDE customers do and those are inspected by the department. He said solar panel systems have a lengthy payback and are too expensive for most residential customers. In response to Councilperson Smith, Mr. Taylor said CDE will be allowed to purchase solar power from Silicon Ranch Corporation up to 5% of total power purchased from Tennessee Valley Authority. Answering Councilperson Butler's question, Mr. Taylor said there are no taxpayer dollar funds in the CDE budget. In response to Councilperson Little's question,

he said CDE may partner with TVA to provide additional vehicle charging stations throughout the City.

ORDINANCE 122-2020-21 Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for Clarksville Transit System

ORDINANCE 123-2020-21 Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for Clarksville Gas & Water Department

ORDINANCE 124-2020-21 Amending the FY21 Budget and approving the FY22 Annual Action Plan and Budget and authorizing application for Community Development Block Grant and HOME Investment Partnership Funds as well as other programs

ORDINANCE 125-2020-21 Amending the FY21 Operating Budget and adopting FY22 Operating Budget for the Internal Service Funds

ORDINANCE 126-2020-21 Amending the FY21 Operating Budget and establishing the FY22 Operating Budget for the Clarksville Parking Commission, a Proprietary Fund

ORDINANCE 127-2020-21 Amending the Official Code pertaining to establishment of the Building & Facilities Maintenance Department

ORDINANCE 128-2020-21 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

This meeting offered an opportunity for discussion only; no action was taken on any of the ordinances listed.

ADJOURNMENT

The meeting was adjourned at 7:29 p.m.

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 17, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, June 17, 2021, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by First Lady Cynthia Pitts; the Pledge of Allegiance was led by Councilperson Karen Reynolds.

ATTENDANCE

PRESENT: Wallace Redd (Ward 4), Jason Knight (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), Wanda Allen (Ward 8; arrived 4:43 p.m.), Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

ABSENT: Richard Garrett (Ward 1), DaJuan Little (Ward 2)

PUBLIC HEARING: FY22 BUDGET

Councilperson Smith made a motion to conduct a public hearing to receive comments regarding the proposed FY22 City of Clarksville Budget. The motion was seconded by Councilperson Holleman. There was no objection.

There were no public comments offered.

Councilperson Smith made a motion to revert to special session. The motion was seconded by Councilperson Knight. There was no objection.

TRANSPORTATION 2020+ STRATEGY *Mayor Joe Pitts*

RESOLUTION 83-2020-21 Accepting and endorsing the Transportation 2020+ Strategy, a public improvement program for construction of roads, sidewalks, transit facilities, and other transportation system infrastructure during Fiscal Year 2021-22 through Fiscal Year 2025-26

Councilperson Holleman made a motion to adopt this resolution. The motion was seconded by Councilperson Smith. The following vote was recorded:

AYE: Evans, Holleman, Knight. Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Butler, Redd

The motion to adopt this resolution passed.

FY22 BUDGETS

ORDINANCE 120-2020-21 (First Reading) Amending the FY21 Operating Budget and approving the FY22 Operating Budget for the Central Business Improvement District (CBID)

Councilperson Evans made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Smith. In response to Councilperson Reynolds' question, Mayor Pitts said use of reserved funds would require separate approval. The following vote was recorded:

AYE: Evans, Holleman, Knight, Pittts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Butler

ORDINANCE 121-2020-21 (First Reading) Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for CDE Lightband

Councilperson Holleman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Butler, Evans, Holleman, Knight, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

ORDINANCE 122-2020-21 (First Reading) Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for Clarksville Transit System

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

AYE: Butler, Evans, Holleman, Knight, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Redd

The motion to adopt this ordinance on first reading passed.

ORDINANCE 123-2020-21 (First Reading) Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for Clarksville Gas & Water Department

Councilperson Holleman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Evans. The following vote was recorded:

AYE: Butler, Evans, Holleman, Knight, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

ORDINANCE 124-2020-21 (First Reading) Amending the FY21 Budget and approving the FY22 Annual Action Plan and Budget and authorizing application for Community Development Block Grant and HOME Investment Partnership Funds as well as other programs

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

AYE: Butler, Eans, Holleman, Knight, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

ORDINANCE 125-2020-21 (First Reading) Amending the FY21 Operating Budget and adopting FY22 Operating Budget for the Internal Service Funds

Councilperson Holleman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Smith. Councilperson Streetman made a motion to amend this ordinance by adding $150,000 to the Dental Fund with the increase to be funded by the Dental Fund balance. The motion was seconded by Councilperson Smith. The following vote was recorded:

AYE: Allen, Butler, Evans, Holleman, Knight, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

AYE: Allen, Butler, Evans, Holleman, Knight, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

ORDINANCE 126-2020-21 (First Reading) Amending the FY21 Operating Budget and establishing the FY22 Operating Budget for the Clarksville Parking Commission, a Proprietary Fund

Councilperson Holleman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Allen. The following vote was recorded:

AYE: Allen, Holleman, Knight, Pitts, Redd, Richmond, Smith, Streetman

NAY: Butler, Evans

NOTE: Councilperson Reynolds did not vote.

The motion to adopt this ordinance on first reading passed.

ORDINANCE 127-2020-21 (First Reading) Amending the Official Code pertaining to establishment of the Building & Facilities Maintenance Department

Councilperson Knight made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Evans. Councilperson Reynolds said this proposed amendment was not discussed by the Parks & Recreation Committee and she opposed this increase to the overall budget. Councilperson Butler said this change would expand government and suggested consideration of a public works department. Councilperson Streetman expressed support for establishment of this department because the maintenance staff currently performs non-parks related work orders. The following vote was recorded:

AYE: Allen, Evans, Holleman, Knight, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Butler, Redd

The motion to adopt this ordinance on first reading passed.

ORDINANCE 129-2020-21 (First Reading) Amending the Official Code pertaining to employee benefits (retirees hired after July 1, 2006)

Councilperson Streetman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Butler, Eans, Holleman, Knight, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

ORDINANCE 128-2020-21 (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 Knight made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Allen.

AMENDMENT 1: Councilperson Reynolds made a motion to amend this ordinance by reducing the proposed tax rate from $1.23 to $1.18. The motion was seconded by Councilperson Butler. Councilperson Reynolds said the City should use COVID funds instead of increasing the property tax rate. Councilperson Streetman said the City needs to continue to provide necessary services while improving roads and bridges. Because City Attorney Lance Baker said a reduced tax rate must correspond with a reduction in services, Mayor Pitts ruled this motion out of order. Councilperson Butler challenged the ruling. The following vote was recorded:

AYE: Allen, Butler, Evans, Redd, Reynolds, Smith

NAY: Holleman, Knight, Pitts, Richmond, Streetman

The ruling was overturned. Councilperson Reynolds made a motion to amend AMENDMENT 1 by lowering the proposed tax rate by 5 cents to $1.18 by reducing the appropriation for Parks & Recreation by $500,000 and by deleting $1,202,717 for the Transportation Plan. The motion was seconded by Councilperson Butler. Councilperson Reynolds said the City should use COVID funds instead of increasing the property tax rate. Councilperson Allen expressed support for the $1.23 tax rate and said road improvements were needed. Following discussion, Councilperson Redd called for the question. The question was seconded by Councilperson Smith. There was no objection to ceasing discussion. The following vote on the amendment was recorded:

AYE: Butler, Reynold

NAY: Allen, Holleman, Knight, Pitts, Redd, Richmond, Smith, Streetman

ABSTAIN: Evans

The amendment to AMENDMENT 1 failed. Councilperson Redd called for the question. The question was seconded by Councilperson Smith. There was no objection to ceasing discussion. The following vote was recorded:

AYE: Butler, Reynolds

NAY: Allen, Holleman, Knight, Pitts, Redd, Richmond, Smith, Streetman

The motion to reduce the proposed property tax rate to $1.18 (AMENDMENT 1) failed.

AMENDMENT 2: Councilperson Butler made a motion to amend this ordinance by deleting $200,000 for Smith-Trahern Mansion renovations. The motion was seconded by Councilperson Evans. Mayor Pitts said the City had a responsibility to preserve its historic properties. Councilperson Redd called for the question. The question was seconded by Councilperson Knight. There was no objection. The following vote was recorded:

AYE: Butler, Redd

NAY: Allen, Evans, Holleman, Knight, Pitts, Reynolds, Richmond, Smith, Streetman

The motion to delete $200,000 for Smith-Trahern Mansion renovations (AMENDMENT 2) failed.

NOTE: There was no AMENDMENT 3

AMENDMENT 4: Councilperson Butler made a motion to amend this ordinance by deleting $1,507,310 for Mason Rudolph Golf Course and Swan Lake Golf Course. The motion was seconded by Councilperson Redd. Councilperson Knight called for the question. The question was seconded by Councilperson Redd. There was no objection to ceasing discussion. The following vote was recorded:

AYE: Butler, Redd

NAY: Allen, Evans, Holleman, Knight, Pitts, Reynolds, Richmond, Smith, Streetman

The motion to delete $1,507,310 for golf courses (AMENDMENT 4) failed.

AMENDMENT 5: Councilperson Butler made a motion to amend the capital projects budget by deleting $250,000 for Swan Lake Tennis Court lights. The motion was seconded by Councilperson Redd. Councilperson Redd called for the question. The question was seconded by Councilperson Smith. There was no objection to ceasing discussion. The following vote was recorded:

AYE: Butler, Redd

NAY: Allen, Holleman, Knight, Pitts, Reynolds, Richmond, Smith, Streetman

ABSTAIN: Evans

The motion to delete $250,000 for Swan Lake Tennis Court lights (AMENDMENT 5) failed.

AMENDMENT 6: Councilperson Butler made a motion to amend the capital projects budget by deleting $50,000 for L & N Train Station repairs. The motion was seconded by Councilperson Redd. Mayor Pitts said this building is managed by the Montgomery County Historical Society and used by the public for small events and said the City should maintain this facility. The following vote was recorded:

AYE: Butler, Redd

NAY: Allen, Evans, Holleman, Knight, Pitts, Reynolds, Richmond, Smith, Streetman

The motion to delete $50,000 for L & N Train Station repairs (AMENDMENT 6) failed.

AMENDMENT 7: Councilperson Butler made a motion to amend this ordinance by deleting $44,649 for Police federal seized money. The motion was seconded by Councilperson Evans. Councilperson Knight called for the question. The question was seconded by Councilperson Smith. There was no objection to ceasing discussion. The following vote was recorded:

AYE: Butler, Evans

NAY: Allen, Holleman, Knight, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to delete $44,649 for Police federal seized money (AMENDMENT 7) failed.

AMENDMENT 8: Councilperson Butler made a motion to amend this ordinance by reducing the proposed property tax rate from $1.23 to $1.0296. The motion was seconded by Councilperson Reynolds. To achieve this rate, Councilperson Butler made a motion to amend her motion by deleting $1,598,759 from the Parks & Recreation budget and by deleting $5,267,035 for the Transportation Plan. The motion was seconded by Councilperson Reynolds. Councilperson Knight called for the question. The question was seconded by Councilperson Smith. There was no objection to ceasing discussion. The following vote was recorded:

AYE: Butler, Redd, Reynolds

NAY: Allen, Evans, Holleman, Knight, Pitts, Richmond, Smith, Streetman

Councilperson Butler's amendment to AMENDMENT 8 failed. The following vote on amendment was recorded:

AYE: Butler, Redd

NAY: Allen, Butler, Holleman, Knight, Pitts, Reynolds, Richmond, Smith, Streetman

The motion to reduce the proposed tax rate to $1.0296 (AMENDMENT 8) failed.

AMENDMENT 9: Councilperson Evans made a motion to amend this ordinance by increasing the appropriation for the Human Relations Commission from $14,000 to $60,000. The motion was seconded by Councilperson Reynolds. Councilperson Redd called for the question. The question was seconded by Councilperson Knight. The following vote was recorded:

AYE: Butler, Holleman, Knight, Pitts, Redd, Streetman

NAY: Allen, Evans, Reynolds, Richmond, Smith

The motion to cease discussion failed due to lack of ⅔ majority. Councilperson Evans made a motion to amend AMENDMENT 9 by increasing the appropriation for the Human Relations Commission to $60,000 with $46,000 from the Fund Balance. The motion was seconded by Councilperson Allen. Councilperson Redd called for the question. The question was seconded by Councilperson Knight. There was no objection to ceasing discussion. The following vote on the amendment to AMENDMENT 9 was recorded:

AYE: Allen, Evans, Reynolds, Smith

NAY: Butler, Holleman, Redd, Richmond, Streetman

ABSTAIN: Knight

The motion to amend AMENDMENT 9 failed. Because the proposed amendment to AMENDMENT 9 failed, Mayor Pitts ruled AMENDMENT 9 out of order.

AMENDMENT 10: Councilperson Allen made a motion to amend this ordinance by reducing the appropriation for the Roxy Regional Theater from $240,000 to $80,000. The motion was seconded by Councilperson Redd. In response to Councilperson Allen's question, Mayor Pitts said the Roxy would receive $167,000 in American Recovery Act funding because it had been considered a shuttered venue during the COVID-19 Pandemic. Councilperson Redd called for the question. The question was seconded by Councilperson Knight. The following vote was recorded:

AYE: Allen, Holleman, Knight, Pitts, Redd, Smith

NAY: Butler, Evans, Reynolds, Richmond, Streetman

The motion to cease discussion failed due to lack of ⅔ majority. Councilperson Knight made a motion to go out of special session to hear comments from Roxy Director Ryan Bowie. The motion was seconded by Councilperson Reynolds. A voice vote was taken; with some objection, the motion passed. Mr. Bowie said this year was the first time the Roxy had requested funding from the City and noted the Custom House Museum had received funding for many years. He said the theater had only five employees and there was no revenue since early 2020. Mr. Bowie said plans were to re-open in the fall at 40% capacity which would help but would not meet the on-going expenses. Councilperson Redd made a motion to revert to special session. The motion was seconded by Councilperson Butler. A voice vote was taken; the motion passed. Councilperson Redd called for the question. The question was seconded by Councilperson Holleman. There was no objection. The following vote on the amendment was recorded:

AYE: Allen, Butler, Redd, Richmond

NAY: Evans, Holleman, Knight, Pitts, Reynolds, Smith, Streetman

The motion to reduce funding for the Roxy Regional Theater from $240,000 to $80,000 (AMENDMENT 10) failed.

AMENDMENT 11: Councilperson Butler made a motion to amend this ordinance by deleting $849,480 for funding for the Custom House Museum. The motion was seconded by Councilperson Evans. Councilperson Redd called for the question. The motion was seconded by Councilperson Holleman. A voice vote was taken; the motion passed. The following vote was recorded:

AYE: Butler

NAY: Allen, Evans, Holleman, Knight, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to delete $849,480 for the Custom House Museum (AMENDMENT 11) failed. The following vote on the main motion was recorded:

AYE: Evans, Holleman, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Allen, Butler, Redd

ABSTAIN: Knight

The motion to adopt ORDINANCE 128-2020-21 on first reading as presented with no amendments, passed.

ADJOURNMENT

The meeting was adjourned at 8:04 p.m.

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JUNE 22, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Tuesday, June 22, 2021, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by First Lady Cynthia Pitts; the Pledge of Allegiance was led by Councilperson Travis Holleman.

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)

ADOPTION OF FY22 BUDGETS

ORDINANCE 120-2020-21 (Second Reading) Amending the FY21 Operating Budget and approving the FY22 Operating Budget for the Central Business Improvement District (CBID)

Councilperson Holleman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Butler. There was no discussion. The following vote was recorded:

AYE: Allen, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Butler

The motion to adopt the FY22 Budget for the Central Business Improvement District passed.

ORDINANCE 121-2020-21 (Second Reading) Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for CDE Lightband

Councilperson Knight made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Allen. There was no discussion. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt the FY22 CDE Budget unanimously passed.

ORDINANCE 122-2020-21 (Second Reading) Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for Clarksville Transit System

Councilperson Holleman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Evans. There was no discussion. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Redd

The motion to adopt the FY22 CTS Budget passed.

ORDINANCE 123-2020-21 (Second Reading) Amending the FY21 Operating and Capital Budgets and adopting the FY22 Operating and Capital Budgets for Clarksville Gas & Water Department

Councilperson Streetman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Evans. There was no discussion. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt the FY22 Gas & Water Department Budget unanimously passed.

ORDINANCE 124-2020-21 (Second Reading) Amending the FY21 Budget and approving the FY22 Annual Action Plan and Budget and authorizing application for Community Development Block Grant and HOME Investment Partnership Funds as well as other programs

Councilperson Smith made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Reynolds. There was no discussion. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to adopt the FY22 CDBG and HOME Budgets [Housing & Community Development] unanimously passed.

ORDINANCE 125-2020-21 (Second Reading) Amending the FY21 Operating Budget and adopting FY22 Operating Budget for the Internal Service Funds

Councilperson Evans made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Reynolds. There was no discussion. The following vote was recorded:

AYE: Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Allen

The motion to adopt the FY22 Internal Service Funds Budget passed.

ORDINANCE 126-2020-21 (Second Reading) Amending the FY21 Operating Budget and establishing the FY22 Operating Budget for the Clarksville Parking Commission, a Proprietary Fund

Councilperson Streetman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Knight. There was no objection to Councilperson Reynolds' request to request information from Chief Financial Officer Laurie Matta. Ms. Matta said the Finance Department provides accounting services for the Parking Commission and the department is reimbursed from the commission for actual expenses. Mayor Pitts said the City Council will vote in the future whether to transfer parking operations to a private company. The following vote was recorded:

AYE: Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Streetman

NAY: Allen, Butler, Smith

The motion to adopt the FY22 Parking Commission Budget on second reading passed.

ORDINANCE 127-2020-21 (Second Reading) Amending the Official Code pertaining to establishment of the Building & Facilities Maintenance Department

Councilperson Butler made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Streetman. Councilperson Reynolds was concerned that the Parks & Recreation Department's proposed budget increased significantly even though the maintenance operations would be separated. The following vote was recorded:

AYE: Allen, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Richmond, Smith, Streetman

NAY: Butler, Reynolds

The motion to adopt this ordinance on second reading passed.

ORDINANCE 129-2020-21 (Second Reading) Amending the Official Code pertaining to employee benefits (retirees hired after July 1, 2006)

Councilperson Hololeman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Knight. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

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

ORDINANCE 128-2020-21 (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 Allen made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Streetman.

AMENDMENT 1: Councilperson Evans made a motion to amend this ordinance by adding $27,000 from the fund balance to the appropriation for the Human Relations Commission [$14,000 already proposed]. The motion was seconded by Councilperson Allen.

Councilperson Allen made a motion to amend AMENDMENT 1 to add an additional $8,000 for additional HRC-sponsored events. The motion was seconded by Councilperson Evans. In response to Councilperson Smith's question, City Attorney Lance Baker said the HRC would be allowed to make adjustments within the budget for event expenditures. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Little, Pitts, Reynolds, Richmond, Streetman

NAY: Holleman, Redd

ABSTAIN: Knight, Smith

The amendment to AMENDMENT 1 passed. Councilperson Streetman called for the question. There was no objection to ceasing discussion. The following vote on the amendment was recorded:

AYE: Allen, Evans, Garrett, Holleman, Knight, Little, Pitts, Reynolds, Richmond, Smith, Streetman

NAY: Butler, Redd

The motion to amend this ordinance to add $35,000 for the Human Relations Commission (AMENDMENT 1) passed.

AMENDMENT 2: Councilperson Holleman made a motion to amend this ordinance by adding $20,000 for a new sign at the Senior Citizens Center to be dedicated to Anita Atichley. The motion was seconded by Councilperson Streetman.

Councilperson Allen made a motion to amend AMENDMENT 2 requiring use American Rescue Plan funds for this additional appropriation. The motion was seconded by Councilperson Evans. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The amendment to AMENDMENT 2 unanimously passed. The following vote on the amendment was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to add $20,000 ARP funds for a new sign at the Senior Citizens Center, to be dedicated to Anita Atchley, (AMENDMENT 2) unanimously passed.

AMENDMENT 3: Councilperson Reynolds made a motion to amend this ordinance by reducing the proposed property tax rate from $1.23 to $1.19 by making the following reductions:

Delete $250,000 Parks & Recreation,
Delete $400,000 Police Department/Dispatch,
Delete $300,000 Fire Rescue,
Delete $423,150 Capital Projects

The motion was seconded by Councilperson Butler. Councilperson Reynolds made a motion to amend AMENDMENT 3 by deleting $423,150 from the Spring Creek capital project. Ms. Matta said this project was already underway. The motion was seconded by Councilperson Butler. Councilperson Redd called for the question. The question was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Allen, Garret, Holleman, Knight, Little, Pitts, Redd, Richmond, Smith, Streetman

NAY: Butler, Evans, Reynolds

The motion to cease discussion on the amendment to AMENDMENT 3 passed. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Reynolds

NAY: Holleman, Knight, Little, Pitts, Redd, Richmond, Smith, Streetman

Councilperson Reynolds' amendment to delete $423,150 for the Spring Creek project failed.

Councilperson Garrett made a motion to adjourn. Mayor Pitts ruled the motion out of order. Councilperson Allen made a motion to recess; there was no objection. The City Council recessed at 7:02 p.m. and reconvened at 7:15 p.m.

Councilperson Allen made a motion to amend AMENDMENT 3 as follows:

Delete $250,000 Parks & Recreation,
Delete $400,000 Swan Lake Golf Course,
Delete $300,000 Mason Rudolph Golf Course,
Reduce the transfer from the General Fund to Capital Projects by $423,159.

The motion was seconded by Councilperson Smith. Councilperson Little expressed concern for the employees of both golf courses that would be affected. Mayor Pitts said these cuts would eliminate most of the staff and have a definite effect on the operations of the courses. Councilperson Streetman said neither course could survive with these cuts and these reductions would eliminate amenities offered to residents and visitors and possibly loss of new industries. Councilperson Redd called for the question. The question was seconded by Councilperson Butler. The following vote was recorded:

AYE: Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

NAY: Allen, Butler, Evans

The motion to cease discussion on Councilperson Allen's amendment to AMENDMENT 1 passed. The following vote on this amendment was recorded:

AYE: Allen, Butler, Redd, Reynolds

NAY: Evans, Garrett, Holleman, Knight, Little, Pitts, Richmond, Smith, Streetman

Councilperson Allen's amendment to AMENDMENT 3 failed. In response to Councilperson Reynolds' question, Mayor Pitts said the City was waiting for rules for use of COVID funds. Councilperson Redd called for the question. There was no objection to ceasing discussion. The following vote on Councilperson Reynolds' amendment was recorded:

AYE: Butler, Redd, Reynolds

NAY: Allen, Evans, Garrett, Holleman, Knight, Little, Pitts, Richmond, Smith, Streetman

The motion to reduce funding for Parks & Recreation, Police, Fire Rescue, and Capital Projects (AMENDMENT 3) failed. The following vote on the main motion was recorded:

AYE: Evans, Holleman, Pitts, Richmond, Smith, Streetman

NAY: Allen, Butler, Garrett, Knight, Little, Redd, Reynolds

The motion to adopt the FY22 General Government Budget on second reading failed.

ADJOURNMENT

The meeting was adjourned at 7:47 p.m.

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
ADOPTED: *Scheduled for July 1, 2021*

ORDINANCE 92-2020-21

A ORDINANCE APPROVING A SETTLEMENT OF THE ROBINSONS AND / OR FRANKLIN STREET CORPORATION (FSC) v. CITY STATE COURT AND FEDERAL COURT LAWSUITS

WHEREAS, the City has been sued by Jeff and Sherri Robinson and / or the Franklin Street Corporation, which corporation is owned by them, in three separate lawsuits, styled as follows:

> Jeffrey Robinson, Sherri Robinson and Franklin Street Corporation, Plaintiffs, v. City of Clarksville, Defendant. Circuit Court for Montgomery County, Tennessee, Docket No. CC-16-CV-1410; and
>
> Franklin Street Corporation, Plaintiff v. City of Clarksville, Defendant. United States District Court for the Middle District of Tennessee, at Nashville, Docket No. 3:20-CV-00523.; and
>
> Jeffrey Robinson, Plaintiff v. City of Clarksville, Joseph Pitts, officially as Mayor for the City of Clarksville, and Lance Baker, officially as City Attorney for the City of Clarksville, Defendants. Circuit Court for Montgomery County, Tennessee, Docket No. CC-20-CV-2247.

and;

WHEREAS, the City Council finds that the best interests of the City would be served by making an offer to settle one or more of the lawsuits as specified in, and in accordance with, the full, complete, written Settlement Agreement, together with all Exhibits thereto, all as attached hereto and incorporated herein as Collective Attachment A.

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

That the Clarksville City Council hereby approves a settlement proposal, to be communicated by the City Attorney to the attorney for the plaintiffs in the above styled cases, to settle one or more of the above styled lawsuits against the City, as specified in, and in accordance with, the full, complete, written Settlement Agreement, together with all Exhibits thereto, all as attached hereto and incorporated herein as Collective Attachment A.

POSTPONED:	April 1, 2021 to Special Session or May 6, 2021
POSTPONED:	May 6, 2021 to June 3, 2021
POSTPONED:	June 3, to July 1, 2021
FIRST READING:	*Scheduled for July 1, 2021*
SECOND READING:	
EFFECTIVE DATE:	

SETTLEMENT AGREEMENT

This Settlement Agreement (this "Agreement") is entered into as of the ___ day of _____, 2021, by and among Jeffrey Robinson and Sherri Robinson, (collectively the "Robinsons"), Franklin Street Corporation, a Tennessee corporation ("FSC") and the City of Clarksville, Tennessee (the "City") (each a "Party" and, collectively, the "Parties").

WITNESSETH:

WHEREAS, the Robinsons own certain property located in Montgomery County, Tennessee, being more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Robinson Property");

WHEREAS, FSC owns certain property located in Montgomery County, Tennessee, being more particularly described on Exhibit B attached hereto and incorporated herein by reference (the "FSC Property");

WHEREAS, the City owns certain property contiguous to the Robinson Property and the FSC Property, being more particularly described on Exhibit C attached hereto and incorporated herein by reference (the "City Property");

WHEREAS, the Robinsons and FSC have asserted certain claims against the City in a lawsuit that is pending in Circuit Court for Montgomery County, Tennessee, styled as *Jeffrey Robinson, et al., v. The City of Clarksville, Tennessee*, No. CC16CV1410 (the "Initial State Court Lawsuit");

WHEREAS, a Final Order was entered in the Initial State Court Lawsuit on the 15th day of February, and the City by letter dated January 29, 2021, the City transmitted a check in the amount of Thirty Thousand One Hundred Forty Six and 11/100 Dollars ($30.146.11) to Mark R. Olson, attorney for the Robinsons and FSC, in satisfaction of all amounts that the City owed to the Robinsons and FSC based on the order of the Court in the Initial State Court Lawsuit (the "Initial State Court Lawsuit Payment");

WHEREAS, the Robinsons and FSC have appealed the Final Order in the Initial State Court Lawsuit with the Court of Appeals of Tennessee, styled as *Jeffrey Robinson, et al., v. City of Clarksville,* No. M2020-01299-COA-R3-CV (the "Initial State Court Lawsuit Appeal");

WHEREAS, FSC has asserted certain claims against the City in a lawsuit that is pending in United States District Court for the Middle District of Tennessee, styled as *Franklin Street Corporation, v. The City of Clarksville*, Case No. 3:20-cv-00523 (the "Federal Court Lawsuit"); and

WHEREAS, Jeffery Robinson has asserted certain claims against the City, Joseph Pitts, officially as Mayor for the City and Lance Baker, officially as City Attorney for the City (Joseph Pitts, officially as Mayor for the City, and Lance Baker, officially as City Attorney for the City, being hereinafter referred to as the "City Parties") in a lawsuit that is pending in the Circuit

Court for Montgomery County, Tennessee, styled as *Jeffrey Robinson, v. City of Clarksville, Joseph Pitts, officially as Mayor for the City of Clarksville, and Lance Baker, officially as City Attorney for the City of Clarksville*, Docket No. CC-20-CV-2247 (the "Second State Court Lawsuit"); and

WHEREAS, the City has retained McKay-Burchett & Company Engineers ("McKay-Burchett") to conduct a drainage study and prepare plans (the "Stormwater Plans") to reroute a portion of the stormwater drainage flowing to the Roberts Inlet to the location shown on the Stormwater Plans; and

WHEREAS, pursuant to a Project Agreement by and among the Parties and Highpointe Row Partners, a Tennessee general partnership ("HRP"), the City has agreed to: (i) reimburse the Robinsons and/or FSC for a portion of the cost of extending the combined sewer line on the FSC Property to a new grate inlet, the construction of a retaining wall and the alteration of existing downspouts (the "Drainage Improvements") as shown on the Stormwater Plans and (ii) transfer the City Property to the Robinsons in exchange for HRP conveying property owned by HRP the City; and

WHEREAS, in exchange for the City's agreement to provide funding for the construction of the Drainage Improvements and the conveyance of the City Property to the Robinsons, the Robinsons and FSC, have agreed to dismiss with prejudice the Federal Court Lawsuit, the Initial State Court Lawsuit Appeal and the Second State Court Lawsuit and release the City and the City Parties from certain claims as described in this Agreement,

NOW THEREFORE, the Robinsons, FSC and the City enter into this Agreement for the consideration and purposes expressed herein:

1. Dismissal of Federal Court Lawsuit. No later than three (3) business days after the Effective Date (as defined below), FSC shall file the Notice of Dismissal, attached hereto as Exhibit D, dismissing all of its claims in the Federal Court Lawsuit against the City with prejudice. Any court costs assessed in connection with the Federal Court Lawsuit shall be paid by FSC. All parties shall bear their own fees and costs, including attorneys' fees. Neither party shall seek discretionary costs consistent with Rule 54, Federal Rules of Civil Procedure.

2. Dismissal of Initial State Court Lawsuit Appeal. No later than three (3) business days after the Effective Date (as defined below), the Robinsons and FSC shall file the Joint Stipulation of Dismissal of the Initial State Court Lawsuit Appeal, attached hereto as Exhibit E, dismissing all of their claims in the Initial State Court Lawsuit Appeal against the City with prejudice. Any court costs assessed in connection with the Initial State Court Lawsuit Appeal shall be paid by the Robinsons and/or FSC. The Robinsons and FSC shall be entitled to retain the Initial State Court Lawsuit Payment. Except for any attorneys fees and discretionary costs included in the Initial State Court Lawsuit Payment awarded by the trial court in the September 23, 2020 Order on Plaintiff's Request for Attorneys' Fees and the September 23, 2020 Judgment Order of Final Disposition as Per TRCP 58(3) and any discretionary costs awarded in the January 15, 2021 Final Order based on the trial court's December 3, 2020 Orders on FSC's Amended Motion for Award of Discretionary Costs and on Defendant's Motion for an Award of

Discretionary Costs, the parties shall bear their own fees and costs, including attorneys' fees and no party shall seek further discretionary costs consistent with Rule 54, Tennessee Rules of Civil Procedure.

3. Dismissal of Second State Court Lawsuit. No later than three (3) business days after the Effective Date (as defined below), Jeffery Robinson shall file the Notice of Nonsuit with Prejudice, attached hereto as Exhibit F, dismissing all of its claims in the Second State Court Lawsuit against the City and the City Parties with prejudice. Any court costs assessed in connection with the Second State Court Lawsuit shall be paid by Jeffery Robinson. All parties shall bear their own fees and costs, including attorneys' fees. Neither party shall seek discretionary costs consistent with Rule 54, Tennessee Rules of Civil Procedure.

4. Robinsons' Release of the City Parties and the City. The Robinsons, on behalf of themselves and their representatives, related entities, affiliates, parents, subsidiaries, predecessors, successors, assigns and current and former directors, officers, agents and employees, hereby irrevocably and unconditionally releases, discharges and covenants not to sue the City Parties and the City and its affiliates, successors, assigns and its current and former officials, agents, employees, attorneys, contractors/vendors and insurers, from and for: (i) any and all claims, damages, actions, causes of action or liabilities of whatsoever nature, whether known or unknown, disclosed or undisclosed, that, in the broadest sense, in any way arise out of or are related to any flooding from Second Street or the City Property or flooding or overflow from or caused by or in any way connected to the Roberts Inlet that occurred prior to the Effective Date; (ii) any and all claims, damages, actions, causes of action or liabilities of whatsoever nature that have been asserted against the City in the Federal Court Lawsuit, or which could have been asserted against the City, or its affiliates, successors, assigns, or its current and former officials, agents, employees, attorneys, contractors/vendors and insurers, in the Federal Court Lawsuit; (iii) any and all claims, damages, actions, causes of action or liabilities of whatsoever nature that have been asserted against the City in the Initial State Court Lawsuit and/or the Initial State Court Lawsuit Appeal, or which could have been asserted against the City, or its affiliates, successors, assigns, or its current and former officials, agents, employees, attorneys, contractors/vendors and insurers, in the Initial State Court Lawsuit and/or the Initial State Court Lawsuit Appeal; and (iv) any and all claims, damages, actions, causes of action or liabilities of whatsoever nature that have been asserted against the City or the City Parties in the Second State Court Lawsuit, or which could have been asserted against the City Parties and/or the City, or its affiliates, successors, assigns, or its current and former officials, agents, employees, attorneys, contractors/vendors and insurers, in the Second State Court Lawsuit.

5. FSC's Release of the City. FSC, on behalf of itself and its representatives, related entities, affiliates, parents, subsidiaries, predecessors, successors, assigns and current and former directors, officers, agents and employees, hereby irrevocably and unconditionally releases, discharges and covenants not to sue the City and its affiliates, successors, assigns and its current and former officials, agents, employees, attorneys, contractors/vendors and insurers, from and for: any and all claims, damages, actions, causes of action or liabilities of whatsoever nature, whether known or unknown, disclosed or undisclosed, that, in the broadest sense, in any way arise out of or are related to any flooding from Second Street or the City Property or flooding or

overflow from or caused by or in any way connected to the Roberts Inlet that occurred prior to the Effective Date; (ii) any and all claims, damages, actions, causes of action or liabilities of whatsoever nature, that have been asserted against the City in the Federal Court Lawsuit, or which could have been asserted against the City, or its affiliates, successors, assigns, or its current and former officials, agents, employees, attorneys, contractors/vendors and insurers, in the Lawsuit; and (iii) any and all claims, damages, actions, causes of action or liabilities of whatsoever nature that have been asserted against the City in the State Court Lawsuit and/or the State Court Lawsuit Appeal, or which could have been asserted against the City, or its affiliates, successors, assigns, or its current and former officials, agents, employees, attorneys, contractors/vendors and insurers, in the State Court Lawsuit and/or the State Court Lawsuit Appeal.

6. No Admission of Liability. The facts, claims and issues that have been or which may be asserted by Robinsons and/or FSC, (i) regarding any flooding from or obstruction of the Roberts Inlet, (ii) in the Federal Court Lawsuit, (iii) in the State Court Lawsuit and/or the State Court Lawsuit Appeal, and (iv) in the Second State Court Lawsuit, are all disputed by the City. The settlement of the claims regarding any flooding from Second Street or the City Property or flooding or overflow from or caused by or in any way connected to the Roberts Inlet and the settlement of the Federal Court Lawsuit, the State Court Lawsuit, the State Court Lawsuit Appeal and the Second State Court Lawsuit and consideration provided herein to the Robinsons and FSC is NOT an acknowledgment by the City, or by any official, employee or agent of the City, of the merits of any flooding claims made by the Robinsons of FSC, or any position taken by FSC in the Federal Court Lawsuit or in the State Court Lawsuit or in the State Court Lawsuit Appeal or in the Second State Court Lawsuit, nor a statement of the position of the City, or of any official, employee or agent of the City, regarding the facts in dispute, or a finding of any fact as to any issue in dispute. This Agreement does not, and shall not, constitute an admission by the City, or of any official, employee or agent of the City, of any violation of any federal, state or local law or regulation, or of a violation of any rights, privileges or immunities of the Robinsons, FSC or of any other person or entity.

7. Consent and Authority. The Robinsons, FSC and the City represent and warrant that they have the full and proper consent and authority of the persons or entities for which they sign to enter into this Agreement. The Robinsons, FSC and the City represent and warrant that they are the full and sole owners of the claims, demands and/or causes of action released and settled in this Agreement, that they have the full authority and consent to execute the Agreement and to settle and release all such claims, demands and/or causes of action, and that the claims, demands, causes of action and/or other matters released in this Agreement have not been assigned, transferred, or otherwise encumbered.

8. Full Knowledge. The Robinsons, FSC and the City represent to all other Parties that they have carefully read and reviewed and know and understand the contents of this Agreement, that they have discussed the terms of this Agreement with their respective counsel, and that they have executed this Agreement freely, knowingly and voluntarily.

9. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Robinsons, FSC and the City.

10. Amendment. This Agreement may not be amended or otherwise altered except by an agreement in writing signed by all of the Parties listed below.

11. Applicable Law and Venue. This Agreement shall be interpreted, construed and enforced in accordance with, and its construction and performance shall be governed by, the laws of the State of Tennessee without giving effect to the conflict of laws or choice of laws thereof. Exclusive venue for any litigation arising out of or relating to this Agreement shall be in the U. S. District Court for the Middle District of Tennessee or in the state courts located in Montgomery County, Tennessee.

12. Waiver of Jury Trial. Each Party, for itself and its successors and assigns, hereby waives any right to trial by jury in connection with any litigation arising out of this Agreement.

13. Construction of Agreement. Each of the Parties hereto has agreed to the use of the particular language of this Agreement, and any question regarding the meaning of this Agreement shall not be resolved by any rule providing for construction against the Party who caused the uncertainty to exist or against the draftsman. If any Party to this Agreement is made up of more than one (1) person or entity, then all of the persons and/or entities comprising such Party shall be jointly and severally liable hereunder. This Agreement constitutes the entire agreement and understanding of the Parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, letters, negotiations and discussions, whether oral or written, of the Parties. The captions and headings contained herein are for convenience and reference only, and they shall not be deemed to define, modify or add to the meaning of any provision of this Agreement.

14. Counterparts. This Agreement may be executed in one or more counterparts, including facsimile signatures, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each of the Parties hereto.

15. Severance. If any part of this Agreement is found unlawful or unenforceable, the remainder of this Agreement shall not be affected by that finding.

16. Exhibits. The Parties acknowledge that all exhibits referenced in this Agreement are attached hereto and incorporated herein by reference.

17. Expenses. Each Party shall be responsible for the payment of the attorneys' fees that it incurs in connection with the preparation of this Agreement.

18. Effective Date. The "Effective Date" of this Agreement shall be the date the last of the Parties executes this Agreement.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.

SIGNATURE PAGE TO FOLLOW.]

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement as of the date set forth below.

THE CITY OF CLARKSVILLE, TENNESSEE

By: _____
Name: _____
Title: _____
Date: _____

ATTEST:

_____
Sylvia Skinner, City Clerk
DATE: _____

JEFFREY ROBINSON

_____
DATE: _____

SHERRI ROBINSON

_____
DATE: _____

FRANKLIN STREET CORPORATION

BY: _____
NAME: _____
TITLE: _____
DATE: _____

EXHIBIT A

Description of the Robinsons Property

Tract 1: 132 Franklin Street, Clarksville, Tennessee: A store building and lot at 132 Franklin Street in the City of Clarksville, beginning at a point on the south side of Franklin Street, about 55 feet west of Second Street, Mrs. Harrison's northwest corner; thence southwardly with Mrs. Harrison's parallel with Second Street about 100 feet to the property formerly owned by Michell brothers; thence westwardly, parallel with Franklin Street about 25 feet to the property now owned by Mrs. L.A. Pennebaker; thence northwardly with Pennebaker about 100 feet to Franklin Street; thence eastwardly with said street about 25 feet to the beginning.

Tract 2: 134 Franklin Street, Clarksville, Tennessee: A store building and lot at 132 Franklin Street in the City of Clarksville, beginning at a point on the south side of Franklin Street, about 55 feet west of Second Street, Mrs. Harrison's northwest corner; thence southwardly with Mrs. Harrison's parallel with Second Street about 100 feet to the property formerly owned by Michell brothers; thence westwardly, parallel with Franklin Street about 25 feet to the property now owned by Mrs. L.A. Pennebaker; thence northwardly with Pennebaker about 100 feet to Franklin Street; thence eastwardly with said street about 25 feet to the beginning.

This description was taken from Official Record Book Volume 726, Page 1377, in the Register's Office for Montgomery County, Tennessee.

Tract 1-Parcel ID: 066G K 01500 000

Tract 2-Parcel ID: 066G K 01600 000

This is the same realty conveyed to Jeffrey K. Robinson and wife, Sherri L. Robinson, by deed of record in Official Record Book Volume 844, Page 2347, in the Register's Office for Montgomery County, Tennessee, as to both tracts.

EXHIBIT B

Description of FSC Property

Being a tract of land situated in the 12th Civil District in Clarksville, Montgomery County, Tennessee, and being more fully described as follows:

BEGINNING at a point in the west right of way of Second Street, said point being South 14 degrees 41 minutes 37 seconds East, 111.50 feet from the intersection of the south right of way of Franklin Street and said west right of way of said Second Street, said point being the northeast comer of said herein tract described;

THENCE with said Second Street, South 14 degrees 41 minutes 37 seconds East, 34.50 feet to a point, said point being the southeast corner of the said Albert Marks property, said point also being the northeast corner of the Mark Olson property, ORBV.816, Page 1355, R.O.M.C.T., said point also being southeast comer of said herein tract described;

THENCE leaving said Second Street and with the north line of said Olson property, South 76 degrees 02 minutes 27 seconds West, 113.76 feet to a point, said point being the southwest corner of said Albert Marks property, said point also being the southeast corner of the D & S Investments property, ORBV. 651, Page 1101, said point also being the southwest corner of said herein tract described;

THENCE leaving said Olson property and with the east line of said D & S Investments property, North 14 degrees 41 minutes 37 seconds West, 34.50 feet to a point, said point being the northwest corner of said herein tract described;

THENCE leaving said D & S Investments property, North 76 degrees 02 minutes 27 seconds East, 113.16 feet to a point of beginning.

Said tract containing 3904 square feet or 0.09 acres more or less.

Said tract being subject to all easements, right of ways, restrictions and conveyances of record.

Being a portion of the property conveyed to Franklin Street Corporation by deeds of record in ORBV 851, Page 2899 and ORBV 854, Page 892, Register's Office for Montgomery County, Tennessee.

This description excludes the property conveyed to the City of Clarksville by deed of record in ORBV 851, Page 2901, Register's Office for Montgomery County, Tennessee.
Parcel ID:

Parcel ID: 066G K 01900 000

EXHIBIT C

Description of City Property

Being a Tract of land situated in the 12th Civil District of Montgomery County, Tennessee, said Tract being in downtown Clarksville and being generally located north of Commerce Street, south of Franklin Street, east of S. 1st Street, and west of, and adjacent to S. 2nd Street, said Tract being more particularly described as follows:

Beginning at a pk nail (new) in the western right-of-way of S. 2nd Street, said pk nail being located 95.00 feet south of the southern right-of-way of Franklin Street, as measured along the western right-of-way of S. 2nd Street, said pk nail also being the southeastern corner of the Deborah S. Evans property, as recorded in O.R.V. 609, Page 303, R.O.M.C.T.;

Thence with the western right-of-way of S. 2nd Street, South 14 degrees 52 minutes 43 seconds East 16.50 feet to a pk nail (new);

Thence leaving the said western right-of-way, and on a new severance line, South 75 degrees 47 minutes 11 seconds West 112.63 feet to a pk nail (new), said pk nail being in the eastern line of the Grumpy's Enterprises, LLC property, as recorded in O.R.V. 1509, Page 756, R.O.M.C.T.;

Thence with the eastern line of the said Grumpy's Enterprises, LLC property, North 14 degrees 55 minutes 18 seconds West 11.50 feet to a pk nail (new), said pk nail being the southwestern corner of the Christine L. Roberts property, as recorded in O.R.V. 1390, Page 1908, R.O.M.C.T.;

Thence with the southern line of the said Roberts property, and the southern lines of the BKHolding, LLC property, as recorded in O.R.V. 1434, Page 831, R.O.M.C.T., and the Jeffrey K. Robinson, ET UX property, as recorded in O.R.V. 844, Page 2347, R.O.M.C.T., North 75 degrees 47 minutes 11 seconds East 87.79 feet to an iron pin (new), said iron pin being the southeastern corner of the said Jeffrey K. Robinson, ET UX property;

Thence with the eastern line of the said Robinson property, North 14 degrees 46 minutes 05 seconds West 5.00 feet to an iron pin (new), said iron pin being the southwestern corner of the said Deborah S. Evans property;

Thence with the southern line of the said Evans property, North 75 degrees 47 minutes 11 seconds East 24.83 feet to the point of beginning.

The above described Tract shall remain a Public Utility & Drainage Easement in its entirety, regardless of ownership.

Said Tract contains 0.033 Acres (1,419.4 sq. ft.) more or less.

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.

All iron pins set are ½" x 18" rebar with plastic cap stamped "SUITER 1837".

Being the same property conveyed by Franklin Street Corporation to the City of Clarksville by deeds of record in ORBV 851, Page 2901 and ORBV 851, Page 2904, in the Register's Office for Montgomery County, Tennessee.

EXHIBIT D

Form of Notice of Dismissal of the Federal Court Lawsuit

EXHIBIT E

Form of Joint Stipulation of Dismissal of the-State Court Lawsuit Appeal

EXHIBIT F

Form of Notice of Nonsuitl with Prejudice of the Second -State Court Lawsuit

PROJECT AGREEMENT

This Project Agreement (this "Agreement") is entered into as of _____ ___, 2020, by and among Jeffrey Robinson and Sherri Robinson, (collectively the "Robinsons"), Franklin Street Corporation, a Tennessee corporation ("FSC"), Highpointe Row Partners, a Tennessee general partnership ("HRP"), and the City of Clarksville, Tennessee, a Tennessee municipal corporation (the "City") (each a "Party" and, collectively, the "Parties").

WITNESSETH:

WHEREAS, the Robinsons own certain property located in Montgomery County, Tennessee, being more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Robinson Property");

WHEREAS, FSC owns certain property located in Montgomery County, Tennessee, being more particularly described on Exhibit B attached hereto and incorporated herein by reference (the "FSC Property");

WHEREAS, HRP owns certain property located in Montgomery County, Tennessee, being more particularly described on Exhibit C attached hereto and incorporated herein by reference (the "HRP Property");

WHEREAS, the City owns certain property contiguous to the Robinson Property and the FSC Property, being more particularly described on Exhibit D attached hereto and incorporated herein by reference (the "City Property");

WHEREAS, the City has constructed an underground sewer line running beneath South Second Street, a public right of way, and across the City Property (the "Sewer Line") as shown on the Easement Survey for the City of Clarksville Gas and Water Department, prepared by Billy Ray Suiter, PLS #1837, Suiter Surveying & Land Planning (the "Suiter Survey"), dated February 10, 2020, and attached hereto as Exhibit E;

WHEREAS, a portion of the Sewer Line is located on the FSC Property, as more particularly depicted on the Suiter Survey;

WHEREAS, FSC has agreed to grant to the City a permanent public utilities and drainage easement across a portion of the FSC Property (the "Public Utilities and Drainage Easement"), as more particularly depicted on the Suiter Survey and as more particularly described on Exhibit F;

WHEREAS, in order to reroute a significant portion of the stormwater drainage flowing to an existing inlet for a storm drain as shown on the Suiter Survey, the City has agreed to reimburse the Robinsons and/or FSC for a portion of the cost of extending a combined sewer line on the FSC Property to a new grate inlet, the construction of a retaining wall and the alteration of existing downspouts (the "Drainage Improvements"), as shown on the plans prepared by McKay-Burchett & Company Engineers and attached hereto as Exhibit G (the "Stormwater Plans");

WHEREAS, the City Property is encumbered by encroachments from the adjoining properties as shown on the Suiter Survey (the "Existing Encroachments");

WHEREAS, in exchange for HRP conveying the HRP Property to the City, the City is willing to convey the City Property to the Robinsons, subject to the terms and conditions of this Agreement;

WHEREAS, the Robinsons and FSC have asserted certain claims against the City in a lawsuit that is pending in Circuit Court for Montgomery County, Tennessee, styled as *Jeffrey Robinson, et al., v. The City of Clarksville, Tennessee*, No. CC16CV1410 (the "Initial State Court Lawsuit");

WHEREAS, a Final Order was entered in the Initial State Court Lawsuit on the 15th day of February, and the Robinsons and FSC have appealed the Final Order in the Initial State Court Lawsuit to the Court of Appeals of Tennessee, styled as *Jeffrey Robinson, et al., v. City of Clarksville,* No. M2020-01299-COA-R3-CV (the "Initial State Court Lawsuit Appeal");

WHEREAS, FSC has asserted certain claims against the City in a lawsuit that is pending in United States District Court for the Middle District of Tennessee, styled as *Franklin Street Corporation, v. The City of Clarksville*, Case No. 3:20-cv-00523 (the "Federal Court Lawsuit"); and

WHEREAS, Jeffery Robinson has asserted certain claims against the City, Joseph Pitts, officially as Mayor for the City and Lance Baker, officially as City Attorney for the City (Joseph Pitts, officially as Mayor for the City, and Lance Baker, officially as City Attorney for the City, being hereinafter referred to as the "City Parties") in a lawsuit that is pending in the Circuit Court for Montgomery County, Tennessee, styled as *Jeffrey Robinson, v. City of Clarksville, Joseph Pitts, officially as Mayor for the City of Clarksville, and Lance Baker, officially as City Attorney for the City of Clarksville*, Docket No. CC-20-CV-2247 (the "Second State Court Lawsuit"); and

WHEREAS, in exchange for the City's agreement to provide funding for the construction of the Drainage Improvements, the Robinsons and FSC agree to dismiss with prejudice the Federal Court Lawsuit, the Initial State Court Lawsuit Appeal and the Second State Court Lawsuit and release the City and the City Parties from the claims as described in the Settlement Agreement.

NOW THEREFORE, the Robinsons, FSC and the City enter into this Agreement for the consideration and purposes expressed herein:

1. Completion of the Drainage Improvements. The Robinsons and/or FSC agree to complete the demolition and construction of all the improvements to the FSC Property and the City Property as shown on the Stormwater Plans on or before the issuance of any certificate of occupancy for any building constructed on the FSC Property. Robinsons and/or FSC agree to complete the construction of all the improvements to the FSC Property and the City Property as

shown on the Stormwater Plans within three (3) years of the Effective Date, as defined below. The City shall reimburse Robinsons and/or FSC for the costs of extending the combined sewer line on the FSC Property to a new grate inlet, the construction of a retaining wall and the alteration of existing downspouts as shown on the Stormwater Plans in an amount not to exceed Two Hundred Fifty Thousand and 00/100 Dollars ($250,000.00) within thirty (30) days of receipt of adequate documentation from the Robinsons and/or FSC of the costs of such improvements. Robinsons and/or FSC shall be responsible for all other cost for the demolition and construction of all the improvements to the FSC Property and the City Property as shown on the Stormwater Plans.

2. Examination.

(a) Highpointe Property Inspection. The City and its agents, employees, contractors and representatives shall, upon at least two (2) business days' notice to Highpointe (which may be made by email to _____), have the right to enter upon and access the Highpointe Property for purposes of inspecting the same and performing surveys, geotechnical assessments, soil and groundwater tests, engineering work, except as set forth below, environmental assessments, appraisals and other similar activities. As part of its review of the Highpointe Property, the City may obtain a commitment for an ALTA Extended Coverage Owner's Policy of Title Insurance showing the status of title to the Highpointe Property (the "Highpointe Property Commitment") and an ALTA survey of the Highpointe Property prepared by a surveyor licensed in the State of Tennessee (the "Highpointe Property Survey"). If this Agreement is terminated, the City shall repair any material damage to the Highpointe Property directly caused by any inspection activities of the City or its agents, employees, contractors or representatives on the Highpointe Property conducted while this Agreement is in effect. The City's repair obligations under this Section 1(a) shall survive the termination of this Agreement.

(b) City Property Inspection. The Robinsons and their agents, employees, contractors and representatives shall, upon at least two (2) business days' notice to the City (which may be made by email to _____), have the right to enter upon and access the City Property for purposes of inspecting the same and performing surveys, geotechnical assessments, soil and groundwater tests, engineering work, except as set forth below, environmental assessments, appraisals and other similar activities. As part of its review of the City Property, the Robinsons may obtain a commitment for an ALTA Extended Coverage Owner's Policy of Title Insurance showing the status of title to the City Property (the "City Property Commitment") and an ALTA survey of the City Property prepared by a surveyor licensed in the State of Tennessee (the "City Property Survey"). If this Agreement is terminated, the Robinsons shall repair any material damage to the City Property directly caused by any inspection activities of the Robinsons or their agents, employees, contractors or representatives on the City Property conducted while this Agreement is in effect. the Robinsons' repair obligations under this Section 1(b) shall survive the termination of this Agreement.

3. Inspection Contingency.

(a) Highpointe Property. The City shall have until the Inspection Deadline (as defined in Section 3(c)) to inspect the Highpointe Property and determine if it desires to proceed

with the acquisition of the Highpointe Property. The City may terminate this Agreement for any reason or no reason, as determined by the City in its sole and absolute discretion, by giving written notice to the Robinsons and the other Parties on or before the Inspection Deadline. In the event this Agreement is terminated by the City pursuant to this Section 3(a), the Parties shall have no further obligation under this Agreement except for the obligations which expressly survive the termination of this Agreement.

(b) City Property. The Robinsons shall have until the Inspection Deadline to inspect the City Property and determine if it desires to proceed with the acquisition of the City Property. The Robinsons may terminate this Agreement for any reason or no reason, as determined by the Robinsons in their sole and absolute discretion, by giving written notice to the City and the other Parties on or before the Inspection Deadline. In the event this Agreement is terminated by the Robinsons pursuant to this Section 3(b), the Parties shall have no further obligation under this Agreement except for the obligations which expressly survive the termination of this Agreement.

(c) "Inspection Deadline" means the date which is thirty (30) days after the Effective Date of this Agreement.

4. Status. From and after the Effective Date, (a) Highpointe shall not enter into any covenant, restriction, easement or other agreement that encumbers the Highpointe Property and (b) the City shall not enter into any covenant, restriction, easement or other agreement that encumbers the City Property.

5. Closing of Land Transfers. The closing of the transfer of the City Property to the Robinsons and the transfer of the Highpointe Property to the City (the "Closing") shall occur within thirty (30) days following the Inspection Deadline. The Closing shall take place at a place and time mutually agreed to by the Parties. At the Closing, the City shall quitclaim the City Property to the Robinsons pursuant to the Quitclaim Deed attached hereto as Exhibit H, and Highpointe shall quitclaim the Highpointe Property to the City pursuant to the Quitclaim Deed attached hereto as Exhibit I.

6. Monetary Liens. At or prior to Closing, Highpointe shall cause all liens, monetary judgments, mortgages, deeds of trust, deeds to secure debt, security interests and other similar encumbrances affecting the Highpointe Property to be released and discharged, excluding the lien for ad valorem real property taxes levied against the Highpointe Property with respect to the year of Closing and subsequent years that are not due and payable as of the Closing. At or prior to Closing, the City shall cause all liens, monetary judgments, mortgages, deeds of trust, deeds to secure debt, security interests and other similar encumbrances affecting the City Property to be released and discharged, excluding the lien for ad valorem real property taxes levied against the City Property with respect to the year of Closing and subsequent years that are not due and payable as of the Closing.

7. Closing Costs and Prorations. The City shall be solely responsible for all costs and expenses that it incurs to inspect the Highpointe Property, and the Robinsons shall be solely responsible for all costs and expenses that they incur to inspect the City Property. Real property taxes and assessments, if any, levied or assessed against the City Property shall be prorated

between the Robinsons and the City and paid as of the date of the Closing. Real property taxes and assessments levied or assessed against the Highpointe Property shall be prorated between Highpointe and the City and paid as of the date of the Closing. The Robinsons shall be responsible for paying for any title insurance policy obtained by the Robinsons on the City Property and any transfer taxes and recording costs in connection with the conveyance of the City Property to the Robinsons and the City shall be responsible for paying for any title insurance policy obtained by the City on the Highpointe Property and any transfer taxes and recording costs, if any, in connection with the conveyance of the Highpointe Property to the City.

8. Public Utilities and Drainage Easement. FSC agrees to grant to the City the Public Utilities and Drainage Easement described herein. At the Closing, FSC and the City shall execute the Public Utilities and Drainage Easement Agreement attached hereto as Exhibit J.

9. Settlement Agreement. On or before the Closing, the Robinsons, FSC and the City shall execute the Settlement Agreement attached hereto as Exhibit K (the "Settlement Agreement"), to resolve the claims described in the Settlement Agreement. In the event the Robinsons, FSC and the City do not execute the Settlement Agreement on or before the date of the Closing, then this Agreement shall automatically terminate.

10. Notices. All notices, consents and other communications (collectively, "Notices") which may be or are required to be given by the Parties hereunder shall be properly given only if made in writing and sent to the address set forth below by hand delivery, U.S. Certified Mail (Return Receipt Requested), email transmission, or nationally recognized overnight delivery service. Such Notices shall be deemed received, (i) if delivered by hand, on the date of delivery, (ii) if sent by email, on the date of dispatch by the sender, provided, if the recipient does not confirm receipt of the Notice, then a copy of such Notice must also be sent by one of the other means specified in this section within three (3) Business Days thereafter, and (iii) if sent by U.S. Mail or overnight delivery service, on the date the same is deposited with the applicable carrier.:

Robinsons: Jeffrey and Sherri Robinson
_____
_____
Email: _____

FSC: Franklin Street Corporation
_____
_____
Attn: _____
Email: _____

Highpointe: Highpointe Row Partners
_____
_____
Attn: _____
Email: _____

City City of Clarksville

_____

_____

Attn:_____

Email: _____

Any Party may change its address for Notices by giving written notice to the other Parties in accordance with this provision.

11. No Admission of Liability. This Agreement does not, and shall not, constitute an admission by the City, or of any official, employee or agent of the City, of any violation of any federal, state or local law or regulation, or of a violation of any rights, privileges or immunities of the Robinsons, FSC, or of any other person or entity.

12. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties to this Agreement.

13. No Third Party Beneficiary. This Agreement is made solely and specifically for the benefit of the City, the Robinsons, FSC and Highpointe and their respective successors and assigns, and no other person or entity shall have any rights, interest, claims or benefits under or on account of this Agreement as a third party beneficiary.

14. Amendment. This Agreement may not be amended or otherwise altered except by an agreement in writing signed by all of the Parties listed below.

15. Applicable Law and Venue. This Agreement shall be interpreted, construed and enforced in accordance with, and its construction and performance shall be governed by, the laws of the State of Tennessee without giving effect to the conflict of laws or choice of laws thereof. Exclusive venue for any litigation arising out of or relating to this Agreement shall be in the U. S. District Court for the Middle District of Tennessee or in the state courts located in Montgomery County, Tennessee.

16. Waiver of Jury Trial. Each Party, for itself and its successors and assigns, hereby waives any right to trial by jury in connection with any litigation arising out of this Agreement.

17. Expenses. Each Party shall be responsible for the payment of the attorneys' fees that it incurs in connection with the preparation of this Agreement or the transaction contemplated herein.

18. Counterparts. This Agreement may be executed in one or more counterparts, including facsimile signatures, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each of the Parties hereto.

19. Construction of Agreement. Each of the Parties hereto has agreed to the use of the particular language of this Agreement, and any question regarding the meaning of this Agreement shall not be resolved by any rule providing for construction against the Party who

caused the uncertainty to exist or against the draftsman. If any Party to this Agreement is made up of more than one (1) person or entity, then all of the persons and/or entities comprising such Party shall be jointly and severally liable hereunder. This Agreement constitutes the entire agreement and understanding of the Parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, letters, negotiations and discussions, whether oral or written, of the Parties. The captions and headings contained herein are for convenience and reference only, and they shall not be deemed to define, modify or add to the meaning of any provision of this Agreement.

20. Severance. If any part of this Agreement is found unlawful or unenforceable, the remainder of this Agreement shall not be affected by that finding.

21. Exhibits. The Parties acknowledge that all exhibits referenced in this Agreement are attached hereto and incorporated herein by reference.

22. Business Days. If any date on which performance or notice is due under this Agreement should fall on Saturday, Sunday or any other day declared an official holiday by the City, performance or notice shall not be due until the next business day.

23. City Council Approval. This Agreement shall not be effective as to the City nor executed by the City until the City Council adopts an ordinance approving the Agreement and authorizing the execution thereof.

24. Effective Date. The "Effective Date" of this Agreement shall be the date the Agreement is executed by the last of the Parties.

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement as of the date set forth below.

THE CITY OF CLARKSVILLE, TENNESSEE

By: _____
Name: _____
Title: _____
Date: _____

ATTEST:

_____
Sylvia Skinner, City Clerk
Date: _____

FRANKLIN STREET CORPORATION

By: _____
Name: _____
Title: _____
Date: _____

JEFFREY ROBINSON

_____
Date: _____

SHERRI ROBINSON

_____
Date: _____

HIGHPOINTE ROW PARTNERS

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT A

Description of the Robinsons Property

Tract 1: 132 Franklin Street, Clarksville, Tennessee: A store building and lot at 132 Franklin Street in the City of Clarksville, beginning at a point on the south side of Franklin Street, about 55 feet west of Second Street, Mrs. Harrison's northwest corner; thence southwardly with Mrs. Harrison's parallel with Second Street about 100 feet to the property formerly owned by Michell brothers; thence westwardly, parallel with Franklin Street about 25 feet to the property now owned by Mrs. L.A. Pennebaker; thence northwardly with Pennebaker about 100 feet to Franklin Street; thence eastwardly with said street about 25 feet to the beginning.

Tract 2: 134 Franklin Street, Clarksville, Tennessee: A store building and lot at 132 Franklin Street in the City of Clarksville, beginning at a point on the south side of Franklin Street, about 55 feet west of Second Street, Mrs. Harrison's northwest corner; thence southwardly with Mrs. Harrison's parallel with Second Street about 100 feet to the property formerly owned by Michell brothers; thence westwardly, parallel with Franklin Street about 25 feet to the property now owned by Mrs. L.A. Pennebaker; thence northwardly with Pennebaker about 100 feet to Franklin Street; thence eastwardly with said street about 25 feet to the beginning.

This description was taken from Official Record Book Volume 726, Page 1377, in the Register's Office for Montgomery County, Tennessee.

Tract 1-Parcel ID: 066G K 01500 000

Tract 2-Parcel ID: 066G K 01600 000

This is the same realty conveyed to Jeffrey K. Robinson and wife, Sherri L. Robinson, by deed of record in Official Record Book Volume 844, Page 2347, in the Register's Office for Montgomery County, Tennessee, as to both tracts.

EXHIBIT B

Description of FSC Property

Being a tract of land situated in the 12th Civil District in Clarksville, Montgomery County, Tennessee, and being more fully described as follows:

BEGINNING at a point in the west right of way of Second Street, said point being South 14 degrees 41 minutes 37 seconds East, 111.50 feet from the intersection of the south right of way of Franklin Street and said west right of way of said Second Street, said point being the northeast comer of said herein tract described;

THENCE with said Second Street, South 14 degrees 41 minutes 37 seconds East, 34.50 feet to a point, said point being the southeast corner of the said Albert Marks property, said point also being the northeast corner of the Mark Olson property, ORBV.816, Page 1355, R.O.M.C.T., said point also being southeast comer of said herein tract described;

THENCE leaving said Second Street and with the north line of said Olson property, South 76 degrees 02 minutes 27 seconds West, 113.76 feet to a point, said point being the southwest corner of said Albert Marks property, said point also being the southeast corner of the D & S Investments property, ORBV. 651, Page 1101, said point also being the southwest corner of said herein tract described;

THENCE leaving said Olson property and with the east line of said D & S Investments property, North 14 degrees 41 minutes 37 seconds West, 34.50 feet to a point, said point being the northwest corner of said herein tract described;

THENCE leaving said D & S Investments property, North 76 degrees 02 minutes 27 seconds East, 113.16 feet to a point of beginning.

Said tract containing 3904 square feet or 0.09 acres more or less.

Said tract being subject to all easements, right of ways, restrictions and conveyances of record.

Being a portion of the property conveyed to Franklin Street Corporation by deeds of record in ORBV 851, Page 2899 and ORBV 854, Page 892, Register's Office for Montgomery County, Tennessee.

This description excludes the property conveyed to the City of Clarksville by deed of record in ORBV 851, Page 2901, Register's Office for Montgomery County, Tennessee.
Parcel ID:

Parcel ID: 066G K 01900 000

EXHIBIT C

Description of Highpointe Property

BEGINNING at an iron pin located in the western right-of-way margin of 1st Street, said iron pin being located at the southeastern corner of the Griffiths property and also being located 20 feet west of the centerline of said 1st Street; thence with the western margin of 1st Street South 01 degrees 37 minutes 38 seconds East 88.23 feet to an iron pin; thence South 48 degrees 15 minutes 17 seconds West 27.66 feet to an iron pin; thence North 81 degrees 08 minutes 47 seconds West 31.33 feet to an iron pin; thence North 63 degrees 39 minutes 08 seconds West 43.64 feet to an iron pin; thence North 53 degrees 22 minutes 35 seconds West 38.24 feet to an iron pin; thence North 02 degrees 48 minutes 58 seconds East 62.92 feet to an iron pin; thence with Griffiths' south line, South 88 degrees 08 minutes 00 seconds East 115.45 feet to an iron pin at the point of beginning according to survey of Ben Robert Weakley, Tennessee Registered Land Surveyor No. 1457 of Weakley Brothers, P.O. BOX 3409, 2121 Old Ashland City Road, Clarksville, Tennessee 37043, dated March 10, 1994

Being the same property conveyed to Highpointe Row Partners by Quitclaim Deed from Jeffrey K. Robinson, of record in ORBV 1412, Page 2667, Register's Office for Montgomery County, Tennessee.

Parcel ID: 066J F 00500 000

EXHIBIT D

Description of City Property

Being a Tract of land situated in the 12th Civil District of Montgomery County, Tennessee, said Tract being in downtown Clarksville and being generally located north of Commerce Street, south of Franklin Street, east of S. 1st Street, and west of, and adjacent to S. 2nd Street, said Tract being more particularly described as follows:

Beginning at a pk nail (new) in the western right-of-way of S. 2nd Street, said pk nail being located 95.00 feet south of the southern right-of-way of Franklin Street, as measured along the western right-of-way of S. 2nd Street, said pk nail also being the southeastern corner of the Deborah S. Evans property, as recorded in O.R.V. 609, Page 303, R.O.M.C.T.;

Thence with the western right-of-way of S. 2nd Street, South 14 degrees 52 minutes 43 seconds East 16.50 feet to a pk nail (new);

Thence leaving the said western right-of-way, and on a new severance line, South 75 degrees 47 minutes 11 seconds West 112.63 feet to a pk nail (new), said pk nail being in the eastern line of the Grumpy's Enterprises, LLC property, as recorded in O.R.V. 1509, Page 756, R.O.M.C.T.;

Thence with the eastern line of the said Grumpy's Enterprises, LLC property, North 14 degrees 55 minutes 18 seconds West 11.50 feet to a pk nail (new), said pk nail being the southwestern corner of the Christine L. Roberts property, as recorded in O.R.V. 1390, Page 1908, R.O.M.C.T.;

Thence with the southern line of the said Roberts property, and the southern lines of the BKHolding, LLC property, as recorded in O.R.V. 1434, Page 831, R.O.M.C.T., and the Jeffrey K. Robinson, ET UX property, as recorded in O.R.V. 844, Page 2347, R.O.M.C.T., North 75 degrees 47 minutes 11 seconds East 87.79 feet to an iron pin (new), said iron pin being the southeastern corner of the said Jeffrey K. Robinson, ET UX property;

Thence with the eastern line of the said Robinson property, North 14 degrees 46 minutes 05 seconds West 5.00 feet to an iron pin (new), said iron pin being the southwestern corner of the said Deborah S. Evans property;

Thence with the southern line of the said Evans property, North 75 degrees 47 minutes 11 seconds East 24.83 feet to the point of beginning.

The above described Tract shall remain a Public Utility & Drainage Easement in its entirety, regardless of ownership.

Said Tract contains 0.033 Acres (1,419.4 sq. ft.) more or less.

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.

All iron pins set are ½" x 18" rebar with plastic cap stamped "SUITER 1837".

Being the same property conveyed by Franklin Street Corporation to the City of Clarksville by deeds of record in ORBV 851, Page 2901 and ORBV 851, Page 2904, in the Register's Office for Montgomery County, Tennessee.

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EXHIBIT E

Copy of Suiter Survey

EXHIBIT F

Description of Public Utilities and Drainage Easement

[Description be inserted upon revision of Suiter Survey]

Being a portion of the property conveyed to Franklin Street Corporation by Warranty Deed recorded in Official Record Volume (ORV) 851, Page (PG) 2899 at the Register's Office of Montgomery County, Tennessee (ROMCT).

EXHIBIT G

Copy of Stormwater Plans

EXHIBIT H

Form of Quitclaim Deed for City Property

EXHIBIT I

Form of Quitclaim Deed for Highpointe Property

EXHIBIT J

Form of Public Utilities and Drainage Easement Agreement

EXHIBIT K

Form of Settlement Agreement

IN THE COURT OF APPEALS FOR THE STATE OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

JEFFERY ROBINSON, SHERRI ROBINSON and FRANKLIN STREET CORPORATION	)	
Plaintiffs/Appellants,	)	
v.	)	No. M2020-01299-COA-R3-CV
CITY OF CLARKSVILLE	)	
Defendant/Appellee	)	

JOINT STIPULATION OF DISMISSAL

Plaintiffs/Appellants, Jeffery Robinson, Sherri Robinson and Franklin Street Corporation and the Defendant/Appellee, City of Clarksville, pursuant to Rule 15 of the Tennessee Rules of Appellate Procedure, hereby stipulate to the dismissal of this appeal with prejudice. The costs of this appeal shall be taxed to the Plaintiffs/Appellants, Jeffery Robinson, Sherri Robinson and Franklin Street Corporation.

Respectfully submitted:

Mark R. Olson ((#11630)
Olson & Olson, PLC
112 S. Second Street, Suite 200
Clarksville, TN 37040
931-648-1517

Attorney for Plaintiffs/Appellants, Jeffery Robinson, Sherri Robinson and Franklin Street Corporation

Lance A. Baker
Jeff T. Goodson
One Public Square
Clarksville, TN 37040

Attorneys for Defendant/Appellee, City of Clarksville

IN THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, TENNESSEE, AT CLARKSVILLE

JEFFERY ROBINSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. CC-20-CV-2247**
	)	
CITY OF CLARKSVILLE, JOSEPH PITTS, officially as Mayor for the City of Clarksville, and LANCE BAKER, officially as City Attorney for the City of Clarksville,	)	**JUDGE HICKS**
	)	
Defendants.	)	

NOTICE OF NONSUIT WITH PREJUDICE

Please be advised that pursuant to Rule 41 of the Tennessee Rules of Civil Procedure and the agreement of all parties, Jeffery Robinson gives notice of his election to take a voluntary nonsuit, with prejudice, for all his claims made against the City of Clarksville, Joseph Pitts, officially as Mayor for the City of Clarksville, and Lance Baker, officially as City Attorney for the City of Clarksville as the lawsuit has been amicably settled.

Respectfully submitted,

Mark R. Olson ((#11630)
Olson & Olson, PLC
112 S. Second Street, Suite 200
Clarksville, TN 37040
931-648-1517

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email on the following:

Lance A. Baker
One Public Square
Clarksville, TN 37040
lance.baker@cityofclarksville.com

Jeff T. Goodson
One Public Square
Clarksville, TN 37040
jeff.goodson@cityofclarksville.com

Attorneys for Defendant, The City of Clarksville, Tennessee

on this the _____ day of _____, 2021.

_____
Mark R. Olson

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FRANKLIN STREET CORPORATION, Plaintiff, v. THE CITY OF CLARKSVILLE, TENNESSEE, Defendant.	Case No. 3:20-cv-00523 Judge Aleta A. Trauger

FRANKLIN STREET CORPORATION'S
RULE 41(A)(1)(A)(I) NOTICE OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Franklin Street Corporation hereby gives notice that it is dismissing this action with prejudice (with costs taxed as paid) due to the parties' settlement of the claims at issue in this matter.

Dated: _____ __, 2021.

Mark R. Olson ((#11630)
Olson & Olson, PLC
112 S. Second Street, Suite 200
Clarksville, TN 37040
931-648-1517

Attorney for Plaintiff, Franklin Street Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email on the following:

Lance A. Baker
One Public Square
Clarksville, TN 37040
lance.baker@cityofclarksville.com

Jeff T. Goodson
One Public Square
Clarksville, TN 37040
jeff.goodson@cityofclarksville.com

Attorneys for Defendant, The City of Clarksville, Tennessee

on this the _____ day of _____, 2021.

_____
Mark R. Olson

Map & Parcel: 66G-K-019.00
Source: Volume (ORV) 851, Page (PG) 2899 ROMCT (Portion)

This Instrument Prepared By:
James L. Murphy III
Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700
Nashville, Tennessee 37203

GRANT OF PUBLIC UTILITIES AND DRAINAGE EASEMENT

For a good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, FRANKLIN STREET CORPORATION, a Tennessee corporation (the "Grantor"), does hereby grant, transfer and convey to the CITY OF CLARKSVILLE, TENNESSEE, a Tennessee municipal corporation (hereinafter called Grantee), its successors and assigns, a non-exclusive, permanent easement within which to construct, install, operate, maintain, change the size of, inspect, alter, replace and remove, combined sewer utilities, and associated appurtenances, with said easement being more particularly described as follows:

> Being a Public Utility & Drainage Easement situated in the 12th Civil District of Montgomery County, Tennessee, said Easement being in downtown Clarksville and being generally located north of Commerce Street, south of Franklin Street, east of S. 1st Street, and west of, and adjacent to S. 2nd Street, said Easement being more particularly described as follows:
>
> **[Insert Description]**
>
> Being a portion of the property conveyed to Franklin Street Corporation by Warranty Deed recorded in Official Record Volume (ORV) 851, Page (PG) 2899 at the Register's Office of Montgomery County, Tennessee (ROMCT).

Grantor hereby agrees that Grantee, its successors and assigns, may keep the easement clear of any debris, roots, growth or obstructions that may interfere with any utility line(s), and appurtenances thereto. Grantor covenants that no excavation, building, structure or obstruction of any kind will be constructed or permitted on said utility line easement and that it will not destroy, weaken or damage any utility line(s) or associated appurtenances, or interfere with the operation thereof or the flowage of combined sewer therein.

Said easement is granted and conveyed subject to the limitations, restrictions, agreements and requirements set out herein, and further subject to any matters appearing of record.

Following any work performed by Grantor in the easement area, Grantor shall promptly remove all debris and shall otherwise restore such area to substantially the same condition as such area existed prior to such work.

Grantee shall not allow any mechanics, materialmen or similar lien to attach to the Grantor Property as a result of the work of Grantee.

TO HAVE AND TO HOLD the above-described easement with the estate, title and interest thereto, including all rights and powers therewith, belonging to Grantee, its successors and assigns, forever; and Grantor does covenant with Grantee that Grantor is lawfully seized and possessed of the underlying land in fee simple and of the utility line easement, has a good right to convey said easement, and the easement is unencumbered, except for matters of record; and Grantor does further covenant and bind itself, its successors and representatives, to warrant and forever defend the title to said easement to Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

Whenever used, the singular number shall include the plural, the plural, the singular, and the use of any gender shall be applicable to all genders.

[SIGNATURE PAGES BEGIN ON NEXT PAGE]

IN WITNESS WHEREOF, this instrument is executed this _____ day of _____, 2021, at Clarksville, Tennessee.

GRANTOR:

FRANKLIN STREET CORPORATION, a Tennessee corporation

By:_____
Name:_____
Title:_____

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that (s)he executed the within instrument for the purposes therein contained, and who further acknowledged that (s)he is the _____ of Franklin Street Corporation, a Tennessee corporation, and as such _____. (s)he is authorized by the corporation to execute this instrument on behalf of the corporation.

Witness my hand and seal at _____ [City], _____ [State], this _____ day of _____, 2021.

_____
Notary Public

My commission expires: _____

[SIGNATURES CONTINUED ON NEXT PAGE]

GRANTEE:

THE CITY OF CLARKSVILLE,
a Tennessee municipal corporation

By: _____
Mayor Joe Pitts

ATTEST:

_____
Sylvia Skinner, City Clerk

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, Joe Pitts, Mayor and Sylvia Skinner, City Clerk, with whom I am personally acquainted, and who, upon oath, acknowledged that they executed the within instrument for the purposes therein contained, and who further acknowledged that they are the Mayor and City Clerk, respectively of the maker, City of Clarksville, a Tennessee municipal corporation, and they are authorized by the maker to execute the instrument on behalf of the maker.

WITNESS MY HAND, at office, this the _____ day of _____, 2021.

_____
Notary Public
My Commission Expires: _____

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

I hereby swear or affirm that a municipality is the Grantee of the property transferred, that pursuant to Tenn. Code Ann. § 67-4-409 (f)(1), this transfer of realty is tax-exempt, and that no oath of value is required pursuant to Tenn. Code Ann. § 67-4-409 (a)(5).

_____
AFFIANT

Sworn to and subscribed before me on this the _____ day of _____, 2021.

_____
NOTARY PUBLIC
My Commission Expires:_____

Address New Owner:	Map-Parcel Numbers:	Send Tax Bills To:
City of Clarksville One Public Square Clarksville, TN 37040	066J F 005.00	Same

This instrument prepared by: Bradley Arant Boult Cummings LLP (MCH)
1600 Division Street, Suite 700, Nashville, TN 37203

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of TEN and NO/100 DOLLARS ($10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, **HIGHPOINTE ROW PARTNERS**, a Tennessee general partnership (the "Grantor"), hereby conveys, remises, releases and quitclaims to the **CITY OF CLARKSVILLE**, a Tennessee municipal corporation (the "Grantee"), Grantee's successors and assigns, certain land in Montgomery County, State of Tennessee, being more particularly described in Exhibit A, which is attached hereto and incorporated herein by this reference (the "Property").

Notwithstanding anything to the contrary contained herein, Grantor herby expressly retains an easement as described in Exhibit B, which is attached hereto and incorporated herein by this reference.

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

The actual consideration or value, whichever is greater, for this transfer is EXEMPT.

CITY OF CLARKSVILLE, a Tennessee municipal corporation

By:_____

Name:_____

Title:_____

Subscribed and sworn to before me this _____ day of _____, 2021.

_____
Notary Public

My Commission Expires: _____

WITNESS our hands this _day of _____, 2021.

GRANTOR:

HIGHPOINTE ROW PARTNERS, a Tennessee general partnership

By:_____
Name:_____
Title:_____

By:_____
Name:_____
Title:_____

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared _____, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon his (her) oath, acknowledged (her)himself to be the partner of Highpointe Row Partners, the within named bargainor, a Tennessee general partnership, and that (s)he, as such partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by (him)herself as such partner as his(her) free act and deed.

WITNESS my hand and seal at office in _____, Tennessee, on this the _____ day of _____, 2021.

_____
Notary Public

My Commission Expires:

_____

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared _____, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon his (her) oath, acknowledged (her)himself to be the partner of Highpointe Row Partners, the within named bargainor, a Tennessee general partnership, and that (s)he, as such partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by (him)herself as such partner as his(her) free act and deed.

WITNESS my hand and seal at office in _____, Tennessee, on this the _____ day of _____, 2021.

_____
Notary Public

My Commission Expires:

_____

ACCEPTANCE BY GRANTEE

GRANTEE, the **City of Clarksville, Tennessee**, a Tennessee municipal corporation, hereby accept this Quitclaim Deed for itself, and its successors and assigns, subject to all conditions, reservations, restrictions and terms contained herein, this the _____ day of _____, 2021.

City of Clarksville, a Tennessee municipal corporation

By: _____
Mayor Joe Pitts

Attest:

_____
Sylvia Skinner, City Clerk

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, Joe Pitts, Mayor and Sylvia Skinner, City Clerk, with whom I am personally acquainted, and who, upon oath, acknowledged that they executed the within instrument for the purposes therein contained, and who further acknowledged that they are the Mayor and City Clerk, respectively of the maker, City of Clarksville, a Tennessee municipal corporation, and they are authorized by the maker to execute the instrument on behalf of the maker.

WITNESS my hand and seal at office in _____, Tennessee, on this the _____ day of _____, 2021.

_____
Notary Public

My Commission Expires:

_____

EXHIBIT A

LEGAL DESCRIPTION

BEGINNING at an iron pin located in the western right-of-way margin of 1st Street, said iron pin being located at the southeastern corner of the Griffiths property and also being located 20 feet west of the centerline of said 1st Street; thence with the western margin of 1st Street South 01 degrees 37 minutes 38 seconds East 88.23 feet to an iron pin; thence South 48 degrees 15 minutes 17 seconds West 27.66 feet to an iron pin; thence North 81 degrees 08 minutes 47 seconds West 31.33 feet to an iron pin; thence North 63 degrees 39 minutes 08 seconds West 43.64 feet to an iron pin; thence North 53 degrees 22 minutes 35 seconds West 38.24 feet to an iron pin; thence North 02 degrees 48 minutes 58 seconds East 62.92 feet to an iron pin; thence with Griffiths' south line, South 88 degrees 08 minutes 00 seconds East 115.45 feet to an iron pin at the point of beginning according to survey of Ben Robert Weakley, Tennessee Registered Land Surveyor No. 1457 of Weakley Brothers, P.O. BOX 3409, 2121 Old Ashland City Road, Clarksville, Tennessee 37043, dated March 10, 1994

Being the same property conveyed to Highpointe Row Partners by Quitclaim Deed from Jeffrey K. Robinson, of record in ORBV 1412, Page 2667, Register's Office for Montgomery County, Tennessee.

Parcel ID: 066J F 00500 000

EXHIBIT B

EASEMENT

1. Concurrently with Grantor's conveyance to Grantee of that certain property described on Exhibit A (the "Conveyed Property"), Grantor expressly retains and reserves for the benefit of that certain real property described in Exhibit B-1 (the "Benefited Property"), a perpetual, non-exclusive ingress, egress and parking easement (the "Easement") over the portion of the Conveyed Property described in Exhibit B-2 (the "Easement Area"). The Easement Area shall be utilized only for purposes of pedestrian and vehicular ingress to and egress from the Benefited Property, and vehicular parking for the Benefited Property. Except in connection with the exercise of Grantor's rights hereunder, Grantor shall not have the right to change or modify the Easement Area.

2. Grantor, at Grantor's sole cost and expense, agrees to keep and maintain the Easement Area in good condition and repair, free of obstructions, including vegetation, brush and trees, necessary for the safe exercise of the rights herein granted. Grantor shall have the right (but not the obligation) to trim, cut and clear away any obstructions, including trees, brush or other vegetation within the Easement Area whenever in Grantor's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

3. Grantee shall not, by act or omission, perform or cause to be performed any act that adversely affects the easements and rights granted herein. Without limiting the generality of the foregoing, except as specifically permitted herein, Grantee shall not erect or construct or permit to be erected or constructed any building or other structure above the surface of the Easement Area.

5. The terms, conditions, covenants, agreements and easement contained herein shall run with the land and are binding on and inure to the benefit of Grantor, Grantee and their respective heirs, successors and assigns. The Easement hereby granted is appurtenant to the Benefited Property and is a burden on the Conveyed Property and the Easement Area.

EXHIBIT B-1

Description of the Benefited Property

TRACT 1: Being a tract of land located in the 12th Civil District in the City of Clarksville, in the County of Montgomery, TN, said tract being more fully described as being located north of Crossland Ave, south of West Washington Street being more fully described as being located west of and adjacent to 1st Street, said tract being a combined tract of the Jeffrey Robinson as recorded in ORV 1250, Page 2153 and the Highpointe Partners property as recorded in ORV 1209, Page 2898 ROMCT, said tract being more particularly described as follows;

Beginning at point in the west right of way of said 1st Street, said point being the southeast corner of the John Griffiths property as recorded in ORV 461, Page 1817 ROMCT, lying South 09 degrees 05 minutes 01 seconds West for a distance of 186.34 feet from the intersection of the centerline of said 1st Street and said West Washington Street, said point being the northeast corner herein described tract;

Thence along the west right of way of said 1st Street, South 03 degrees 16 minutes 38 seconds West for a distance of 86.98 feet to a point;

Thence South 03 degrees 18 minutes 40 seconds West for a distance of 50.21 feet to a point, said point lying in the north property line of the R J Corman railroad property said point being the southeast corner of herein described tract;

Thence along the north property line of said R J Corman property, North 82 degrees 41 minutes 23 seconds West for a distance of 231. 60 feet to a point, said point lying in the east right of way of Grace Alley, said point also being the southwest corner of herein described tract;

Thence leaving said R J Corman property along said east right of way of said Grace Alley, North 03 degrees 31 minutes 07 seconds East for a distance of 128.29 feet to a new iron pin, at an angle in the east line of said Grace Alley;

Thence North 02 degrees 31 minutes 07 seconds East for a distance of 19.07 feet to a point, said point being the southeast corner of a portion of Grace Alley that has been abandon thru a city resolution, as filed as 97-1991-92;

Thence continuing along the south end of Grace Alley, North 45 degrees 14 minutes 08 seconds West for a distance of 10 .13 feet to a point,

Thence on a new severance line, North 02 degrees 31 minutes 09 seconds East for a distance of 27.20 feet to a point;

Thence continuing on a new severance line South 87 degrees 44 minutes 50 seconds East for a distance of 7.50 feet to a point, said point lying in said Griffiths south property line;

Thence along said south property line of said Griffiths property, South 45 degrees 19 minutes 15 seconds East for a distance of 72.79 feet to a point;

Thence continuing along said south property line of said Griffiths property, South 82 degrees 43 minutes 04 seconds East for a distance of 177.05 feet to the point of beginning.

Said tract containing 0.76 acres, (33,071.39 sq. ft.) more or less. Said tract being subject to all easements, right of way, covenants and restrictions of record and not of record.

Tract 1 being the same property conveyed to Highpointe Row Partners, a Tennessee general partnership, by deed of record in ORBV 1209, Page 2898, Register's Office for Montgomery County, Tennessee. The map, group and parcel number assigned to the above described real estate by the Assessor of Property for Montgomery County, Tennessee is 66J-F-11.01.

TRACT 2: Being a tract of land located in the 12th Civil District in the City of Clarksville, in the County of Montgomery, TN, said tract being more full described as being located north of Crossland Ave, south of West Washington Street, said tract being a portion of the Clarksville CBID Management Corp of 1999, a Tennessee Corp as recorded in ORV 1203, Page 526, ROMCT, said tract being more particularly described as follows;

Beginning at an iron pin old (Weakley) in the west right of way of Sullivan (Grace) Alley said point being the northeast corner of herein described tract, lying South 60 degrees 32 minutes 03 seconds West for a distance of 314.4 feet from the intersection of the centerline of 1st Street and said West Washington Street;

Thence along the west right of way of said Sullivan (Grace) Alley, South 03 degrees 11 minutes 57 seconds West for a distance of 190.44 feet to an iron pin old (Weakley), said point also lying in the north property line of the R J Corman Railroad property, said point also being the southeast corner of herein described tract;

Thence along said Railroad north property line, North 84 degrees 53 minutes 46 seconds West for a distance of 45.12 feet to an iron pin old, said point being the southeast corner of the City of Clarksville property as recorded in ORV 462, Page 197 ROMCT, said pin being the southwest corner of herein described tract;

Thence along east property line of said City of Clarksville property, North 02 degrees 59 minutes 12 seconds West, for a distance of 13.79 feet to an iron pin old;

Thence continuing along said east property line, on a curve to the left having a radius of 1662.08 feet, an arc length of 183.48, a delta of 06 degrees 19 minutes 30 seconds, a tangent of 98.14 feet and a chord bearing of North 06 degrees 08 minutes 58 seconds West for a distance of 183.93 feet to an iron pin old (Weakley), said pin being the northwest corner of herein described tract;

Thence along a south property line of said City of Clarksville property, South 82 degrees 30 minutes 46 seconds East for a distance of 76.58 feet to the point of beginning.

Said tract containing 0.25 acres, (11,257.57 sq. ft.) more or less. Said tract being subject to all easements, rights of way, covenants and restrictions of record and not of record. This description is based upon the survey done by DBS & Associates titled – "Boundary Survey of the Clarksville CBID Management Co. Property" dated February 2, 2008.

Tract 2 being the same property conveyed to Jeffrey K. Robinson by deed of record in ORBV 1250, Page 2153, Register's Office of Montgomery County, Tennessee. Also being the same property conveyed to Highpointe Row Partners, a Tennessee general partnership, by deed of even date herewith, of record in ORBV 1314, Page 965, said Register's Office. The map, group and parcel number assigned to the above described real estate by the Assessor of Property for Montgomery County, Tennessee is 66J-F-11.00.

EXHIBIT B-2

Description of the Easement Area

Being an ingress, egress and parking easement across the Highpoint ROW Partners property in the 12 TH Civil District of Montgomery County Tennessee as recorded in Official Record Volume (ORV.) 1314, Pg. 965 ROMCT, said easement is generally located west of and adjacent to Sullivan (Gracey) Alley, north of R.J. Corman Railroad, east of Spring Street and south of Washington Street, said property is more particularly described as follows:

Commencing at an existing iron pin in the south boundary line of the City of Clarksville Tn property as recorded in ORV. 732, Pg. 199 ROMCT, said pin being located at Tennessee State Plane Coordinates of Northing 799857.64', Easting 1568696.16' and South 61°12'12" West 313.37 feet from the centerline intersection of First Street and Washington Street;

Thence leaving said City of Clarksville property and with said east right of way of Sullivan (Gracey) Alley. South 03°11'57" West 24.78 feet to a point, said point being the TRUE POINT OF BEGINNING WITH THIS EASEMENT;

Thence continuing with said east right of way of Sullivan (Gracey) Alley, South 03°11'57" West 72.09 feet to a point;

Thence leaving said Sullivan (Gracey) Alley on eleven (11) new easement lines that run approximately 5.0' parallel with an existing asphalt driveway all to a point as follows;
North 47°31'29" West 8.82 feet;

Thence North 45°04'53" West 7.69 feet;
Thence North 35°32'24" West 8.99 feet;
Thence North 21°12'14" West 9.36 feet;
Thence North 00°11'57" West 7.69 feet;
Thence North 14°56'00" East 8.18 feet;
Thence North 23°37'30" East 7.35 feet;
Thence North 31°31'52" East 8.76 feet;
Thence North 39°39'36" East 9.13 feet;
Thence North 47°46'50" East 9.11 feet;

Thence North 56°03'49" East 2.89 feet to the point of beginning containing 1,074.2 Sq. Ft. or 0.02 acres more or less.

Based on a Survey by DBS & Associates, a TTL Company, dated 2-13-2020, by W. Logan McCraw, RLS#2887.

Subject to any restrictions, conveyances, covenants, easements and right of ways both of and not of record.

ADDRESS NEW OWNER	MAP/PARCEL	SEND TAX BILLS TO:
Jeffrey K. Robinson and Sherri L. Robinson _____ Clarksville, Tennessee 37040	None	Same as New Owner
This instrument prepared by: Bradley Arant Boult Cummings LLP (JLM) 1600 Division Street, Suite 700, Nashville, Tennessee 37203		

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged the **City of Clarksville**, a Tennessee municipal corporation (the "Grantor"), hereby conveys, remises releases and quitclaims unto **Jeffrey K. Robinson and Sherri L. Robinson** (collectively, the "Grantee"), certain land in Montgomery County, Tennessee, being more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "Property").

Said Property is conveyed subject to such limitations, restrictions and encumbrances as may affect the premises.

This is unimproved property located on South Second Street, City of Clarksville, Montgomery County, Tennessee.

Notwithstanding anything to the contrary contained herein, Grantor herby expressly retains an easement as described on **Exhibit B**, which is attached hereto and incorporated herein by this reference.

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer is $0.00.

_____
Affiant

Subscribed and sworn to before me this ___ day of _____, 2021.

_____
Notary Public
My Commission Expires:_____

WITNESS our hands this ___day of _____, 2021.

GRANTOR:

City of Clarksville, a Tennessee municipal corporation

By: _____
Mayor Joe Pitts

Attest:

_____
Sylvia Skinner, City Clerk

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, Joe Pitts, Mayor and Sylvia Skinner, City Clerk, with whom I am personally acquainted, and who, upon oath, acknowledged that they executed the within instrument for the purposes therein contained, and who further acknowledged that they are the Mayor and City Clerk, respectively of the maker, City of Clarksville, a Tennessee municipal corporation, and they are authorized by the maker to execute the instrument on behalf of the maker.

WITNESS my hand and seal at office in _____, Tennessee, on this the _____ day of _____, 2021.

_____
Notary Public
My Commission Expires:

_____

ACCEPTANCE BY GRANTEE

GRANTEE, Jeffrey Robinson and Sherri Robinson, hereby accept this Quitclaim Deed for themselves, their heirs successors and assigns, subject to all conditions, reservations, restrictions and terms contained herein, this the _____ day of _____, 2021.

_____

Jeffrey K. Robinson

_____

Sherri L. Robinson

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Before me, the undersigned, a Notary Public in and for said County and State, duly commissioned and qualified, personally appeared Jeffrey K. Robinson, 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 and seal at office in _____, Tennessee, on this the _____ day of _____, 2021.

_____
Notary Public
My Commission Expires:

_____

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

Before me, the undersigned, a Notary Public in and for said County and State, duly commissioned and qualified, personally appeared Sherri L. Robinson, the within named bargainor, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that she executed the foregoing instrument for the purposes therein contained

WITNESS my hand and seal at office in _____, Tennessee, on this the _____ day of _____, 2021.

_____
Notary Public
My Commission Expires:

_____

Exhibit A

Description of the Property

Being a Tract of land situated in the 12th Civil District of Montgomery County, Tennessee, said Tract being in downtown Clarksville and being generally located north of Commerce Street, south of Franklin Street, east of S. 1st Street, and west of, and adjacent to S. 2nd Street, said Tract being more particularly described as follows:

Beginning at a pk nail (new) in the western right-of-way of S. 2nd Street, said pk nail being located 95.00 feet south of the southern right-of-way of Franklin Street, as measured along the western right-of-way of S. 2nd Street, said pk nail also being the southeastern corner of the Deborah S. Evans property, as recorded in O.R.V. 609, Page 303, R.O.M.C.T.;

Thence with the western right-of-way of S. 2nd Street, South 14 degrees 52 minutes 43 seconds East 16.50 feet to a pk nail (new);

Thence leaving the said western right-of-way, and on a new severance line, South 75 degrees 47 minutes 11 seconds West 112.63 feet to a pk nail (new), said pk nail being in the eastern line of the Grumpy's Enterprises, LLC property, as recorded in O.R.V. 1509, Page 756, R.O.M.C.T.;

Thence with the eastern line of the said Grumpy's Enterprises, LLC property, North 14 degrees 55 minutes 18 seconds West 11.50 feet to a pk nail (new), said pk nail being the southwestern corner of the Christine L. Roberts property, as recorded in O.R.V. 1390, Page 1908, R.O.M.C.T.;

Thence with the southern line of the said Roberts property, and the southern lines of the BKHolding, LLC property, as recorded in O.R.V. 1434, Page 831, R.O.M.C.T., and the Jeffrey K. Robinson, ET UX property, as recorded in O.R.V. 844, Page 2347, R.O.M.C.T., North 75 degrees 47 minutes 11 seconds East 87.79 feet to an iron pin (new), said iron pin being the southeastern corner of the said Jeffrey K. Robinson, ET UX property;

Thence with the eastern line of the said Robinson property, North 14 degrees 46 minutes 05 seconds West 5.00 feet to an iron pin (new), said iron pin being the southwestern corner of the said Deborah S. Evans property;

Thence with the southern line of the said Evans property, North 75 degrees 47 minutes 11 seconds East 24.83 feet to the point of beginning.

The above described Tract shall remain a Public Utility & Drainage Easement in its entirety, regardless of ownership.

Said Tract contains 0.033 Acres (1,419.4 sq. ft.) more or less.

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.

All iron pins set are ½" x 18" rebar with plastic cap stamped "SUITER 1837".

Being the same property conveyed by Franklin Street Corporation to the City of Clarksville by deeds of record in ORBV 851, Page 2901 and ORBV 851, Page 2904, in the Register's Office for Montgomery County, Tennessee.

Exhibit B

Easement

1. Concurrently with Grantor's conveyance to Grantee of that certain property described on Exhibit A (the "Conveyed Property"), Grantor expressly retains and reserves for itself and its successors and assigns, a perpetual public utilities and drainage easement for the purpose of installing, operating, inspecting, maintaining, repairing, replacing, or removing public utility facilities beneath, upon, and over the Conveyed Property (the "Easement").

2. Grantee shall not install or construct, or permit to be installed or constructed, any building, structure, utility or other facility, nor shall Grantee drill any well, plant any trees, store materials of any kind, or alter ground level by cut or fill, within the limits of the Conveyed Property, without the prior written consent of the Grantor's.

3. Grantor shall repair and restore any damage to the Conveyed Property resulting from or arising out of the use thereof by Grantor (or any of its agents, employees, contractors, representatives, subtenants or invitees).

4. Grantor shall use and cause its agents, employees, contractors, guests and invitees to use the Easement in a manner that complies with all applicable laws.

5. The Grantee shall not maintain the Conveyed Property in a manner that impairs the ability or capacity of the Grantee to fully utilize the Easement.

6. The Grantee shall permit the owners of the properties described on Exhibit B-1 (the "Adjoining Properties") to maintain in perpetuity any of the existing encroachments located on the Conveyed Property as shown on the Easement Survey attached hereto as Exhibit B-2. The Grantee shall allow any owner of any Adjoining Property to perform all necessary repairs and maintenance of the encroachments as may be reasonably necessary from time to time.

7. The Grantee shall permit the owners of the Adjoining Property, their personal representatives, heirs, successors, successors-in-title, assigns, tenants, and their respective invitees, guests, visitors, licensees, employees, agents, contractors, and customers, to utilize the Conveyed Property for vehicular and pedestrian ingress and egress to the adjacent public right of way.

8. The terms, conditions, covenants, agreements and easements contained herein shall run with the land and are binding on and inure to the benefit of Grantor, Grantee and their respective heirs, successors and assigns.

Exhibit B-1

Description of Adjoining Properties

Tract 1

Beginning at a PK nail located south 64 degrees 35 minutes 40 seconds west 104.28 feet from the centerline intersection of Franklin Street and South Second Street and being in the southern line of a brick sidewalk; said iron pin also being located in the northwestern corner of the Jeffrey K. Robinson Property (Vol. 844, Page 2347, ROMCT); thence along the western boundary line of Robinson, south 11 degrees 07 minutes 49 seconds east 100.00 feet to a PK nail located in the northern boundary line of the Franklin Street Corp. Property (Vol. 854, Page 892, ROMCT); thence along said northern boundary line of Franklin Street Corp. Property, south 79 degrees 01 minute 55 seconds west 18.62 feet to a PK nail; thence leaving the northern boundary line of the Franklin Street Corp. Property and along the eastern boundary line of the Christine I. Roberts Property (Vol. 1390, Page 1908, ROMCT), north 11 degrees 07 minutes 15 seconds west 100.00 feet to a PK nail in the said southern line of the brick sidewalk; thence leaving the Roberts boundary line and along the said southern boundary of the brick sidewalk, north 79 degrees 01 minute 55 seconds east, 18.61 feet to the point of beginning, according to survey of Ben Robert Weakley, TRLS No. 1457 of Weakley Brothers Engineering, P.O. Box 3409, 2121 Old Ashland City Road, Clarksville, TN 37043, dated 3-19-12 with a Job No. of 12-201.

The survey shows that the eastern, western and southern boundary lines are along the walls of a 2 story building with basement.

Being the same property which was conveyed to BKTurner Holding LLC, a Tennessee limited liability company, by deed from Todd Hansrote and wife, Suzette Hansrote of record in Volume 1434, Page 831, of the Register's Office for Montgomery County, Tennessee.

Parcel ID: 066G K 01400 000.

Tract 2

Beginning at a PK Nail in the south margin of Franklin Street, said PK Nail being at the Northwest comer of the Carson Castleman Property and also being South 69 degrees 21 minutes 03 seconds West, 142.32 feet from the centerline intersection of 2nd Street and Franklin Street, thence from said point of beginning south 11 degrees 55 minutes 33 seconds East, 147.48 to a PK Nail; thence South 78 degrees 35 minutes 56 seconds West, 24.07 feet to a PK Nail; thence North 10 degrees 47 minutes 53 seconds West, 147.64 feet to a PK Nail in the south margin of Franklin Street; thence with the south margin of Franklin Street, North 79 degrees 01 minutes 55 seconds East, 21.16 feet to the point of beginning, containing 3,336.9 square feet, more or less, according to a survey of J. Vernon Weakley, TRLS#l596, of Weakley Brother's Surveying, dated 7/31/03 and being further designated as Job No. 03-336B.

This property is subject to Special Assessment of record in ORBV 654, Page 890, in the Register's Office for Montgomery County, Tennessee.

This conveyance is further subject to (1) all applicable zoning ordinances (2) utility, sewer, drainage and other easements of record, (3) all subdivision/condominium assessments, covenants, bylaws, restrictions, declarations and easements of record, (4) building restrictions, and (5) other matters of public record.

Being the same property conveyed to Grumpy's Enterprises LLC by Quitclaim Deed from Grumpy's Bail Bonding, LLC, of record in ORBV 1509, Page 756, in the Register's Office for Montgomery County, Tennessee.

This property is further identified as tax parcel #66G-K-11 in the Montgomery County Tax Assessor's Office.

Tract 3

Reality at the southwest comer of Franklin and Second Streets, bounded on the north by Franklin Street, on the east by second street, on the south by an alley, and on the west by Stone (formerly the M. L. Cross Co.), fronting on Franklin Street 24 feet 10 inches and running back 95 feet to said alley.

This being the same realty conveyed to Deborah S. Evans by deed from Charles W. Smith, of record in Volume 609, Page 303, Register's Office for Montgomery County, Tennessee and by Quitclaim Deed from James Larry Cohoon. of record in Volume 1719, Page 1029, Register's Office for Montgomery County, Tennessee.

Parcel ID: 066G K 01700 000.

Tract 4

Fronting 22-1/4 feet on the south side of Franklin Street, and running back to an alley, bounded north by Franklin Street, south by said alley, east by the property of Mrs. Cornelia Turnley, now occupied by Pennebaker, on the west by the property of Mrs. Clara Burney, now occupied by I. P. Gerhart Store.
INCLUDED in the above-described property BUT EXPRESSLY EXCLUDED HEREFROM is the following described real estate to wit:

But off of the same there was sold a strip fronting 8 inches on Franklin Street and back the full length of the above lot along the western edge thereof, fully set out in a deed executed by L. Gauchat dated August 26, 1878 and of record in Deed Book 18, Page 325, to which reference is here made, and the said strip of ground was conveyed to Kincannon Wood & Company by the said last mentioned deed and is not herein conveyed.

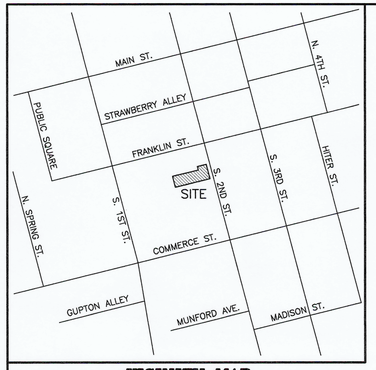
This being the same real estate conveyed to Christine L. Roberts by Cash Warranty Deed from Carson Castleman of record in ORBV 1390, Page 1908, in the Register's Office for Montgomery County, Tennessee. The map, group and parcel number assigned to the above described real estate by the Assessor of Property for Montgomery County, Tennessee is 66G-K-13.

Exhibit B-2

Copy of Easement Survey

EASEMENT SURVEY FOR THE CITY OF CLARKSVILLE GAS AND WATER DEPARTMENT

O.R.V. 851, PAGE 2901, R.O.M.C.T.
O.R.V. 851, PAGE 2904, R.O.M.C.T.
TWELFTH CIVIL DISTRICT
MONTGOMERY COUNTY, TENNESSEE
DATE: FEBRUARY 10, 2020
SCALE: 1" = 10'



VICINITY MAP

NORTH AS PER TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD 83)



BOUNDARY LINE DATA		
LINE	BEARING	DISTANCE
L1	S 14°52'43" E	16.50'
L2	S 75°47'11" W	112.63'
L3	N 14°55'18" W	11.50'
L4	N 75°47'11" E	87.79'
L5	N 14°46'05" W	5.00'
L6	N 75°47'11" E	24.83'
L7	S 14°52'43" E	5.00'
L8	N 14°55'18" E	5.00'

LEGEND:
IP(O) = IRON PIN OLD
IP(N) = 1/2" IRON PIN NEW SET CAP NO. 1837
R.O.W. = RIGHT OF WAY
UGE = UNDERGROUND ELECTRIC
UGT = UNDERGROUND TELEPHONE
WV = WATER VALVE
C.O. = SEWER CLEANOUT
GAS LINE: —— GAS ——
UNDERGROUND ELECTRIC: —— UGE ——
UNDERGROUND TELEPHONE: —— UGT ——
CENTERLINE: — — —
BOUNDARY LINE: ———
RIGHT-OF-WAY LINE: — — —
FENCE: -o-o-o-o-o-o-o-o-o-o-

I hereby certify to the hereon named parties that this is a Category 1 survey and that the closure of the unadjusted traverse is greater than 1:10,000. That I am not liable for anything that is changed, that these lines are based upon the latest recorded plat or deed as well as other data that is available to me at this time. This survey is correct to the best of my knowledge, belief, and professional opinion.

Said property subject to all easements, right-of-ways, conveyances of record, and restrictions.

NOTE: This survey is subject to change contingent upon receipt of a current abstract or title policy covering the property shown hereon.

THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. UNDERGROUND UTILITIES SHOWN, WERE TAKEN FROM VISIBLE FEATURES AT THE SITE, PUBLIC RECORDS, AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FUTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED; THEREFORE, RELIANCE UPON THE LOCATION OF UTILITIES SHOWN SHOULD BE DONE WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY.

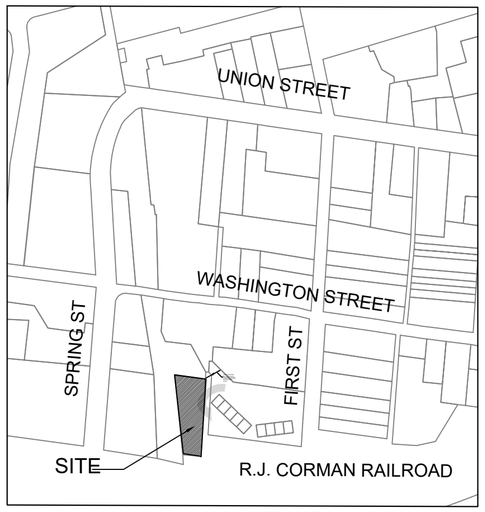
GRAPHIC SCALE: 1" = 10 FEET
10 0 10 20 30



Suiter Surveying & Land Planning
CIVIL ENGINEERING & LAND SURVEYING
P.O. Box 30271
1805A Alpine Drive
Clarksville, TN. 37040
ph. & (931) 920-1750
Fax # (931) 920-8490

BOUNDARY SURVEY

OF THE HIGHPOINT ROW PARTNERS PROPERTY
TAX MAP 066J, GROUP F, PARCEL 005.00
AS RECORDED IN DEED BOOK 1314 PAGE 965
REGISTER'S OFFICE OF MONTGOMERY COUNTY, TENNESSEE
S. 1ST STREET, CLARKSVILLE,TN 37040
12TH DISTRICT OF MONTGOMERY COUNTY, TENNESSEE
TOTAL AREA = 11,252Sq. Ft. **OR 0.26 ACRES, MORE OR LESS**
ZONE: CBD DATE: 5-30-18 REVISED 2-13-20



VICINITY MAP
(NOT TO SCALE)

SITE LEGEND

BOUNDARY LINE
ADJOINING BOUNDARY LINE
SA SA SANITARY SEWER
SAS GIS SANITARY SEWER (PER GIS)

BUILDING ALLEY ABANDONMENT ASPHALT

MONUMENT FOUND (½" REBAR, UNLESS NOTED OTHERWISE)
MONUMENT SET (1/2" REBAR CAPPED "DBS & ASSOC.")

SA= SANITARY SEWER
ROMCT= REGISTER OF DEEDS MONTGOMERY COUNTY, TENNESSEE
GIS= GEOGRAPHICAL INFORMATION SYSTEM
PVC= POLY VINYL CHLORIDE PIPE
PRV.=OFFICIAL RECORD VOLUME
PG=PAGE
RLS=REGISTERED LAND SURVEYOR

CITY OF CLARKSVILLE
PROPERTY
ORV.732, PG. 199 ROMCT

SURVEYOR'S NOTES

A TITLE COMMITMENT/ SEARCH WAS NOT FURNISHED AT TIME OF SURVEY, THEREFORE THIS SURVEY IS SUBJECT TO AN ACCURATE TITLE COMMITMENT/ SEARCH.

BEARINGS AND DISTANCES TAKE PRECEDENCE OVER SCALE

SETBACKS ARE AS PER PLAT, PROPERTY IS ZONED AS "CBD". SURVEY DOES NOT ADDRESS CONTEXTUAL SETBACKS.

PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD AND NOT OF RECORD.

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER, AND DOES NOT EXTEND TO ANY UNNAMED PERSONS OR ENTITIES WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR WHOSE NAME APPEARS HEREON.

THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NON-EXISTENCE OF WETLANDS AREAS.

THE PROPERTY IS NOT SUBJECT TO A BLUE LINE STREAM AS SHOWN ON SURVEY. BASED ON U.S.G.S. ONLINE MAPPING.

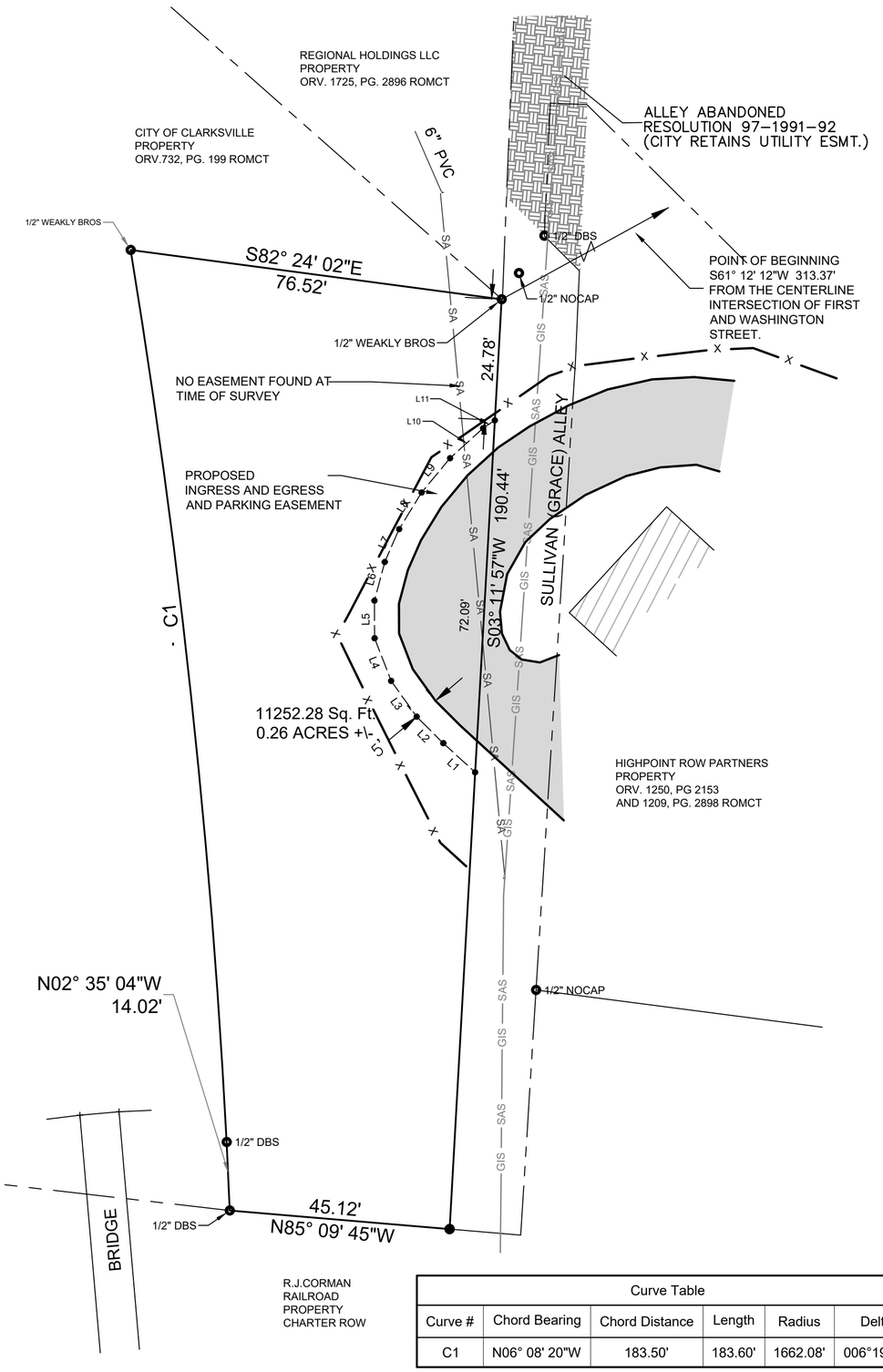
RAILROAD RIGHT OF WAY BASED ON A RIGHT OF WAY AND TRACK MAP FOR THE LOUISVILLE AND NASHVILLE RAILROAD COMPANY SHEET 8 (V-25) LAST REVISION DATE 3-15-43.

PROPERTY IS LOCATED IN THE TRANSITION ZONE OF THE AIRPORT OVERLAY DISTRICT AS DESCRIBED IN CHAPTER 9 OF THE CITY OF CLARKSVILLE TENNESSEE ZONING ORDINANCE. WITH A HEIGHT RESTRICTION AS FOLLOWS:
EXCEPT AND OTHERWISE PROVIDED IN THE SECTION, NO STRUCTURE OR TREE SHALL BE ERECTED, ALTERED, OR ALLOW TO GROW, OR MAINTAINED IN ANY SURFACE CREATED BY THIS SECTION IN EXCESS OF THE HEIGHT LIMITATIONS ESTABLISHED BY THIS SECTION.
HEIGHT LIMITATION FOR TRANSITION SURFACE IS AS FOLLOWS:
1' IN HEIGHT FOR EACH 7' IN HORIZONTAL DISTANCE FROM THE SIDES OF THE PRIMARY SURFACE AND FROM THE SIDES OF THE APPROACH SURFACES.. TRANSITION SURFACES FOR THOSE PORTIONS OF THE PRECISION APPROACH SURFACE WHICH PROJECT THOUGH AND BEYOND THE LIMITS OF THE CONICAL SURFACE, EXTEND FOR A DISTANCE OF 5000' MEASURED HORIZONTALLY FROM THE EDGE OF THE APPROACH SURFACE AND RIGHT ANGLES TO THE RUN WAY CENTERLINE.

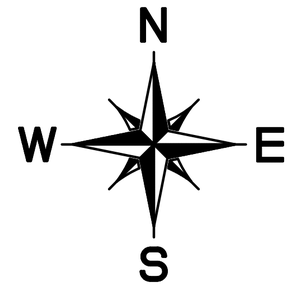
THIS SURVEY IS A REVISION OF A BOUNDARY SURVEY DONE ON 6-8-2018.
REASON FOR REVISION
TO ADD INGRESS AND EGRESS
AND PARKING EASEMENT

DISCLAIMER

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THEREFORE, RELIANCE UPON THE TYPE, SIZE, AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION, AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT," THAT WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS. NO LESS THAN (3) THREE OR NO MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, TENNESSEE ONE CALL 1-800-351-1111.



Curve Table					
Curve #	Chord Bearing	Chord Distance	Length	Radius	Delta
C1	N06° 08' 20"W	183.50'	183.60'	1662.08'	006°19'44"



NORTH BASED ON
TENNESSEE STATE PLANE COORDINATES
N.A.D. 83
GRID NORTH
VERTICAL DATUM: N.A.V.D. 88

GRAPHIC SCALE 1"=20'

0 20 40 60

Line Table		
Line #	Direction	Length
L1	N47°31'29"W	8.82'
L2	N45°04'53"W	7.69'
L3	N35°32'24"W	8.99'
L4	N21°12'14"W	9.36'
L5	N00°11'57"W	7.69'
L6	N14°56'00"E	8.18'
L7	N23°37'30"E	7.35'
L8	N31°31'52"E	8.76'
L9	N39°39'36"E	9.13'
L10	N47°46'50"E	9.11'
L11	N56°03'49"E	2.89'

The perimeter shown here is per a Survey made on the ground, there are no encroachments other than those shown, and the survey is correct to the best of my knowledge, belief and professional opinion.

This tract does not lay within a Special Flood Hazard Area of the Federal Emergency Management Agency according to the Flood Insurance Rate Map (47125 C 0238 D Zone X) of the City of Clarksville, Montgomery County, Tennessee, Dated: March 18, 2008, unless otherwise noted on survey.

I hereby certify that this is a Category-I survey, and that the Closure of the Unadjusted Traverse is better than 1:10,000. This survey was done in compliance with current Tennessee minimum standards of practice.

Bearing and distance shown take precedence over scale.



2-13-2020

W LOGAN MCCRAW TN RLS # 2887
DBS & ASSOCIATES ENGINEERING

330 North 2nd Street
P.O. Box 949
Clarksville, TN 37041-0949
P: (931) 647-6959 • F: (931) 647-7135
visit us online: www.dbsengr.com
DBS & Associates Engineering
A TTL COMPANY
Engineers • Surveyors • Planners

BOUNDARY SURVEY
OF THE HIGHPOINT ROW PARTNERS PROPERTY
TAX MAP 066J, GROUP F, PARCEL 005.00
S. 1ST STREET, CLARKSVILLE,TN 37040
12TH DISTRICT OF MONTGOMERY COUNTY, TENNESSEE
TOTAL AREA = 11,252.28 Sq. Ft. OR 0.26 ACRES, MORE OR LESS
ZONE: CBD DATE: 5-30-18 REVISED 2-13-20

REVISIONS

FIELD CREW: JJ/ JAM
DRAWN BY: MW
CHECKED BY: WLM

SHEET
1 OF 1

S:\HIGHPOINT ROW PARTNERS REV. (PAT CHESNEY)\SURVEY INFO\HIGH POINT ROW PARTNERS S.FIRST STREET.DWG
PLOTTED: 2/14/2020 11:36 AM

DEMOLITION NOTES:

1. CONTRACTOR SHALL PROVIDE NECESSARY SIGNAGE, BARRICADES OR OTHER DEVICES FOR THE PROTECTION OF THE PUBLIC, CONSTRUCTION WORKERS AND TRAFFIC CONTROL.
2. ALL DISTURBED AREAS SHALL BE COMPLETELY RESTORED TO EQUAL OR BETTER CONDITION PRIOR TO COMPLETION OF CONSTRUCTION.
3. ALL MUD, DIRT AND DEBRIS TRACKED INTO THE EXISTING ROADWAY AND/OR PARKING AREA FROM THE SITE SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
4. NO ATTEMPT IS MADE TO STIPULATE EVERY REQUIRED ITEM OF DEMOLITION ON THE DRAWINGS. CONTRACTOR SHALL VISIT AND STUDY THE PHYSICAL CONDITION OF THE SITE, REVIEW THE DRAWINGS AND REACH THEIR OWN CONCLUSIONS ON WORK NECESSARY TO ACCOMPLISH INTENDED WORK AS INDICATED ON THE DRAWINGS.
5. CONTRACTORS MANNER AND METHOD OF INGRESS/EGRESS WITH RESPECT TO THE PROJECT AREA SHALL IN NO WAY PROHIBIT NORMAL PEDESTRIAN OR VEHICULAR TRAFFIC IN THE VICINITY OF THE PROJECT SITE.
6. NO DEBRIS SHALL BE LEFT ON THE PROJECT SITE. LEGAL DISPOSAL AREAS FOR SUCH SHALL BE LOCATED OFF-SITE AND SECURED BY THE CONTRACTOR.
7. LOCAL REGULATIONS REGARDING HAULING AND DISPOSAL SHALL APPLY. CONTRACTOR SHALL TAKE MEASURES TO PREVENT SPILLAGE ONTO EXISTING PARKING AREAS OR LOCAL STREETS AND BE RESPONSIBLE FOR CLEAN UP IF SPILLAGE OCCURS, AS A RESULT OF THE TRUCKING OPERATIONS.
8. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO EXISTING ROADWAY, PARKING AREA AND STRUCTURES CAUSED BY DEMOLITION AND HAULING OPERATIONS.
9. ALL BURNING OF TREES, BRUSH AND DEBRIS SHALL BE DONE IN CONFORMANCE WITH ALL LOCAL, STATE AND FEDERAL GUIDELINES.

GENERAL SITE INFORMATION:

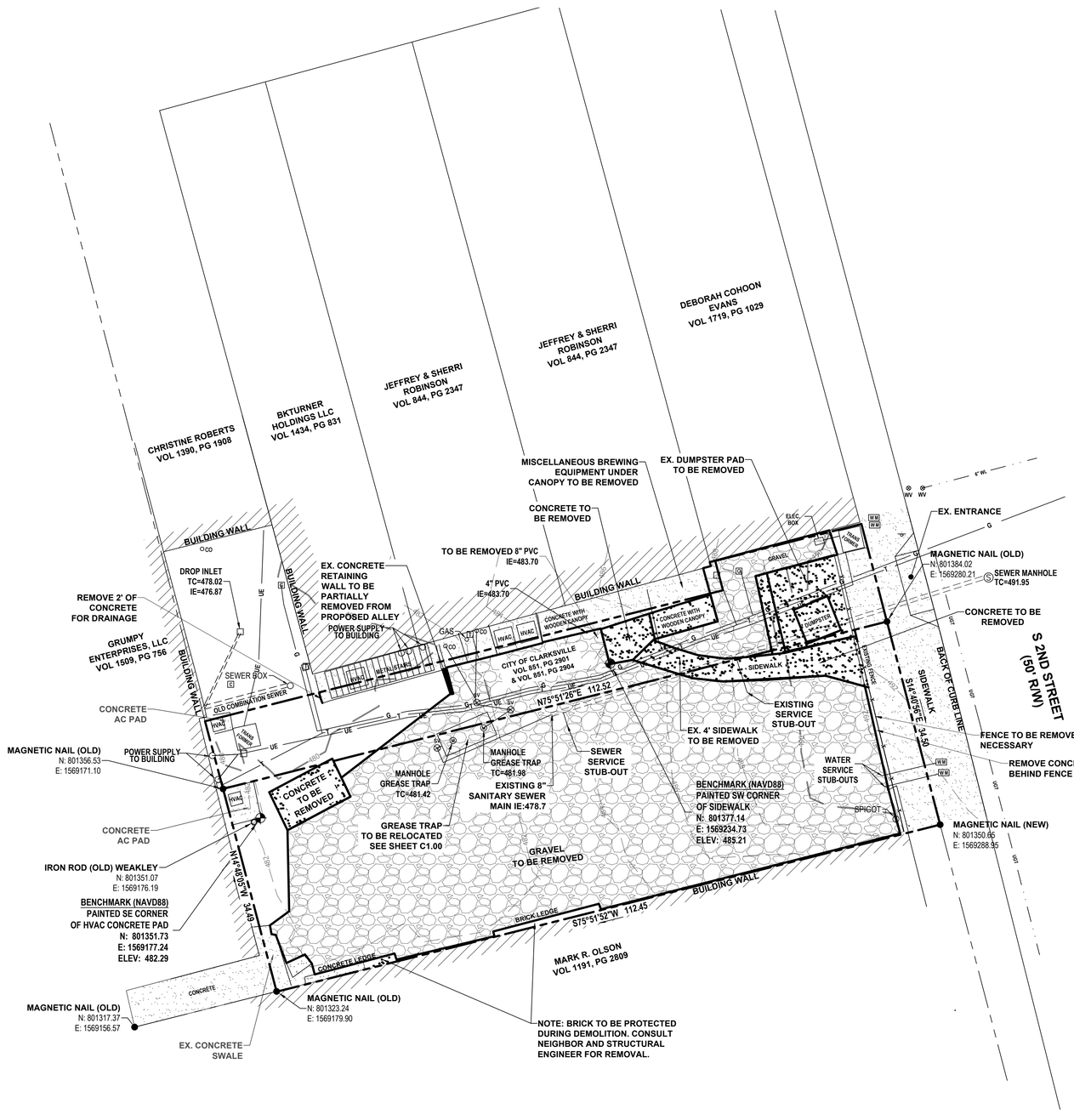
OWNER/DEVELOPER: FRANKLIN STREET CORP
132 FRANKLIN STREET
CLARKSVILLE, TN 37040

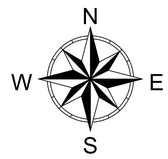
CITY OF CLARKSVILLE

CURRENT ZONING: CBD
CIVIL DISTRICT: 12th
DEED REF. #O.R.V. 854, PG. 892
TAX MAP NO. 066G 'K' PARCEL NO. 19.00

SITE LEGEND

- PROPERTY LINE
- BOUNDARY LINE
- TREE LINE
- ROADWAY CENTERLINE
- GAS MAIN & SERVICE LINE
- UNDERGROUND ELECTRIC
- WATER MAIN & SERVICE LINE
- SANITARY SEWER MAIN & SERVICE
- STORM SEWER LINE
- FENCELINE
- UNDERGROUND TELEPHONE
- PROPOSED WATER MAIN (SIZE TBD)
- EXISTING MAGNETIC NAIL
- EXISTING IRON PIN
- CLEANOUT
- UTILITY POLE
- POWER POLE
- SANITARY SEWER MANHOLE
- STORM SEWER INLET
- REFERENCE POINT (CONTROL)
- BENCHMARK
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- ELECTRICAL TRANSFORMER
- TELEPHONE BOX
- EXISTING BUILDING
- EXISTING GRAVEL
- EXISTING CONCRETE
- PROPOSED HEAVY DUTY CONCRETE





0 10 20 Feet

GRAPHIC SCALE
1" =10 '

GENERAL NOTES:
1. All utility locations based on location of utilities by local utility authorities and visible field location by others. There is no guarantee that no other utilities either public or private are not displayed on this survey.
2. All site lighting shall be directed inward with shielded hoods. No light shall spill on adjacent property.
3. Elements shown per an Asbuilt/Boundary Survey of the City of Clarksville, conducted by Suiter Surveying, furnished by Clarksville Gas & Water, and dated: 04-04-2016.

EDWARD C. BURCHETT — REGISTERED LANDSCAPE ARCHITECT — AGRICULTURE — COMMERCE — 111 — STATE OF TENNESSEE — 5/11/20

REVISIONS

DATE	COMMENTS

FOR PERMITTING ONLY

S. SECOND ST. SEWER CAPACITY STUDY

EXISTING CONDITIONS & DEMOLITION PLAN

S. 2ND ST., CLARKSVILLE
MONTGOMERY COUNTY, TENNESSEE
May 11, 2020

McKAY-BURCHETT & COMPANY ENGINEERS
1545 Madison Street
Clarksville, TN 37040
Ph # 931-245-3095

DRAWN BY: D. HAWKINS
CHECKED BY: C. BURCHETT

FILE: S:\Projects\2020\0032-2018 2nd St. Sewer Capacity Study\JBREW10USE.dwg

SHEET: C 0.10

GENERAL SITE NOTES:

1. THE LOCATION OF EXISTING PIPING AND UNDERGROUND UTILITIES, SUCH AS GAS MAINS, WATER MAINS, ELECTRIC DUCT LINES, ETC., AS SHOWN ON THE PLANS HAVE BEEN DETERMINED FROM THE BEST AVAILABLE INFORMATION, BY ACTUAL OR FURNISHED SURVEYS, AND TAKEN FROM THE RECORDS OF THE PARENT UTILITY COMPANIES DRAWINGS OF THE EXISTING FACILITIES. HOWEVER, THE ENGINEER DOES NOT ASSUME THE RESPONSIBILITY FOR THE POSSIBILITY THAT, DURING CONSTRUCTION, UTILITIES OTHER THAN THOSE SHOWN MAY BE ENCOUNTERED OR THAT ACTUAL LOCATION OF THOSE SHOWN MAY BE DIFFERENT FROM THE LOCATIONS DESIGNATED ON THE PLANS.
   TENNESSEE ONE CALL CENTER: 1-800-351-1111
2. IN THE EVENT OF A CONFLICT BETWEEN THE PLANS, SPECIFICATIONS, STANDARD NOTES, OR THE REQUIREMENTS OF OFFICIALS OF INVOLVED GOVERNMENT BODIES, PLEASE CONTACT ENGINEER OF RECORD.
3. THE CONTRACTOR SHALL MAKE A PHYSICAL INSPECTION OF THE SITE BEFORE SUBMITTING A PROPOSAL FOR THE PROJECT. IT IS ASSUMED THAT THE CONTRACTOR HAS EXAMINED THE PLANS, SPECIFICATIONS AND THE SITE PRIOR TO SUBMITTING A PROPOSAL. ANY ITEMS THAT WOULD BE REASONABLY REQUIRED FOR CONSTRUCTION, WHETHER OR NOT SPECIFICALLY DENOTED IN THE PLANS SHALL BE PROVIDED BY THE CONTRACTOR.
4. WHEN THE WORK AREA IS AN AREA OF DIRECT PUBLIC ACCESS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ERECTING BARRICADES AND CONSTRUCTION WARNING SIGNS IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE INSPECTORS OF ALL CONCERNED GOVERNMENT AGENCIES DURING ALL PHASES OF CONSTRUCTION.
6. BEARINGS AND/OR DISTANCES SHOWN ON THE PLANS SHALL TAKE PRECIDENCE OVER SCALE. SHOULD A CONFLICT EXIST, NOTIFY THE ENGINEER IMMEDIATELY.
7. ANY TEMPORARY CONSTRUCTION DURING THIS PROJECT SHALL BE MADE IN SUCH A MANNER AS TO ADEQUATELY DRAIN AND BE MAINTAINED FOR THE LIFE OF THE TEMPORARY CONSTRUCTION, THE TERM OF THE PROJECT, OR A PERIOD OF ONE YEAR. TEMPORARY TURN AROUNDS SHALL BE CONSTRUCTED IN SUCH A MANNER AS TO ADEQUATELY DRAIN AND HAVE A SMOOTH TRANSITION FROM FINISHED PAVEMENT ELEVATIONS TO FINISHED STONE ELEVATIONS.
8. ANY EXISTING OR PROPOSED VALVES, FIRE HYDRANTS, METER VAULTS, MANHOLES, SPRINKLER HEADS, ELECTRIC METERS/VAULTS, PULL BOXES, TRANSFORMERS (THIS SHALL INCLUDE ANY PADS GRATES, LIDS SIGNS, POSTS OR ANY OTHER ITEMS ASSOCIATED WITH SUCH APPURTENANCES), TELEPHONE PEDESTALS, CABLE BOXES, FIBER OPTIC VAULTS(BOXES), REMOTE FIRE DEPARTMENT CONNECTIONS, CLEANOUTS, SPIGOTS, LIGHT POLES, FLOOD LIGHTS, AREA DRAINS, CATCH BASINS OR OTHER SUCH APPURTENANCES LOCATED WITHIN THE CONSTRUCTION SITE WHICH ARE NOT SPECIFIED TO BE REMOVED SHALL BE ADJUSTED TO MATCH FINISHED GRADES.
9. ANY ALTERCATION TO THIS PLAN SHALL BE APPROVED BY THE ENGINEER & APPROPRIATE GOVERNING AGENCIES PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. FAILURE TO DO SO COULD RESULT IN A DELAY OR NON-ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
10. ALL SITE LIGHTING SHALL BE DIRECTED INWARD ONTO SITE, TO INCLUDE SHIELDED HOODS. NO SITE LIGHTING SHALL SPILL ONTO ADJACENT PROPERTIES.
11. SIGNAGE, STRIPING AND PAVEMENT OUTSIDE OF DEVELOPMENT ENTRANCE SHALL CONFORM WITH CITY OF CLARKSVILLE OR TENNESSEE DEPARTMENT OF TRANSPORTATION REQUIREMENTS AS REQUIRED.
12. ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS NOTED OTHERWISE.
13. SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS.
14. CONCRETE WALKS & PADS SHALL HAVE A BROOM FINISH. ALL CONCRETE SHALL BE 3000 PSI UNLESS OTHERWISE NOTED. CURB RAMPS & SIDEWALK SLOPES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL CURRENT LOCAL REQUIREMENTS. IF APPLICABLE, THE CONTRACTOR SHALL REQUEST INSPECTION OF SIDEWALK AND RAMP FORMS PRIOR TO PLACEMENT OF CONCRETE.
15. CONTRACTION JOINTS SHALL BE CONSTRUCTED TO A DEPTH OF AT LEAST 1/4 THE CONCRETE THICKNESS, & SHALL DIVIDE CONCRETE ROUGHLY INTO SQUARES WITH MAXIMUM 10' SEGMENTS.
16. ALL SIDEWALKS, CURB RAMPS AND HANDICAP PARKING SPACES SHALL MEET ALL ADA AND FAIR HOUSING ACT REQUIREMENTS.

GENERAL UTILITY NOTES:

1. ALL WATER AND SANITARY SEWER CONSTRUCTION IS TO BE MADE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CLARKSVILLE GAS AND WATER DEPARTMENT OR THE APPROPRIATE UTILITY DISTRICT. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE CITY ENGINEER'S OFFICE OR THE APPROPRIATE UTILITY DISTRICT.
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE CLARKSVILLE DEPARTMENT OF ELECTRICITY (CDE) OR CUMBERLAND ELECTRIC MEMBERSHIP COOPERATIVE (CEMC) AND BELL SOUTH DURING CONSTRUCTION.
3. CONTRACTOR SHALL PROVIDE SHEETING, SHORING AND BRACING AS NECESSARY TO PROTECT WORKMEN AND EXISTING UTILITIES DURING ALL PHASES OF CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE A TRENCH SAFETY SYSTEM TO MEET ALL APPROPRIATE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS.
4. MEGALUG MECHANICAL RESTRAINTS, OR EQUAL SHALL BE USED ON ALL FITTINGS AND VALVES.
5. ANY VALVES, MANHOLES, SPRINKLER HEADS OR OTHER SUCH APPURTENANCES LOCATED WITHIN THE CONSTRUCTION SITE SHALL BE ADJUSTED TO MATCH FINISHED GRADES.
6. BEDDING MATERIAL FOR PVC SEWER PIPE SHALL CONSIST OF A 6-INCH ENVELOPE OF AASHTO M43 #67 CRUSHED STONE ON ALL SIDES OF THE PIPE. PIPE BEDDING SHALL BE THOROUGHLY AND COMPLETELY TAMPED BEFORE BACKFILLING.
7. SHOULD SOLID ROCK BE ENCOUNTERED IN A SEWER TRENCH, IT SHALL BE REMOVED TO A DEPTH OF AT LEAST SIX (6) INCHES BELOW THE FINISHED PIPELINE.
8. IN GENERAL, CRUSHED STONE BEDDING SHALL NOT BE REQUIRED FOR WATER LINE INSTALLATIONS. HOWEVER, WHERE UNSUITABLE MATERIAL OR SOLID ROCK IS ENCOUNTERED, BEDDING SHALL CONSIST OF A 6-INCH ENVELOPE OF AASHTO M43 #67 CRUSHED STONE ON ALL SIDES OF THE PIPE.
9. GENERALLY, TRENCHES SHALL BE BACKFILLED DAILY AS CONSTRUCTION PROCEEDS. IN NO CASE SHALL A TRENCH BE LEFT OPEN FOR MORE THAN SEVEN (7) DAYS.A. BACKFILL UNDER PAVEMENT: THE CONTRACTOR SHALL PLACE AND COMPACT AASHTO M43 #67. IN LIFTS NOT EXCEEDING 6 INCHES FROM THE TOP OF THE BEDDING ENVELOPE TO THE BASE OF THE PAVEMENT.
   B. BACKFILL IN UNIMPROVED AREAS:
   THE CONTRACTOR SHALL PLACE AND COMPACT MATERIAL CONSISTENT WITH EITHER FINE, LOOSE EARTH OR GRANULAR MATERIAL THAT IS FREE FROM CLODS, VEGETABLE MATTER, DEBRIS, STONE, AND/OR OTHER OBJECTIONABLE MATERIALS IN 12 INCH LIFTS COMPACTED TO 95% STANDARD PROCTOR (ASTM D698).
10. BEDDING MATERIAL FOR RIGID SEWER PIPE (RCP, DUCTILE IRON, CAST IRON) SHALL CONSIST OF A 6-INCH ENVELOPE OF AASHTO M43 #67 CRUSHED STONE ON ALL SIDES OF THE PIPE. PIPE BEDDING SHALL BE THOROUGHLY AND COMPLETELY TAMPED BEFORE BACKFILLING.
11. ALL SANITARY SEWER CLEANOUTS IN CONCRETE OR PAVEMENT AREAS SHALL BE IN A MB-9 LITTLE RHINO METER/VALVE BOX, ITEM NUMBER 55-L-SV, OR APPROVED EQUIVALENT.
12. MECHANICAL RESTRAINT SHALL BE USED ON ALL FITTINGS AND VALVES.
13. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND AS PER ORDINANCE 116-1006-07.
14. CONTRACTOR TO ENSURE THAT ALL GRADING IS TO SUBGRADE PRIOR TO INSTALLATION OF UTILITY LINES.
15. ANY PVC GRAVITY SEWER PIPE INSTALLED AT DEPTHS GREATER THAN 12 FEET SHALL CONFORM TO SDR 26 OR PS 115.
16. ALL WATER MAIN INSTALLATION SHALL CONFORM TO AWWA C605 FOR PVC AND AWWA C600 FOR DUCTILE IRON PIPE, ALL MATERIAL SHALL BE ASTM D02241 OR AWWA C900 FOR PVC AND ANSI A21.51 (AWWA C151) FOR DUCTILE IRON PIPE.
17. ALL SANITARY SEWER MAIN PIPE SHALL MEET OR EXCEED ASTM D3034-SDR35 STANDARDS.
18. CONTRACTOR TO VERIFY DEPTH, LOCATION, AND SIZE OF EXISTING UTILITIES PRIOR TO ORDERING MATERIALS.
19. UTILITY LOCATIONS ARE TO BE STAMPED IN CURB IN ACCORDANCE WITH UTILITY DEPT.
20. WATER SERVICE PIPE MATERIAL MAY BE MUNICIPEX CROSS LINKED POLYETHYLENE (PEXA) BY REHAU OR ALTERNATIVELY MAY BE TYPE K SOFT COPPER.
21. TRACER WIRE SHALL BE INSTALLED ALONG ALL WATER MAIN, WATER SERVICES, AND SEWER FORCE MAIN AND FORCE MAIN SERVICES. TRACER WIRE SHALL BE COPPERHEAD 1230-HS, 12 AWG COPPER CLAD STEEL TRACER WIRE WITH 30 MIL. HDPE COATING, NO SUBSTITUTIONS ALLOWED. CONNECTORS AT SERVICE CONNECTIONS AND TEES SHALL BE DRYCONN DIRECT BURY LUG AQUA BY KING INNOVATION AND AT THE MAIN LINE SPLICES SHALL BE DRYCONN KING 6 BLUE BY KING INNOVATION, NO SUBSTITUTIONS ALLOWED. TRACER WIRE SHALL EXTEND AT LEAST 5 FEET BEYOND WATER SERVICE STUB TERMINATIONS. A PIECE OF PVC PIPE SHALL BE BURIED VERTICALLY AGAINST THE 4" x 4" MARKER POST EXTENDING ABOUT 2" ABOVE GROUND LEVEL. THE TRACER WIRE SHALL BE FED THROUGH THE PVC PIPE WITH END OF WIRE ABOUT 2" ABOVE THE END OF THE PIPE AND THE REMAINDER COILED AND BURIED BENEATH IT. A PERFORMANCE TEST WILL BE PERFORMED ON THE COMPACTED TRACER WIRE SYSTEM TO ENSURE THE ENTIRE SYSTEM IS TRACKABLE. ANY PART OF THE SYSTEM THAT IS NOT TRACKABLE SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR UNTIL IT IS TRACKABLE PRIOR TO FINAL ACCEPTANCE OF UTILITIES.

SITE LEGEND

- PROPERTY LINE
- BOUNDARY LINE
- TREE LINE
- ROADWAY CENTERLINE
- GAS MAIN & SERVICE LINE
- UNDERGROUND ELECTRIC
- WATER MAIN & SERVICE LINE
- SANITARY SEWER MAIN & SERVICE
- STORM SEWER LINE
- FENCELINE
- UNDERGROUND TELEPHONE
- PROPOSED WATER MAIN (SIZE TBD)
- EXISTING MAGNETIC NAIL
- EXISTING IRON PIN
- CLEANOUT
- UTILITY POLE
- POWER POLE
- SANITARY SEWER MANHOLE
- STORM SEWER INLET
- REFERENCE POINT (CONTROL)
- BENCHMARK
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- ELECTRICAL TRANSFORMER
- TELEPHONE BOX
- EXISTING BUILDING
- EXISTING GRAVEL
- EXISTING CONCRETE
- PROPOSED HEAVY DUTY CONCRETE

SPECIAL NOTE:
NO ARCHITECT PLANS PROVIDED AT THIS TIME. CONTRACTOR TO COORDINATE WITH ARCHITECT FOR EXACT SIZE OF BUILDING.

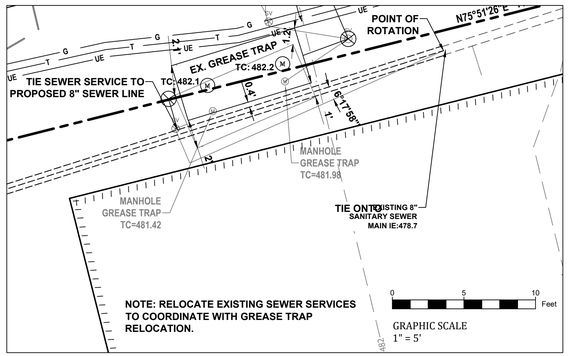
GENERAL SITE INFORMATION:

OWNER/DEVELOPER: FRANKLIN STREET CORP
132 FRANKLIN STREET
CLARKSVILLE, TN 37040

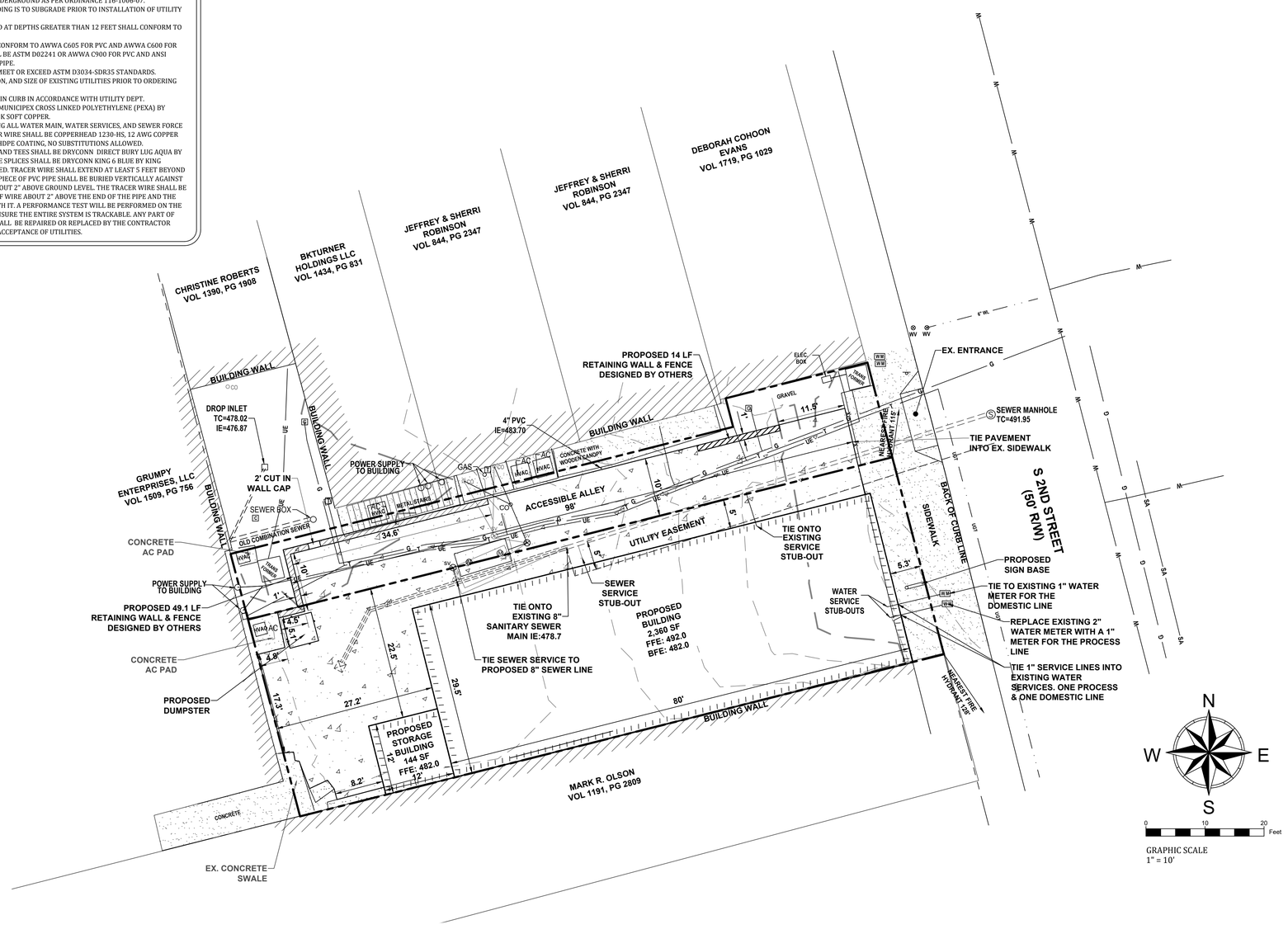
CITY OF CLARKSVILLE

CURRENT ZONING: CBD
CIVIL DISTRICT: 12th
DEED REF. #O.R.V. 854, PG. 892
TAX MAP NO. 066G 'K' PARCEL NO. 19.00

TOTAL SITE ACREAGE: 3,880 SF (0.09 ± ACRES)
PROPOSED BUILDING COVERAGE: 2,360 SF (60.8%)
PROPOSED IMPERVIOUS AREA: 3,880 SF (100%)
PROPOSED PARKING REQUIRED: 1
PROPOSED PARKING PROVIDED: 1
BUILDING HEIGHT: 35' MAXIMUM



NOTE: CONTRACTOR TO VERIFY DEPTH, LOCATION AND SIZE OF EXISTING UTILITIES PRIOR TO CONSTRUCTION. ALL CONFLICTS SHALL BE REPORTED TO THE ENGINEER OR PROPERLY REMOVED OR RELOCATED AS PER THE APPROPRIATE UTILITY DEPARTMENT.



FOR PERMITTING ONLY

REVISIONS

DATE	COMMENTS

S. SECOND ST. SEWER CAPACITY STUDY

SITE AND UTILITY LAYOUT PLAN

S. 2ND ST., CLARKSVILLE
MONTGOMERY COUNTY, TENNESSEE
May 11, 2020

McKAY-BURCHETT & COMPANY ENGINEERS
1545 Madison Street
Clarksville, TN 37040
Ph # 931-245-3095

FILE: Z:\Projects\2020\0032-2019 2nd St. Sewer Capacity Study\DRAWINGS\C1.00.dwg

DRAWN BY: D. HAWKINS
CHECKED BY: C. BURCHETT

SHEET: C 1.00

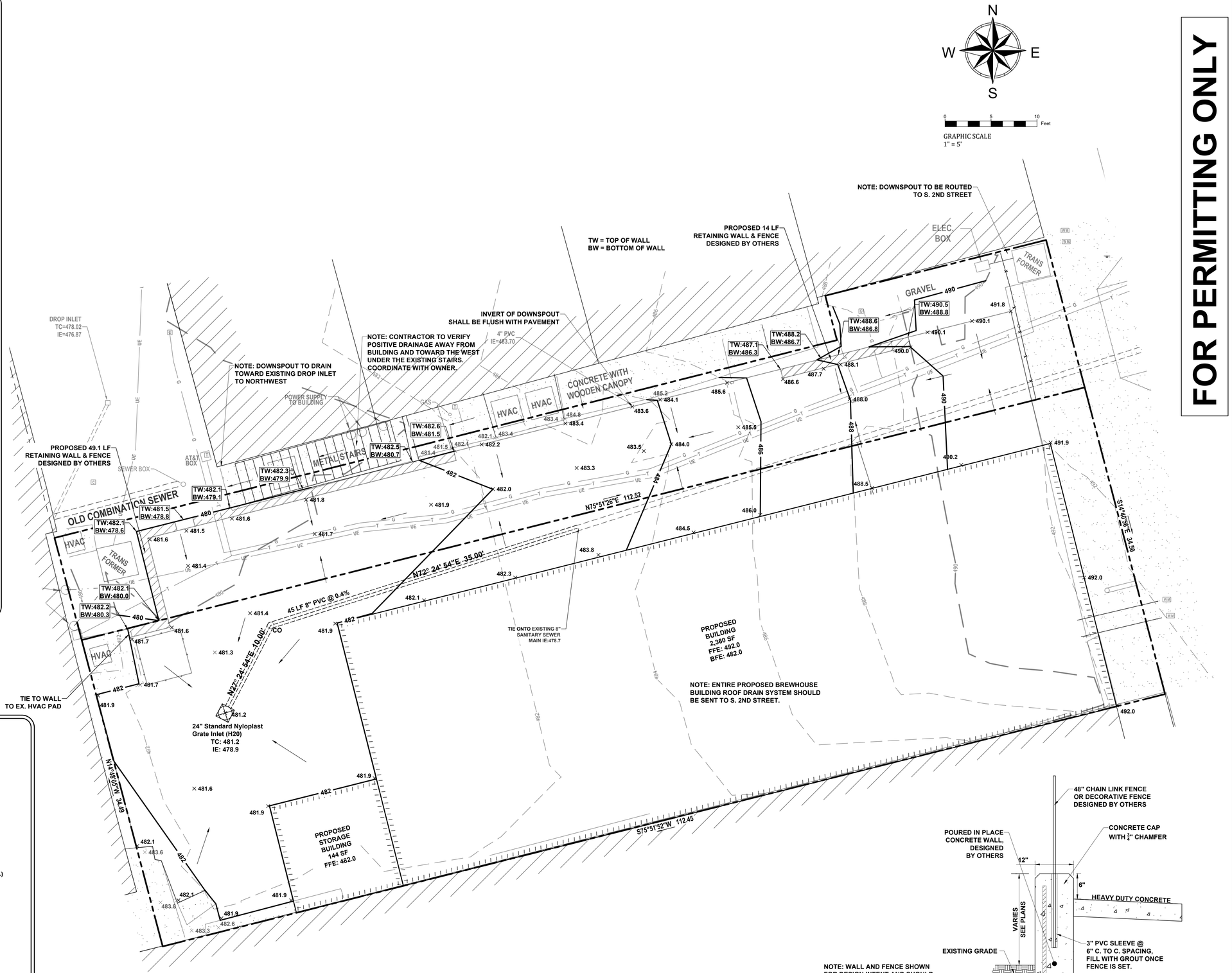
EDWARD C. BURCHETT
REGISTERED ENGINEER
AGRICULTURE
5/11/20
COMMERCIAL
STATE OF TENNESSEE

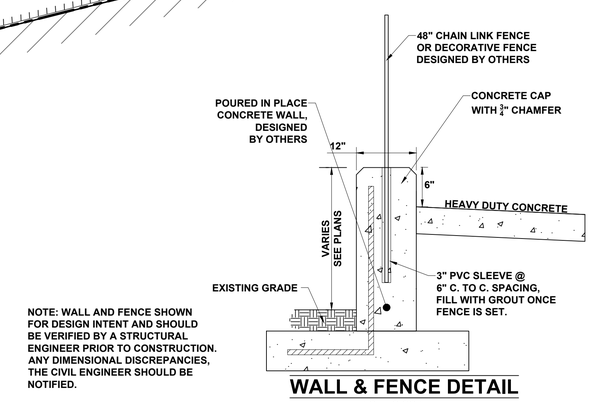
GRADING & DRAINAGE

1. PROTECT TREES NOT MARKED FOR REMOVAL OR LOCATED OUTSIDE THE LIMITS OF CONSTRUCTION. IF A TREE TRUNK OR BRANCH IS CUT OR SCARRED THEN THE AFFECTED AREA SHALL BE TREATED WITH A WOUND PAINT TO PREVENT DISEASE.
2. THE AREA WITHIN THE LIMITS OF GRADING SHALL BE GRUBBED TO A MINIMUM DEPTH OF TWELVE (12) INCHES BELOW EXISTING GROUND LINE ELEVATIONS TO REMOVE GRASS, ROOTS, AND OTHER ORGANIC MATERIALS. THE TOP NINE (9) INCHES OF EXPOSED SUBGRADE, AFTER CUTTING TO DESIRED SUBGRADE ELEVATION AND/OR BEFORE PLACEMENT OF FILL, SHOULD BE SCARIFIED AND RECOMPACTED TO THE COMPACTION REQUIREMENTS OUTLINED IN THE GEOTECHNICAL REPORT.
3. ANY BUILDINGS TO BE DEMOLISHED DURING CLEARING OPERATIONS SHALL BE DONE SO ACCORDING TO ALL APPLICABLE LAWS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONDUCTING AN ASBESTOS SURVEY OF THE STRUCTURE, OBTAINING AIR QUALITY PERMITS AND COORDINATING WITH UTILITY OWNERS TO SHUTDOWN SERVICE.
4. ALL BURNING OF TREES, BRUSH AND DEBRIS SHALL BE DONE IN CONFORMANCE WITH ALL LOCAL, STATE AND FEDERAL GUIDELINES.
5. THE CONTRACTOR SHALL CONSTRUCT THE STORM WATER DETENTION FACILITIES PRIOR TO BEGINNING ANY OTHER GRADING OPERATIONS.
6. THE SLOPES OF ALL EXCAVATED AREAS, DITCHES, WATERWAYS, CHANNELS, BORROW PITS, AND EMBANKMENTS SHALL BE SO TRIMMED AND SHAPED AS TO BE IN REASONABLY CLOSE CONFORMITY WITH THE LINES AND GRADES SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER.
7. BORROW EXCAVATION FOR THE CONSTRUCTION OF EMBANKMENTS OR OTHER PORTIONS OF WORK SHALL BE OBTAINED FROM APPROVED SOURCES. BORROW MATERIAL SHALL BE AASHTO M145, CLASSIFICATION A-6 OR BETTER IF REASONABLY AVAILABLE.
8. SOLID ROCK SHALL BE DEFINED AS (1) ROCK WHICH CANNOT BE ECONOMICALLY EXCAVATED WITHOUT THE USE OF EXPLOSIVES OR (2) ANY ROCK, BOULDER OR FRAGMENT OF ROCK OR CONCRETE EXCAVATED FROM A FORMATION HAVING A VOLUME GREATER THAN ONE HALF (1/2) CUBIC YARD. SHOULD SOLID ROCK BE ENCOUNTERED AND EXCAVATION OF SOLID ROCK IS COVERED WITHIN THE CONTRACT BETWEEN THE OWNER AND THE CONTRACTOR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY. REPRESENTATIVES OF THE ENGINEER SHALL MEASURE THE SOLID ROCK EXCAVATION TO DETERMINE THE QUANTITY OF SOLID ROCK EXCAVATED. THE DETERMINATION OF THE AMOUNT OF SOLID ROCK EXCAVATION SHALL BE THE RESPONSIBILITY OF THE ENGINEER.
9. THE CONTRACTOR SHALL BE REQUIRED TO EMPLOY A GEOTECHNICAL ENGINEER LICENSED IN THE STATE OF TENNESSEE TO ENSURE THAT EMBANKMENTS ARE BEING CONSTRUCTED IN ACCORDANCE WITH THE PLANS.
10. ALL SLOPES SHALL BE AS INDICATED ON PLANS.
11. THE CONTRACTOR SHALL BE REQUIRED TO PLACE TOPSOIL TO A DEPTH OF SIX (6) INCHES ON ALL DISTURBED AREAS. PERMANENT EROSION CONTROL MEASURES (SEEDED AND MULCHED) SHALL BE INITIATED WITHIN 15 CALENDAR DAYS AFTER FINAL GRADING.
12. UNLESS OTHERWISE SPECIFIED ON THE PLANS, ALL DISTURBED AREAS SHALL BE PERMANENTLY STABILIZED WITH SEEDING AND MULCH. MULCH MATERIALS CAN CONSIST OF HAY OR STRAW AT THE APPROXIMATE RATE OF 75 POUNDS PER 1000 SQUARE FEET AND HELD IN PLACE BY THE USE OF A MULCH BINDER.
13. DURING PERIODS OF EXTREME DRYNESS, THE CONTRACTOR SHALL KEEP AREAS BEING GRADED DAMPENED BY WATERING TO MINIMIZE THE EFFECTS OF DUST ON ADJOINING PROPERTIES.
14. IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE ALL DETENTION AND WATER QUALITY BASINS HAVE ADEQUATE STORAGE PRIOR TO FINAL STABILIZATION.
15. THE CONTRACTOR SHALL BE REQUIRED TO SIGN THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AS WELL AS THE NOTICE OF INTENT (NOI). THE CONTRACTOR UNDERSTANDS THAT HE MUST ABIDE BY THE REGULATIONS CONTAINED IN NPDES PERMIT NUMBER TNR 1000000, AND THAT HIS ON-SITE ACTIVITIES ARE THEREBY REGULATED.
16. PRIOR TO GRADING OPERATIONS THE CONTRACTOR SHALL BE RESPONSIBLE FOR SETTING UP AND ATTENDING A PRE-CONSTRUCTION MEETING WITH THE APPROPRIATE GOVERNING AGENCY IN ORDER TO OBTAIN THE GRADING PERMIT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE ALL REQUIRED PARTIES (OWNER OR ENGINEER, GRADING CONTRACTOR, GENERAL CONTRACTOR, INDIVIDUAL RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF ALL EROSION CONTROLS) ARE PRESENT, AND ALL REQUIRED DOCUMENTS ARE PROVIDED TO THE STREET DEPARTMENT AT THE PRE-CONSTRUCTION MEETING.
17. ALL DITCHES AND BASINS SHALL BE MATTED UNLESS OTHERWISE NOTED. MATTING SHALL BE TYPE S 150 (NORTH AMERICAN GREEN) OR EQUIVALENT AND SHOULD BE INSTALLED PER MANUFACTURER'S RECOMMENDATION.
18. ALL PROPOSED SPOT ELEVATIONS ARE TO FINISH GRADE OF ASPHALT IN PARKING AREAS OR FINISH GRADE OF DIRT IN GRASS AREAS UNLESS NOTED OTHERWISE. SEE SURFACE MATERIALS SHEET.
19. CONTRACTOR SHALL PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUSTMENT OF FINAL GRADES MAY BE NECESSARY. INSTALL ALL UTILITIES PRIOR TO INSTALLATION OF NEW PAVEMENT.
20. CONTRACTOR SHALL PROTECT ALL TREES TO REMAIN. DO NOT OPERATE OR STORE HEAVY EQUIPMENT, NOR HANDLE, NOR STORE MATERIALS WITHIN THE DRIP LINES OF TREES OR OUTSIDE THE LIMIT OF GRADING.

SITE LEGEND

- PROPERTY LINE
- BOUNDARY LINE
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- ELECTRICAL TRANSFORMER
- TELEPHONE BOX
- EXISTING BUILDING
- EXISTING GRAVEL
- EXISTING CONCRETE
- PROPOSED HEAVY DUTY CONCRETE





NOTE: WALL AND FENCE SHOWN FOR DESIGN INTENT AND SHOULD BE VERIFIED BY A STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION. ANY DIMENSIONAL DISCREPANCIES, THE CIVIL ENGINEER SHOULD BE NOTIFIED.

WALL & FENCE DETAIL

NOT TO SCALE

FOR PERMITTING ONLY

EDWARD C. BURCHETT — REGISTERED LANDSCAPE ARCHITECT — AGRICULTURE — COMMERCE — 117264 — STATE OF TENNESSEE — 5/11/20

REVISIONS

DATE	COMMENTS

S. SECOND ST. SEWER CAPACITY STUDY

GRADING & DRAINAGE PLAN

S. 2ND ST., CLARKSVILLE
MONTGOMERY COUNTY, TENNESSEE
May 11, 2020

McKAY-BURCHETT & COMPANY ENGINEERS
1545 Madison Street
Clarksville, TN 37040
Ph # 931-245-3095

FILE: Z:\Projects\2020\0032-20\2nd St. Sewer Capacity Study\01\BREWHOUSE.dwg

DRAWN BY: D. HAWKINS
CHECKED BY: C. BURCHETT

SHEET: C 2.00

ORDINANCE 98-2020-21

AN ORDINANCE AMENDING CITY CODE ADDING 1-211 TO TITLE 1 - ADMINISTRATION, OFFICERS, AND PERSONNEL; CHAPTER 2 – CITY COUNCIL SECTION REGARDING FAILURE TO RETAIN CONTINUOUS COUNCIL WARD RESIDENCY REQUIREMENTS

Whereas, the Qualifications for MAYOR AND CITY COUNCIL (4 YEAR TERM) - Basic qualifications of TCA 8-18-101; and - Shall be residents of the City of Clarksville who have resided in said city for twelve (12) months next preceding their election, and who shall have complied with the registration laws of the state and are qualified to vote in the election in which they are candidates. (Clarksville City Charter Article 2, Section 3)

Whereas, Article II, Section 3(a) …and shall be qualified to vote in the election in which they are candidates for city councilman, other than the Mayor, shall also reside in the ward to which they seek election."

Whereas, Article II, Section 3(a) states all council members "shall continue to reside, for the duration of their term of office, in the ward from which they were elected to serve".

Whereas, Article II, Section 7 states, "should any Councilman, other than the Mayor, change his residence from the ward from which he was elected, his office shall thereupon become vacant"

Whereas, Article II, Section 12, states "Except as otherwise provided in this Charter, or by ordinance approved by the *City* Council, or by general law, a majority vote of the members of the *City* Council present shall decide the action of the Council at that meeting. "

Whereas, Article II, Section 15(a) states "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."

Whereas, Article II, Section 17(c) states, "In addition to the compensation provided to Councilmen in subsection (b), the Mayor pro tem shall receive additional compensation for the duration of his term as Mayor pro tem, to be established by ordinance by the *City* Council, and said additional compensation for the Mayor pro tem may be adjusted by ordinance by the *City* Council; provided, that such adjustment shall be approved prior to the beginning of the term of office for which the Mayor pro tem was selected or elected, and such additional compensation shall not be altered during such Mayor pro tem's term of office as Mayor pro tem."

Whereas, Article II Section 12 states, Except as otherwise provided in this Charter, or by ordinance approved by the *City* Council, or by general law, a majority vote of the members of the *City* Council present shall decide the action of the Council at that meeting."

Whereas, Article VII, Section 2 states, "There shall be *submitted to* the *City* Council a proposed *budget* for each fiscal year. Said *budget* shall be prepared under the direction of the *Mayor* for submission *to* the *City* Council."

Whereas Article VII, Section 3(a) states, The *City* Council shall adopt an appropriations ordinance based on the approved *budget*."

Whereas, Part II, Code of Ordinances, Title 1, Chapter 2, Sec. 1-209, Failure to attend meetings, "Any council member … shall forfeit fifty (50) percent of the council members monthly salary in any month council member is absent from regular city council sessions…"

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

THAT THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE BE AMENDED AS FOLLOWS:

Add: Title 1 - ADMINISTRATION, OFFICERS, AND PERSONNEL; Chapter 2 - City Council, Section 1-211

Section 1-211. - Failure to Retain Continuous Council Ward Residency Requirements.

a. At least annually, after the 31st of January, the Mayor will reaffirm that all council members meet all residency requirements of the City Charter, code and ordinances to legally vote on any issues brought before the council or its committees. Any council person found not meeting such requirements will not be allowed to vote at the council or committee meetings until requirements are met.

b. The Mayor, or appointed city office, affirming residency requirements will initially reference the most recent filed Tennessee Statement of Disclosure of Interests (ss-8005) as of 31 January. If the address provided is not located within the defined council ward boundary, then the council person will be immediately notified that they will not be allowed to participate in council actions as stated in Section 1-211a, unless or until the council person can provide proof of proper ward residency.

c. Any council person not meeting residency requirements shall forfeit all salary for the period they did not meet the requirements of the City Charter and/or City Ordinances. If it is found that the council member was not meeting residency requirements the mayor will direct action to collect any pay, allowances or costs incurred for the council member for the period of non-residence. Any collections will be due within 30 calendar days of official notice by the city to the council member.

d. If the Mayor is made aware or notified by a council person, city or county citizen or government office that a member is not or may not be living in their proper elected ward, they will require proof be provided by the council member of legal ward residency or action to gain legal residency. The council member will not be allowed to participate in council actions or salary until such time proof or legal residency is met, in accordance with Sections 1-211 a and b. If within 45 days of residency violation notification to a council member, action has not been taken to prove or meet the requirements of legal ward residency; Article II. City Council, Section 6. Removal from Office will be followed.

POSTPONED: May 6, 2021 to June 3, 2021
POSTPONED: June 3, 2021 to July 1, 2021
FIRST READING: *Scheduled for July 1, 2021*
SECOND READING:
EFFECTIVE DATE:

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
ADOPTED: