CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
JANUARY 28, 2021, 4:30 P.M.

AGENDA

IN AN EFFORT TO FACILITATE THE CONTINUED RESPONSE TO THE CORONAVIRUS DISEASE (COVID-19), THIS MEETING WILL BE CONDUCTED VIA GOOGLE MEETS AND LIVE STREAMED ON CITYOFCLARKSVILLE.COM

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

1) PLANNING COMMISSION *RPC Director Jeff Tyndall*

ZONING PUBLIC HEARING AND FIRST READING

1. **ORDINANCE 65-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mark A. Davis, Shannon or William Wilford-Agent, for zone change on property located at the intersection of Old Trenton Road and Wilma Rudolph Boulevard from M-2 General Industrial District to C-2 General Commercial District *RPC: Approval/Approval*

2. **ORDINANCE 66-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Richard Collins, Richard Garrett-Agent, for zone change on property located at the intersection of Columbia Street and Batts Lane from RM-1 Single Family Mobile Home Residential District to R-4 Multiple Family Residential District *RPC: Approval/Approval*

3. **ORDINANCE 67-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Charles Nichols Credit Shelter Trust, James Maynard-Agent, for zone change on property located in the southeast corner of Tobacco Road and Nussbaumer Road from C-1 Neighborhood Commercial District, R-1 Single Family Residential District, and AG Agricultural District to R-1A Single Family Residential District *RPC: Approval/Approval*

4. **ORDINANCE 68-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Guerrier Development for zone change on property located at the corner of Blackman Street, Charlotte Street, and Lawn Street from R-3 Three Family Residential District to R-6 Single Family Residential District *RPC: Approval/Approval*

5. **ORDINANCE 69-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Lalana Lee and Gordon Lee, Mark Holleman-Agent, for zone change on property located at the intersection of Paradise Hill Road and Highland Circle from R-1 Single Family Residential District to R-6 Single Family Residential District *RPC: Approval/Approval*

6. **ORDINANCE 70-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Frank Bryant, Albatross Partners-Agent, for zone change on property located the intersection of Colonial Court and Golf Club Lane from R-3 Three Family Residential District and C-5 Highway and Arterial Commercial District to R-4 Multiple Family Residential District *RPC: Approval/Approval*

7. **ORDINANCE 71-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Luke Baggett and Bobby Wall, Syd Hedrick-Agent, for zone change on property located at the intersection of Daniel Street and Central Avenue from R-3 Three Family Residential District to R-6 Single Family Residential District *RPC: Approval/Approval*

ZONING POSTPONED

1. **ORDINANCE 52-2020-21** (Second Reading; Postponed January 7) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Fentress Bryant and Suk Lee-Tennessee Community Property Trust, Reed Baldwin-Agent, for zone change on property located at the intersection of Fort Campbell Boulevard and Lady Marion Drive and east of West Fork Creek from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District

2. **ORDINANCE 61-2020-21** (First Reading; Public Hearing conducted January 7; Postponed January 7) Amending the Zoning Ordinance pertaining to bulk regulations, building setbacks, minimum frontage requirements, and other minor updates *RPC: Approval/Approval*

2) CONSENT AGENDA *City Clerk*

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

1. **ORDINANCE 55-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reda Home Builders, Inc., Reda Home Builders, Inc. - Agent, for zone change on property located at the intersection of Providence Boulevard and Shelby Street from R-3 Three Family Residential District to R-4 Multiple Family Residential District

2. **ORDINANCE 56-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eagles Bluff Partnership for zone change on property located east of Whitfield Road and South of Tracy Lane from R-1 Single Family Residential District to R-4 Multiple Family Residential District

3. **ORDINANCE 57-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jeff Robinson, Cody Dahl-Agent, for zone change on property located south of McClure Street, west of N. 2nd Street, East of N. 1st Street, and north of Bogard Lane from R-4 Multiple Family Residential District, O-1 Office District, and H-1 Overlay to CBD Central Business District, H-1 Overlay Central Business District

4. **ORDINANCE 58-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of S L Endeavors (Micha Stair, Luke Stair) for zone change on property located on the south frontage of Caldwell Lane and the east frontage of Robert Street from R-2 Single Family Residential District to R-6 Single Family Residential District

5. **ORDINANCE 59-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of MSI Homes, Shawn Berner-Agent, for zone change on property located at the intersection of Monroe Street and Edmondson Ferry Road from R-2 Single Family Residential District to R-3 Three Family Residential District

6. **ORDINANCE 60-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of L. C. Simpson, et al, Norma S. Jones, Greenspace Partners-Agent, for zone change on property located at the intersection of Old Russellville Pike and Fantasy Lane and at the intersection of Old Russellville Pike and Candlewood Drive from M-2 General Industrial District and R-1 Single Family Residential District to R-1 Single Family Residential District, R-5 Residential District, and R-6 Single Family Residential District

7. RESOLUTION 48-2020-21 Approving appointments to the Airport Liaison Committee, Audit Committee, Designations Committee, Economic & Community Development Board, Economic Development Council, Ethics Commission, Power Board, Public Building Authority, and Tree Board

- *Airport Liaison Committee: Trisha Butler (replace Jeff Burkhart-term expired), DaJuan Little (replace Ron Erb-term expired) - Coterminous*

- *Audit Committee: Karen Reynolds (Replace Jeff Henley-term expired) - Coterminous*

- *Designations Committee: Wanda Allen (replace Tim Chandler), Vondell Richmond (replace Ron Erb), DaJuan Little (replace Valerie Guzman) - Coterminous*

- *Economic & Community Development Board: Jason Knight (replace Jeff Burkhart-term expired) - Coterminous*

- *Economic Development Council: Wallace Redd (replace Gary Norris) - February 2021 through June 2021*

- *Ethics Commission: Anthony Alfred (fill unexpired term of Elizabeth Carmichael-resigned), Suzanne Marsh (fill unexpired term of Calvin Lockett-resigned) - February 2021 through June 22; Mark Rassas (fill unexpired term of Kay Drew-resigned) - February 2021 through June 2021*

- *Power Board: Travis Holleman (replace Jeff Burkhart) - February 2021 through June 2021; Ron Jackson (reappointment) - July 2020 through June 2023; Garnett Ladd (replace Sally Castleman-resigned) - February 2021 through June 2022*

- *Public Building Authority: Tom Creech (replace Albert Norris-term expired) - February 2020 through December 2023; Len Stoltz (reappointment) - January 2020 through December 2025; Richard Swift (reappointment) - January 2018 through December 2023*

- *Tree Board: Ashlee Evans (replace Ron Erb-term expired) - Coterminous*

Adoption of Minutes: January 5, January 7, January 14, January 25

3) FINANCE COMMITTEE *Councilperson Stacey Streetman*

1. **ORDINANCE 54-2020-21** (Second Reading; Postponed January 7) Authorizing a contract for purchase of Roxy Regional Theater property

4) GAS & WATER COMMITTEE *Councilperson Wallace Redd*

1. Department Report

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

1. **RESOLUTION 46-2020-21** Requesting an amendment to the Community Development Block Grant 2020-2024 Consolidated Plan for Coronavirus Aid, Relief, and Economic Security (CARES) Act funds *Housing & Community Development Committee: Approval*

2. **RESOLUTION 47-2020-21** Requesting an amendment to the Citizen Participation Plan *Housing & Community Development Committee: Approval*

3. 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 62-2020-21** (First Reading) Amending the Official Code pertaining to the City Code of Ethics *Councilperson Allen*

2. **ORDINANCE 63-2020-21** (First Reading) Amending the Official Code relative to short term rentals *Councilperson Butler*

3. **ORDINANCE 64-2020-21** (First Reading) Amending the Official Code to include Juneteenth as an observed City holiday *Councilperson Allen*

4. **ORDINANCE 72-2020-21** (First Reading) Amending the FY21 Operating and Capital Budget to delete funding for purchase of the Roxy Regional Theater property *Councilperson Garrett*

5. **RESOLUTION 49-2020-21** Terminating the lease agreement with the Roxy Regional Theater *Councilperson Garrett*

6. **RESOLUTION 50-2020-21** Amending the lease agreement with the Roxy Theater regarding operational procedures *Councilperson Smith*

7. **RESOLUTION 51-2020-21** Approving removal of Lance Baker as City Attorney *Councilperson Evans*

8. Discussion regarding the Ethics Commission *Councilperson Allen*

9. Discussion regarding Robinson v. City Amended Complaints *Councilperson Allen*

10) MAYOR AND COUNCIL MEMBER COMMENTS

11) PUBLIC COMMENTS

No requests were submitted.

12) ADJOURNMENT

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: February 4, 2021. The public hearing will be held on: January 28, 2021.

CITY ORD. #: 65-2020-21 RPC CASE NUMBER: Z-1-2021
Applicant: MARK A DAVIS
Agent: Shannon Or William Wilford
Location: Property fronting on the southern side of Wilma Rudolph Blvd, 660+/- feet east of the intersection of Old Trenton Road and Wilma Rudolph Blvd.
Ward #: 9
Request: M-2 General Industrial District
to
C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 66-2020-21 RPC CASE NUMBER: Z-2-2021
Applicant: RICHARD COLLINS
Agent: Richard Garrett
Location: Property fronting on the west side of Columbia Street, 240 +/- feet south of the Batts Lane and Columbia Street intersection.
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. #: 67-2020-21 RPC CASE NUMBER: Z-3-2021
Applicant: CHARLES NICHOLS CREDIT SHELTER TRUST
Agent: James Maynard
Location: Property is located in the southeast corner of Tobacco Road and Nussbaumber Road
Ward #: 5
Request: C-1 Neighborhood Commercial District / R-1 Single-Family Residential District / AG Agricultural District to
R-1A Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 68-2020-21 RPC CASE NUMBER: Z-4-2021
Applicant: GUERRIER DEVELOPMENT

Location: Property sits on the corner of Blackman Street, Charlotte Street, and Lawn Street.
Ward #: 6
Request: R-3 Three-Family Residential District
to
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 69-2020-21 RPC CASE NUMBER: Z-5-2021
Applicant: LALANA LEE GORDON LEE
Agent: Mark Holleman
Location: Property is north of Paradise Hill Road, west of Highland Circle, 171 +/- feet west of the intersection of Highland Circle and Paradise Hill Road
Ward #: 9
Request: R-1 Single-Family Residential District
to
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 70-2020-21 RPC CASE NUMBER: Z-7-2021
Applicant: FRANK BRYANT
Agent: Albatross Partners
Location: Property is fronting on the north side of Golf Club Lane, 93 +/- feet east of the Colonial Court and Golf Club Lane intersection.
Ward #: 9
Request: R-3 Three-Family Residential District / C-5 Highway & Arterial Commercial District
to
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 71-2020-21 RPC CASE NUMBER: Z-8-2021
Applicant: LUKE BAGGETT/ BOBBY WALL
Agent: Syd Hedrick
Location: Property fronts on the east side of Central Avenue, 173 +/- feet north of the Daniel Street and Central Avenue intersection
Ward #: 6
Request: R-3 Three-Family Residential District
to
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE 01/26/2021 **CASE NUMBER:** Z - 1 -2021

NAME OF APPLICANT: Mark A Davis

AGENT: Shannon Or William Wilford

GENERAL INFORMATION

TAX PLAT: 056 **PARCEL(S):** 071.00

ACREAGE TO BE REZONED: .94

PRESENT ZONING: M-2

PROPOSED ZONING: C-2

EXTENSION OF ZONING CLASSIFICATION: NO

PROPERTY LOCATION: Property fronting on the southern side of Wilma Rudolph Blvd, 660+/- feet east of the intersection of Old Trenton Road and Wilma Rudolph Blvd.

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

DESCRIPTION OF PROPERTY: Existing two story commercial structure sitting near the roadway.

APPLICANT'S STATEMENT FOR PROPOSED USE: The buildings will be rented out in individual office spaces. There will be a joint kitchen , conference room and restrooms.

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

PREVIOUS ZONING HISTORY:

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

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

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

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

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

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

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

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

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: ST. B.
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 (C-2 allows for multi-family residential use)

INFRASTRUCTURE:

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

STREET/ROAD ACCESSIBILITY: Wilma Rudolph Blvd.

DRAINAGE COMMENTS: Existing developed site.

RESIDENTIAL DEVELOPMENT APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS:

POPULATION:

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The C-2 General Commercial District is more compatible with the surrounding uses than the current M-2 General Industrial District & the existing structure does not lend itself to most industrial operation facilities.
3. This area of the Wilma Rudolph corridor is an appropriate location for commercial properties & mixed use potential.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
5.



Z-01-2021

APPLICANT:
MARK A. DAVIS

REQUEST:
M-2
TO
C-2

MAP & PARCEL
056 07100

ACRES +/-
0.94

Scale: 1:5,000

0 250 500
Feet

1/26/2021



Z-01-2021

APPLICANT:
MARK A. DAVIS

REQUEST:
M-2
TO
C-2

MAP & PARCEL
056 07100

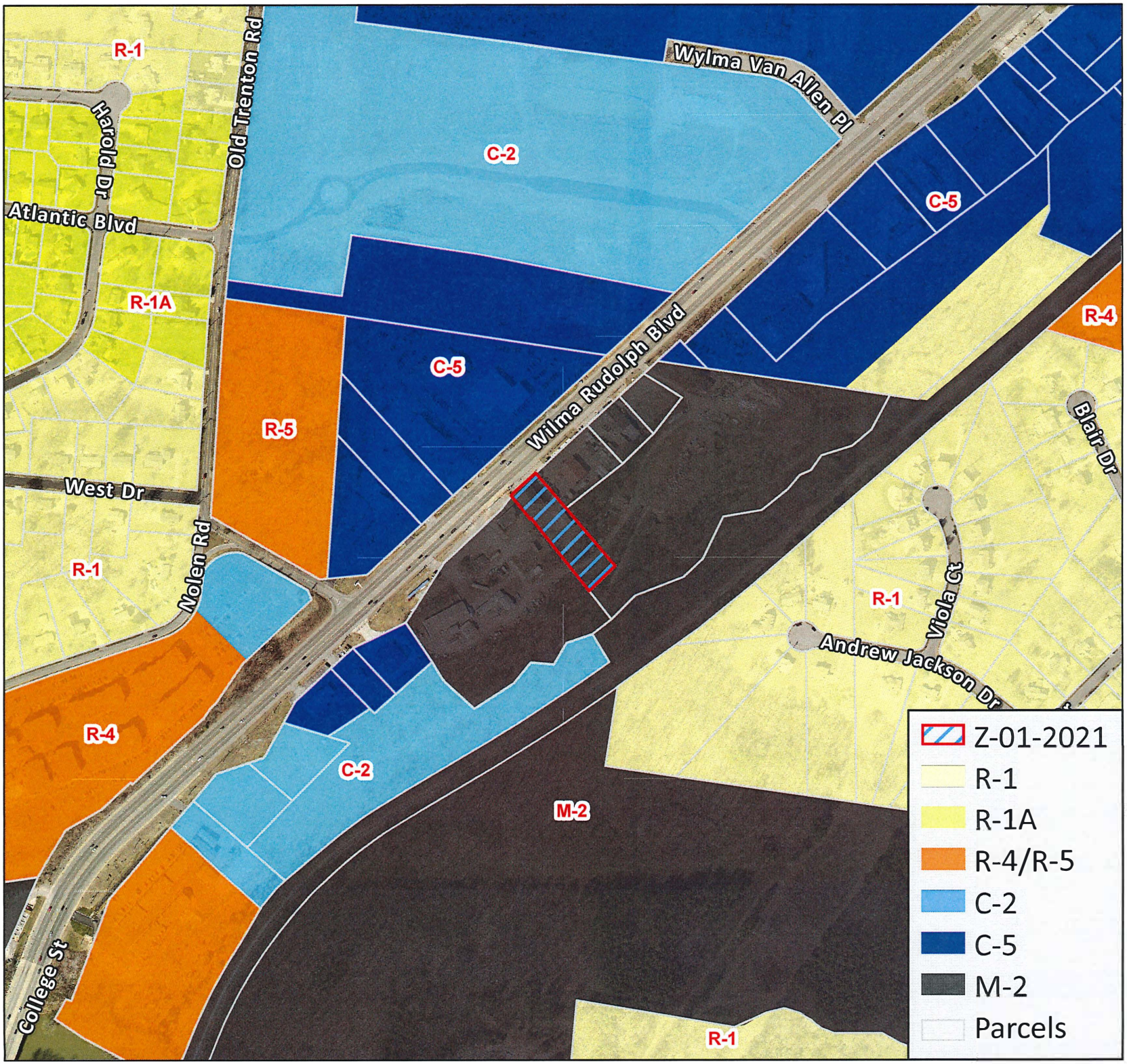
ACRES +/-
0.94

Scale: 1:1,000

N

0 40 80
Feet

1/26/2021



Z-01-2021

APPLICANT:
MARK A. DAVIS

REQUEST:
M-2
TO
C-2

MAP & PARCEL
056 07100

ACRES +/-
0.94

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021

CASE NUMBER: Z 1 2021 **MEETING DATE** 01/26/2021

APPLICANT: Mark A Davis

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

TAX PLAT # 056 **PARCEL** 071.00

GEN. LOCATION Property fronting on the southern side of Wilma Rudolph Blvd, 660+/- feet east of the intersection of Old Trenton Road and Wilma Rudolph Blvd.

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PUBLIC COMMENTS

Copy of email in the file.

City of Clarksville

2-1-2021

John Spainhoward <john.spainhoward@cityofclarksville.com>

1651 Wilma Rudolph hearing 1/26/21

1 message

Shannon Wilford <teamwilford@gmail.com> Mon, Jan 25, 2021 at 11:37 AM
To: john.spainhoward@cityofclarksville.com

To whom it may concern,

My father passed away late Sat night and I am in FL assisting my mother with arrangements. In the instance someone opposes or has questions, I'd like the opportunity to address those questions/concerns at the public hearing on Feb 4th at 7:00 pm OR, worst case scenario, to request a deferral so I can address them at the next meeting with the council members.

Respectfully,
Shannon Wilford
931-249-1282 Cell
931-648-8551 Fax
http://www.teamwilfordrealtors.com/

Download Clarksville - Shannon Wilford's mobile app here:
http://app.kw.com/KW1EBRH5F

Like us on Facebook
https://www.facebook.com/TeamWilford/

When You Think of Real Estate, Think of Us!

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 01/26/2021 **CASE NUMBER:** Z - 2 -2021

NAME OF APPLICANT: Richard Collins

AGENT: Richard Garrett

GENERAL INFORMATION

TAX PLAT: 030I **PARCEL(S):** H 003.00, H 002.01, H 004.00 H 002.00

ACREAGE TO BE REZONED: 1.74

PRESENT ZONING: RM-1

PROPOSED ZONING: R-4

EXTENSION OF ZONING CLASSIFICATION: YES

PROPERTY LOCATION: Property fronting on the west side of Columbia Street, 240 +/- feet south of the Batts Lane and Columbia Street intersection.

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

DESCRIPTION OF PROPERTY: Four existing mobile home lots, three of which have single wide mobile homes on the property.

APPLICANT'S STATEMENT FOR PROPOSED USE: Applicant currently owns adjacent parcels located at 1909 Batts Lane, 1911 Batts Lane, 1903 Batts Lane and 1882 Columbia St that are already zoned R-4. Seeking to rezone to additional parcels R-4 so that the whole area can be developed into apartments.

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: Comments received from department and they had no concerns.

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

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

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

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

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

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: No Comment(s) Received

8. SCHOOL SYSTEM:

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

New Providence Middle School is in the fourth fastest growing region in Montgomery County, is at 95% capacity and currently has 1 portable classroom. This development could add additional students and require additional infrastructure and funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the district.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

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

INFRASTRUCTURE:

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

STREET/ROAD ACCESSIBILITY: Batts Lane

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		20
POPULATION:		54

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 adopted Land Use Plan states that it is encouraged to maintain a desirable mixture of housing types throughout the community & the request is an extension of the R-4 Multi-Family Residential district north & west.
3. Market changes relative to the mobile home industry has limited the viability of RM-1 zoned property.
4. Adequate infrastructure will serve the site & no adverse environmental issues were identified relative to this request.
5.



Z-02-2021

APPLICANT:
RICHARD COLLINS

REQUEST:
RM-1
TO
R-4

MAP & PARCEL
030I H 00200
030I H 00201
030I H 00300
030I H 00400

ACRES +/-
1.74

Scale: 1:5,000

0 250 500
Feet

1/26/2021



Z-02-2021

APPLICANT:
RICHARD COLLINS

REQUEST:
RM-1
TO
R-4

MAP & PARCEL
030I H 00200
030I H 00201
030I H 00300
030I H 00400

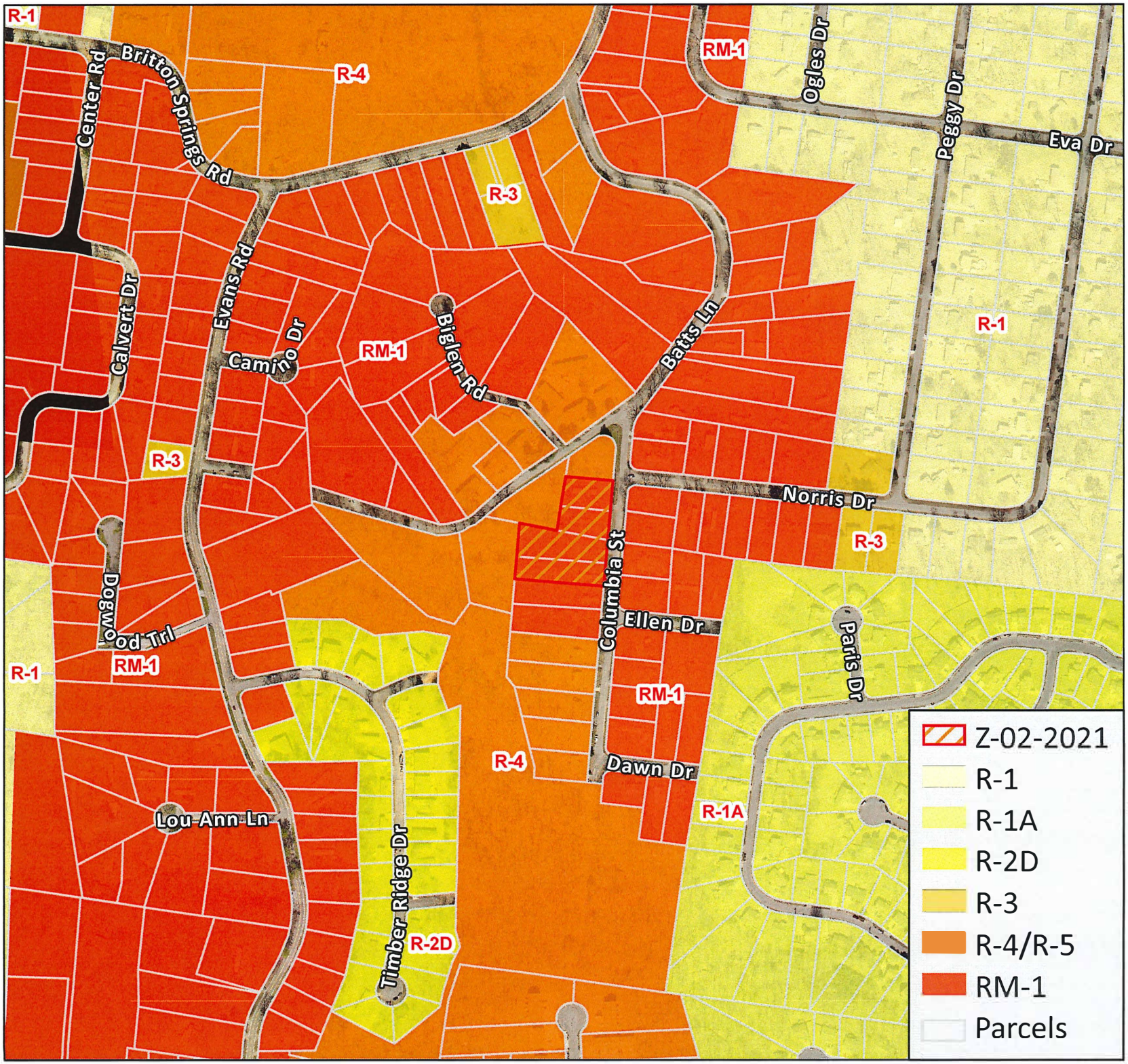
ACRES +/-
1.74

Scale: 1:1,000

N

0 40 80
Feet

1/26/2021



Z-02-2021

APPLICANT:
RICHARD COLLINS

REQUEST:
RM-1
TO
R-4

MAP & PARCEL
030I H 00200
030I H 00201
030I H 00300
030I H 00400

ACRES +/-
1.74

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021

CASE NUMBER: Z 2 2021 **MEETING DATE** 01/26/2021

APPLICANT: Richard Collins

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

TAX PLAT # 030I **PARCEL** H 003.00, H 002.01,

GEN. LOCATION Property fronting on the west side of Columbia Street, 240 +/- feet south of the Batts Lane and Columbia Street intersection.

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PUBLIC COMMENTS

1-13-2021: Yvonne Wiles, 423 Ellen Drive, called and stated that she is opposed to this rezoning. More apartments are not needed in this area, will decrease her property value, increase crime and traffic.

Copy of email in the file.

City of Clarksville

John Spainhoward <john.spainhoward@cityofclarksville.com>

Columbia Street Zoning Change Proposal

1 message

R.W. Broadhurst <rwbroadhurst@yahoo.com> Mon, Jan 18, 2021 at 8:05 PM
To: "john.spainhoward@cityofclarksville.com" <john.spainhoward@cityofclarksville.com>
Cc: R Broadhurst <rwbroadhurst@yahoo.com>

Re: Case # Z-2-2021

As a property owner and father of 3 minor children on Columbia Street, I am deeply concerned about the proposed zoning change from an RM-1 Single Family Residential Mobile Home District to an R-4 Multi-family Residential District. Road traffic will increase. North Clarksville Officers have already increased their presence in our neighborhood due to drug activity and other criminal behaviors, and will be needed even more so as the population increases from rezoning. I want my children to be safe in our home, in our neighborhood. I respectfully request Mr. Collins request for rezoning these parcels be declined.

Respectfully,

Richard W. Broadhurst

City of Clarksville

John Spainhoward <john.spainhoward@cityofclarksville.com>

rezoning on Columbia;

1 message

2-2-2021

Jim H <jim7144@hotmail.com> Thu, Jan 14, 2021 at 2:28 PM
To: "john.spainhoward@cityofclarksville.com" <john.spainhoward@cityofclarksville.com>

I am a property owner on Ellen and Columbia I am against this rezoning as we have the apartments on Batts and Columbia . We have had enough problems with meth labs and other drugs and shootings in this area . With another apartment building in this area it will lower the property values in this area .

another problem we have is people speeding up and down Columbia with children out there playing . I have just been informed that this property owner has had other properties rezoned and like this one no one has had a letter of this fact .Some of these properties are in the flood zone

I would like to be able to attend the meeting that i have been informed of from a phone conversation yesterday that the meeting is on Tuesday afternoon I am disabled and on oxygen and 80 years old it so at this time I do not know if I can make it .

In my opinion a rezoning to multi family would create more problems and traffic in this area this being a dead-end streets people are continuing to make u turns and almost hitting the street signs .

James Hammonds
426 Ellen Drive
Clarksville Tn 37042

City of Clarksville

John Spainhoward <john.spainhoward@cityofclarksville.com>

Proposed zoning change on Columbia Street

1 message

RM Murphy <owrose82@gmail.com> Mon, Jan 18, 2021 at 12:53 AM
To: "john.spainhoward@cityofclarksville.com" <john.spainhoward@cityofclarksville.com>

This letter is in response to:

CASE NUMBER: Z-2-2021

My concern as a property owner which will be directly affected by the proposed zoning changes on Columbia Street from RM-1 Single-Family Mobile Home Residential District to R-4 Multiple-Family Residential District in that the degree of road traffic will be increased exponentially. The necessary level of presence of the North Clarksville Police Precinct patrol officers has also increased even before this proposal and may well be necessary as the population will surely increase. I am contacted regularly about illegal drug activity and trespassing on and near my property from concerned neighbors. My son hopes to make the residence his family home and is reconsidering it after this proposal. I am aware that there is much revenue potential to be made for the city of Clarksville with this but I am respectfully requesting that this proposal not be granted. Responsible property owners/tax payers who contribute to the community would appreciate consideration on the same level given to Mr Richard Collins in this business venture.

Respectfully,
Rose Murphy

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 01/26/2021 **CASE NUMBER:** Z - 3 -2021

NAME OF APPLICANT: Charles Nichols Credit Shelter Trust

AGENT: James Maynard

GENERAL INFORMATION

TAX PLAT: 019 **PARCEL(S):** 016.02

ACREAGE TO BE REZONED: 40

PRESENT ZONING: C-1 R-1 AG

PROPOSED ZONING: R-1A

EXTENSION OF ZONING CLASSIFICATION: YES

PROPERTY LOCATION: Property is located in the southeast corner of Tobacco Road and Nussbaumber Road

CITY COUNCIL WARD: 5 **COUNTY COMMISSION DISTRICT:** 9 **CIVIL DISTRICT:** 3

DESCRIPTION OF PROPERTY: Land recently used for row crops with rolling hills and tree lines

APPLICANT'S STATEMENT FOR PROPOSED USE: To extend adjoining subdivision

GROWTH PLAN AREA: CITY **PLANNING AREA:** Airport

PREVIOUS ZONING HISTORY: CZ-28-1977
Z-27-1993

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

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

1. CITY ENGINEER/UTILITY DISTRICT: May require offsite sewer upgrade.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT: Consider Nussbaumber Rd. realignment at development stage.

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

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

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

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

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: WEST CREEK
MIDDLE SCHOOL: WEST CREEK
HIGH SCHOOL: WEST CREEK

West Creek Elementary, West Creek Middle & West Creek High are in the fastest growing region of Montgomery County. West Creek Elementary is at 115% capacity & currently has 7 portable classrooms, West Creek Middle is at 113% capacity & currently has 10 portable classrooms, West Creek High is at 95% capacity. Over 3,000 lots have already been approved in this region. This continued growth necessitates additional action to address building capacity and school bus transportation needs in Montgomery County. This development could add additional students, and require additional infrastructure and funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the district.

9. FT. CAMPBELL:

10. OTHER COMMENTS: John Patterson (Outlaw Field) Does not object to the development, but request airport noise disclosures on the plat.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

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

INFRASTRUCTURE:

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

STREET/ROAD ACCESSIBILITY: Tobacco Rd. & Nussbaumer Rd.

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT

APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS: **46**

POPULATION: **124**

AP Clear Zone

Encumbers

Property

APPLICABLE LAND USE PLAN

Airport Planning Area: This Planning area is centered around John H. Outlaw Field. The major north-south axis roads are Ft. Campbell Blvd., Tobacco Rd. and Peachers Mill Rd.. Tiny Town Rd. serves as the major east-west connector here. The planning area has vast amounts of open space that has a long history of agricultural and woodland uses.

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-1A Single Family Residential District is not out of character with the surrounding properties
3. The applicant is aware that construction within the Airport Clearzone is not permitted.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.
5.



Z-03-2021

APPLICANT:
CHARLES NICHOLS /
CREDIT SHELTER TRUST

REQUEST:
C1/R1/AG
TO
R-1A

MAP & PARCEL
019 01602

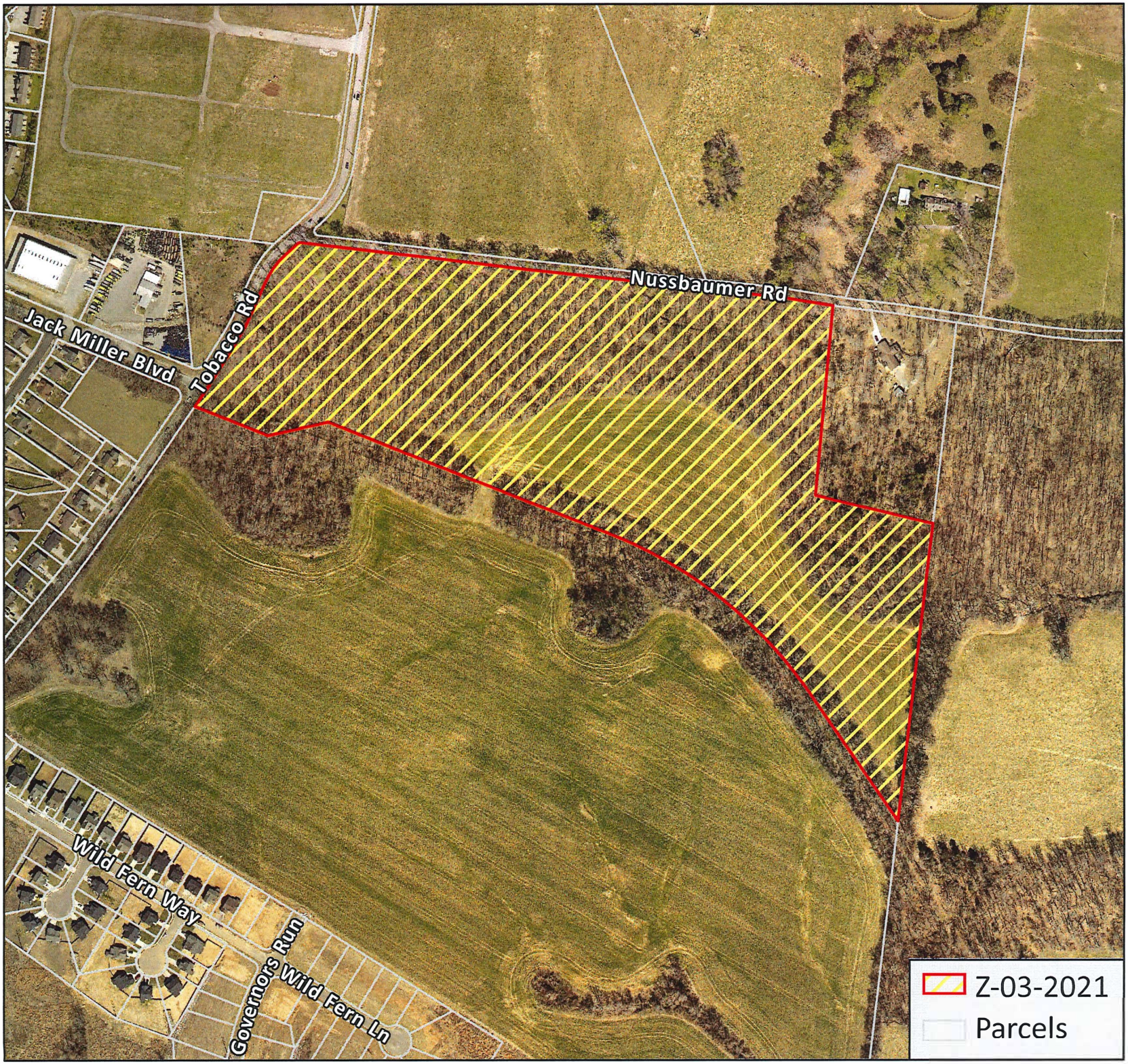
ACRES +/-
40

Scale: 1:10,000

N

0 500 1,000
Feet

1/26/2021



Z-03-2021

APPLICANT:
CHARLES NICHOLS /
CREDIT SHELTER TRUST

REQUEST:
C1/R1/AG
TO
R-1A

MAP & PARCEL
019 01602

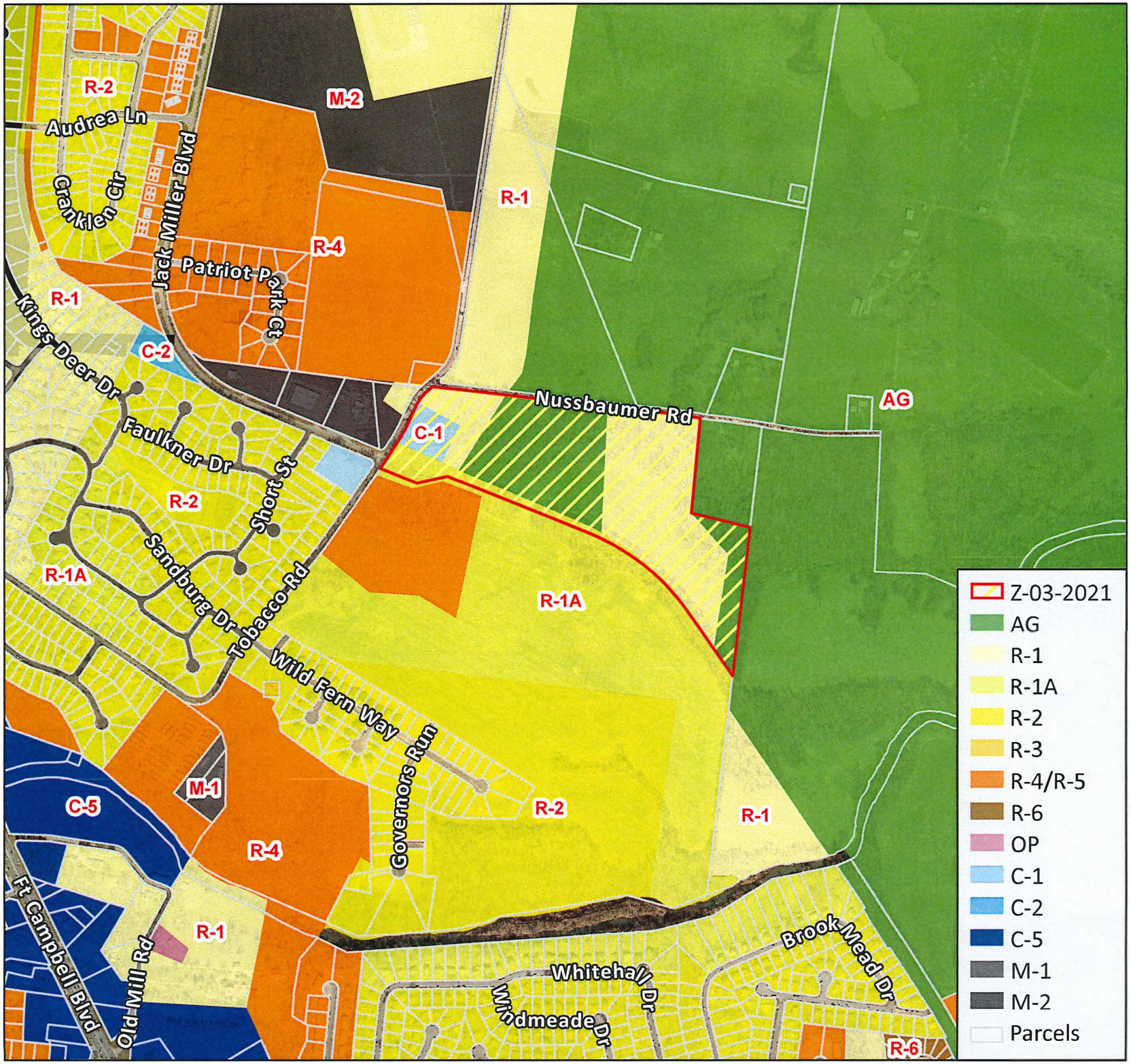
ACRES +/-
40

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021



Z-03-2021

APPLICANT:
CHARLES NICHOLS /
CREDIT SHELTER TRUST

REQUEST:
C1/R1/AG
TO
R-1A

MAP & PARCEL
019 01602

ACRES +/-
40

Scale: 1:10,000

0 500 1,000
Feet

1/26/2021

CASE NUMBER: Z 3 2021 **MEETING DATE** 01/26/2021

APPLICANT: Charles Nichols Credit Shelter Trust

PRESENT ZONING C-1 **PROPOSED ZONING** R-1A

TAX PLAT # 019 **PARCEL** 016.02

GEN. LOCATION Property is located in the southeast corner of Tobacco Road and Nussbaumber Road

****

PUBLIC COMMENTS

Copy of email in the file.

City of Clarksville

John Spainhoward <john.spainhoward@cityofclarksville.com>

Z-3-2021

Rezoning of Nichols/Tobacco Rd

1 message

Billy Hadley <billyhadley@gmail.com> Wed, Jan 13, 2021 at 5:53 PM
To: Betty Barnett <mbarnett@clarksville.net>, John Spainhoward <john.spainhoward@cityofclarksville.com>
Cc: "2hadleyw@realtracs.com" <billyhadley@gmail.com>

John & Betty,
If you scroll down to the last image it shows an area already zoned C-1. We were not aware this zoning had passed. John, do you have a rendering of the siteplan yet? If they would agree to having the back yards of the homes back up to Nussbaumer In with a 25' buffer with landscaping barriers(leave existing trees) then I think Betty and most of the residents of Nussbaumer Lane would not object. We have not objected to the R-4 they already passed though we should have. That's done now, but this time they need to consider the neighbors. What do you guys think of my proposal?

Billy Hadley
Broker
931-801-1002
billyhadley@gmail.com
Byers & Harvey Inc.
931-368-0001
www.billyhadley.com

2 attachments



Billy Hadley.jpg
61K

Z-03-2021 CHARLES NICHOLS.pdf.pdf
2613K

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 01/26/2021 **CASE NUMBER:** Z - 4 -2021

NAME OF APPLICANT: Guerrier Development

AGENT:

GENERAL INFORMATION

TAX PLAT: 066 O **PARCEL(S):** B 015.00

ACREAGE TO BE REZONED: .33

PRESENT ZONING: R-3

PROPOSED ZONING: R-6

EXTENSION OF ZONING CLASSIFICATION: YES

PROPERTY LOCATION: Property sits on the corner of Blackman Street, Charlotte Street, and Lawn Street.

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

DESCRIPTION OF PROPERTY: A single family residential lot with varying topography.

APPLICANT'S STATEMENT FOR PROPOSED USE: To create a single family in-fill development

GROWTH PLAN AREA: CITY **PLANNING AREA:** South Clarksville

PREVIOUS ZONING HISTORY:

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

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

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

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

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

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

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

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

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: No Comment(s) Received

8. SCHOOL SYSTEM:

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

Rossview Middle & Rossview High are in the 2nd fastest growing region in Mont. County. Rossview Middle is at 118% capacity and currently has 11 portable classrooms, Rossview High is at 113% capacity and currently has 8 portables. There are over 1,000 lots already approved in this region. This continued student growth necessitates additional action to address building capacity growth and school bus transportation needs in Mont. County. This development could contribute add additional students & require additional infrastructure & funding. This will also increase traffic volume on Rossview Rd. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Minimal

INFRASTRUCTURE:

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

STREET/ROAD ACCESSIBILITY: Blackman St. Charlotte St. Lawn St.

DRAINAGE COMMENTS: Varies

RESIDENTIAL DEVELOPMENT APPLICANT'S ESTIMATES HISTORICAL ESTIMATES

LOTS/UNITS: 3

POPULATION: 8

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The R-6 single family zoning classifications are not out of character with the surrounding area or established uses.
3. Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
4. No adverse environmental issues have been identified.
5.



Z-04-2021

APPLICANT:
GUERRIER DEVELOPMENT

REQUEST:
R-3
TO
R-6

MAP & PARCEL
066O B 01500

ACRES +/-
0.33

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021



Z-04-2021

APPLICANT:
GUERRIER DEVELOPMENT

REQUEST:
R-3
TO
R-6

MAP & PARCEL
066O B 01500

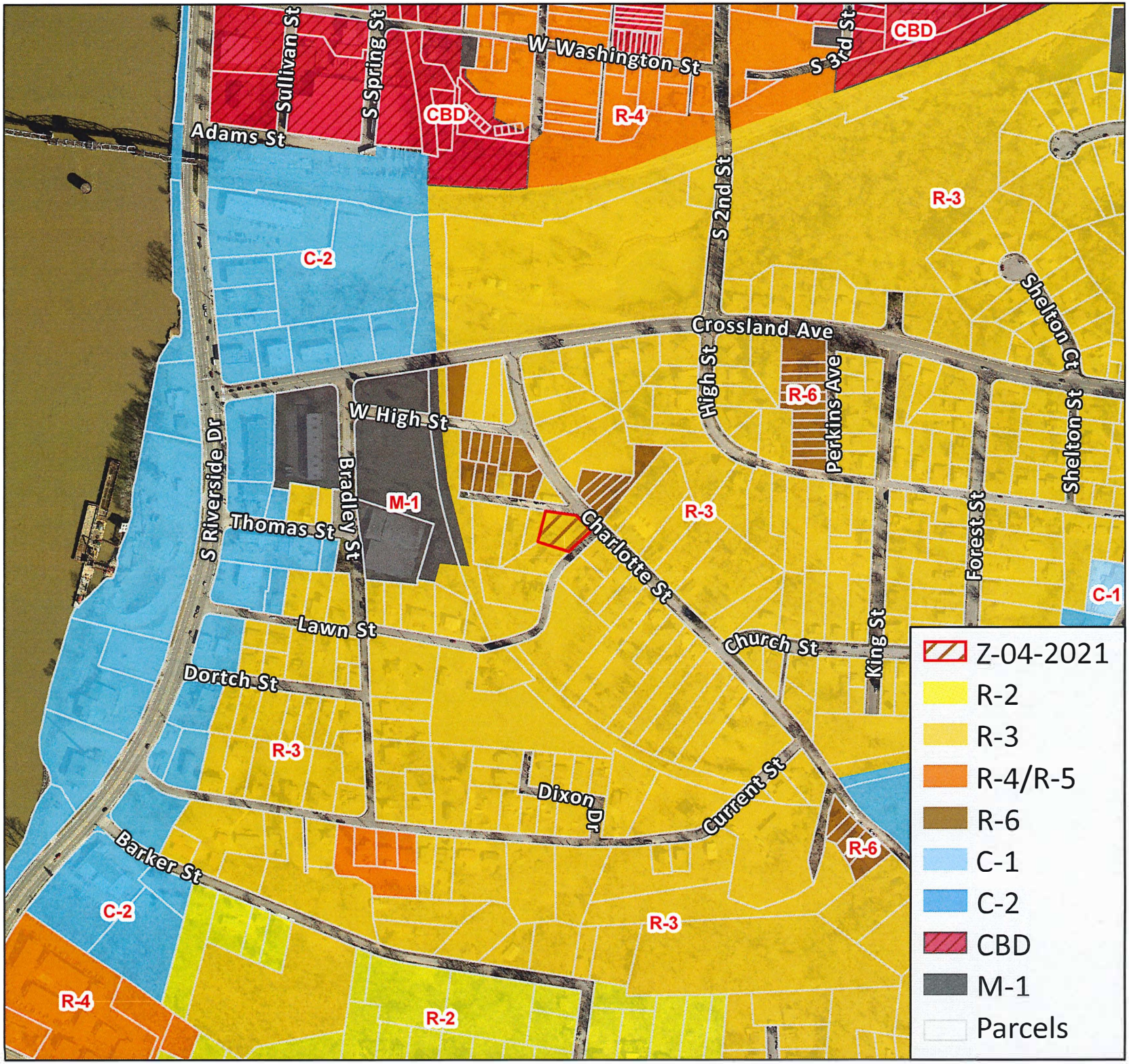
ACRES +/-
0.33

Scale: 1:1,000

N

0 40 80
Feet

1/26/2021



Z-04-2021

APPLICANT:
GUERRIER DEVELOPMENT

REQUEST:
R-3
TO
R-6

MAP & PARCEL
066O B 01500

ACRES +/-
0.33

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021

CASE NUMBER: Z 4 2021 **MEETING DATE** 01/26/2021

APPLICANT: Guerrier Development

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

TAX PLAT # 066 O **PARCEL** B 015.00

GEN. LOCATION Property sits on the corner of Blackman Street, Charlotte Street, and Lawn Street.

****

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/26/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 01/26/2021 **CASE NUMBER:** Z - 5 -2021

NAME OF APPLICANT: Lalana Lee Gordon Lee

AGENT: Mark Holleman

GENERAL INFORMATION

TAX PLAT: 080 A **PARCEL(S):** E 023.00

ACREAGE TO BE REZONED: .63

PRESENT ZONING: R-1

PROPOSED ZONING: R-6

EXTENSION OF ZONING CLASSIFICATION: YES

PROPERTY LOCATION: Property is north of Paradise Hill Road, west of Highland Circle, 171 +/- feet west of the intersection of Highland Circle and Paradise Hill Road

CITY COUNCIL WARD: 9 **COUNTY COMMISSION DISTRICT:** 21 **CIVIL DISTRICT:** 12

DESCRIPTION OF PROPERTY: Existing residential lot with a slight slope & a single family dwelling and accessory structures.

APPLICANT'S STATEMENT FOR PROPOSED USE: None given by applicant

GROWTH PLAN AREA: CITY **PLANNING AREA:** Hilldale

PREVIOUS ZONING HISTORY:

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

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

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

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

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

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

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

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

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: BARKSDALE
MIDDLE SCHOOL: BARKSDALE
HIGH SCHOOL: CLARKSVILLE

Barksdale Elementary, Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Barksdale Elementary is at 96% capacity & currently has 3 portable classrooms. Richview Middle is at 98% capacity & currently has 2 portable classrooms. Clarksville High is at 101% capacity. Over 1,000 lots have already been approved in this region. This continued growth necessitates additional action to address building capacity & school bus transportation needs in Montgomery County. This development could add additional students and require additional infrastructure and funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Minimal

INFRASTRUCTURE:

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

STREET/ROAD ACCESSIBILITY: Paradise Hill Rd.

DRAINAGE COMMENTS:

RESIDENTIAL DEVELOPMENT

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

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The R-6 single family zoning classifications are not out of character with the surrounding area or established uses.
3. Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
4. No adverse environmental issues have been identified.
5.



Z-05-2021

APPLICANT:
LALANA LEE & GORDON LEE

REQUEST:
R-1
TO
R-6

MAP & PARCEL
080A E 02300

ACRES +/-
0.63

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021



Z-05-2021

APPLICANT:
LALANA LEE & GORDON LEE

REQUEST:
R-1
TO
R-6

MAP & PARCEL
080A E 02300

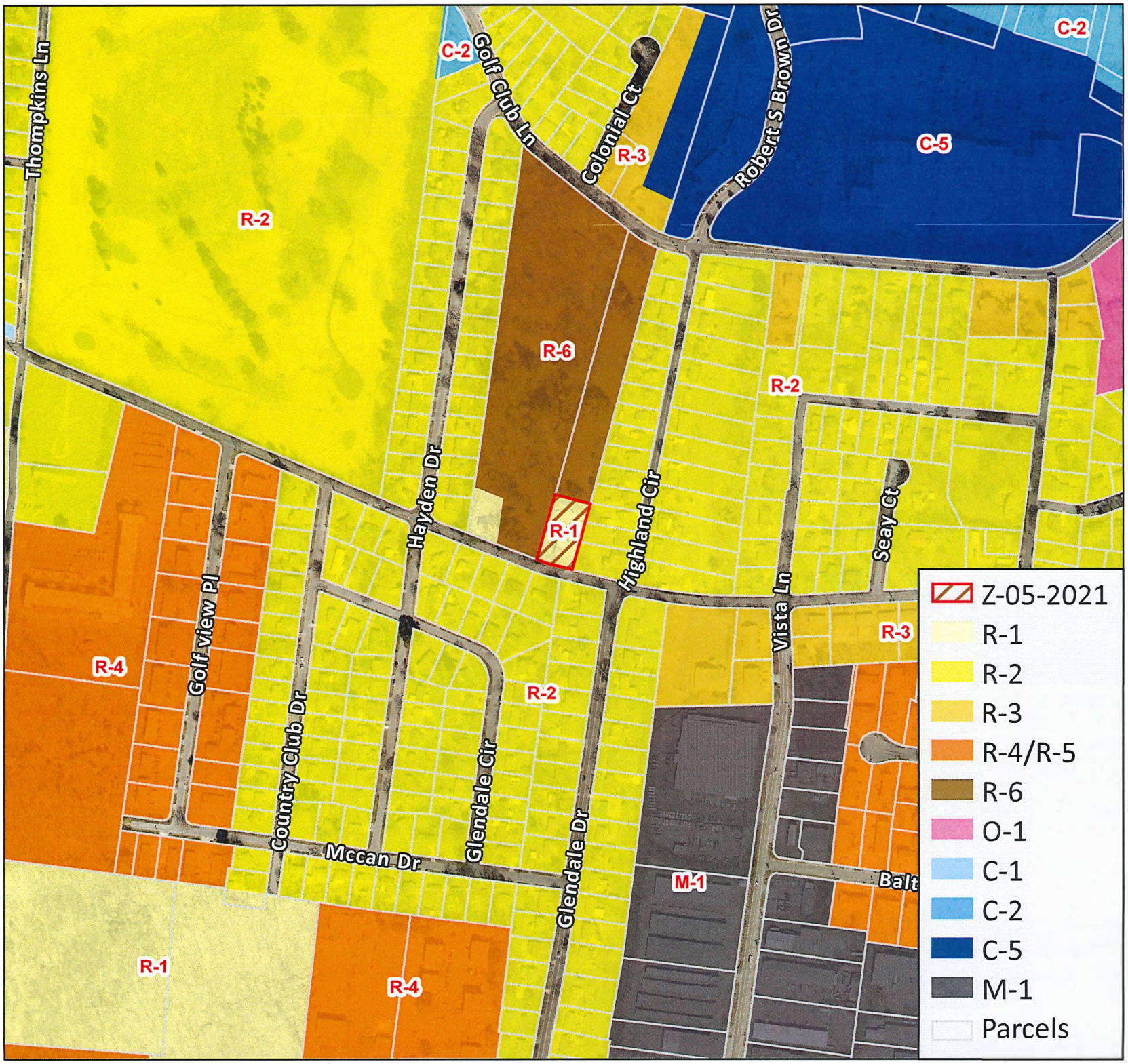
ACRES +/-
0.63

Scale: 1:1,000

N

0 40 80
Feet

1/26/2021



Z-05-2021

APPLICANT:
LALANA LEE & GORDON LEE

REQUEST:
R-1
TO
R-6

MAP & PARCEL
080A E 02300

ACRES +/-
0.63

Scale: 1:5,000

0 250 500
Feet

1/26/2021

CASE NUMBER: Z 5 2021 **MEETING DATE** 01/26/2021

APPLICANT: Lalana Lee Gordon Lee

PRESENT ZONING R-1 **PROPOSED ZONING** R-6

TAX PLAT # 080 A **PARCEL** E 023.00

GEN. LOCATION Property is north of Paradise Hill Road, west of Highland Circle, 171 +/- feet west of the intersection of Highland Circle and Paradise Hill Road

****

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/26/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 01/26/2021 **CASE NUMBER:** Z - 7 -2021

NAME OF APPLICANT: Frank Bryant

AGENT: Albatross Partners

GENERAL INFORMATION

TAX PLAT: 080 A **PARCEL(S):** D 001.00

ACREAGE TO BE REZONED: 2.95

PRESENT ZONING: R-3 C-5

PROPOSED ZONING: R-4 R-4

EXTENSION OF ZONING CLASSIFICATION: NO

PROPERTY LOCATION: Property is fronting on the north side of Golf Club Lane, 93 +/- feet east of the Colonial Court and Golf Club Lane intersection.

CITY COUNCIL WARD: 9 **COUNTY COMMISSION DISTRICT:** 21 **CIVIL DISTRICT:** 12

DESCRIPTION OF PROPERTY: Narrow slightly sloping property with single family structure and accessory structures.

APPLICANT'S STATEMENT FOR PROPOSED USE: To allow for a multifamily development

GROWTH PLAN AREA: CITY **PLANNING AREA:** Hilldale

PREVIOUS ZONING HISTORY: Z-16-1982

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

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

1. CITY ENGINEER/UTILITY DISTRICT: May require water & sewer system upgrades

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT: Must meet access ordinance at site plan phase.

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

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

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

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

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: MOORE
MIDDLE SCHOOL: RICHVIEW
HIGH SCHOOL: CLARKSVILLE

Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Richview Middle is at 98% capacity & currently has 2 portable classrooms. Clarksville High is at 101% capacity. Over 1,000 lots have already been approved in this region. This continued growth necessitates additional action to address building capacity & school bus transportation needs in Montgomery County. This development could add additional students and require additional infrastructure and funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

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

INFRASTRUCTURE:

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

STREET/ROAD ACCESSIBILITY: Colonial Ct. & Golf Club Ln.

DRAINAGE COMMENTS: North

RESIDENTIAL DEVELOPMENT

	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		**35**
POPULATION:		**94**

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-4 Multi-Family Residential provides an appropriate transition to from the C-5 Commercial zoning to the east and the established residential district to the west.
3. The adopted Land Use Plan states that it is encouraged to maintain a desirable mixture of housing types throughout the community.
4. Adequate infrastructure will serve the site & no adverse environmental issues were identified relative to this request.
5.



Z-07-2021

APPLICANT:
FRANK BRYANT

REQUEST:
R-3/C-5
TO
R-4

MAP & PARCEL
080A D 00100

ACRES +/-
2.95

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021



Z-07-2021

APPLICANT:
FRANK BRYANT

REQUEST:
R-3/C-5
TO
R-4

MAP & PARCEL
080A D 00100

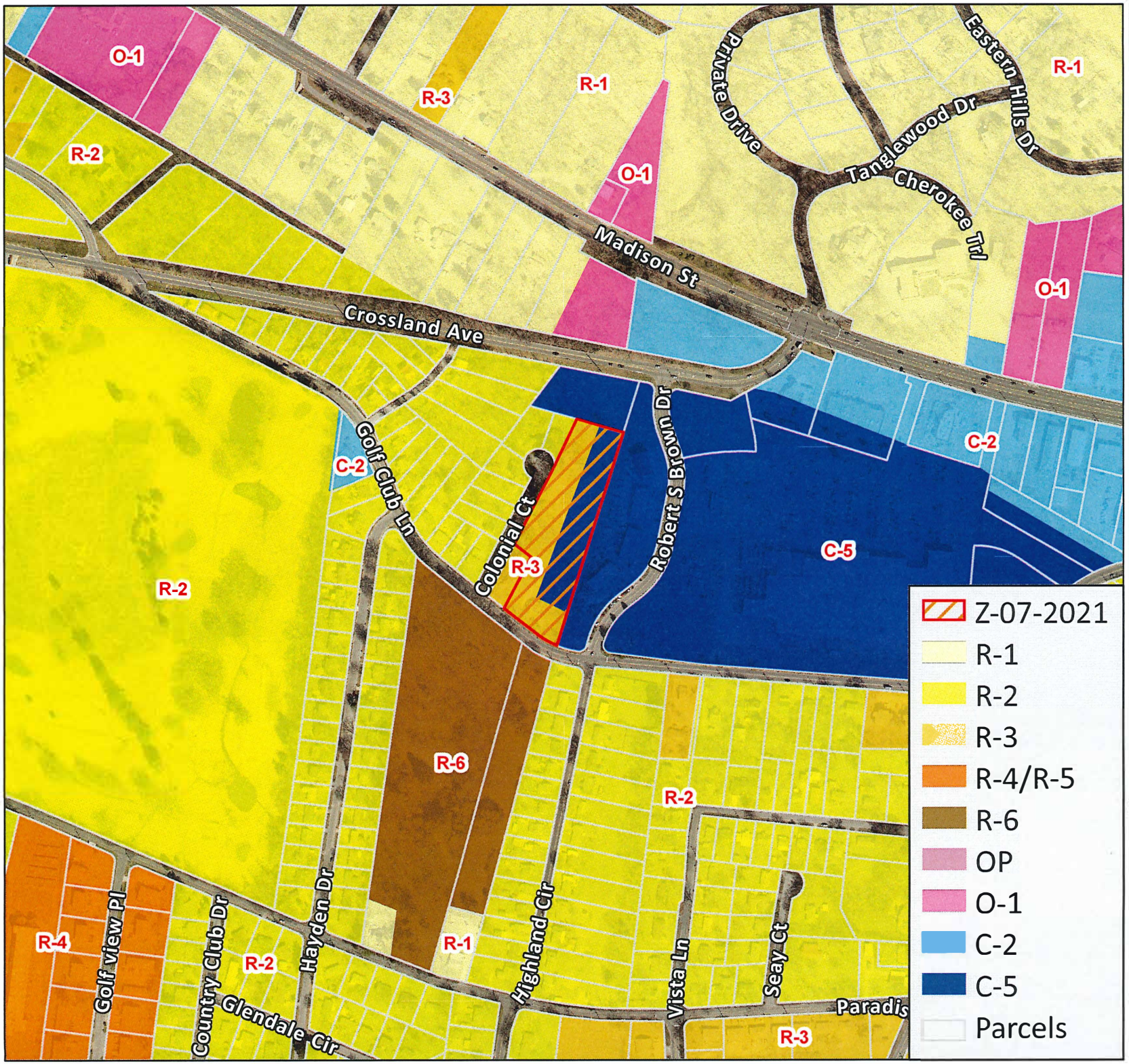
ACRES +/-
2.95

Scale: 1:1,500

N

0 70 140
Feet

1/26/2021



Z-07-2021

APPLICANT:
FRANK BRYANT

REQUEST:
R-3/C-5
TO
R-4

MAP & PARCEL
080A D 00100

ACRES +/-
2.95

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021

CASE NUMBER: Z 7 2021 **MEETING DATE** 01/26/2021

APPLICANT: Frank Bryant

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

TAX PLAT # 080 A **PARCEL** D 001.00

GEN. LOCATION Property is fronting on the north side of Golf Club Lane, 93 +/- feet east of the Colonial Court and Golf Club Lane intersection.

****

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/26/2021 (A.L.)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

RPC MEETING DATE: 01/26/2021 **CASE NUMBER:** Z - 8 -2021

NAME OF APPLICANT: Luke Baggett/ Bobby

AGENT: Syd Hedrick

GENERAL INFORMATION

TAX PLAT: 079 D **PARCEL(S):** B 025.00

ACREAGE TO BE REZONED: .41

PRESENT ZONING: R-3

PROPOSED ZONING: R-6

EXTENSION OF ZONING CLASSIFICATION: NO

PROPERTY LOCATION: Property fronts on the east side of Central Avenue, 173 +/- feet north of the Daniel Street and Central Avenue intersection

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

DESCRIPTION OF PROPERTY: Existing level single family lot.

APPLICANT'S STATEMENT FOR PROPOSED USE: We will divide it up to create 3-4 lots

GROWTH PLAN AREA: CITY **PLANNING AREA:** South Clarksville

PREVIOUS ZONING HISTORY:

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

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

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

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

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

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

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

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

7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT: No Comment(s) Received

8. SCHOOL SYSTEM:

ELEMENTARY: ~~NORMAN SMITH~~

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: C LARKSVILLE

Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Richview Middle is at 98% capacity & currently has 2 portable classrooms. Clarksville High is at 101% capacity. Over 1,000 lots have already been approved in this region. This continued growth necessitates additional action to address building capacity & school bus transportation needs in Montgomery County. This development could add additional students and require additional infrastructure and funding. Current school boundaries are subject to adjustments in order to achieve optimal capacity utilization throughout the District.

9. FT. CAMPBELL:

10. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

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

INFRASTRUCTURE:

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

STREET/ROAD ACCESSIBILITY: Central Ave.

DRAINAGE COMMENTS: Northeast

RESIDENTIAL DEVELOPMENT

	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		3
POPULATION:		8

APPLICABLE LAND USE PLAN

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

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The R-6 single family zoning classifications are not out of character with the surrounding area or established uses.
3. Adequate infrastructure will serve the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
4. No adverse environmental issues have been identified.
5.



Z-08-2021

APPLICANT:
LUKE BAGGETT / BOBBY WALL

REQUEST:
R-3
TO
R-6

MAP & PARCEL
079D B 02500

ACRES +/-
0.41

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021



Z-08-2021

APPLICANT:
LUKE BAGGETT / BOBBY WALL

REQUEST:
R-3
TO
R-6

MAP & PARCEL
079D B 02500

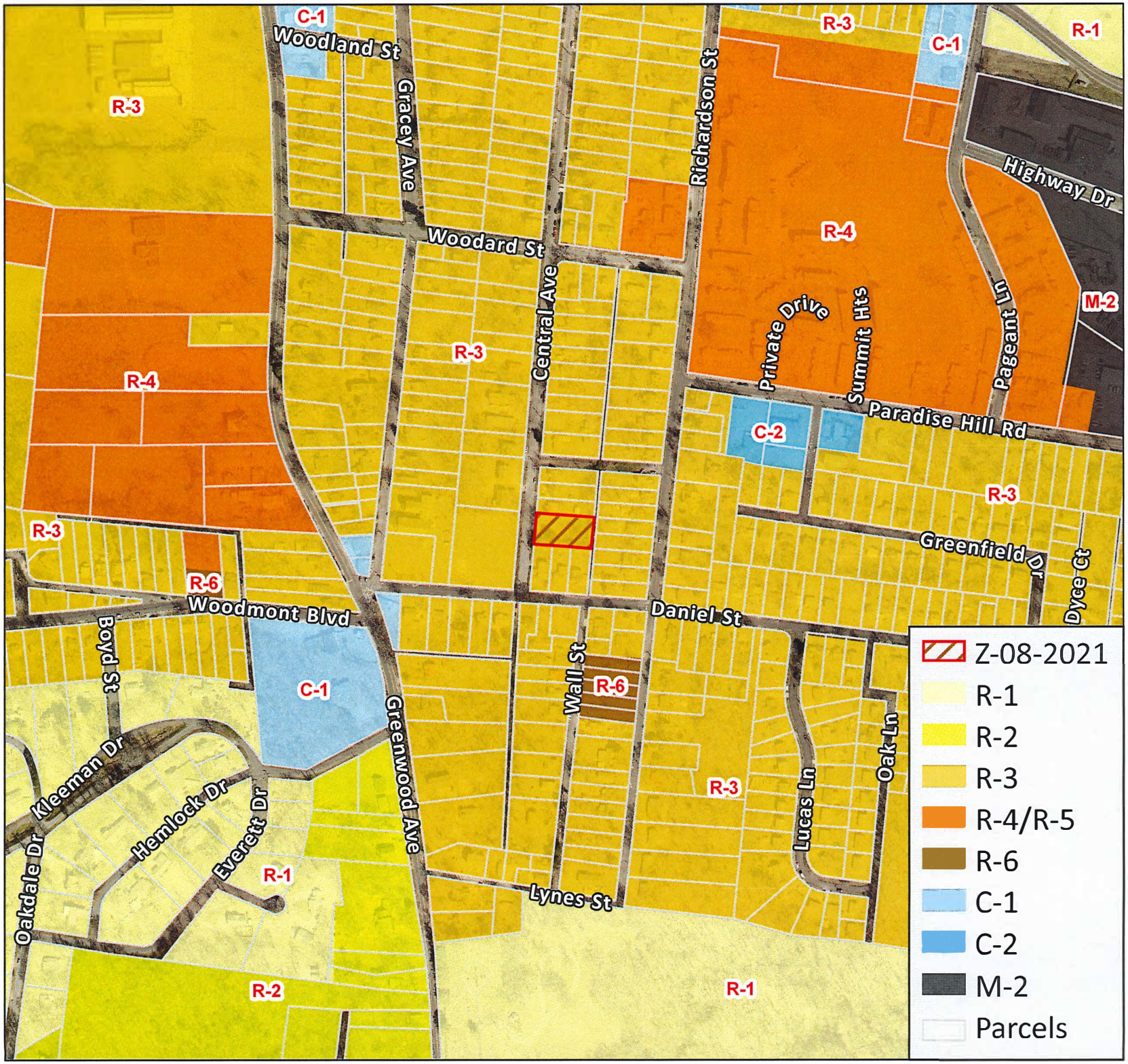
ACRES +/-
0.41

Scale: 1:1,000

N

0 40 80
Feet

1/26/2021



Z-08-2021

APPLICANT:
LUKE BAGGETT / BOBBY WALL

REQUEST:
R-3
TO
R-6

MAP & PARCEL
079D B 02500

ACRES +/-
0.41

Scale: 1:5,000

N

0 250 500
Feet

1/26/2021

CASE NUMBER: Z 8 2021 **MEETING DATE** 01/26/2021

APPLICANT: Luke Baggett/ Bobby Wall

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

TAX PLAT # 079 D **PARCEL** B 025.00

GEN. LOCATION Property fronts on the east side of Central Avenue, 173 +/- feet north of the Daniel Street and Central Avenue intersection

****

PUBLIC COMMENTS

None received as of 9:00 A.M. on 1/26/2021 (A.L.)

ORDINANCE 65-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARK A. DAVIS, SHANNON OR WILLIAM WILFORD-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF OLD TRENTON ROAD AND WILMA RUDOLPH BOULEVARD

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

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

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at an existing concrete monument lying in the southeast right of way margin of Wilma Rudolph Blvd., said existing concrete monument is also the northeast corner of the Moore Construction property, recorded in ORBV 203, Page 807, ROMCT; thence continuing along said right of way margin North 42 degrees 1 minutes 38 seconds East 100 feet to a P.K. nail found in the asphalt; thence leaving said right of way margin of Wilma Rudolph Blvd., along a property line established by Young Surveying in May of 1998 between John Harrison and Everett Smith, dated 5/29/98, South 43 degrees, 47 minutes, 22 seconds East 398 feet to a set iron pin; thence South 42 degrees, 29 minutes, 38 seconds West 107.08 feet to a set iron pin; thence North 42 degrees 46 minutes, 01 seconds West 398 feet to an existing concrete monument, said monument being the point of beginning and containing 0.94 acres more or less.

ORDINANCE 66-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RICHARD COLLINS, RICHARD GARRETT-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF COLUMBIA STREET AND BATTS LANE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned 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 in the west right of way margin of Columbia Street, said point being 36 +/- feet southwest of the centerline of the Columbia St. & Norris Dr. intersection, thence in a southerly direction 334 +/- feet with the western right of way margin of Columbia St. to a point, said point being the northeast corner of the Melissa Young property, thence in a westerly direction 289 +/- feet with the northern property boundary of the Melissa Young property to a point, said point being in the eastern property boundary of the Richard Collins property, thence in a northerly direction 176 +/- feet with the eastern boundary of the Richard Collins property to a point, said point being in the southern Richard D. & Stacy Collins property, thence in a easterly direction 124 +/- feet to a point, said point being the southeast corner of the Richard D. & Stacy Collins property, thence in a northerly direction 177 +/- feet with the eastern property boundary of the Richard D. & Stacy Collins property to a point, said point being the southwest corner of the Richard D. Collins property, thence in a easterly direction 150 +/- feet with the southern boundary of the Richard D. Collins property to the point of beginning, said herein described tract containing 1.74 +/- acres.

ORDINANCE 67-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CHARLES NICHOLS, CREDIT SHELTER TRUST, JAMES MAYNARD-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED IN THE SOUTHEAST CORNER OF TOBACCO ROAD AND NUSSBAUMER 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-1 Neighborhood Commercial District, R-1 Single Family Residential District, and AG Agricultural District, as R-1A Single Family Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Commencing at a point in the east margin of Tobacco Road and south margin of Nussbaumer Road, said point being located 30.2' from the centerline intersection of said roads; Thence S 83 degrees 07 minutes 15 seconds E for a distance of 1303.46 feet to a point. Thence S 88 degrees 52 minutes 36 seconds E a distance of 88.48 feet to a point; Thence S 81 degrees 37 minutes 55 seconds E for a distance of 322.57 feet to a point. Thence S 05 degrees 13 minutes 45 seconds W for a distance of 611.37 feet to a point. Thence S 76 degrees 09 minutes 02 seconds E for a distance of 449.07 feet to a point. Thence S 08 degrees 19 minutes 04 seconds W for a distance of 987.88 feet to a point. Thence N 33 degrees 19 minutes 04 seconds W for a distance of 503.98 feet to a point. Thence on a curve turning to the left through an angle of 34 degrees 43 minutes 52 seconds, having a radius of 1425.00 feet, and whose long chord bears N 50 degrees 41 minutes 01 seconds W for a distance of 850.63 feet. Thence N 68 degrees 02 minutes 57 seconds W for a distance of 973.36 feet to a point. Thence S 77 degrees 17 minutes 52 seconds W for a distance of 197.34 feet to a point. Thence N 68 degrees 02 minutes 57 seconds W for a distance of 251.94 feet to a point. Thence N 35 degrees 07 minutes 27 seconds E for a distance of 124.62 feet to a point. Thence on a curve turning to the left through an angle of 10 degrees 58 minutes 43 seconds, having a radius of 500.00 feet, and whose long chord bears N 29 degrees 38 minutes 05 seconds E for a distance of 95.66 feet. Thence N 24 degrees 08 minutes 44 seconds E for a distance of 162.17 feet to a point. Thence on a curve turning to the right through an angle of 07 degrees 26 minutes 44 seconds, having a radius of 881.05 feet, and whose long chord bears N 27 degrees 52 minutes 06 seconds E for a distance of 114.41 feet. Thence N 32 degrees 20 minutes 36 seconds E for a distance of 17.33 feet to a point. Thence on a curve turning to the right through an angle of 18 degrees 57 minutes 18 seconds, having a radius of 147.88 feet, and whose long chord bears N 41 degrees 49 minutes 15 seconds E for a distance of 48.70 feet. Thence N 48 degrees 48 minutes 51 seconds E for a distance of 58.81 feet to a point. Thence S 83 degrees 07 minutes 15 seconds E for a distance of 1303.46 feet to a point. Thence S 88 degrees 52 minutes 36 seconds E for a distance of 88.48 feet to the point of beginning. Said property contains 40.29 acres, more or less.

ORDINANCE 68-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF GUERRIER DEVELOPMENT FOR ZONE CHANGE ON PROPERTY LOCATED AT THE CORNER OF BLACKMAN STREET, CHARLOTTE STREET, AND LAWN 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, as R-6 Single Family Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point lying in the west right of way of Charlotte St., said point being the east corner of the Hopkins property, said point lying South 77 degrees 28 minutes 58 seconds East for 29.43 feet from the centerline of the Lawn St. and Charlotte St; thence along the north margin of Lawn St., South 46 degrees 50 minutes 05 seconds West for 97.36 feet to a point, said point being the northeast corner of the Ruben Martinez property as recorded in ORV 1891, Page 2749 ROMCT; thence leaving Lawn St. along the Martinez north property line, North 72 degrees 30 minutes 10 seconds West for 103.50 feet to a point, being the southeast corner of the Acquisition Properties, LLC as recorded on ORV1883, Page 440 ROMCT; Thence along Acquisition east property line, North 14 degrees 08 minutes 10 seconds East for 101.77 feet to a point, said point lying in the south margin of Blackman St; thence leaving Acquisition property along Blackman St. south margin line, South 81 degrees 21 minutes 18 seconds East for 98.71 feet to a point, being in the north corner of herein described tract; thence along the south margin og Charlotte St., South 44 degrees 20 minutes 59 seconds East for 67.63 feet to the point of beginning, said tract containing 0.33 +/- acres

ORDINANCE 69-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF LALANA LEE AND GORDON LEE, MARK HOLLEMAN-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF PARADISE HILL ROAD AND HIGHLAND CIRCLE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as R-6 Single Family Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at point lying in the north right of way of Paradise Hill Road, said point being the southwest corner of Beth Seay property as recorded in ORV 165, Page 481 ROMCT, said point lying North 69 degrees 28 minutes 37 seconds West for 176.69 feet from the centerline intersection of Highland Circle and Paradise Hill Rd; Thence along the north margin of Paradise Hill, North 75 degrees 59 minutes 25 seconds West for 77.80 feet to a point; Thence continuing along north right of way, North 68 degrees 43 minutes 27 seconds West for 40.17 feet to a point, said point being the southeast corner of the Mark Holleman property as recorded in ORV 1734 Page 2589 ROMCT, also being the southwest corner of herein described tract; Thence leaving Paradise Hill, along Holleman east property line, North 14 degrees 48 minutes 18 seconds East for 230.00 feet to a point, being the southwest corner of the John Hampel as recorded on ORV1516, Page 2189 ROMCT, also being the northwest corner of herein described tract; Thence along Hampel south property line, South 73 degrees 32 minutes 18 seconds East for 119.51 feet to a point, said point being the northwest corner of Charles Hughes property as recorded in ORV 2026, Page 436 ROMCT, also being the northeast corner of herein described tract; Thence along Hughes west property line, South 15 degrees 14 minutes 26 seconds West for 230.00 feet to the point of beginning. Said tract contains 0.63 acres (37,475 sqft) more or less.

ORDINANCE 70-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF FRANK BRYANT, ALBATROSS PARTNERS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF COLONIAL COURT AND GOLF CLUB LANE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District andC-5 Highway & Arterial Commercial District, as R-4 Multiple Family Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning a point, said point being the southwestern corner of the Laurence Mcmillian Properties as recorded in Vol. 1361, page 2717 ROMCT, said point being N 67° 08' W for a distance of 121 feet from the centerline intersection of Roberts S. Brown Dr. and Golf Club Lane, said point being the northern right of way of said Golf Club Lane, said also being the southeastern corner of the herein described parcel; Thence, with said Golf Club Lane right of way along a curve, said curve turning to the right, having a radius of 291.37 feet, and whose long chord bears N 61° 23' 03" W for a distance of 64.18 feet to a point; Thence, N 51° 46' 14" W for a distance of 142.60 feet to a point on a line, said point being the south east corner of the Frank Bryant property as described in ORV 249, page 9, said point also being the south west corner of the herein described parcel; Thence, with said Frank Bryant property for the next two (2) calls, N 28° 05' 01" E for a distance of 184.88 feet to a point on a line; Thence, N 51° 47' 28" W for a distance of 68.92 feet to a point on a line, said point being the eastern right of way of Colonial Court; Thence, leaving said Frank Bryant property and along said Colonial Court right of way, N 26° 53' 43" E for a distance of 285.59 feet to a point on a line, said point being the eastern property line of the Edward Honeycutt property as described in ORV 1561, page 179; Thence, along said Edward Honeycutt property N 25° 31' 16" E for a distance of 165.32 feet to a point on a line, said point being the southern property line of the said Frank Bryant property; Thence, leaving said Edward Honeycutt property and along said Frank Bryant property, S 74° 02' 43" E for a distance of 154.60 feet to a point on a line, said point being the western property line of said Laurence Mcmillan property, said point also being the north east corner of the herein described parcel; Thence, along said Laurence Mcmillan property, S 17° 17' 26" W for a distance of 718.59 feet to the point of beginning, said parcel containing 128,707 Square Feet or 2.95 Acres, more or less.

ORDINANCE 71-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF LUKE BAGGETT AND BOBBY WALL, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF DANIEL STREET AND CENTRAL AVENUE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-6 Single Family Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 174 +/- feet from the centerline of the Daniel St. and Central Ave. intersection to a point, said point being the northwest corner of the Bobby D. Wall property, said point also being in the eastern right of way margin of Central Ave., thence in a northerly direction 101 +/- feet to a point, said point being the southwest corner of the Hulene Holt property, thence in a easterly direction 185 +/- feet with the southern boundary of the Hulene Holt property to a point, said point being the western margin of an unimproved unnamed alley, thence in a southerly direction 100 +/- feet with the western margin of an unimproved unnamed alley to point, said point being the the northeast corner of the Tina R. Marcum property, thence in a westerly direction 186 +/- feet with the northern property boundary of the Tina R. Marcum property and others to the point of beginning, said herein described tract containing 0.41 +/- acre

ORDINANCE 52-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF FENTRESS BRYANT AND SUK LEE-TENNESSEE COMMUNITY PROPERTY TRUST, REED BALDWIN-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF FORT CAMPBELL BOULEVARD AND LADY MARION DRIVE

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

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

PUBLIC HEARING:	December 3, 2020
FIRST READING:	December 3, 2020
POSTPONED:	January 7, 2021 to February 4, 2021
SECOND READING:	*Scheduled for February 4, 2021*
EFFECTIVE DATE:	

EXHIBIT A

Beginning an iron pin (old), said pin being west of and adjacent to said Fort Campbell Boulevard right of way, said pin being S 81° 49' E for a distance of 494 feet from the centerline intersection of Fort Campbell Boulevard and Lady Marion Drive, said point also being the southeastern corner of the herein described parcel; Thence, along Fort Campbell Boulevard right of way, S 25° 48' 16" E for a distance of 100.00 feet to a point on a line, said point being the north east corner of the said Fentress Bryant and Suk Lee TN Community Property Trust property; Thence, leaving said Fort Campbell Boulevard right of way and along said Fentress Bryant and Suk Lee TN Community Property Trust property line, S 64° 02' 59" W for a distance of 500.00 feet to a point on a line; Thence, leaving said Fentress Bryant and Suk Lee TN Community Property Trust property and along a zoning ling, N 26° 19' 20" W for a distance of 1139.90 feet to a point on a line, said point being the north west corner of the herein described parcel, said point also being the southern property line of the Zachary Henard property as described in ORV 1212, page 2389; Thence, along said Zachary Henard property line, N 61° 25' 44" E for a distance of 202.62 feet to a point on a line, said point being the north west corner of the Richard Herron property as described in ORV 1941, page 1334, said point being the north east corner of the herein described parcel; Thence, leaving said Zachary Henard

property and along said Richard Herron property for the next 2 calls, S 27° 55' 57" E for a distance of 99.06 feet to a point on a line; Thence, N 63° 55' 46" E for a distance of 75.02 feet to a point on a line, said point being the north west corner of the said Fentress Bryant and Suk Lee TN Community Property Trust property; Thence, S 26° 19' 19" E for a distance of 443.46 feet to a point on a line, said point being the north west corner of the David Gardner property as described in ORV 541, page 272; Thence, leaving said Fentress Bryant and Suk Lee TN Community Property Trust property and along said David Gardner property for the next 2 calls, S 26° 19' 19" E for a distance of 81.80 feet to a point on a line; Thence, N 63° 57' 44" E for a distance of 21.64 feet to a point on a line, said point being the north west corner of the Gardner Revocable Living Trust property as described in ORV 1668, page 2260; Thence, leaving said David Gardner property and along said Gardner Revocable Living Trust property, S 26° 34' 11" E for a distance of 125.47 feet to a point on a line, said point being the northern property line of the said Fentress Bryant and Suk Lee TN Community Property Trust property; Thence, along said Fentress Bryant and Suk Lee TN Community Property Trust property for the next 3 calls, S 64° 13' 33" W for a distance of 99.94 feet to a point on a line; Thence, S 26° 00' 51" E for a distance of 299.94 feet to a point on a line; Thence, N 64° 02' 59" E a distance of 300.00 feet to the point of beginning, said parcel containing 314,790 Square Feet or 7.23 Acres, more or less.

ORDINANCE 61-2020-21

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, TENNESSEE, AS IT PERTAINS TO BULK REGULATIONS, BUILDING SETBACKS, MINIMUM FRONTAGE REQUIREMENTS, AND OTHER UPDATES

WHEREAS, the Regional Planning Commission from time to time identifies areas of the land use regulations that require updating; and

WHEREAS, the Regional Planning Commission initiated a study of the city zoning ordinance pertaining to several topics including bulk regulations, building setbacks, and minimum frontage requirements; and

WHEREAS, the updates are viewed as beneficial and necessary to the City of Clarksville to promote health, safety, welfare, and a more prosperous city.

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

That the following amendments are hereby made to the Clarksville City Zoning Ordinance:

Amend TABLE 4.2 in the following manner:

Under the R-2 Column

Amend the Dwelling Minimum Side Yard Setback from T=20 feet to T=16 feet

Under the R-2A Column

Amend the Dwelling Minimum Side Yard Setback from 8 feet to 5 feet

Amend the Dwelling Minimum Side Yard Setback from T=20 feet to T=10 feet

Amend Unattached Accessory Uses from 10 feet to 5 feet

Amend Other Principal Uses from 10 feet to 5 feet

Under the R-6 Column

For Unattached Accessory Uses add 5 feet

For Other Principle Structures add 10 feet

Amend Maximum Lot Coverage (All Combined Uses) from 60 % to 60 percent

Section 5.1.7 RESIDENTIAL USES PERMITTED WITH CONDITIONS (PC)

Replace Multi-Family and Townhouses in the C-2 District with the following:

1. For multi-family dwellings, the following conditions shall be met:
   A. Multi-family dwellings may be located in the same or separate structures as non-residential uses.
   B. Single-family detached structures are permitted provided they are located on a common lot, tract or parcel in a horizontal property regime. Off-street parking and primary access to such single-family detached structures is encouraged to be on the side or rear of the dwellings.
2. See Section 6.1.2 B for a possible variance for off-street parking for mixed-use development with multi-family dwellings in the same or separate structures on the same tract, parcel or lot.
3. Sidewalks along street frontages are mandatory.

Add the following paragraph (H) under 4.1.1 Building Setback Exceptions

H. If right-of-way (ROW) is dedicated through the Subdivision process that would increase the setbacks (MBSL) of adjacent lots, tracts, and parcels, the front and side street MBSL of those existing properties shall remain the same as they were prior to the ROW dedication for the purpose of site plan or building permit. Any subdivision of the existing adjacent lots, tracts, and parcels shall require full compliance with Chapter 4 District Bulk Regulations and Exceptions as outlined in the Clarksville Zoning Ordinance or Montgomery County Zoning Resolution.

Under 5.10 Site Plan Requirements add the following below the first paragraph

Purpose: Site Plan Review is intended to advance public safety and well-being through harmonious development that advances the public interests such as; multi-modal transportation, minimum standards, and overall site safety.

Amend 5.10.1.A. Applicability – remove “and” between “single” and “two” in the first sentence

Repeal 5.10.1.C in its entirety and replace with the following:

C. Minor level review. Site plan review and approval may be handled at the Planning Commission staff level and may not require Regional Planning Commission approval if any one parcel or site is in a platted subdivision, or lot of record less than or equal to 1 acre, AND any one of the following circumstances:
   I. Any building addition where the existing building's gross square footage is expanded by less than twenty-five percent (25%) but greater than three percent (3%).
   II. Any new sign over fifty (50) feet in height in a new location for an existing building.
   III. Any new building less than 15,000 square feet
   IV. Any new Multi Family development less than 16 total units

V. Communication towers and equipment sheds.

VI. For staff level site review, Section 2 Paragraphs B, C, D and E below shall not apply. All other portions of this Section shall apply to the staff level review process. Staff shall forward copies of plans to applicable departments and agencies. These departments and agencies shall have seven calendar days to notify Planning Commission staff of any site plan concerns or deficiencies that would require either plan resubmittal or formal Regional Planning Commission approval. The developer or owner of the property whose specific activities as listed above are either exempted from this Section or permitted to obtain staff level approval shall nevertheless be responsible for complying with all other Sections of the Ordinance from which this Section derives, and/or any other provisions or permits that may apply to the specific activity. The Director of Planning reserves the right to revoke any of the above exemptions of this Section.

Repeal 5.10.2 A and B and Replace with the following:

A. Filing of application and plans. An application for site plan review shall be submitted together with a designated number of copies of the proposed site plan and a digital PDF copy of the proposed site plan to the Planning Commission staff. Regular meeting dates and times, and the deadline for each regular meeting, shall be established by the Regional Planning Commission Office. The Planning Commission staff shall acknowledge receipt of the application by the dating of said application by any person so authorized. The Planning Commission staff shall forward one of said copies to all appropriate City, County or State agencies or utility districts.

B. Informational review. The Planning Commission staff shall determine whether all information pertinent to the review has been provided and within ten (10) calendar days of application deadline shall notify the applicant that either:

Add the following sentence to the end of 5.10.2.CC:

Sidewalks shall be required at the discretion of the Regional Planning Commission.

PUBLIC HEARING: January 7, 20201
POSTPONED: January 7, 2021 to February 4, 2021
FIRST READING: *Scheduled for February 4, 2021*
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 55-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF REDA HOME BUILDERS, REDA HOME BUILDERS, INC.-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF PROVIDENCE BOULEVARD AND SHELBY 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, as R-4 Multiple Family Residential District.

PUBLIC HEARING: January 7, 2021
FIRST READING: January 7, 2021
SECOND READING: *Scheduled for February 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin in the west right of way of Shelby Street said iron pin being north 03 degrees 19 minutes 15 seconds east, 580.07 feet more of less from the intersection of the centerline of Shelby Street & US Highway 41A and running thence south 89 degrees 48 minutes 16 seconds west 145.84 feet to an iron pin; thence north 01 degrees 55 minutes 19 seconds east 125.00 feet to an iron pin; thence north 89 degrees 58 minutes east 153.07 feet to an iron pin; thence south 5 degrees 14 minutes 28 seconds west 125.00 feet to the point of beginning and containing 0.43 +/- acre

ORDINANCE 56-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF EAGLES BLUFF PARTNERSHIP FOR ZONE CHANGE ON PROPERTY LOCATED EAST OF WHITFIELD ROAD AND SOUTH OF TRACY LANE

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

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

PUBLIC HEARING: January 7, 2021
FIRST READING: January 7, 2021
SECOND READING: *Scheduled for February 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a new iron pin located in the southeast corner of the new division, said pin being located North 06 degrees 33 minutes 10 seconds East 621.41 feet from the southwest corner of the Eagles Bluff Partnership Property thence along a new division line North 83 degrees 26 minutes 50 seconds West 192.14 feet to a new iron pin; thence along a new division line North 24 degrees 44 minutes 33 seconds West 324.45 feet to a point in a maple tree; thence along the Donnie L. Haskins Property for the next two calls as follows: North 59 degrees 23 minutes 52 seconds East 22.86 feet to a new iron pin; thence North 65 degrees 39 minutes 52 seconds East 152.70 feet to a new iron pin; thence along the Donnie Haskins Property for the next two calls as follows: North 52 degrees 13 minutes 52 seconds East 122.89 feet to a new iron pin; thence North 60 degrees 01 minutes 52 seconds East 72.46 feet to an old iron pin; thence along the Eagles Bluff Partnership property for the next two calls as follows: South 01 degree 53 minutes 29 seconds East 418.58 feet to an old iron pin; thence South 06 degrees 33 minutes 10 seconds West 86.63 feet to the point of beginning containing 2.50 acres.

ORDINANCE 57-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JEFF ROBINSON, CODY DAHL-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED SOUTH OF MCCLURE STREET, WEST OF N. 2ND STREET, EAST OF N. 1ST STREET, AND NORTH OF BOGARD LANE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-4 Multiple Family Residential District, O-1 Office District, and H-1 Overlay District, as CBD Central Business District, H-1 Overlay Central Business District.

PUBLIC HEARING: January 7, 2021
FIRST READING: January 7, 2021
SECOND READING: *Scheduled for February 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being in the southern right of way margin of McClure St., further identified as the southwest corner of the McClure St & North Second St. intersection, thence in a southwesterly direction 341 +/- feet with the southern right of way margin of McClure St. to a point, said point being the northeast corner of the Peggy Brown property, thence in a southerly direction 75 +/- feet with the eastern boundary of the Peggy Brown property to a point, said point being in the southeast corner of the Peggy Brown property thence in a westerly direction with the southern boundary of the Peggy Brown property to a point, said point being in the eastern right of way margin of North First St. thence in a southerly direction 83 +/- feet with the eastern right of way margin of North First St. to a point, said point being the northwest corner of the Gilbert V. Verbist property, thence in a easterly direction 186 +/- feet with the northern boundary of the Gilbert V. Verbist property, to a point, said point being in the western boundary of the A J Saunders, thence in a northerly direction 35 +/- feet, with the western boundary of the A J Saunders property to a point, said point being the northwest corner of the A J Saunders property, thence in a easterly direction 94 +/- feet to a point, said point being the northeast corner of the A J Saunders property, thence in a southerly direction 45 +/- feet, to a point, said point being the northwest corner of the A J Saunders property, thence in a easterly direction 169 +/- feet with the northern boundary of the A J Saunders property to a point, said point being in the western right of way margin of North Second St., thence in a northerly direction 176 +/- feet with the western right of way margin of North Second St. to the point of beginning, said herein described tract containing 1.44 +/- acres.

ORDINANCE 58-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF S L ENDEAVORS(MICHA STAIR, LUKE STAIR) FOR ZONE CHANGE ON PROPERTY LOCATED ON THE SOUTH FRONTAGE OF CALDWELL LANE AND THE EAST FRONTAGE OF ROBERT 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-2 Single Family Residential District, as R-2 Single Family Residential District.

PUBLIC HEARING: January 7, 2021
FIRST READING: January 7, 2021
SECOND READING: *Scheduled for February 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being in the southern right of way margin of Caldwell Ln. at the western terminus of Caldwell Ln., thence in a easterly direction 520 +/- feet with the southern right of way margin of Caldwell Ln. to a point, said point being the northwest corner of the Riggins Group, LLC property this in a southerly direction 158 +/- feet to the southwest corner of the Riggins Group, LLC property, thence in a easterly direction 60 +/- feet with the southern boundary of the Riggins Group, LLC property to a point, said point being in the western right of way margin of Robert St. thence in a southerly direction 99 +/- feet with the western right of way margin of Robert St, to a point, said point being the northeast corner of the Gilliard Family Rev Trust property, thence in a westerly direction 122 +/- feet with the northern boundary of the Gilliard Family Rev Trust property, the northwest corner of the Gilliard Family Rev Trust property, thence in a southerly direction with the western boundary of the Gilliard Family Rev Trust property to a point, said point being in the northern boundary of the Finus H. Wright, Jr., thence in a westerly direction 130 +/- feet with the northern boundary of the Finus H. Wright, Jr. property to a point, said point being in the eastern boundary of the Johnny D, Kraeske property, thence in a northerly direction 339 +/- feet with the eastern boundary of the Johnny D, Kraeske property to the point of beginning, said herein describer tract containing 1.57 +/- acres.

ORDINANCE 59-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MSI HOMES, SHAWN BERNER-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF MONROE STREET AND EDMONDSON FERRY 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-2 Single Family Residential District, as R-3 Three Family Residential District.

PUBLIC HEARING: January 7, 2021
FIRST READING: January 7, 2021
SECOND READING: *Scheduled for February 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 227 +/- feet in a westerly direction from the centerline of the Monroe St. & Edmondson Ferry Rd intersection, said point also being the southeast corner of the Jeffery E. Pfeffer property, thence in a northerly direction 143 +/- feet to a point, said point being the southwest corner of the Pamela Ann Claxton property, thence in a easterly direction 102 +/- feet to a point, said point being located in the western boundary of the Maxine Caldwell Johnson property, thence in a southeasterly direction 81 +/- feet to a point, said point being the northwest corner of the Herbert L. Majors property, thence in a southwesterly direction 51 +/- feet with the western boundary of the Herbert L. Majors property to a point, said point being in the northern right of way margin of Monroe St. thence in a westerly direction 124 +/- feet with the northern right of way margin of Monroe St. to the point of beginning, said herein described tract containing 0.36 +/- acres.

Russellville Pike - Rezone case Z-60-2020-21

I have received over 75 messages regarding this Rezoning Case.

I have attached the traffic study that was provided to a resident on Dec 18th, 2020; dated 17 Dec 2020. When I shared the concerns listed below on 7 Jan with Mr. Tyndall he indicated he would reach out to the engineer. The engineer then updated this document which was what was shared with the committee.

See Page 1, 2 both discuss wrong site, see note below from Resident.

Page 27 of 60

> It is our professional opinion that Old Russellville Pike has the capacity to handle the traffic generated by the proposed subdivision.
>
> Additionally, the intersections of Old Russellville Pike/ Dunbar Cave Road and Cave Road/Dunbar Cave Road are not affected by the proposed re-zoning request.

Mr. Cowan wrote the following 7 Jan 2021:

Any improvements designed to offset the traffic impacts will be determined once the subdivision is submitted for department review. I believe that it is likely that some improvements to cave rd, heritage, old Russellville pike and Dunbar cave will be needed. This submittal will happen through the planning commission and reviewed by all city departments.

Note from Resident:

Thank you for meeting with the concerned residents in your ward this past Sunday. I'm the one who lives on the left in the Heritage cul-de-sac, which feels like ground zero of the impact of this proposed development.

Late this afternoon I spoke with Chris Cowan who is Traffic Engineer at the Clarksville Street Department. We discussed my many concerns as a Heritage Drive resident and he agreed with my concerns about how adding 313 (Syd Hedrick's own email used the wording "conservative estimate", meaning low) rooftops and potentially adding 600-ish vehicles (2 per household) to the Simpson property will greatly affect traffic on Heritage Drive as well as Old Russellville Pike and Cave Road. He seemed to feel Heritage Drive would be used as an egress and ingress into the development almost as much as ORP especially when headed to Wilma Rudolph Blvd or coming onto Cave Road from Dunbar Cave Road. He forwarded a copy of the Traffic Assessment and I have attached it here for you in case you haven't seen it. It is technical but I could understand parts of it and some things caught my attention and I wanted to share them with you.

Heritage Drive is not included anywhere in the traffic assessment yet it is one of the two egresses and ingresses for the development and it will be greatly affected by it. Why was it omitted? Syd's email says Heritage Drive will not be the primary access to the development, but he can't predict that, and it likely will be for those coming from Wilma Rudolph Blvd. 2 of the assessment, Memorial Drive Extension, Memorial Drive, and Revere Drive are mentioned and aren't in this area. I wasn't sure what to make of that. Page 4 mentions that ORP is classified as an urban collector road and says that the Clarksville Access Ordinance allows two entrances onto collector roads with greater than 300 feet of frontage. ORP has 3000 feet of road frontage. I'm sure I speak for all of Heritage Estates that we would gladly trade our Heritage Drive access for another ORP access. Also, is Heritage Drive even being properly extended according to the Clarksville Access Ordinance or any other street ordinances, especially since it will be an access road into an area with over 315 rooftops?

Page 5 paragraph 3 mentions the traffic data was performed on Dunbar Cave Road/ORP intersection and Dunbar Cave Road/Cave Road intersection from 4:30-6:30 PM (after school/school bus traffic has run) on Monday, December 14, 2020 and Tuesday, 15, 2020, but paragraph 4 states the study was during BOTH peak AM and PM hours. No AM traffic data is provided but should have been since it includes morning rush hour and morning school/school bus traffic. This missing AM traffic data is shown as zeros in the traffic count graphs on pages 19-21 and hopefully doesn't skew any of the calculations of the data provided.

Page 10 mentions gap measurements at the Cave Road/Dunbar Cave Road intersection (think this is the number of seconds between vehicles to allow for turning left safely), but the measurements provided were from Friday, June 5, 2015, which is over 5 1/2 years ago. I think traffic at this intersection has increased greatly since that time, so it seems likely this data is stale.

My neighbor was originally told by Syd that the development would be $300,000 to $400,000 homes on 3 to 4 acre lots. This would be acceptable because of the reasonable number of rooftops this would add to this area with tricky topography and inadequate roads. Imagine how shocking it was to see the plat you showed us on Sunday with the 300+ lots. I don't want our quiet Heritage Drive cul-de-sac to change or want Heritage Drive with its 20 mph speed limit to be subjected to the 600-ish additional vehicles that likely will be added to the adjoining development and that can just as likely choose to travel this route (Heritage Drive) as to travel ORP. It feels irresponsible of the City to allow this abuse of Heritage Drive to happen and to allow a development with this absurdly huge number of rooftops in an area with already such inadequate roads and a terrifying quarry that the development's HOA is supposed to block off and supervise somehow. Sounds like it will be an attraction to the youth living in the development just as I have witnessed for the 30 years I have lived here. With much less of an overgrown field to trek through, it seems like it would be even easier for youth to access it. Overall, it is cruel to add this proposed number of rooftops to this area, and it is my hope that the City Council will make the right decision for this location in Ward 9.

Traffic Assessment

for the

LC Simpson, et al Property

Old Russellville Pike
Clarksville, Montgomery County, Tennessee

December 17, 2020

Prepared By:

MOORE · DESIGN· SERVICES

1 6 4 1 Wilma Rudolph Bl vd · P. O. Box 6 9 1 · Cl ar ksville, Te nnesse e3 7 0 4 1 -0691 ·
Phone: 931-648-9411 · Fax: 931-647-6756 · www.mooreengr.com ·

Introduction

The purpose of this traffic assessment is to analyze the potential impacts associated with the development of the L.C. Simpson, et al and Norma S. Jerles properties which is defined in the Montgomery County Tax Assessors Office on Tax Map 64, Parcels 73.00, 74.00, 74.01 and 74.02. The site consists of approximately 112.1 acres +/- and is located west and adjacent to Old Russellville Pike. The site begins approximately 150' south of Andrew Jackson Drive and extends down to Grassland Drive.

The purpose of this assessment is to define the impact that potential development of this site could have on the traffic volumes of Memorial Drive Extension. The impact of this development will be measured by first assessing the existing capacity of Memorial Drive. Then the potential traffic produced by the development of the subject property will then be added to the existing conditions and compared.

The methodology for the analysis comes from the current Highway Capacity Manual which involves the calculation of two variables: capacity, which is a quantitative measure of the traffic-carrying capacity of the roadway, and the level of service of the roadway, which measures the operational quality of the

roadway. Level of Service will be analyzed for Memorial Drive as a two-lane highway. Additionally, we will analyze the intersection of Memorial Drive and Revere Drive as well as the proposed intersection of Memorial Drive and the proposed subdivision entrance (Daniel's Way).

Level of service is graded on a letter scale from A to F. A being the highest level of service and F being the lowest. At LOS A, traffic flows freely, selecting desired travel speeds with ample passing opportunities. At LOS F, traffic flow is forced, the traffic volume has exceeded the capacity of the roadway to handle it and there are no passing opportunities.

The Transportation Research Board (TRB) has defined the following definition for level of service:

- LOS A represents free flow. Individual users are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to maneuver within the traffic stream is extremely high. The general level of comfort and convenience provided to the motorist, passenger, or pedestrian is excellent.
- LOS B is in the range of stable flow, but the presence of other users in the traffic stream begins to be noticeable. Freedom to select desire speeds is relatively unaffected, but there is a slight decline in the freedom to maneuver within the traffic stream from LOS A. The level of comfort and convenience provided is somewhat less than at LOS A, because the presence of others in the traffic stream begins to affect individual behavior.
- LOS C is in the range of stable flow but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is now affected by the presence of others and maneuvering within the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level.
- LOS D represents high-density, but stable, flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow will generally cause operational problems at this level.
- LOS E represents operating conditions at or near the capacity level. All speeds are reduced to a low, but relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such maneuvers. Comfort and convenience levels are extremely poor, and driver or pedestrian frustration is generally high. Operations at this level are usually unstable, because even small increases in flow or minor perturbations within the traffic stream will cause breakdowns.
- LOS F is used to define forced or breakdown flow. This condition exists wherever the amount of traffic approaching a point exceeds the amount which can traverse it and queues begin to form. Operations within the queue are characterized by stopping and starting. Over and over, vehicles may progress at reasonable speeds for several hundred feet or more, and then be required to stop. Level-of-service F is used to describe operating conditions within the queue, as well as the point of the breakdown. It should be noted, however, that in many cases once free of the queue, traffic may resume to normal conditions quite rapidly.

Project Description

There is currently a re-zoning request proposing that the subject be re-zoned to a mix of R-1, R-5, and R-6 zonings. A concept plan shows the development of 165 single-family lots and 150 townhomes. Old Russellville Pike is classified as an urban collector road.

The subject property has approximately 3,000 feet of road frontage Old Russellville Pike. The Clarksville Access Ordinance allows two entrances onto collector roads with greater than 300 feet of frontage.

Existing Conditions

The subject property is undeveloped. The surrounding properties consist of single-family residential zones. A single-family residential zone adjoins the subject property to the north and east. The property is bounded by the RJ Corman railroad to the west and by undeveloped land to the south.

Old Russellville Pike is a locally maintained 2-lane paved urban collector roadway having 1-10' lane with 1' shoulders in each direction. The posted speed limit is 30 mph. Traffic on Old Russellville Pike ties to Dunbar Cave Road, a local arterial. Traffic on Old Russellville Pike can also access Dunbar Cave Road via Cave Road and Idaho Springs Road.

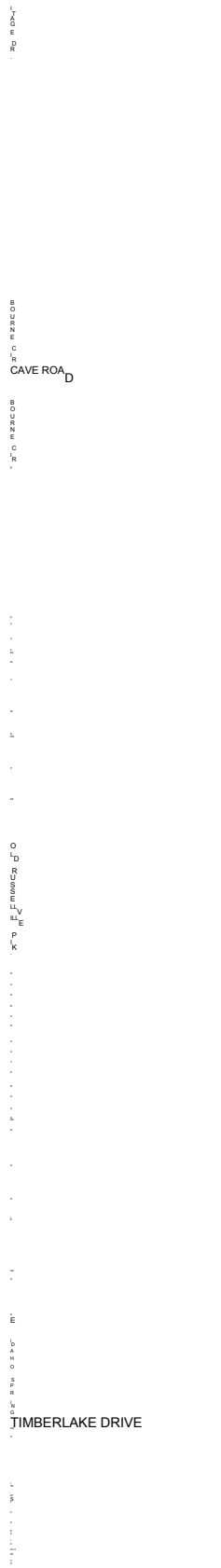
Manual traffic data was performed at the Dunbar Cave Road/Old Russellville Pike intersection and the Dunbar Cave Road/ Cave Road intersection. Counts at the intersections were conducted from 4:30-6:30 PM on Monday, December 14, 2020 and Tuesday, December 15, 2020. From this the existing peak hour volumes were found. These volumes are presented on the following pages.

From the existing traffic count data each intersection was then studied during the peak AM and PM hours to determines the level of service. The capacity analysis was performed according to the methods found in the Highway Capacity Manual, Transportation Research Board Special Report 209.The resulting level of service for the intersection turning movements is as follows

Existing Peak Hour Level of Service (2020)

Intersection	Turning Movement	PM Peak Hour	
		Ex. Level of Service	Control Delay (s/veh)
Dunbar Cave Road/ Old Russellville Pike	Old Russellville Pike Northbound (thru lane)	C	22.5
Dunbar Cave Road/Old Russellville Pike	Old Russellville Pike Southbound (thru lane)	C	16.5

Dunbar Cave Road/Cave Road	Cave Road (left turn)	E	44.3



Background Conditions

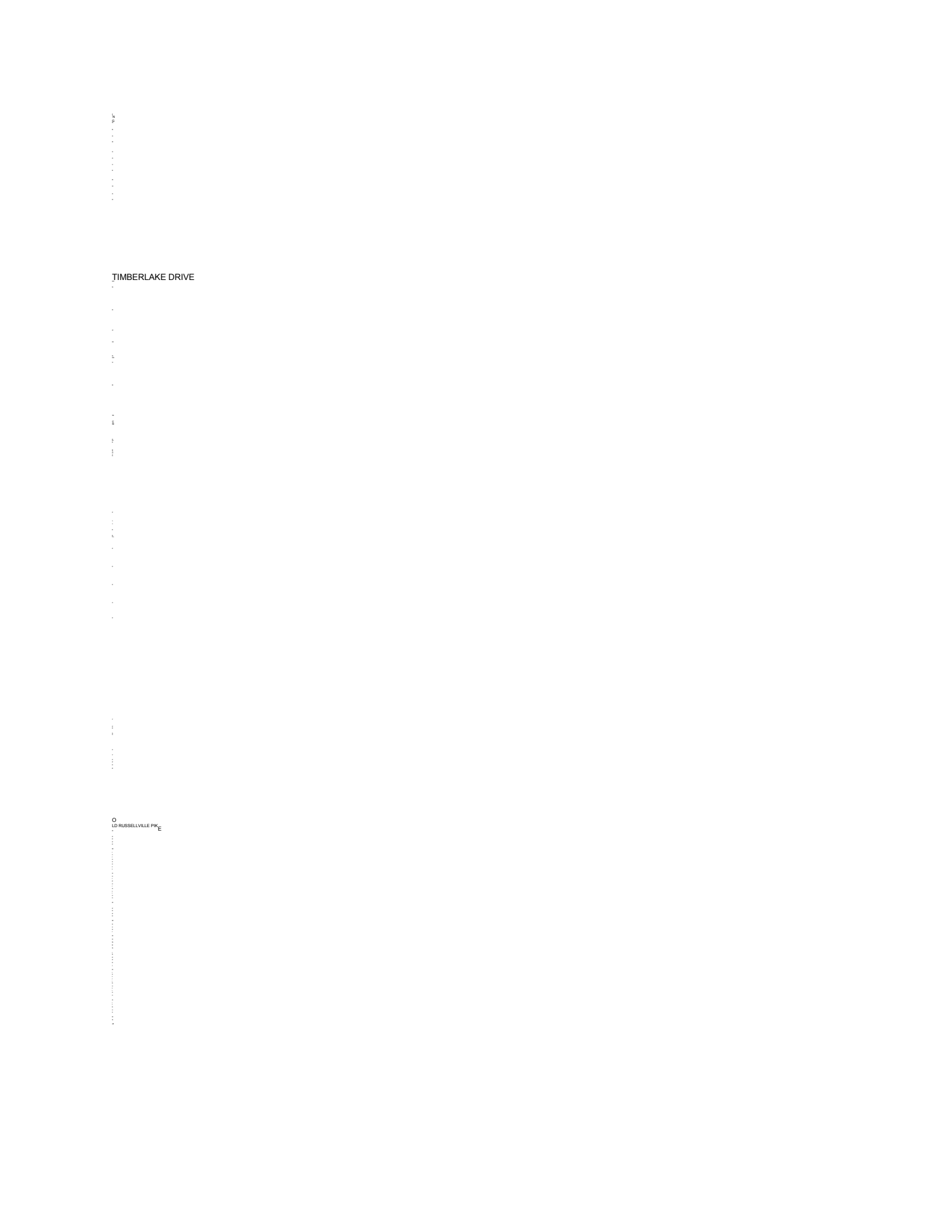
Historical average annual daily trip volumes for Dunbar Cave Road shows a consistent five-year annual increase of 1.0%. The estimate timeframe for completing the proposed development is three years. Background conditions are calculated to estimate the existing traffic in 2023, before the proposed development traffic is applied. The existing traffic is thus increase by an annual rate of 1.0% over a period of three years.

The adjusted background conditions for the Dunbar Cave Road/Old Russellville Pike intersection and the Dunbar Cave Road/ Cave Road intersection were then studied during the peak PM hours to determine the level of service. The resulting level of service for the intersection is as follows:

Background PM Peak Hour Level of Service (2023)

Intersection	Turning Movement	PM Peak Hour	
		Ex. Level	Control

		of Service	Delay (s/veh)
Dunbar Cave Road/ Old Russellville Pike	Old Russellville Pike Northbound (thru lane)	C	24.2
Dunbar Cave Road/Old Russellville Pike	Old Russellville Pike Southbound (thru lane)	C	17.2
Dunbar Cave Road/Cave Road	Cave Road (left turn)	F	48.0


TIMBERLAKE DRIVE
OLD RUSSELLVILLE PIKE

Proposed Conditions- Proposed Zoning

Future conditions were then analyzed assuming that the subject properties would be developed according to the proposed site plan. The current "Trip Generation Handbook" published by the Institute of Transportation Engineers was used to estimate the traffic generated by this proposed development. The estimate trip generated by this development is as follows:

Projected Traffic Volumes, Weekday Peak PM								
	Land Use		Quantity	Unit Rate	Percent Enter/Exit		Weekday, Peak PM Hours (4-7 PM)	
	Code	Description			Enter	Exit	Enter	Exit
R-1, R-5	210	Single-Family Residential	181 units	0.99	63%	37%	103	60
R-6	220	Multi-Family (low-rise)	150 units	.56	63%	37%	53	31
TOTAL							156	91

These proposed trips where then distributed over the proposed access points and total peak hour volumes where quantified. The Highway Capacity Manual was used again to determine the level of service at the Dunbar Cave Road/Old Russellville Pike intersection and the Dunbar Cave Road/ Cave Road intersection.

Proposed PM Peak Hour/Level of Service Analysis (2023)

Intersection	Turning Movement	PM Peak Hour	
		Ex. Level of Service	Control Delay (s/veh)
Dunbar Cave Road/ Old Russellville Pike	Old Russellville Pike Northbound (thru lane)	D	33.6
Dunbar Cave Road/Old Russellville Pike	Old Russellville Pike Southbound (thru lane)	C	23.4
Dunbar Cave Road/Cave Road	Cave Road (left turn)	F	64.7

It is our professional opinion that the calculated control delay for Cave Road is not consistent with the delays we observed in the field. It is our belief that the controlled intersection at the Dunbar Cave Road and Wilma Rudolph Boulevard produce greater headways in the major stream of traffic; thus, allowing greater accepted gaps than what the capacity analysis allows for. This would reduce the control delay.

To prove this theory, we took field observations of gaps within the by-pass traffic. Gaps were timed by measuring the time between a vehicle and the time when the next vehicle was too close to begin a left turning movement onto the by-pass. This essentially is an effort to measure the critical gap in the field. These measurements were taken on **Friday, June 5, 2015.** These results are as follows:

PM Peak Hour Critical Gap Measurements	
Range of Gaps	# Measured
6-9 seconds	49
10-14 seconds	8
15+ seconds	3
Total gaps over 6 seconds	60

This data shows that at worst there is at least one acceptable gap per minute during the PM peak.

OLD RUSSELLVILLE PIKE

TIMBERLAKE DRIVE

OLD RUSSELLVILLE PIKE

LAKE DR.

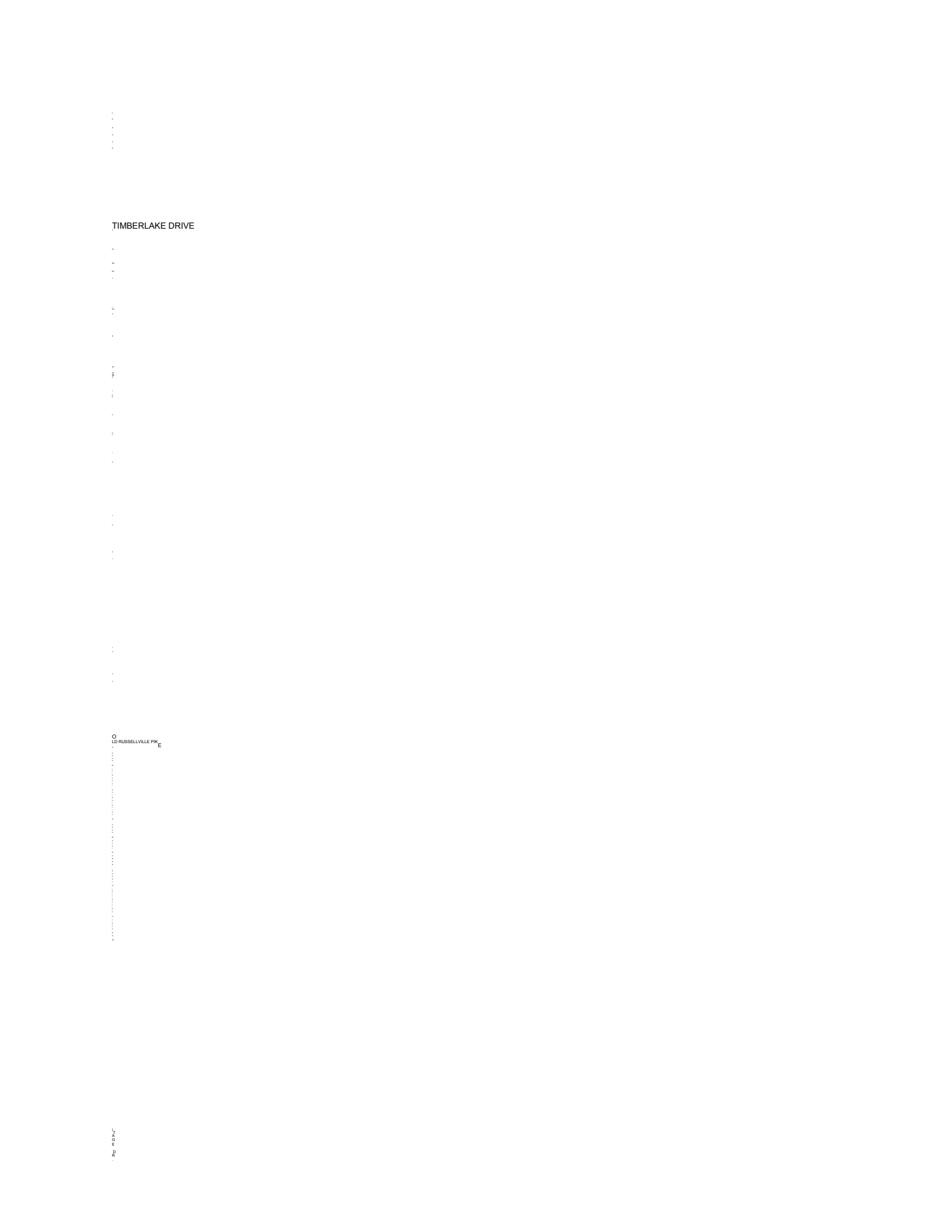
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CAVE ROAD

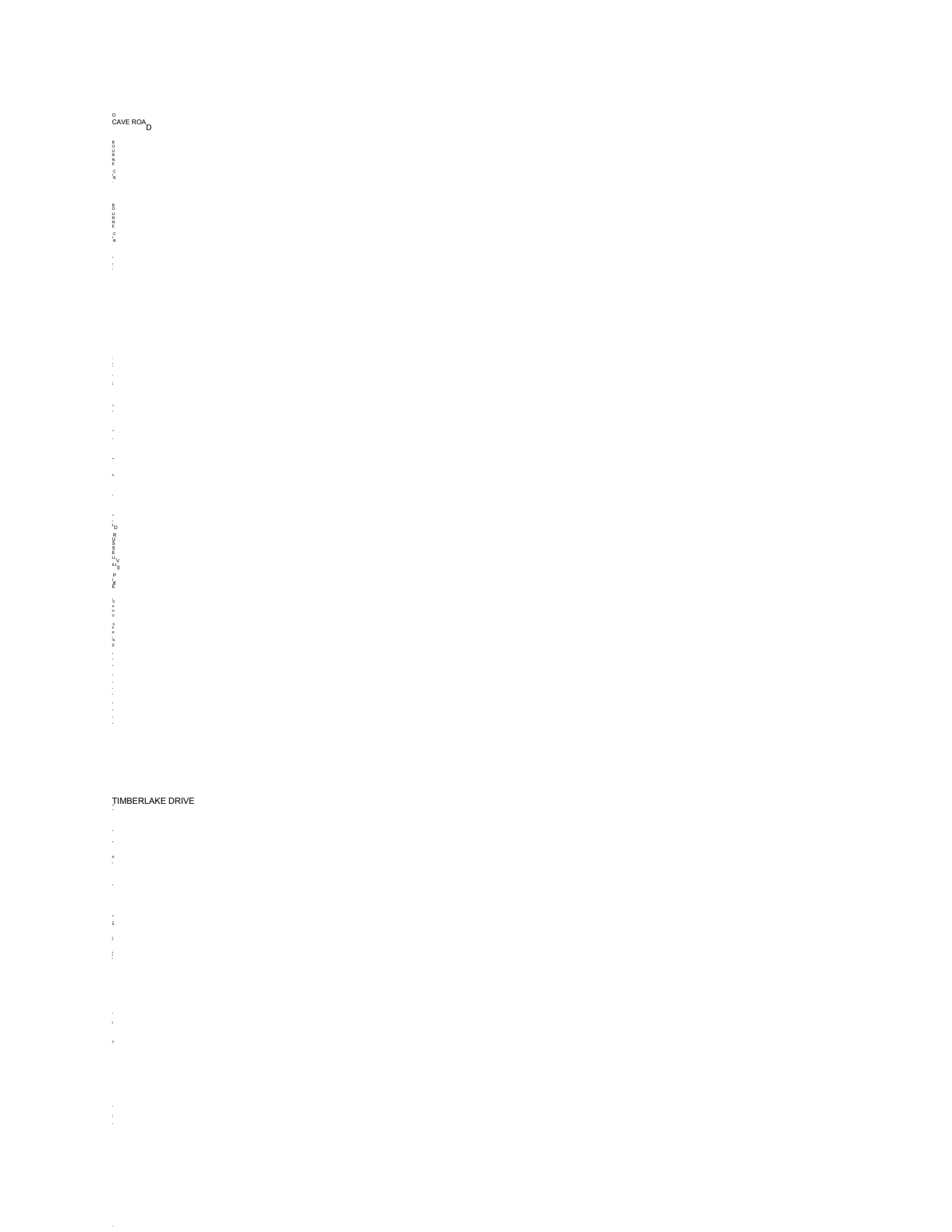
BOURNE CR.

BOURNE CR.

LD RUSSELL VE PKWY

DIAMOND SPRINGS


TIMBERLAKE DRIVE
OLD RUSSELLVILLE PIKE


O
CAVE ROAD
BOURNE CR.
BOURNE CR.
LD
RUSSELL VE
PK
TIMBERLAKE DRIVE



Proposed Conditions- Current Zoning

Future conditions were then analyzed assuming that the subject properties would be developed according to current zoning designations. Currently 46 acres are zoned R-1, single-family residential and 31 acres are zoned M-2, manufacturing. The current "Trip Generation Handbook" published by the Institute of Transportation Engineers was used to estimate the traffic generated by this proposed development. The estimate trip generated by this development is as follows:

Projected Traffic Volumes, Weekday Peak PM								
	Land Use		Quantity	Unit Rate	Percent Enter/Exit		Weekday, Peak PM Hours (4-7 PM)	
	Code	Description			Enter	Exit	Enter	Exit
R-1	210	Single-Family Residential	138 units	0.99	63%	37%	87	51
M-2	120	Light Industrial	80 units	.63	13%	87%	6	44
TOTAL							93	95

These proposed trips where then distributed over the proposed access points

and total peak hour volumes where quantified. The Highway Capacity Manual was used again to determine the level of service at the Dunbar Cave Road/Old Russellville Pike intersection and the Dunbar Cave Road/ Cave Road intersection.

Proposed PM Peak Hour/Level of Service Analysis (2023)

Intersection	Turning Movement	PM Peak Hour	
		Ex. Level of Service	Control Delay (s/veh)
Dunbar Cave Road/ Old Russellville Pike	Old Russellville Pike Northbound (thru lane)	D	33.8
Dunbar Cave Road/Old Russellville Pike	Old Russellville Pike Southbound (thru lane)	C	20.7
Dunbar Cave Road/Cave Road	Cave Road (left turn)	F	67.3

TAGE DR.
O
CAVE ROAD
BOURNE CR.
BOURNE CR.

OAKHURST DRIVE

TIMBERLAKE DRIVE

OLD RUSSELLVILLE PIKE

JADE DR.

CAVE ROAD

BOURNE CIR.

BOURNE CIR.

LAKESIDE DRIVE

TIMBERLAKE DRIVE

The level of service for both intersections are the same whether the property is developed under existing conditions or developed under proposed zoning changes.

2-Lane Highway Analysis

Finally, the capacity of Old Russellville Pike was analyzed as a two-lane highway. A methodology similar to the intersection capacity was used to determine capacity of the roadway under existing, background and finally proposed conditions.

Roadway	Condition	PM Peak Hour	
		Ex. Level of Service	Volume Capacity Ratio
Old Russellville Pike	Existing	C	0.17
Old Russellville Pike	Background	C	0.17
Old Russellville Pike	Proposed	C	0.22

Conclusions

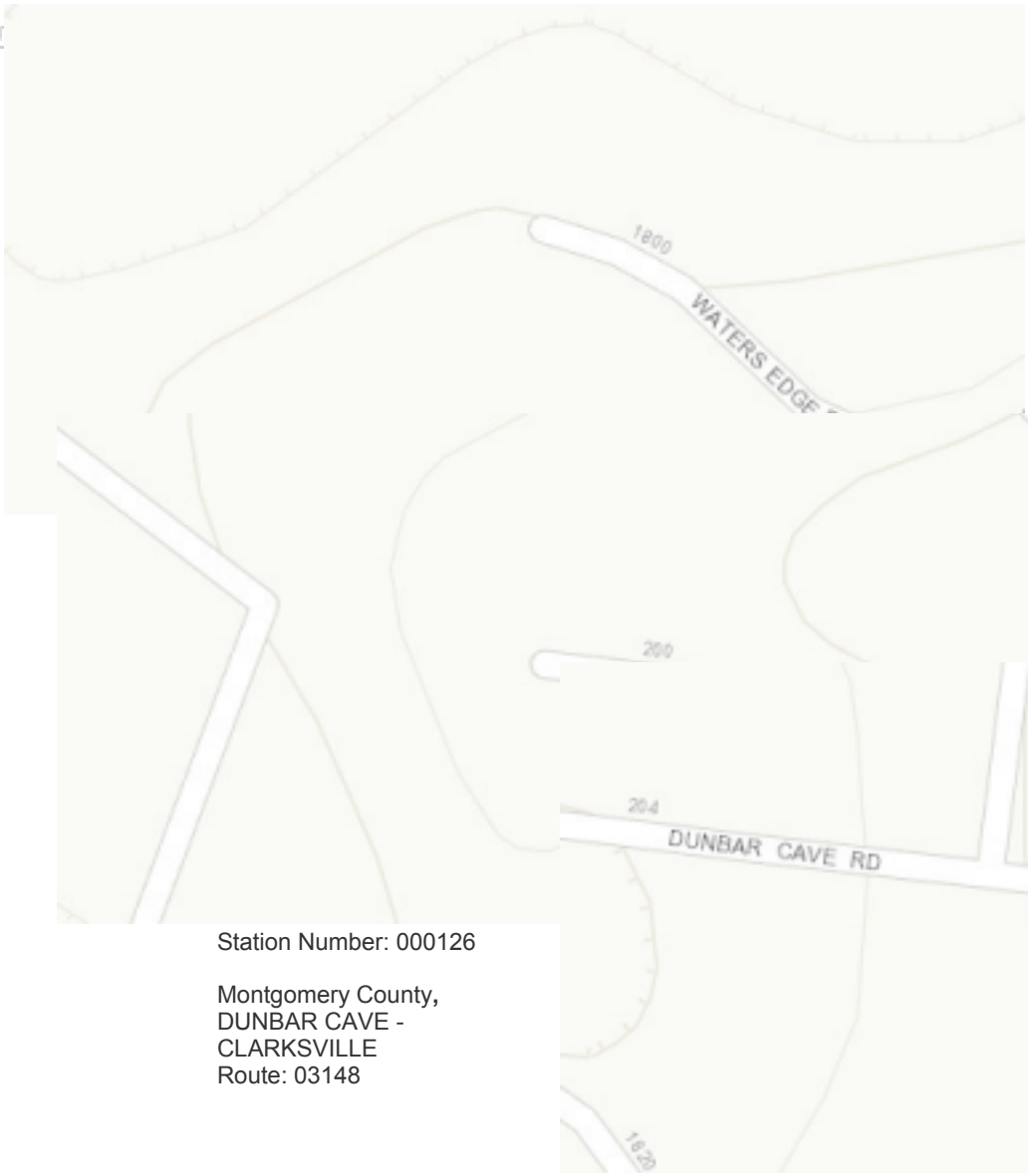
It is our professional opinion that Old Russellville Pike has the capacity to handle

the traffic generated by the proposed subdivision.

Additionally, the intersections of Old Russellville Pike/ Dunbar Cave Road and Cave Road/Dunbar Cave Road are not affected by the proposed re-zoning request.

Traffic History

Help +



address or

Station Number: 000126

Montgomery County,
DUNBAR CAVE -
CLARKSVILLE
Route: 03148



AADT by year:

2018 = 11,686
2017 = 12,293
2016 = 12,025
2015 = 10,917
2014 = 11,190
2013 = 10,246
2012 = 10,948
2011 = 11,051
2010 = 9,930
2009 = 11,866
2008 = 10,661

Zoom to

-87.308 36.554 Degrees

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EXISTING TRAFFIC COUNTS: OLD RUSSELLVILLE PIKE

Time Interval	Old Russellvile Pike Northbound			Old Russellvile Pike Souhbound			
	Left	Thru	Right	Left	Thru	Right	Total
6:00 to 6:15							0
6:15 to 6:30							0
6:30 to 6:45							0
6:45 to 7:00							0
Hr. Total	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	
7:00 to 7:15							0
7:15 to 7:30							0
7:30 to 7:45							0
7:45 to 8:00							0
Hr. Total	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	
8:00 to 8:15							0
8:15 to 8:30							0
8:30 to 8:45							0
8:45 to 9:00							0
Hr. Total	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	
4:00 to 4:15							0
4:15 to 4:30							0
4:30 to 4:45		23			36		59
4:45 to 5:00		22			40		62

Hr. Total	0	45	0	0	76	0	121
Hourly Flow Rate	0	45	0	0	76	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	
5:00 to 5:15		30			43		73
5:15 to 5:30		30			49		79
5:30 to 5:45		28			37		65
5:45 to 6:00		24			32		56
Hr. Total	0	112	0	0	161	0	273
Hourly Flow Rate	0	112	0	0	161	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	
6:00 to 6:15		27			40		67
6:15 to 6:30		25			34		59
6:30 to 6:45							0
6:45 to 7:00							0
Hr. Total	0	52	0	0	74	0	126
Hourly Flow Rate	0	52	0	0	74	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	

EXISTING TRAFFIC COUNTS:
DUNBARD CAVE/OLD RUSSELLVILE PIKE

Time Interval	Dunbar Cave Eastbound			Dunbar Cave Westbound			Old Russellvile Pike Northbound			Old Russellvile Pike Souhbound			
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Total
6:00 to 6:15													0
6:15 to 6:30													0
6:30 to 6:45													0
6:45 to 7:00													0
Hr. Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
7:00 to 7:15													0
7:15 to 7:30													0

7:30 to 7:45													0
7:45 to 8:00													0
Hr. Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
8:00 to 8:15													0
8:15 to 8:30													0
8:30 to 8:45													0
8:45 to 9:00													0
Hr. Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
4:00 to 4:15													0
4:15 to 4:30													0
4:30 to 4:45	10	100	4	17	89	1	3	3	11	1	6	14	259
4:45 to 5:00	12	118	4	15	93	0	4	3	12	0	8	13	282
Hr. Total	22	218	8	32	182	1	7	6	23	1	14	27	541
Hourly Flow Rate	22	218	8	32	182	1	7	6	23	1	14	27	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
5:00 to 5:15	15	126	5	17	104	1	5	4	15	1	6	19	318
5:15 to 5:30	14	128	4	17	101	0	4	4	14	0	6	17	309
5:30 to 5:45	12	118	5	18	97	0	3	5	17	1	7	16	299
5:45 to 6:00	12	112	4	19	102	1	5	4	14	0	5	20	298
Hr. Total	53	484	18	71	404	2	17	17	60	2	24	72	1224
Hourly Flow Rate	53	484	18	71	404	2	17	17	60	2	24	72	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
6:00 to 6:15	9	107	3	17	96	0	3	4	12	1	5	13	270
6:15 to 6:30	8	98	3	14	88	1	4	2	10	0	4	13	245
6:30 to 6:45													0
6:45 to 7:00													0
Hr. Total	17	205	6	31	184	1	7	6	22	1	9	26	515
Hourly Flow Rate	17	205	6	31	184	1	7	6	22	1	9	26	

PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	

EXISTING TRAFFIC COUNTS:
DUNBAR CAVE/ CAVE ROAD

Time Interval	Dunbar Cave Eastbound			Dunbar Cave Westbound			Cave Road Northbound			
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Total
6:00 to 6:15										0
6:15 to 6:30										0
6:30 to 6:45										0
6:45 to 7:00										0
Hr. Total	0	0	0	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
7:00 to 7:15										0
7:15 to 7:30										0
7:30 to 7:45										0
7:45 to 8:00										0
Hr. Total	0	0	0	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
8:00 to 8:15										0
8:15 to 8:30										0
8:30 to 8:45										0
8:45 to 9:00										0
Hr. Total	0	0	0	0	0	0	0	0	0	0
Hourly Flow Rate	0	0	0	0	0	0	0	0	0	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
4:00 to 4:15										0
4:15 to 4:30										0
4:30 to 4:45	0	114	27	2	90	0	28	0	4	265

4:45 to 5:00	0	116	29	3	98	0	24	0	5	275
Hr. Total	0	230	56	5	188	0	52	0	9	540
Hourly Flow Rate	0	230	56	5	188	0	52	0	9	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
5:00 to 5:15	0	130	30	3	96	0	33	0	5	297
5:15 to 5:30	0	127	32	2	108	0	36	0	6	311
5:30 to 5:45	0	122	27	4	101	0	32	0	4	290
5:45 to 6:00	0	119	28	3	97	0	30	0	5	282
Hr. Total	0	498	117	12	402	0	131	0	20	1180
Hourly Flow Rate	0	498	117	12	402	0	131	0	20	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
6:00 to 6:15	0	127	29	4	112	0	31	0	5	308
6:15 to 6:30	0	116	27	5	103	0	29	0	4	284
6:30 to 6:45										0
6:45 to 7:00										0
Hr. Total	0	243	56	9	215	0	60	0	9	592
Hourly Flow Rate	0	243	56	9	215	0	60	0	9	
PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	

Single-Family Detached Housing

(210)

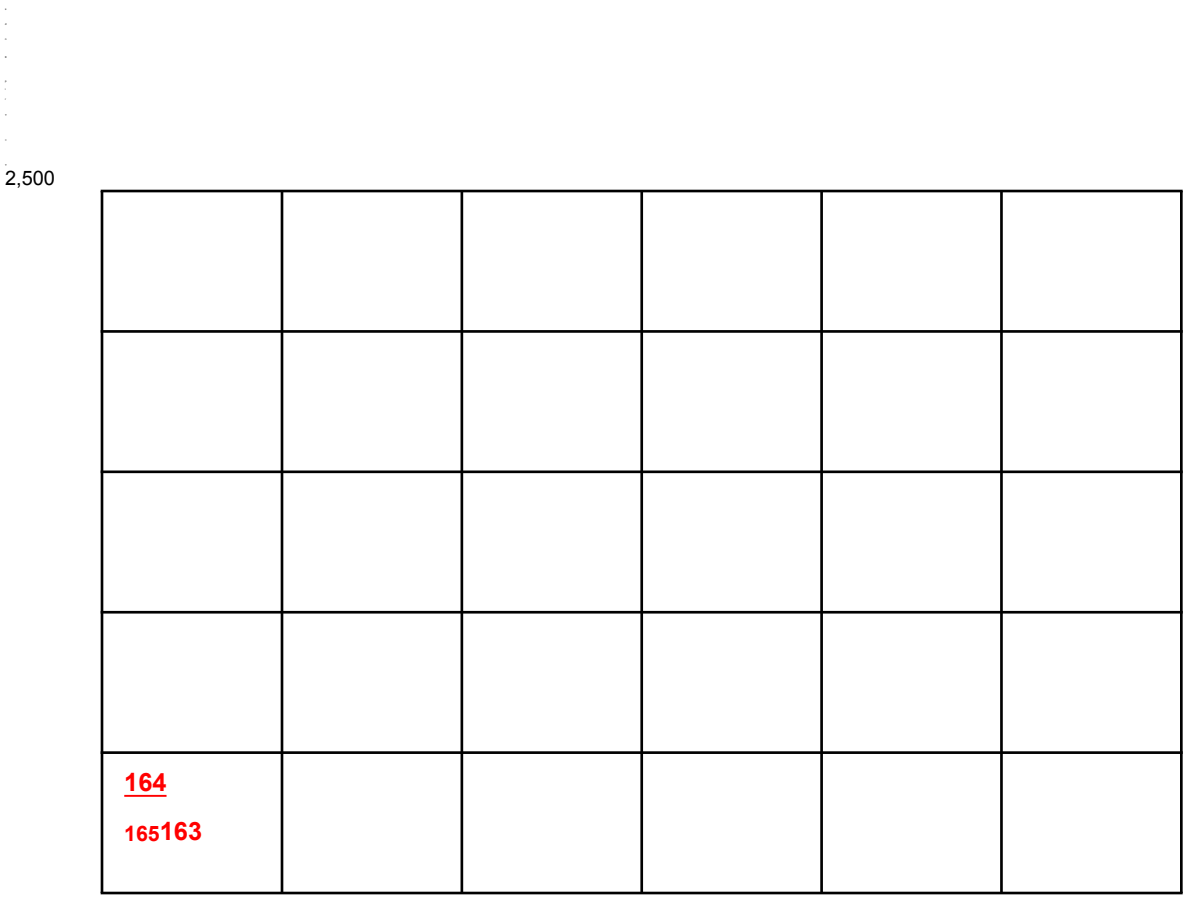
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban

Number of Studies: 190
Avg. Num. of Dwelling Units: 242
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.44 - 2.98	0.31

Data Plot and Equation



0 500 1,000 1,500 2,000 2,500 3,000 0 X = Number of Dwelling Units

Study Site Fitted Curve Average Rate Fitted Curve Equation: Ln(T) = 0.96 Ln(X) + 0.20 R^2= 0.92

Trip Gen Manual, 10th Ed + Supplement Institute of Transportation Engineers

Multifamily Housing (Low-Rise)
(220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 50
Avg. Num. of Dwelling Units: 187
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.56	0.18 - 1.25	0.16

Data Plot and Equation

500

	400	
	300	

200

100

0 200 400 600 0 X = Number of Dwelling Units

Study Site Fitted Curve Average Rate Fitted Curve Equation: Ln(T) = 0.89 Ln(X) - 0.02 R²= 0.86

Trip Gen Manual, 10th Ed + Supplement Institute of Transportation Engineers

General Light Industrial
(110)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 44
Avg. 1000 Sq. Ft. GFA: 67
Directional Distribution: 13% entering, 87% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.63	0.07 - 7.02	0.68

Data Plot and Equation

400

50 32 80			



0 100 200 300 400 0 X = 1000 Sq. Ft. GFA

Study Site Fitted Curve Average Rate Fitted Curve Equation: Ln(T) = 0.69 Ln(X) + 0.43 R^2= 0.52

Trip Gen Manual, 10th Ed + Supplement Institute of Transportation Engineers

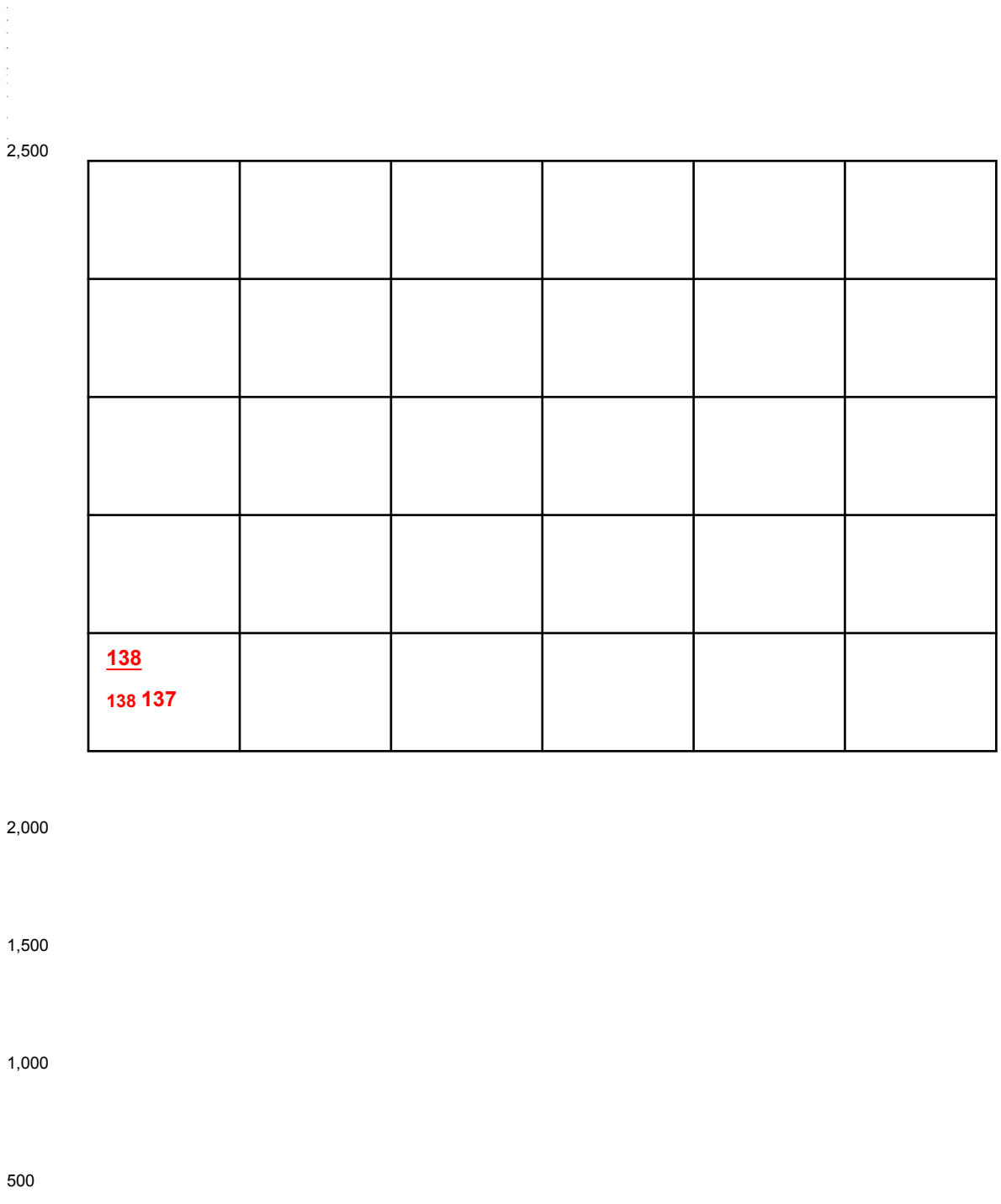
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 190
Avg. Num. of Dwelling Units: 242
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.44 - 2.98	0.31

Data Plot and Equation



0 500 1,000 1,500 2,000 2,500 3,000 0 X = Number of Dwelling Units

Study Site Fitted Curve Average Rate Fitted Curve Equation: Ln(T) = 0.96 Ln(X) + 0.20 R^2= 0.92

Trip Gen Manual, 10th Ed + Supplement Institute of Transportation Engineers

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	JEB	Intersection	Old Russellville/Dubnbar Cave
Agency/Co.	MDS	Jurisdiction	Clarksville
Date Performed	12/14/20	Analysis Year	2020
Analysis Time Period	PM Peak		

Project Description 2020 PM Peak Existing

East/West Street: Dunbar Cave	North/South Street: Old Russellvile Pike
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	60	504	20	68	416	4
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	60	504	20	68	416	4
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	1	1	0

Configuration	L		TR	L		TR
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	20	16	60	4	24	76
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	20	16	60	4	24	76
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		Y			Y	
Storage		2			2	
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L		LTR			LTR	
v (veh/h)	60	68		96			104	
C (m) (veh/h)	1150	1053		365			613	
v/c	0.05	0.06		0.26			0.17	
95% queue length	0.16	0.21		1.04			0.61	
Control Delay (s/veh)	8.3	8.7		22.5			16.5	
LOS	A	A		C			C	
Approach Delay (s/veh)	--	--	22.5			16.5		
Approach LOS	--	--	C			C		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	JEB	Intersection	Old Russellville/Dubnbar Cave
Agency/Co.	MDS	Jurisdiction	Clarksville
Date Performed	12/14/20	Analysis Year	2023
Analysis Time Period	PM Peak		

Project Description 2020 PM Peak Background

East/West Street: Dunbar Cave	North/South Street: Old Russellvile Pike
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	62	519	21	70	428	4
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	62	519	21	70	428	4
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	1	1	0
Configuration	L		TR	L		TR
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		

Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	21	16	62	4	25	78
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	21	16	62	4	25	78
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		Y			Y	
Storage		2			2	
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L		LTR			LTR	
v (veh/h)	62	70		99			107	
C (m) (veh/h)	1138	1039		340			576	
v/c	0.05	0.07		0.29			0.19	
95% queue length	0.17	0.22		1.19			0.68	
Control Delay (s/veh)	8.3	8.7		24.2			17.2	
LOS	A	A		C			C	
Approach Delay (s/veh)	--	--	24.2			17.2		
Approach LOS	--	--	C			C		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	JEB	Intersection	Old Russellville/Dubnbar Cave
Agency/Co.	MDS	Jurisdiction	Clarksville
Date Performed	12/14/20	Analysis Year	2023
Analysis Time Period	PM Peak		

Project Description 2023 PM Peak Developed

East/West Street: Dunbar Cave	North/South Street: Old Russellvile Pike
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	62	519	32	113	428	4
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	62	519	32	113	428	4
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	1	1	0
Configuration	L		TR	L		TR
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12

	L	T	R	L	T	R
Volume (veh/h)	28	21	83	4	39	78
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	28	21	83	4	39	78
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		Y			Y	
Storage		3			3	
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L		LTR			LTR	
v (veh/h)	62	113		132			121	
C (m) (veh/h)	1138	1029		275			369	
v/c	0.05	0.11		0.48			0.33	
95% queue length	0.17	0.37		2.44			1.40	
Control Delay (s/veh)	8.3	8.9		33.6			23.4	
LOS	A	A		D			C	
Approach Delay (s/veh)	--	--	33.6			23.4		
Approach LOS	--	--	D			C		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	JEB	Intersection	Old Russellville/Dubnbar Cave
Agency/Co.	MDS	Jurisdiction	Clarksville
Date Performed	12/14/20	Analysis Year	2023
Analysis Time Period	PM Peak		

Project Description 2023 PM Peak Developed under Current Zoning

East/West Street: Dunbar Cave	North/South Street: Old Russellvile Pike
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	62	519	28	96	428	4
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	62	519	28	96	428	4
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	1	1	0
Configuration	L		TR	L		TR
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R

Volume (veh/h)	28	21	84	4	34	78
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	28	21	84	4	34	78
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		Y			Y	
Storage		3			3	
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration		LTR			LTR	

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L		LTR			LTR	
v (veh/h)	62	96		133			116	
C (m) (veh/h)	1138	1033		274			427	
v/c	0.05	0.09		0.49			0.27	
95% queue length	0.17	0.31		2.48			1.09	
Control Delay (s/veh)	8.3	8.8		33.8			20.7	
LOS	A	A		D			C	
Approach Delay (s/veh)	--	--	33.8			20.7		
Approach LOS	--	--	D			C		

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TWO-WAY STOP CONTROL SUMMARY	
General Information	Site Information

			Intersection	Old Russellville/Dubnbar Cave
Analyst				
Agency/Co.	MDS			
			Jurisdiction	Clarksville
Date Performed	12/14/20			
			Analysis Year	2020
Analysis Time Period	PM Peak			

Project Description 2020 PM Peak Existing	
East/West Street: Dunbar Cave	North/South Street: Old Russellvile Pike
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		508	128	8	432	
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	508	128	8	432	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	144	0	6	0		0

Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	144	0	6	0	0	0
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		Y			Y	
Storage		2			2	
RT Channelized			0			0
Lanes	0	1	0	0	0	0
Configuration		LTR			LR	

Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LTR			LR	
v (veh/h)		8		150			0	
C (m) (veh/h)		957		234				
v/c		0.01		0.64				
95% queue length		0.03		3.90				
Control Delay (s/veh)		8.8		44.3				
LOS		A		E				
Approach Delay (s/veh)	--	--	44.3					
Approach LOS	--	--	E					

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TWO-WAY STOP CONTROL SUMMARY			
General Information		Site Information	
		Intersection	Old Russellville/Dubnbar Cave

Analyst	JEB				
Agency/Co.	MDS				
			Jurisdiction	Clarksville	
Date Performed	12/14/20				
			Analysis Year	2023	
Analysis Time Period	PM Peak				

Project Description 2020 PM Peak Background	
East/West Street: Dunbar Cave	North/South Street: Old Russellvile Pike
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		523	132	8	449	
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	523	132	8	449	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	148	0	6	0		0
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
	148	0	6	0	0	0

Hourly Flow Rate, HFR (veh/h)						
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		Y			Y	
Storage		2			2	
RT Channelized			0			0
Lanes	0	1	0	0	0	0
Configuration		LTR			LR	

Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LTR			LR	
v (veh/h)		8		154			0	
C (m) (veh/h)		942		229				
v/c		0.01		0.67				
95% queue length		0.03		4.24				
Control Delay (s/veh)		8.9		48.0				
LOS		A		E				
Approach Delay (s/veh)	--	--	48.0					
Approach LOS	--	--	E					

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TWO-WAY STOP CONTROL SUMMARY				
General Information			Site Information	
			Intersection	Old Russellville/Dunbar Cave
Analyst	JEB			
Agency/Co.	MDS			

		Jurisdiction	Clarksville
Date Performed	12/14/20		
		Analysis Year	2023
Analysis Time Period	PM Peak		

Project Description

East/West Street: Dunbar Cave	North/South Street: Old Russellvile Pike
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		523	217	13	449	
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	523	217	13	449	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	188	0	14	0		0
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	188	0	14	0	0	0
Percent Heavy Vehicles	0	0	0	0	0	0

Percent Grade (%)	0			0		
Flared Approach		Y			Y	
Storage		3			0	
RT Channelized			0			0
Lanes	0	1	0	0	0	0
Configuration		LTR			LR	

Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LTR			LR	
v (veh/h)		13		202			0	
C (m) (veh/h)		876		244				
v/c		0.01		0.83				
95% queue length		0.05		6.47				
Control Delay (s/veh)		9.2		64.7				
LOS		A		F				
Approach Delay (s/veh)	--	--	64.7					
Approach LOS	--	--	F					

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TWO-WAY STOP CONTROL SUMMARY				
General Information			Site Information	
			Intersection	Old Russellville/Dunbar Cave
Analyst	JEB			
Agency/Co.	MDS			
			Jurisdiction	Clarksville

Date Performed	12/14/20		
		Analysis Year	2023
Analysis Time Period	PM Peak		

Project Description 2023 PM Peak Developed As Currently Zoned

East/West Street: Dunbar Cave	North/South Street: Old Russellvile Pike
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		523	180	11	449	
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	523	180	11	449	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	1	1	0
Configuration			TR	L	T	
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	200	0	15	0		0
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	200	0	15	0	0	0
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		

Flared Approach		Y			Y	
Storage		3			0	
RT Channelized			0			0
Lanes	0	1	0	0	0	0
Configuration		LTR			LR	

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L		LTR			LR	
v (veh/h)		11		215			0	
C (m) (veh/h)		904		252				
v/c		0.01		0.85				
95% queue length		0.04		6.96				
Control Delay (s/veh)		9.0		67.3				
LOS		A		F				
Approach Delay (s/veh)	--	--	67.3					
Approach LOS	--	--	F					

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TWO-WAY TWO-LANE HIGHWAY SEGMENT WORKSHEET

General Information	Site Information
Analyst JEB Agency or Company MDS Date Performed 12/11/2020 Analysis Time Period PM Peak	Highway Old Russellville Pike From/To Fantasy Lane/End Jurisdiction Clarksville Analysis Year 2023

Project Description: Old Russellville Pike Background

Input Data

	Class I highway Class II highway

	Terrain Level Rolling Two-way hourly volume 325 veh/h Directional split 63 / 37 Peak-hour factor, PHF 0.90 No-passing zone 100 % Trucks and Buses , P_T5 % % Recreational vehicles, P_R 4% Access points/ mi 32
Average Travel Speed	
Grade adjustment factor, f_G(Exhibit 20-7)	0.71
Passenger-car equivalents for trucks, E_T (Exhibit 20-9)	2.5
Passenger-car equivalents for RVs, E_R (Exhibit 20-9)	1.1
Heavy-vehicle adjustment factor, f_{HV}=1/ (1+ $P_T(E_T-1)+P_R(E_R-1)$)	0.927
Two-way flow rate[1], v_p(pc/h)=V/ (PHF * f_G * f_{HV})	549
v_p * highest directional split proportion[2] (pc/h)	346
Free-Flow Speed from Field Measurement	Estimated Free-Flow Speed
Field Measured speed, S_{FM} mi/h Observed volume, $V_f$veh/h Free-flow speed, FFS FFS=S_{FM}+0.00776(V_f/ f_{HV}) mi/h	Base free-flow speed, $BFFS_{FM}$ 60.0 mi/h Adj. for lane width and shoulder width[3], f_{LS} (Exhibit 5.3 mi/h 20-5) Adj. for access points, f_A(Exhibit 20-6) 8.0 mi/h Free-flow speed, FFS (FSS=BFFS-f_{LS}-f_A) 46.7 mi/h
Adj. for no-passing zones, f_{np} (mi/h) (Exhibit 20-11)	4.1
Average travel speed, ATS (mi/h) ATS=FFS-0.00776v_p-f_{np}	38.4
Percent Time-Spent-Following	
Grade Adjustment factor, f_G(Exhibit 20-8)	0.77
Passenger-car equivalents for trucks, E_T (Exhibit 20-10)	1.8
Passenger-car equivalents for RVs, E_R (Exhibit 20-10)	1.0
Heavy-vehicle adjustment factor, f_{HV}=1/ (1+ $P_T(E_T-1)+P_R(E_R-1)$)	0.962
Two-way flow rate[1], v_p(pc/h)=V/ (PHF * f_G * f_{HV})	488
v_p * highest directional split proportion[2] (pc/h)	307
Base percent time-spent-following, BPTSF(%)=100(1-$e^{-0.000879v_p}$)	34.9
Adj. for directional distribution and no-passing zone, $f_{d/hp}$(%)(Exh. 20-12)	21.7
Percent time-spent-following, PTSF(%)=BPTSF+$f_{d/np}$	56.6
Level of Service and Other Performance Measures	
Level of service, LOS (Exhibit 20-3 for Class I or 20-4 for Class II)	C
Volume to capacity ratio, v/c=V_p/ 3,200	0.17
	90

Peak 15-min veh-miles of travel, VMT_{15} (veh- mi)= $0.25L_t(V/PHF)$	

TWO-WAY TWO-LANE HIGHWAY SEGMENT WORKSHEET

General Information	Site Information
Analyst JEB Agency or Company MDS Date Performed 12/11/2020 Analysis Time Period PM Peak	Highway Old Russellville Pike From/To Fantasy Lane/End Jurisdiction Clarksville Analysis Year 2023
Project Description: Old Russellville Pike Developed	
Input Data	
	Class I highway Class II highway Terrain Level Rolling Two-way hourly volume 572 veh/h Directional split 63 / 37 Peak-hour factor, PHF 0.90 No-passing zone 100 % Trucks and Buses , P_T 5 % % Recreational vehicles, P_R 4% Access points/ mi 32
Average Travel Speed	
Grade adjustment factor, f_G(Exhibit 20-7)	0.93
Passenger-car equivalents for trucks, E_T (Exhibit 20-9)	1.9
Passenger-car equivalents for RVs, E_R (Exhibit 20-9)	1.1
Heavy-vehicle adjustment factor, $f_{HV}=1/ (1+ P_T(E_T-1)+P_R(E_R-1))$	0.953
Two-way flow rate[1], v_p(pc/h)=V/ (PHF * f_G * f_{HV})	717
v_p * highest directional split proportion[2] (pc/h)	452
Free-Flow Speed from Field Measurement	Estimated Free-Flow Speed
Field Measured speed, S_{FM} mi/h Observed volume, $V_f$veh/h Free-flow speed, FFS $FFS=S_{FM}+0.00776(V_f/ f_{HV})$ mi/h	Base free-flow speed, $BFFS_{FM}$ 60.0 mi/h Adj. for lane width and shoulder width[3], f_{LS} (Exhibit 20-5) 5.3 mi/h Adj. for access points, f_A(Exhibit 20-6) 8.0 mi/h Free-flow speed, FFS ($FSS=BFFS-f_{LS}-f_A$) 46.7 mi/h
Adj. for no-passing zones, f_{np} (mi/h) (Exhibit 20-11)	3.4
Average travel speed, ATS (mi/h) $ATS=FFS-0.00776v_p-f_{np}$	37.8
Percent Time-Spent-Following	
Grade Adjustment factor, f_G(Exhibit 20-8)	0.94
Passenger-car equivalents for trucks, E_T (Exhibit 20-10)	1.5
Passenger-car equivalents for RVs, E_R (Exhibit 20-10)	1.0

Heavy-vehicle adjustment factor, $f_{HV}=1/ (1+ P_T(E_T-1)+P_R(E_R-1))$	0.976
Two-way flow rate[1], v_p(pc/h)=V/ (PHF * f_G * f_{HV})	693
v_p * highest directional split proportion[2] (pc/h)	437
Base percent time-spent-following, BPTSF(%)=100(1-$e^{-0.000879v_p}$)	45.6
Adj. for directional distribution and no-passing zone, $f_{d/hp}$(%)(Exh. 20-12)	17.8
Percent time-spent-following, PTSF(%)=BPTSF+$f_{d/np}$	63.4
Level of Service and Other Performance Measures	
Level of service, LOS (Exhibit 20-3 for Class I or 20-4 for Class II)	C
Volume to capacity ratio, v/c=V_p/ 3,200	0.22
Peak 15-min veh-miles of travel, VMT_{15} (veh- mi)= 0.25L_t(V/PHF)	159

TWO-WAY TWO-LANE HIGHWAY SEGMENT WORKSHEET

General Information	Site Information
Analyst JEB Agency or Company MDS Date Performed 12/11/2020 Analysis Time Period PM Peak	Highway Old Russellville Pike From/To Fantasy Lane/End Jurisdiction Clarksville Analysis Year 2020
Project Description: Old Russellville Pike Existing	
Input Data	
	Class I highway Class II highway Terrain Level Rolling Two-way hourly volume 316 veh/h Directional split 63 / 37 Peak-hour factor, PHF 0.90 No-passing zone 100 % Trucks and Buses , P_T5 % % Recreational vehicles, P_R 4% Access points/ mi 32
Average Travel Speed	
Grade adjustment factor, f_G(Exhibit 20-7)	0.71
Passenger-car equivalents for trucks, E_T (Exhibit 20-9)	2.5
Passenger-car equivalents for RVs, E_R (Exhibit 20-9)	1.1
Heavy-vehicle adjustment factor, $f_{HV}=1/ (1+ P_T(E_T-1)+P_R(E_R-1))$	0.927
Two-way flow rate[1], v_p(pc/h)=V/ (PHF * f_G * f_{HV})	534
v_p * highest directional split proportion[2] (pc/h)	336
Free-Flow Speed from Field Measurement	Estimated Free-Flow Speed
Field Measured speed, S_{FM} mi/h Observed volume, $V_f$veh/h Free-flow	Base free-flow speed, $BFFS_{FM}$ 60.0 mi/h Adj. for lane width

speed, FFS FFS=S_{FM}+0.00776(V_f/ f_{HV}) mi/h	and shoulder width[3], f_{LS} (Exhibit 5.3 mi/h 20-5) Adj. for access points, f_A(Exhibit 20-6) 8.0 mi/h Free-flow speed, FFS (FSS=BFFS-f_{LS}-f_A) 46.7 mi/h
Adj. for no-passing zones, f_{np} (mi/h) (Exhibit 20-11)	4.1
Average travel speed, ATS (mi/h) ATS=FFS-0.00776v_p-f_{np}	38.5
Percent Time-Spent-Following	
Grade Adjustment factor, f_G(Exhibit 20-8)	0.77
Passenger-car equivalents for trucks, E_T (Exhibit 20-10)	1.8
Passenger-car equivalents for RVs, E_R (Exhibit 20-10)	1.0
Heavy-vehicle adjustment factor, f_{HV}=1/ (1+ P_T(E_T-1)+P_R(E_R-1))	0.962
Two-way flow rate[1], v_p(pc/h)=V/ (PHF * f_G * f_{HV})	474
v_p * highest directional split proportion[2] (pc/h)	299
Base percent time-spent-following, BPTSF(%)=100(1-$e^{-0.000879v_p}$)	34.1
Adj. for directional distribution and no-passing zone, $f_{d/np}$(%)(Exh. 20-12)	21.9
Percent time-spent-following, PTSF(%)=BPTSF+$f_{d/np}$	55.9
Level of Service and Other Performance Measures	
Level of service, LOS (Exhibit 20-3 for Class I or 20-4 for Class II)	C
Volume to capacity ratio, v/c=V_p/ 3,200	0.17
Peak 15-min veh-miles of travel, VMT_{15} (veh- mi)= 0.25L_t(V/PHF)	88

ORDINANCE 60-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF L. C. SIMPSON, ET AL, NORMA S. JONES, GREENSPACE PARTNERS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF OLD RUSSELLVILLE PIKE AND FANTASY LANE AND AT THE INTERSECTION OF OLD RUSSELLVILLE PIKE AND CANDLEWOOD 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 M-2 General Industrial District and R-1 Single Family Residential District, as R-1 Single Family Residential District, R-5 Residential District, and R-6 Single Family Residential District.

PUBLIC HEARING: January 7, 2021
FIRST READING: January 7, 2021
SECOND READING: *Scheduled for February 4, 2021*
EFFECTIVE DATE:

EXHIBIT A

R-1 Zoning Description:

A tract of land located in the Twelfth Civil District of Montgomery County, Tennessee, said tract being generally located west of and adjacent to Old Russellville Pike, south of Andrew Jackson Drive and north of Grassland Drive. Said tract is more fully described as follows: Commencing at an iron pin being the northeast corner of the herein described tract, said point being located at 126.5’ south of the centerline intersection of Andrew Jackson Drive and Old Russellville Pike. Thence on a curve to the left having a radius of 1525.00 feet, arc length of 243.32 feet and whose chord bears S 38° 19' 54" W for a chord distance of 243.06 feet to a point; Thence S 33° 45’ 39” W for a distance of 564.41 feet to a point; Thence on a curve to the right having a radius of 4975.00 feet, arc length of 56.20 feet and whose chord bears S 34° 05' 04" W for a chord distance of 56.20 feet to a point; Thence N 70° 30’ 24” W for a distance of 152.77 feet to a point; Thence N 60° 24’ 41” W for a distance of 64.51 feet to a point; Thence S 90° 00’ 00” W for a distance of 153.14 feet to a point; Thence N 68° 57’ 16” W for a distance of 42.24 feet to a point; Thence N 54° 19’ 58” W for a distance of 85.85 feet to a point; Thence N X73° 25’ 27” W for a distance of 52.21 feet to a point; Thence S 76° 13’ 44” W for a distance of 56.20 feet to a point; Thence S 65° 47’ 53” W for a distance of 114.70 feet to a point; Thence S 80° 11’ 59” W for a distance of 150.79 feet to a point; Thence N 35° 12’ 32” E for a distance of 852.38 feet to a point; Thence S 81° 50’ 30” E for a distance of 833.13 feet to the point of beginning; Said property contains 13.88 acres, more or less.

R-6 Zoning Description:

A tract of land located in the Twelfth Civil District of Montgomery County, Tennessee, said tract being generally located west of Old Russellville Pike, south of Andrew Jackson Drive and north of Grassland Drive. Said tract is more fully described as follows: Commencing at an iron pin being the northeast corner of the herein described parent tract, said point being located at 126.5' south of the centerline intersection of Andrew Jackson Drive and Old Russellville Pike. Thence N 81° 50' 30" W for a distance of 833.13 feet to the true Point of Beginning; Thence S 35° 12' 32" W for a distance of 1130.97 feet to a point; Thence N 54° 47' 28" W for a distance of 700.50 feet to a point; Thence N 39° 25' 27" E for a distance of 299.57 feet to a point; Thence N 31° 00' 05" W for a distance of 374.39 feet to a point; Thence N 58° 59' 55" E for a distance of 191.73 feet to a point; Thence on a curve to the left having a radius of 5450.00 feet, arc length of 407.48 feet and whose chord bears N 56° 51' 24" E for a chord distance of 407.39 feet to a point; Thence S 07° 56' 15" W for a distance of 247.65 feet to a point; Thence S 81° 50' 30" E for a distance of 763.49 feet to the point of beginning; Said property contains 18.15 acres, more or less.

R-5 Zoning Description:

A tract of land located in the Twelfth Civil District of Montgomery County, Tennessee, said tract being generally located west of and adjacent to Old Russellville Pike, south of Andrew Jackson Drive and north of Grassland Drive. Said tract is more fully described as follows: Commencing at an iron pin being the northeast corner of the herein described parent tract, said point being located at 126.5' south of the centerline intersection of Andrew Jackson Drive and Old Russellville Pike. Thence S 29° 07' 19" W for a distance of 2434.80 feet to the true Point of Beginning; Thence S 07° 39' 10" W for a distance of 379.48 feet to a point; Thence S 76° 34' 45" W for a distance of 775.88 feet to a point; Thence N 03° 35' 35" W for a distance of 416.95 feet to a point; Thence N 43° 03' 52" E for a distance of 243.93 feet to a point; Thence N 28° 02' 31" W for a distance of 198.43 feet to a point; Thence S 78° 48' 49" W for a distance of 215.50 feet to a point; Thence N 18° 31' 00" W for a distance of 214.82 feet to a point; Thence N 32° 07' 07" W for a distance of 724.34 feet to a point; Thence N 44° 28' 17" W for a distance of 412.21 feet to a point; Thence N 22° 17' 54" E for a distance of 224.05 feet to a point; Thence on a curve to the right having a radius of 1430.00 feet, arc length of 915.97 feet and whose chord bears N 40° 30' 54" E for a chord distance of 900.39 feet to a point; Thence N 58° 59' 55" E for a distance of 202.17 feet to a point; Thence S 31° 00' 05" E for a distance of 374.39 feet to a point; Thence S 39° 25' 27" W for a distance of 299.57 feet to a point; Thence S 54° 47' 28" E for a distance of 445.62 feet to a point; Thence S 05° 20' 00" W for a distance of 1015.99 feet to a point; Thence S 39° 54' 54" E for a distance of 399.99 feet to a point; Thence S 03° 08' 55" W for a distance of 130.73 feet to a point; Thence S 86° 48' 48" E for a distance of 345.58 feet to the point of beginning; Said property contains 44.79 acres, more or less.

RESOLUTION 48-2020-21

A RESOLUTION APPROVING APPOINTMENTS TO THE AIRPORT LIAISON COMMITTEE, AUDIT COMMITTEE, DESIGNATIONS COMMITTEE, ECONOMIC & COMMUNITY DEVELOPMENT BOARD, ECONOMIC DEVELOPMENT COUNCIL, ETHICS COMMISSION, POWER BOARD, PUBLIC BUILDING AUTHORITY, AND TREE BOARD

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

That the Clarksville City Council hereby approves the following appointments:

Airport Liaison Committee: Trisha Butler, DaJuan Little - Coterminous

Audit Committee: Karen Reynolds - Coterminous

Designations Committee: Wanda Allen, Vondell Richmond, DaJuan Little - Coterminous

Economic & Community Development Board: Jason Knight - Coterminous

Economic Development Council: Wallace Redd - February 2021 through June 2021

Ethics Commission: Anthony Alfred, Suzanne Marsh - February 2021 through June 22; Mark Rassas - February 2021 through June 2021

Power Board: Travis Holleman - February 2021 through June 2021; Ron Jackson - July 2020 through June 2023; Garnett Ladd - February 2021 through June 2022

Public Building Authority: Tom Creech - February 2020 through December 2023; Len Stoltz - January 2020 through December 2025; Richard Swift - January 2018 through December 2023

Tree Board: Ashlee Evans - Coterminous

ADOPTED:

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JANUARY 5, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Tuesday, January 5, 2021, at 4:00 p.m. in City Council Chambers, 1 Public Square, Clarksville, Tennessee.

This meeting was conducted in person, via Google Meets, and live streamed on cityofclarksville.com

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

ATTENDANCE

IN PERSON: Richard Garrett (Ward 1), Vondell Richmond (Ward 2), DaJuan Little (Ward 3), Jaon 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)

VIA GOOGLE MEETS: Wallace Redd (Ward 4)

APPROVAL OF ELECTRONIC MEETING

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

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

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

The motion to approve the electronic meeting passed.

OATH OF OFFICE

Mayor Pitts administered the Oath of Office individually to the following members elected to the Office of City Council on November 3, 2020:

DaJuan Little, Ward 3
Wallace Redd, Ward 4
Jason Knight, Ward 5
Wanda Allen, Ward 8
Karen Reynolds, Ward 9
Ashlee Evans, Ward 11
Trisha Butler, Ward 12

ELECTION OF MAYOR PRO TEM

Mayor Pitts made a motion to approve Councilperson Wallace Redd to serve at the City's Mayor Pro Tem for a two-year term, 2021 and 2022. The motion was seconded by Councilperson Knight. Councilperson Allen voiced her opposition to this recommendation stating that she felt some continuing members would better serve with more experience and seniority. Councilperson Richmond made a motion to amend Mayor Pitts' motion by approving Richard Garrett to serve at the City's Mayor Pro Tem. The motion was seconded by Councilperson Reynolds. The following vote was recorded:

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

NAY: Pitts, Redd, Streetman

ABSTAIN: Garrett

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

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

ABSTAIN: Garrett

The motion to approve Councilperson Richard Garrett as Mayor Pro Tem passed.

ADJOURNMENT

The meeting was adjourned at 4:51 p.m.

CLARKSVILLE CITY COUNCIL
REGULAR SESSION
JANUARY 7, 2021

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, January 7, 2021 at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

This meeting was conducted in person, via Google Meets,and live-streamed on cityofclarksville.com.

A prayer was offered by Councilperson Trisha Butler; the Pledge of Allegiance was led by Councilperson Jason Knight.

ATTENDANCE

IN PERSON: Richard Garrett, Mayor Pro Tem (Ward 1), Vondell Richmond (Ward 2), DaJuan Little (Ward 3), 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)

GOOGLE MEETS: Wallace Redd (Ward 4; joined at 7:28 p.m.)

APPROVAL OF ELECTRONIC MEETING

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

Councilperson Streetman made a motion to approve the electronic meeting. The motion was seconded by Councilperson Smith. The following vote was recorded:

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

NOTE: Councilperson Redd did not respond to this vote.

The motion to approve the electronic meeting passed.

PLANNING COMMISSION PUBLIC HEARING

Councilperson Garrett made a motion to conduct a public hearing to receive comments regarding requests for zone change, zoning amendments, and annexation progress report. The motion was seconded by Councilman Richmond. There was no objection.

ORDINANCE 55-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Reda Home Builders, Inc., Reda Home Builders, Inc. - Agent, for zone change on property located at the intersection of Providence Boulevard and Shelby Street from R-3 Three Family Residential District to R-4 Multiple Family Residential District

No one requested to speak for or against this application.

ORDINANCE 56-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eagles Bluff Partnership for zone change on property located east of Whitfield Road and South of Tracy Lane from R-1 Single Family Residential District to R-4 Multiple Family Residential District

Jeff Burkhart offered to answer questions. In response to Councilperson Reynolds' question regarding traffic, Mr. Burkhart said the current City budget included funding for improvements to Tracy Lane and said R-4 would be the best use for these two lots.

No one requested to speak against this application.

ORDINANCE 57-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jeff Robinson, Cody Dahl-Agent, for zone change on property located south of McClure Street, west of N. 2nd Street, East of N. 1st Street, and north of Bogard Lane from R-4 Multiple Family Residential District, O-1 Office District, and H-1 Overlay to CBD Central Business District, H-1 Overlay Central Business District

No one requested to speak for or against this application.

ORDINANCE 58-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of S L Endeavors (Micha Stair, Luke Stair) for zone change on property located on the south frontage of Caldwell Lane and the east frontage of Robert Street from R-2 Single Family Residential District to R-6 Single Family Residential District

Mike Stair offered to answer questions. Luke Stair said the existing house on the property was currently under renovation.

No one requested to speak against this application.

ORDINANCE 59-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of MSI Homes, Shawn Berner-Agent, for zone change on property located at the intersection of Monroe Street and Edmondson Ferry Road from R-2 Single Family Residential District to R-3 Three Family Residential District

Shawn Berber offered to answer questions; no questions were asked.

No one requested to speak against this application.

ORDINANCE 60-2020-21 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of L. C. Simpson, et al, Norma S. Jones, Greenspace Partners-Agent, for zone change on property located at the intersection of Old Russellville Pike and Fantasy Lane and at the intersection of Old Russellville Pike and Candlewood Drive from M-2 General Industrial District and R-1 Single Family Residential District to R-1 Single Family Residential District, R-5 Residential District, and R-6 Single Family Residential District

Syd Hedrick felt residential zoning was the best use for this property and considered this plan a good opportunity for infill development.

Bryce Powers said the flooding problems on Old Russellville Pike would be solved with the drainage plan. He said the proposed residential development included 165 single-family lots and 150 condominiums and noted the property could be currently be developed for commercial or industrial uses or reactivation of the rock quarry. In response to Councillady Streetman, Mr. Powers said consideration could be given to construction of a deceleration lane on Old Russellville Pike.

Jimmy Bagwell said only 10% of the property was in the floodplain. He said the traffic assessment revealed traffic on Old Russellville Pike would increase from 17% capacity to 22% capacity with this development. In response to Councilperson Reynolds' questions, Mr. Bagwell said Heritage Drive would be used as a secondary entrance and installation of sidewalks would be the responsibility of the Street Department. He said there would be no individual driveways connected to Old Russellville Pike. Mr. Bagwell responded to Councilperson Richmond stating none of the proposed lots or streets would be located in the 100-year floodplain.

David Winters said additional traffic would overwhelm the existing streets.

Luis Velazquez said he had 256 signatures opposing this change [Note: this petition was not submitted for the record] and said this development would definitely increase traffic. Mr. Velazquez said the additional students would overburden area schools and questioned whether Mr. Powers and Mr. Hedrick

would profit from this development as members of the Regional Planning Commission and Land Regulation Advisory Committee respectively.

ORDINANCE 61-2020-21 (First Reading). Amending the Zoning Ordinance pertaining to bulk regulations, building setbacks, minimum frontage requirements, and other minor updates

No one requested to speak for or against this application.

RESOLUTION 43-2020-21 Adopting the Final Plan of Services Progress Report for annexed territory off Highway 76 east of Interstate 24/Exit 11

No one requested to speak for or against this report.

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

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 55-2020-21**. Councilperson Garrett 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 ordinance on first reading unanimously passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 56-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Richmond. The following vote was recorded:

AYE: Allen, Butler, Evans, Garret, 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 57-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Richmond. The following vote was recorded:

AYE: Allen, 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 58-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Richmond. The following vote was recorded:

AYE: Allen, 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 59-2020-21**. 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 60-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman.

Councilperson Streetman noted the developer would install a deceleration lane and a different developer may not. She said the Kirkwood School Complex was scheduled to open in 2022 which should alleviate any overcrowding of existing schools. Councilperson Streetman said operation of a quarry could create commercial traffic instead of residential traffic.

Councilperson Richmond was concerned about the lack of sidewalks.

Councilperson Reynolds expressed concern about the effect this development would have on existing neighborhoods and the safety of residents.

Councilperson Garrett said Mr. Powers abstained from voting when this application was presented to the Regional Planning Commission. He felt residential was the best use for this property and existing home values would not be negatively affected.

In response to Councilperson Smith's question, City Attorney Lance Baker said the City Ethics Code does apply to Mr. Hedrick because the Land Regulation Advisory Committee is a committee appointed by the City Council and said the Regional Planning Commission was a separate governing body. Councilman Garrett said the Land Use Advisory Committee is not involved in zone changes.

Councilperson Redd said this development could meet a housing need at a minimum cost to the City and would generate significant tax revenue.

The following vote was recorded:

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

NAY: Allen, Reynolds

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 61-2020-21**. Councilperson Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilperson Richmond. Councilperson Streetman made a motion to postpone first reading to the next regular session to allow members addition to review these changes. The motion was seconded by Councilperson Knight. The following vote was recorded:

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

NAY: Butler

The motion to postpone first reading of this ordinance to the next regular session passed.

Councilperson Garrett made a motion to adopt **RESOLUTION 43-2020-21**. The motion was seconded by Councilman 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 resolution unanimously passed.

CONSENT AGENDA *City Clerk*

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

1. **ORDINANCE 48-2020-21** (Second Reading) Amending the City Zoning Ordinance relative to the Floodplain Overlay District *[Removed; See Finance Committee]*

2. **ORDINANCE 50-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Shelbyvillas, GP, Dana Baggett-Agent, for zone change on property located at the intersection of Providence Boulevard and Shelby Street from R-3 Three Family Residential District to R-6 Single Family Residential District

3. **ORDINANCE 51-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Raymond Sheppard, Christopher Averitt-Agent, for zone change on property located at the intersection of South Rosewood Drive and Turner Reynolds Court from R-2 Single Family Residential District to R-6 Single Family Residential District

4. **ORDINANCE 52-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Fentress Bryant and Suk Lee-Tennessee Community Property Trust, Reed Baldwin-Agent, for zone change on property located at the intersection of Fort Campbell Boulevard and Lady Marion Drive and east of West Fork Creek from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District *[Removed; See Finance Committee]*

5. **ORDINANCE 53-2020-21** (Second Reading) Amending the FY21 Operating and Capital Budget for the Governmental Funds for Freedom Point Remediation

6. **ORDINANCE 54-2020-21** (Second Reading) Authorizing a contract for purchase of Roxy Regional Theater property *[Removed; See Finance Committee]*

7. **RESOLUTION 45-2020-21** Approving appointments to the Custom House Museum Board, Human Relations Commission, and Tree Board

- *Custom House Museum Board: Paige Adkins, Jamie Durrett (reappointment), Linda Nichols, Thomasa Ross - January 2021 through December 2023, Vondell Richmond - January 2021 through December 2021*
- *Human Relations Commission: Ashlee Evans - January 2021 through June 2022*
- *Tree Board: Alexandria Wills - July 2020 through June 2023; Karla Kean - January 2021 through June 2021*

8. Adoption of Minutes: December 3, 2020, December 17, 2020

Councilperson Reynolds made a motion to adopt the Consent Agenda. The motion was seconded by Councilperson Garrett. Mayor Pitts requested separate consideration of **ORDINANCE 48-2020-21** and **ORDINANCE 52-2020-21**. Councilperson Smith requested separate consideration of **ORDINANCE 54-2020-21**. Councilperson Allen, Councilperson Butler, and Councilperson Redd registered a "nay" vote on **ORDINANCE 53-2020-21**. The following vote, with noted "nay" votes, 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 unanimously passed.

FINANCE COMMITTEE *Chairperson Stacey Streetman*

Chairperson Streetman reported that 50% of budgeted revenues, including 49% of property taxes, had already been collected. She said Local Option Sales Tax collection was strong with 8% increase over the same time the previous year. Department spending was on track.

ORDINANCE 48-2020-21 (Second Reading) Amending the City Zoning Ordinance relative to the Floodplain Overlay District

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 Evans. Councilperson Evans made a motion to amend this ordinance by deleting and substituting language recommended by the Federal Emergency Management Agency through the Regional Planning Commission. The motion was seconded by Councilperson Smith. The following vote on the amendments 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 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.

ORDINANCE 52-2020-21 (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Raymond Sheppard, Christopher Averitt-Agent, for zone change on property located at the intersection of South Rosewood Drive and Turner Reynolds Court from R-2 Single Family Residential District to R-6 Single Family Residential District

This ordinance was removed from the original Consent Agenda. Mayor Pitts made a motion to postpone second reading on this ordinance to the next regular session to allow time to meet with the applicants regarding access to the property. The motion was seconded by Councilperson Streetman. The following vote was recorded:

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

NAY: Butler

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

ORDINANCE 54-2020-21 (Second Reading) Authorizing a contract for purchase of the Roxy Regional Theater property

Councilperson Garrett made a motion to adopt this ordinance on second reading. The motion was seconded by Councilperson Richmond. Councilperson Knight made a motion to postpone second reading on this ordinance to the next regular session to allow members to obtain additional information. The motion was seconded by Councilperson Smith. The following vote was recorded:

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

NAY: Butler, Holleman, Pitts, Redd

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

GAS & WATER COMMITTEE *Chairperson Wallace Redd*

Chairperson Redd shared the following monthly department statistics: 544 million gallons of treated water, 366 million gallons of treated sewage, 375 million cubic feet of natural gas

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairperson Wanda Smith*

Chairperson Smith said the staff of the Housing & Community Development Department was preparing an orientation of programs and services, the Mayor's plan to address affordable housing, community development, and COVID-19.

PARKS & RECREATION COMMITTEE *Chairperson Vondell Richmond*

Chairperson Richmond welcomed members to the committee and announced their next meeting was scheduled for January 11.

PUBLIC SAFETY COMMITTEE *Chairperson Richard Garrett*

Chairperson Garrett shared the following monthly department statistics: Fire Rescue - 1,288 incidents; Building & Codes - 2,363 inspections, 84 enforcement cases, 15 abatement work orders, 1,193 single family permits, 198 multi-family permits, 25 commercial permits. He reported the Police District 3 facility construction was well underway and noted the department has 26 sworn officer position vacancies.

STREETS-GARAGE-TRANSPORTATION COMMITTEE *Chairperson Wanda Smith*

Chairperson Smith shared the following monthly department statistics: Garage - city-wide vehicle expenses $131,511, 339 work orders, 740 work hours, unleaded fuel $1.47/gallon, diesel fuel $1.56/gallon; Streets - 270 work orders, utility relocation underway on Meriwether Road, Trenton Road, and Rossview Road; Transportation: 35,899 passengers including 6,429 senior citizens, 2,248 demand responses.

Chairperson Smith announced CTS would operate regular services on Dr. Martin Luther King, Jr. Day on January 18.

MAYOR AND COUNCIL MEMBER COMMENTS

Councilperson Smith asked for consideration of adding African American members to the Finance Committee.

ADJOURNMENT

The meeting was adjourned at 8:57 p.m.

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION

JANUARY 14, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, January 21, 2021, at 4:30 p.m. in City Council chambers, 106 Public Square, Clarksville, Tennessee.

This meeting was conducted in person, via Google Meets, and live streamed on cityofclarksville.com

A prayer was offered by Councilperson Wanda Allen; the Pledge of Allegiance was led by Councilperson DaJuan Little.

ATTENDANCE

IN PERSON: Richard Garrett, Mayor Pro Tem (Ward 1), DaJuan Little (Ward 3), Jason Knight (Ward 5), Wanda Smith (Ward 6), Wanda Allen (Ward 8), Ashlee Evans (Ward 11; arrived 3:38 p.m.), Trisha Butler (Ward 12)

GOOGLE MEETS: Vondell Richmond (Ward 2), Wallace Redd (Ward 4), Travis Holleman (Ward 7), Karen Reynolds (Ward 9; joined late), Stacey Streetman (Ward 10)

APPROVAL OF ELECTRONIC MEETING

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

Councilperson Smith made a motion to approve the electronic meeting. The motion was seconded by Councilperson Holleman. The following vote was recorded:

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

NOTE: Councilperson Evans and Councilperson Reynolds did not respond to this vote.

PRESENTATION REGARDING CITY ETHICS CODE

City Attorney Lance Baker reviewed the City of Clarksville Ethics Code, noting the Code was governed by Tennessee State Law, the City's Official Charter, and the Clarksville City Code. Mr. Baker answered questions from members of the City Council including clarification of definitions of some terms in the Code, use of email, and situations involving perceptions of conflicts of interest.

NOTE: Councilperson Smith left the meeting at 3:48 p.m.

PRESENTATION REGARDING OPEN MEETINGS & OPEN RECORDS LAWS

Elisha Hodge, Municipal Technical Advisory Service reviewed the Tennessee Open Meetings Law and the Tennessee Open Records Law. Ms. Hodge and Mr. Baker answered questions from members of the City Council including recommendations for hosting ward town hall meetings.

ADJOURNMENT

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

CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
JANUARY 25, 2021

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Monday, January 25, 2021, at 4:30 p.m. in City Council Chambers, 1 Public Square, Clarksville, Tennessee.

This meeting was conducted in person, via Google Meets, and live streamed on cityofclarksville.com

A prayer was offered by Councilperson DaJuan Little; the Pledge of Allegiance was led by Councilperson Ashlee Evans.

ATTENDANCE

IN PERSON: Vondell Richmond (Ward 2), DaJuan Little (Ward 3), Wallace Redd (Ward 4), Jason Knight (Ward 5), Travis Holleman (Ward 7), Wanda Allen (Ward 8), Karen Reynolds (Ward 9), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

GOOGLE MEETS: Wanda Smith (Ward 6; joined late)

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

APPROVAL OF ELECTRONIC MEETING

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

Councilperson Evans made a motion to approve the electronic meeting. The motion was seconded by Councilperson Little. The following vote was recorded:

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

NOTE: Councilperson Smith did not respond to this vote.

The motion to approve the electronic meeting passed.

OVERVIEW OF FY21 BUDGET AND BUDGET PROCESS

Mayor Pitts recognized Chief Financial Officer Laurie Matta. For the benefit of recently elected members of the City Council, Ms. Matta presented an overview of the City's FY21 General Fund Budget and the upcoming budget process.

Ms. Matta noted an adopted budget gives the City authority to allocate and spend funds, some of which are required by state law. She gave a brief explanation of fund categories and shared a breakdown of tax revenues. She said the Mayor has the responsibility of creating a budget and providing it to the City council for consideration.

Reviewing the budget process, Ms. Matta said the budget requires one public hearing and two readings and said any member of the City Council may offer written amendments during the public meetings.

Ms. Matta shared a brief history of the tax rate with regard to reappraisals and explained the need to issue debt and how the tax rate is linked to debt.

In response to Councilperson Allen's question, Ms. Matta said the tax rate is typically established in the budget document, except during reappraisals when the tax rate is established separately.

In response to Councilperson Butler's question, Ms. Matta said each utility enterprise, CDE and Gas & Water, has their own financial manager, and said the enterprise funding cannot be co-mingled with city general funds.

In response to Councilperson Reynolds, Ms. Matta said the fund balance policy of 20% was established by the City Council.

In response to Councilperson Richmond's question regarding funding for individual wards, Ms. Matta said Community Development funds may be available, but require certain qualifying criteria.

In response to Councilperson Allen, Ms. Matta said the State of Tennessee no longer allows establishment of entertainment district tax rates, but consideration can be given to Tax Increment Financing programs for certain areas for specific projects with strict guidelines for use of funds. In response to Councilperson Reynolds, Ms. Matta 2020 TIF funds were paid to the Industrial Development Board.

Ms. Matta also enlightened the new members of the upcoming budget process, which would begin in February or March. She noted sources of revenues and a summary of current department budgets.

In response to Councilperson Smith, Ms. Matta said funding for the Roxy Theater is paid at the beginning of each month.

In response to Councilperson Allen's question, Ms. Matta said she practices using conservative revenue projections.

In response to Councilperson Butler's question regarding year-end overages, Ms. Matta said unspent operating appropriations are re-directed to the General Fund on June 30 of each year. She said capital project funding remains budgeted over several years. Ms. Matta mentioned the five-year Capital Improvement Plan coordinated by the Regional Planning Commission and reviewed by the City Council. She said capital project spending is reported monthly to the Finance Committee.

ADJOURNMENT

The meeting was adjourned at 5:53 p.m.

ORDINANCE 54-2020-21

AN ORDINANCE AUTHORIZING THE CITY'S PURCHASE OF THE ROXY THEATER PROPERTY

WHEREAS, the City Council finds that the Roxy Theater is an esteemed part of Clarksville's history; that the Roxy Theater building retains significant architectural significance, and the Roxy Theater plays a central and critical role in providing educational services in the fine arts, and entertainment to the general public, and adds tremendous value to the culture of our community; and

WHEREAS, the City Council finds that the Roxy Theater building is no longer large enough to accommodate the needs of the community and it's children; and

WHEREAS, the City Council finds that the Roxy Productions, Inc. cannot afford to make necessary repairs and / or maintenance to the existing building, and is committed to constructing a new building for the performing arts and community events featuring the arts of all types while maintaining key architectural and historical features of the current building; and

WHEREAS, the City Council finds that the best interests of the City and its residents and children would best be served by the City purchasing the existing Roxy Theater building, and then re-building a new, high quality, expanded, and more efficient Performing Arts Center, at a fair market value purchase price of $810,000.00, as determined by a reputable appraisal firm, and then leasing the new Performing Arts Center to Roxy Productions, Inc. or successor / assignee, in order to operate and manage the Performing Arts Center and provide high quality fine arts educational and entertainment programming.

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

That the purchase by the City of the Roxy Theater property from owner Roxy Productions, Inc., to include a separate parking parcel adjacent thereto also owned by Roxy Productions, Inc., is hereby approved, in accordance with the terms and conditions of the real estate purchase and sale agreement attached hereto as Exhibit A, for a purchase price not to exceed Eight Hundred and Ten Thousand and 00/100 Dollars ($810,000.00), plus reasonable settlement costs and fees, and the Mayor and City Attorney are hereby authorized to execute all necessary documents required to effectuate the purchase of said properties.

FIRST READING: December 17, 2020
POSTPONED: January 7, 2021 to February 4, 2021
SECOND READING: *Scheduled for February 4, 2021*
EFFECTIVE DATE:

Contract for Sale and Purchase of Real Estate

THIS CONTRACT FOR SALE AND PURCHASE OF REAL ESTATE is made and entered into this _____ day of _____, 2020, by and between ROXY PRODUCTIONS, Inc., the ("Seller"), and the CITY OF CLARKSVILLE, Tennessee, a municipal corporation and political sub-division of the State of Tennessee, (the "Purchaser").

WITNESSETH:

1. PROPERTY

Sellers, in consideration of the mutual covenants and obligations herein, do hereby agree to convey to Purchaser, and Purchaser agrees to purchase from Sellers, at the consideration of the Purchase Price and upon the terms and conditions hereof, the following described real property, hereinafter referred to as the "Property":

Parcel One (1) and Parcel 30 (Thirty) of tax map and group number 66G-K, and being the same properties conveyed to Roxy Productions, Inc. as recorded in Official Record Book Volume 486 Pages 1706 – 1708, and Volume 1160, Pages 1875-1876.

Those certain tracts or parcels of real estate in Montgomery County, Tennessee, being located at 100 Franklin Street, together with all appurtenances, rights, privileges, easements, and advantages belonging thereto.

2. CONSIDERATION AND PAYMENT

2.1. Subject to the adjustments provided for herein and the other terms and provisions of this Contract, Purchaser agrees to pay, and Sellers agree to accept as full consideration for the conveyance of the Property, the sum of EIGHT HUNDRED AND TEN THOUSAND DOLLARS AND ZERO CENTS ($810,000.00) (the "Purchase Price"), payable at Closing in immediately available funds prior to 5:00 p.m. Central Time on the date of closing.

2.2. No Earnest Money shall be paid under this Contract.

3. SURVEY AND TITLE APPROVAL

3.1. A survey and surveyor's certificate will be prepared, at Purchaser's expense, by a licensed surveyor acceptable to Purchaser. The survey shall be made in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys for a Class A survey. Such survey shall show the total area of the Real Property in square feet, easements, if any, location of adjoining streets and rights of way, building setback lines, and such other details as may be required by Purchaser. Once prepared, the survey description will become a part of this Contract identified as *Exhibit A*.

3.2. Purchaser and Seller shall have ten (10) business days after receipt of the survey within which to review same. If any incorrect boundary lines, defects, or other matters objectionable to either Purchaser or Seller are disclosed by the survey, said party shall give the other party written notice of same prior to the expiration of such ten (10) day business period. The parties shall be allowed a reasonable time, not in excess of thirty (30) days, within which to cure such defects; provided, however, that in no event shall the cure period extend beyond the Closing Date without the express written agreement of the parties. If the defects are not timely cured, the parties may waive such defects and proceed to close, or the parties may terminate this Contract by providing written notice to all parties and the closing agent.

3.3. Sellers shall furnish to Purchaser, at Purchaser's expense, an ALTA owner's title insurance policy, with a title insurance company acceptable to Purchaser, in the amount of the purchase price hereof, insuring marketable fee simple title to the real property in Purchaser. Said title insurance policy is to contain no exceptions, except an exception for real property taxes for the year in which closing occurs and any utility easements of the nature described above. It is specifically understood that said title insurance policy shall contain no survey exception or exceptions for mechanics' or materialmen's liens or for parties in possession. All persons or entities necessary to convey title as hereinbefore stated shall join in the conveyance of the Property, and Sellers shall execute and deliver all instruments and documents necessary to convey title as required herein, and such as may be reasonably requested by Purchaser.

4. CLOSING COSTS

4.1. Seller shall be responsible for all expenses incurred by Seller in connection with or relating to Seller's satisfying the terms and conditions hereof.

4.2. Purchaser shall be responsible for the costs and expenses of acquiring an owner's title insurance policy; all transfer and recording fees, costs, and taxes; the costs of the survey; and all expenses incurred by Purchaser in connection with or relating to Purchaser's satisfying the terms and conditions hereof. However, in the event of default by Seller, Seller shall reimburse Purchaser for the costs thereof in addition to any other fees incurred by Purchaser up to the date or event of default.

5. ADJUSTMENTS

5.1. Real and personal property ad valorem taxes upon the Property assessed for the year in which Closing occurs shall be prorated as of the Closing Date. Any back taxes assessed for any year prior to the year in which Closing occurs shall be paid in full by Seller at Closing, including all delinquent and/or interest charges. Special assessments levied or pending shall be the responsibility of Seller.

5.2. All other expenses of operating or owning the Property shall be prorated as of the Closing Date, those paid or accruing prior to the Closing Date being Seller's responsibility and those accruing on and after the Closing Date being Purchaser's responsibility.

6. RISK OF LOSS

Seller shall bear the risk of loss or damage to the Property until transfer of title to the Property to Purchaser.

7. CONDEMNATION

7.1. If all or any part of the Real Property is subject to a pending or threatened condemnation or similar proceeding or is otherwise taken through any power of eminent domain prior to Closing, Purchaser may elect to:

(a) Terminate this Contract and have the Earnest Money immediately returned, in which case each of the parties shall be released from further liability to the other, or

(b) Purchase the Real Property under the terms of this Contract, in which event Seller shall assign to Purchaser all of Seller's interest in and to any condemnation award.

7.2. Purchaser's election under the preceding Paragraph 7.1 shall be made in writing to Seller at any time within ten (10) days of Purchaser's receipt of Seller's written notice of such taking or pending or threatened condemnation or similar proceeding.

8. CONVEYANCES

At Closing, Seller shall convey, assign and transfer to Purchaser, by such instruments and assignments as may be acceptable to Purchaser good and marketable fee simple title to the Real Property, without exceptions except as expressly provided herein, by a good and valid General Warranty Deed. Seller shall execute and deliver such other documents and instruments of assignment and transfer as Purchaser may require.

9. INSPECTION PERIOD

9.1. Purchaser shall have the right to inspect and approve all aspects of the Property for a period of thirty (30) days (the "Inspection Period") commencing with the full execution of this Contract by both parties. If for any reason whatsoever Purchaser is not completely satisfied with any aspect of the Property, Purchaser shall have the right to terminate this Contract, at Purchaser's sole and absolute discretion, by notice to Seller prior to the expiration of the Inspection Period. In such an event, each of the parties shall be released from further liability to the other, provided that Purchaser shall deliver to Seller all reports, data and information regarding the Property acquired during the Inspection Period.

9.2. Purchaser and Purchaser's agents, employees, and representatives may inspect the Property, and shall have full and unrestricted access and right of entry thereto during the Inspection Period and through the Closing. During the Inspection Period, Purchaser at its sole cost and expense, shall have the right at any time to make or have made soils and stability tests, borings, hydro-geologic, drainage, percolation, and other engineering studies, to be used in the determinations set forth in Paragraph 9.1. Seller shall cooperate in the execution of all applications and forms required by Purchaser during the Inspection Period.

10. REPRESENTATIONS AND WARRANTIES

10.1. Seller is the true and lawful owners of the Property and have full power and authority to enter into this Contract and to convey such interest in the Property. Seller's execution of this Contract and performance hereunder is not in conflict with or a breach or default under any other agreement to which Seller is bound.

10.2. *[This section intentionally left blank.]*

10.3. Seller has not received any notice that the Property is not in compliance with any federal, state or local statute, ordinance, rule, regulation, requirement or code, including without limitation health and environmental laws.

10.4. With respect to the operation, use, and ownership of the Property, there is no existing or, to the best of Seller' sknowledge, threatened default or dispute under the terms of any agreement or contract which materially and adversely affects the Property or its value.

10.5. There are no encumbrances, liens, or charges of any kind upon the Property which will not be satisfied and discharged in full by Seller and released, at or before the Closing, in form satisfactory to Purchaser.

10.6. There has been no storage, disposal, treatment or release of hazardous substances on the Property during the period of Seller's ownership, and to the best of Seller's knowledge there has been no storage, disposal, treatment or release of hazardous substances during the period prior to Seller's ownership. To the best of Seller's knowledge, no part of the Property is being used, or has ever been used, for any manufacturing, handling or other process involving hazardous substances. The terms as used herein, including but not limited to "hazardous substances," shall have the

broadest meaning given under applicable state and federal law.

10.7. All of the covenants, representations, and warranties of the Seller made herein are and shall be continuous and continuing and all of the same shall remain true and correct in all respects through Closing and all of the same shall survive the Closing and transfer of title to the Property to Purchaser as contemplated hereunder.

11. CONTRACT DEFAULT

11.1. If Seller fails to comply with this Contract within the time specified, or if Seller breachs any covenant contained herein, or if any of Sellers' representations and warranties are untrue, Purchaser may pursue any remedies available to Purchaser at law or in equity, including without limitation (i) termination of this Contract and suit for money damages, or (ii) suit for specific performance hereof and money damages. An election by Purchaser to pursue any one or more of its available remedies at law or in equity shall in no way limit or be deemed a waiver of its rights to pursue any other remedies available.

12. CLOSING DATE AND LOCATION

12.1. The Closing shall be held on or before January 29, 2020, or at such other date as shall be mutually agreeable to Purchaser and Seller. The Closing may be extended by written agreement of the parties.

12.2. The sale of the Property shall be closed at the office of Larry Rocconi, Cunningham, Mitchell & Rocconi, 308 South Second Street, Clarksville, Tennessee 37040. THE PARTIES CONSENT TO THE USE OF A SINGLE CLOSING AGENCY AND WAIVE ANY CONFLICTS ARISING FROM THE USE OF A SINGLE CLOSING AGENCY.

12.3. At Closing, the Purchase Price, all documents herein contemplated for the conveyance of the Property, and the payment of the Purchase Price, and all other necessary documents and instruments shall be executed and/or delivered. Possession of the Property shall be transferred to Purchaser on the Closing Date.

13. NOTICES

All notices required herein must be written and shall be deemed to have been validly given when deposited postage prepaid either (i) with a nationally recognized overnight courier or (ii) in the United States Mail, Certified, Return Receipt Requested, addressed to the parties as identified and set forth below:

To Purchaser:
City of Clarksville
ATTN: Mayor, Joe Pitts
One Public Square
Clarksville, TN 37040

With a copy to:
City of Clarksville
City Attorney
One Public Square
Clarksville, TN 37040

To Sellers:

Roxy Productions, Inc.
100 Franklin Street
Clarksville, TN 37040

With a copy to:

Stacy Turner, Esq.
105 South 3rd Street
Clarksville, TN 37040

14. ENTIRE AGREEMENT

This Contract constitutes the sole and entire agreement between Purchaser and Seller and no modification hereof shall be binding unless signed by both Purchaser and Seller. Representations, promises, or inducements not included in this Contract shall not be binding upon either of the parties.

15. SUCCESSORS AND ASSIGNS

This Contract shall be binding upon and shall inure to the benefit of each of the parties hereto, their respective successors, assigns, beneficial owners and representatives.

16. NO THIRD PARTY BENIFICIARIES

Nothing contained in this Contract shall be deemed to confer any right or benefit on any person, organization, association, or entity who is not a party to this Contract, except as may otherwise be provided in paragraph nineteen below.

17. OFFER AND ACCEPTANCE

This offer may not be accepted if, prior to Seller's execution hereof, the same shall have been revoked by Purchaser. This offer may be revoked by notice to Seller as provided in Paragraph 13 hereof.

18. COMMISSIONS

The parties each warrant and represent to each other that no fee or commission is due to any broker or agent in connection with this Contract and the transactions described herein. The parties agree to mutually hold each other harmless from and against all claims for brokerage or agent commissions asserted by any party as a result of the sale and purchase of the Property.

19. MISCELLANEOUS

18.1. Time is of the essence in the performance and satisfaction of the obligations and conditions of this Contract.

18.2. At Closing, Seller shall execute a Transferor's Certificate of Non-Foreign Status as required by Section 1445 of the Internal Revenue Code in a form satisfactory to Purchaser.

18.3. The validity, construction, interpretation and performance of this Agreement shall be governed in accordance with procedural and substantive laws of the State of Tennessee, notwithstanding any choice of law principle or rule of law to the contrary. Venue for any action relating to or arising from this transaction shall be in the Circuit Court

of Montgomery County, Tennessee.

18.4. In case any one or more of the provisions contained in this Agreement should, for any reason, be held to be invalid, illegal or unenforceable in any respect, then such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

18.5. The captions and headings contained in this Agreement are inserted only as a matter of convenience and shall not be construed as defining, limiting, extending or describing the scope of this Agreement, any paragraph hereof or the intent of any provision hereof.

18.6. This Agreement is expressly contingent on the approval of a measure or an ordinance authorizing the purchase of the Property by the Clarksville City Council, as is necessary.

18.6 The Parties agree, and it is expressly understood, that two previously employed ROXY Production, Inc. employees, Tom Thayer and John McDonald, have a lien on the proceeds of the funds that are actually paid to Seller by Purchaser for the purchase of the Property, in the amount of ONE HUNDRED AND SIXTY FIVE THOUSAND DOLLARS AND ZERO CENTS ($165,000.00) each. Said lien shall be satisfied at closing out of the purchase price funds due to Seller. The Purchaser shall not be responsible for making any direct payment(s) to Tom Thayer or John McDonald whatsoever, or for paying any additional amount to Seller above the purchase price stated herein in order to satisfy said lien.

IN WITNESS WHEREOF, this Contract has been executed by the Purchaser and Seller on the dates set out below their respective signatures hereto.

PURCHASER:
THE CITY OF CLARKSVILLE

By: _____
Joe PITTS, Mayor Date

Attest: _____
Sylvia Skinner, City Clerk

SELLERS:

_____
President Date
ROXY PRODUCTIONS, INC.

STATE OF _____)
)
COUNTY OF _____)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, _____, officer, principal, and / or agent with authority to bind ROXY PRODUCTIONS, Inc., and with whom I am personally acquainted (or who proved to me on the basis of satisfactory evidence), and who executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal this ___ day of _____, _____.

_____

NOTARY PUBLIC

RESOLUTION 40-2020-21

A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE ROXY REGIONAL THEATER

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

That the Clarksville City Council hereby authorizes a lease agreement with the Roxy Regional Theater for property located at 100 Franklin Street.

ADOPTED: December 3, 2020

LEASE AGREEMENT

THIS LEASE AGREEMENT made this the _____ day of _____, 20 , between the **CITY OF CLARKSVILLE, TENNESSEE**, a municipal corporation, hereinafter referred to as "Lessor," and the **ROXY REGIONAL THEATRE,** a not for profit corporation organized under the laws of the State of Tennessee, hereinafter referred to as "Lessee,"

W I T N E S S E T H:

1. The Lessor hereby leases to the Lessee certain property located at 100 Franklin Street, in Clarksville, Tennessee, which is more particularly described as property located on the (parcel ID 066G-K-001000000) corner of the intersection of Franklin Street and First Street in Clarksville, Tennessee.

2. The Lessee accepts the building, improvements, and any equipment on or in the leased property in their existing condition. No representation, statement or warranty, expressed or implied, has been made by or on behalf of the Lessor as to such condition, or as to the use that may be made of such property. In no event shall the Lessor be liable for any defect in such property or for any limitation on its use.

3. The term of this lease shall be for a period of twenty-five (25) years, commencing on the first day of (month) (year), and ending on the (date) day of (month), (year), unless the parties to this Agreement mutually agree in writing to the termination of the Lease. In writing, the Lessee and Lessor may mutually agree to extend this Lease, upon the same terms, in increments of five (5) years for a total additional period of twenty-five (25) years, such request for option renewal shall be exercised in writing by the Lessee not later than sixty (60) days prior to the expiration of the original term and each term

thereafter. If the Lessee shall remain in possession of the leased property after the expiration of either the original term of this Lease or of any extended term, except pursuant to the exercise of an option to extend such possession, said possession shall be maintained by the Lessee as a month-to-month tenant, subject to all conditions and covenants contained in this Lease. The Lessee shall pay to the Lessor an annual rent of One Dollar ($1.00) in lawful money of the United States, payable no later than the 1st day of May of each year during the term of his Lease or any extended term. The rent shall be payable to the City of Clarksville, or at such other place as the Lessor may designate in writing. It is the intention of the Lessor and the Lessee that each year during the term of this Lease, all costs, expenses, claims and obligations of every kind relating to the interior and operation of the leased property (except as otherwise specifically provided in this Lease as to the exterior of the building, paving, fire and extended and casualty insurance) which may arise or become due during the term of this Lease or any extended term shall be paid by the Lessee, and that the Lessor shall be indemnified against such costs, expenses, claims and obligations. In this regard, Lessee shall acquire, at its sole expense, general liability coverage with minimum limits of $1,000,000 per occurrence and not less than $2,000,000 annual aggregate, and shall name the Lessor as an additional insured in said policy. Lessee shall supply proof at least annually that said policy is in effect

4. After three (3) full fiscal years of operation, after occupancy in the new Performing Arts Center, additional rent will be applicable. Additional rent is to be calculated as follows: If the Performing Arts Center exceeds breakeven ticket sales and leased rental revenue in excess of five (5%) percent, five (5%) percent of the amount over breakeven shall be shared with the City. As an example if breakeven (defined as - ticket

sales and leased/rental revenue equals expenses to provide same) is $100,000 and the ticket and rental revenue is $110,000 for the year the City will be distributed 5% of the $10,000 that is over $100,000. Every three (3) years the additional rent calculation and percentage shall be renegotiated with the Roxy Board and the City. Should an agreement not be reached between the Board and the City, the terms shall remain the same until the next negotiated agreement. Each year an audit of the financial records performed by a qualified independent auditing firm shall be provided to the City's finance department no later than October 1st of each year for the prior fiscal year ending June 30th.

5. The Lessor and the Lessee agree that the Lessee shall use and occupy the leased property for the purpose of operating a performing arts center, and the Lessor agrees that the Lessee shall have exclusive use of the said leased property for said purpose. The Lessor shall not have the ability or any controlling interest in the artistic integrity or productions of any event held within the Leased premises. Sole discretion of productions shall be at the discretion of the Lessee. The Lessee agrees that it shall not use or knowingly permit any part of the leased property to be used for any other purpose not connected with the operation of a performing arts center or for any unlawful purpose, without the expressed written permission of the Lessor.

6. The Lessee, upon the payment of the rent as specified, and upon the performance of all the terms of this Lease, shall at all times during the Lease term and during any extension peaceably and quietly enjoy the leased property without any disturbance from the Lessor or from any person or organization claiming through the Lessor.

7. Throughout the term of this Lease, the Lessee, at its sole expense, will make all necessary repairs to the interior of the leased property, ordinary and extraordinary,

foreseen and unforeseen. The Lessor shall be responsible for all exterior repairs of the leased property, ordinary and extraordinary, foreseen and unforeseen, including any parking lot paving. Lessee shall not undertake any exterior repair which are contemplated to be the financial responsibility of the Lessor without the expressed written permission of the Lessor. The term "repairs" shall include all necessary replacements, renewals, alterations, additions and betterments. The Lessor is aware that the Lessee shall use the said building for the purposes of operating a performing arts center, and as such, it may be necessary to substantially alter and renovate the interior of the building to meet the needs and requirements of such use. Therefore, the Lessor agrees that the Lessee may make repairs and alterations to the interior of the building, such to the applicable building codes and inspections by the City of Clarksville. Said repairs and alterations shall be performed to a standard of workmanship at least equal to that in the community. At the expiration of the Lease term or any extended term, the Lessee shall surrender the leased property in as good condition as it was at the beginning of the term, reasonable wear and tear and damages by the elements excepted.

8. The Lessor shall have the right to reserve six (6) dates annually for events or activities in the property. The dates will be provided to the management of the facility by July of each year for the following calendar year.

9. The charges for gas, electricity, light, heat, power and telephone, where applicable, shall be prorated (based on occupancy) between the parties during the first billing cycle for each utility, and thereafter the Lessee shall pay all charges for gas, electricity, light, heat, power and telephone supplied or in connection with the leased property, and shall indemnify the Lessor against all liability or damages on such account.

10. If the leased property shall be deserted or vacated, or if proceedings are commenced against the Lessee in any Court under any bankruptcy act or for the appointment of a Trustee or receiver of the Lessee's property, either before or after the commencement of the lease term or if there shall be a default in the performance of any other covenant, agreement, condition, rule or regulation herein contained on the part of the Lessee for more than thirty (30) days after written notice of such default of the Lessor, this lease, at the option of the Lessor, may be deemed in default. The Lessor shall have the right to re-enter or repossess the leased property, either by force, summary proceedings, surrender or otherwise, and dispossess and remove the Lessee therefrom, along with its effects, without being liable to any prosecution therefore.

11. The Lessor and its representatives may enter the leased property at any reasonable time for the purpose of inspecting the leased property, performing any work which the Lessor elects to undertake, made necessary by reason of the Lessee's default of the terms of this Lease, exhibiting the leased property for sale, lease or mortgage financing, within sixty (60) days of the termination of the original term or any extension term, or posting notices of no-responsibility under mechanics lien laws.

12. This Lease may be terminated by the mutual agreement of the parties, reduced to writing, or by the breach of the Lessee for any of the terms contained herein, but for no other reason. Any written notice required by the terms of this Lease in order to be effective, shall be forwarded by United States mail, postage prepaid, certified with return receipt requested. Unless otherwise provided, notice to the Lessor shall be given to:

City of Clarksville
Mayor's Office
One Public Square
Clarksville, Tennessee 37040

or to the Lessee to:

Chair, Board of Directors
Roxy Regional Theatre
100 Franklin Street
Clarksville, Tennessee 37040

13. Throughout the terms of this Lease, the Lessor shall secure and pay all premiums for insurance on the leased property relating to fire and extended casualties, and the Lessee shall reimburse the Lessor such insurance policy premium expenses. The amount of the insurance coverage and the limit of liability, as well as all other matters pertaining to the insurance policies, shall be determined at the sole discretion of the Lessor. The Lessee shall be solely responsible for securing insurance protection for the contents of the leased property. A proof of insurance for contents shall be provided to the City annually. The parties further agree that each forfeits any right of action that it may later acquire against the other for loss or damage to its property, or property which it may have an interest, where such loss is caused by fire or any of the extended coverage hazards covered by insurance carried by either party or is covered by insurance required under the terms of this Lease, whichever is broader and arises out of or is connected with the leased property.

14. If the leased property shall be damaged or destroyed as a result of the casualty or hazard against which the Lessor is required to carry insurance, to an extent in excess of fifty percent (50%) of its then insurable value, then either party shall have the right to cancel this Lease by giving the other party five (5) days written notice thereof within sixty (60) days after the date of any such damage or destruction. If such rights shall be exercised by either party, this Lease shall wholly cease and expire on the date specified in

such notice. The Lessee shall not be obligated to re-build, and the insurance proceeds receivable under any policy of insurance shall be retained by the Lessor, and all taxes, rents and other charges shall be prorated and paid to the date specified in such notice of cancellation.

15. The Lessee shall not have the right to sub-let the whole of the leased premises, or to assign this Lease, without the express written permission of the Lessor. The Lessor understands and agrees the Lessee may rent or sub-let the leased premises or any portion thereof for outside performances and events to further support the arts. A calendar of scheduled events will be provided to the Roxy Board monthly of which the City will have access as an ex-officio member, for information purposes only. Under no circumstances shall any sub-letting or assignment by the Lessee affect the obligation of the Lessee to perform all the covenants required to be performed by the Lessee under the terms of this Lease. Should any ad valorem taxes be assessed at any time during this Lease term, said taxes shall be the responsibility of the Lessee.

16. This Lease shall be governed by, construed, and enforced in accordance with the laws of the State of Tennessee.

17. The covenants, terms, conditions, provisions and undertakings of this Lease or any renewal thereof shall extend to and be binding upon the successors and assigns of the respective parties hereto.

18. This Lease contains the entire agreement between the parties, and shall not be modified in any manner except by an instrument in writing executed by the parties. If any term or provision of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease

shall not be affected thereby, and each term and provision of his Lease shall be valid and be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the Lessor and the Lessee have hereunto set their hands and seals, the day and year above written.

LESSOR:

CITY OF CLARKSVILLE, TENNESSEE

BY:_____
JOE PITTS, Mayor

LESSEE:

ROXY REGIONAL THEATRE

By: _____
STACY TURNER

Title: Chair, Board of Directors

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, with whom I am personally acquainted, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Mayor of the City of Clarksville, a Tennessee Corporation, and he is authorized by the maker to execute the instrument on behalf of the maker.

Witness my hand and seal this the ___ day of _____, 20 .

_____

NOTARY PUBLIC

My commission expires: _____

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, **STACY TURNER**, with whom I am personally acquainted, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Chairman of the Board of Directors of the Roxy Regional Theatre, and she is authorized by the maker to execute the instrument on behalf of the maker.

Witness my hand and seal this the ___ day of _____, 20 .

_____
NOTARY PUBLIC

My commission expires: _____

RESOLUTION 46-2020-21

A RESOLUTION AUTHORIZING A REQUEST FROM HOUSING AND COMMUNITY DEVELOPMENT TO AMEND ITS 2020-2024 CONSOLIDATED PLAN FOR THE EXPENDITURE OF $1,439,761 IN CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES ACT) FUNDS ON THE FOLLOWING COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS 19 ACTIVITIES

WHEREAS, On July 2, 2020, the Clarksville City Council approved the 2020-2021 Five-Year Consolidation Plan and the One-Year Annual Action Plan for the expenditure of entitlement grants from the U.S Department of Housing and Urban Development (HUD), including the CDBG program; and

WHEREAS, Congress enabled HUD to provide additional CDBG financial support as part of the Coronavirus Aid, Relief and Economic Security Act ("CARES Act"), allowing entitlement grantees to either reprogram existing funding or receive new funding as part of long-term social welfare and economic development recovery efforts related to the Coronavirus, and

WHEREAS, the objectives of this funding in the amount of $1,439,761 are to fund activities that prevent, prepare for, and respond to the economic effects of the Coronavirus Disease 2019 ("COVID-19") pandemic ("CDBG-CV"); and

WHEREAS, the City of Clarksville Housing and Community Development Department (HCD) has determined that a Substantial Amendment to the 2020-2021 Five-Year Consolidated Plan and the One-Year Annual Action Plan is required to undertake the proposed activities.

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

That the City Council hereby approves the joint request from Housing and Community Development Department and the Housing and Community Development Council Committee to amend the 2020-2024 Consolidated Plan and the 2020-2024 Annual Action to fund the activities as listed in Exhibit A, attached hereto and incorporates hereto;

THAT BE IT FURTHER RESOLVED that the Mayor, as the official representative of the City of Clarksville, is hereby authorized to submit an application, including all understandings and assurances therein, to act in connection with the application, and to provide any such additional information, and to take all actions, as may be required to effectuate this resolution.

ADOPTED:

Exhibit A

CDBG-CV PROGRAM	**CDBG-CV ALLOCATION**
United Way of the Greater Clarksville Region – Eviction Prevention	$600,000
Matthew Walker Comprehensive Health Center – Healthcare	$300,000
Legal Aid Society of Middle Tennessee & the Cumberlands – Fair Housing Counseling & Legal Assistance	$100,000
Butterfly Moments/HCD – Utility Relief	$111,808.80
Plum Street House Rehabilitation	$40,000
Program Administration	$287,952.20
TOTAL	**$1,439,761**

RESOLUTION 47-2020-21

RESOLUTION AUTHORIZING A REQUEST FROM HOUSING AND COMMUNITY DEVELOPMENT TO AMEND ITS CITIZEN PARTICIPATION PLAN

WHEREAS, the City of Clarksville Housing and Community Development Department has prepared the Citizen Participation Plan consistent with HUD Consolidated Planning requirements; and

WHEREAS, the purpose of the Citizen Participation Plan is to encourage citizen participation in our HUD Community Planning and Development programs, including reasonable and timely access to local meetings, including holding virtual meetings, access to information and records relating to the proposed and actual use of CDBG and HOME program funds and with particular emphasis on participation by persons principally of low and moderate income.

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

That the City Council approve the joint request from Housing and Community Development Department and the Housing and Community Development Council Committee to amend the Citizen Participation Plan, as set out in Exhibit A, attached hereto and incorporates hereto;

THAT BE IT FURTHER RESOLVED that the Mayor, as the official representative of the City of Clarksville, is hereby authorized to submit an application, including all understandings and assurances therein, to act in connection with the application, and to provide any such additional information, and to take all actions, as may be required to effectuate this resolution.

ADOPTED:

Exhibit A

City of Clarksville

Housing and Community Development

Citizen Participation Plan



Joe Pitts, Mayor

EQUAL HOUSING OPPORTUNITY

Housing and Community Development Staff

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Introduction

This Citizen Participation Plan, as amended, has been prepared and implemented pursuant to federal regulations (U.S. Department of Housing and Urban Development [HUD] Regulations 24 CFR Part 91.105) to encourage and support public participation in the development of the Consolidated Plan (and subsequent annual updates to the Consolidated Plan) and the Analysis of Impediments to Fair Housing (AI).

The recommended actions in this Citizen Participation Plan are related to the planning and expenditure of funds provided to the City by the U.S. Department of Housing and Urban Development Office of Community Planning and Development for the following programs: CDBG, HOME, ESG, Section 108 Loan Program, and other such HUD funds as may be added with the approval of the Mayor and the Clarksville City Council.

Encouragement of Citizen Participation

It is the intent of Housing and Community Development (HCD) to encourage citizens to participate in the development of the Consolidated Plan, Analysis of Impediments to Fair Housing, and substantial amendment(s) to the Consolidated Plan.

The goal of the Citizen Participation Plan (CPP) is to encourage participation by low-and moderate-income persons, particularly those persons living in areas designated by the City of Clarksville as a revitalization area, or other areas where CDBG funds are proposed to be used, and by residents of predominantly low-and moderate-income neighborhoods within the City.

This CPP assures that citizens, non-profit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports covering the City's federally funded housing and community development programs.

HCD encourages the participation of local and regional institutions and other organizations (including businesses, developers, community-based and faith-based organizations) in the process of developing and implementing the Consolidated Plan, Analysis of Impediments to Fair Housing, and any revisions related thereto. HCD also encourages the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

HCD will consult with the Clarksville Housing Authority, the City's Housing and Community Development Council Committee, regional public housing agencies, residents of public and assisted housing developments (including Resident Advisory Boards, resident councils, and resident management corporations) as a part of the process of developing and implementing the Consolidated Plan and any amendments related thereto. The City's Housing and Community

Development Council Committee will provide recommendations to the Mayor and full Council on applications submitted for the Consolidated Plan.

Technical Assistance

HCD will provide technical assistance with program applications for all Housing and Community Development programs including CDBG, HOME, and ESG.

Access to Records

HCD will provide residents of the community, public agencies, and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's AI and Consolidated Plan for the preceding 5 years.

The public will be provided reasonable access to housing assistance records, subject to state and local laws regarding privacy and obligations of confidentiality. Confidential documents will be set apart from public information; requestors of this information will be so informed.

Availability to the Public

Copies of standard documents including the Consolidated Plan as adopted, Consolidated Plan Substantial Amendments, AI, and the Annual Performance Report will be available to the public for review at the following locations:

- Housing and Community Development – 1 Public Square, Suite 201
- Clarksville-Montgomery Public Library – 350 Pageant Lane
- City of Clarksville Housing and Community Development Web Page

Upon request, standard documents will be made available in a form to accommodate persons with disabilities, or persons that do not speak English as their primary language, or deaf/blind persons.

Additional single copies of all standard public documents may be obtained from Housing and Community Development subject to fees established by the City of Clarksville.

Public Meetings

Public meetings will be held at key stages of the application process (annual or supplemental) to obtain the public's view and to provide the public, to the greatest extent possible, with responses to their questions and comments. HCD holds public meetings to obtain input on housing and community development needs, development of proposed (new) activities, proposed strategies and actions for affirmatively furthering fair housing that are consistent with the Analysis of Impediments (AI) and other program compliance requirements as directed by HUD.

To obtain the views of residents of the community on housing and community development needs, including priority non-housing community development needs and affirmatively furthering fair housing, HCD will conduct a minimum of two (2) public meetings prior to submission of the Five-year Consolidated Plan.

- Prior to submission of the Annual Action Plan and for amendments related thereto, HCD will conduct a minimum of two (2) public hearings in accordance with the minimum requirements listed below.
- Public meetings will be held after a minimum of seven days (7) notice to the public. "Notice" means a legal notice that is published in a newspaper at least one week (7 days) prior to the date of the first public meeting. The minimum comment period is thirty days, commencing from the date of the first legal notice publication.
- Public meetings will be held at times and locations that are convenient to potential or actual beneficiaries and with accommodations for the disabled. There will be a virtual streaming option for public hearings. At all public hearings, upon advance request, interpreters will be available for those who do not speak or understand English, or those that are hearing impaired or sight impaired.
- Housing and Community Development will provide residents of the community with reasonable and timely access to public meetings, in accordance with Section 504 of the Rehabilitation Act of 1973, and the regulations at 24 CFR Part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable.

The example below represents a typical grant program year.

- January/February– Notification to Public Service Agencies and citizens for submission of funding requests. Notice of funds available (NOFA) is advertised in public notices.
- February/March – Application Process Public Meetings.
- March/April – First Public Meeting on Consolidated Plan or Annual Action Plan
- April – Draft of Consolidated Plan or Annual Action Plan is made available to public and the 30-day review period begins
- April – Public Hearing on Consolidated Plan and/or Action Plan
- May – City Council review; submission of Annual Action Plan or Consolidated Plan to HUD
- August/September – Draft of Consolidated Annual Performance Evaluation Report (CAPER) is made available to public, 15-day minimum review period
- September - CAPER is submitted to HUD.
- December – Pre- Annual Application Process Trainings

Emergency

In the event of a local, state or federally declared disaster or emergency where in-person participation may not be feasible or large gatherings may be considered a public health risk, HCD may opt to conduct public hearings and meetings virtually via conference call or live web-streaming. During these virtual meetings, the public will have the ability to ask questions and provide comments in real time. The public comment and display period shall be no less than five days. Accommodations will be made for people with disabilities and/or for those who do not speak or understand English as their primary language upon request. Documents for public review will be shared via the City's website. Copies of the document may be mailed or emailed upon request.

Development of the Consolidated Plan and Analysis of Impediments to Fair Housing

Before the Consolidated Plan (and/or annual updates) is approved by the Clarksville City Council and submitted to HUD (i.e., mid-May), Housing and Community Development will make a draft of the Consolidated Plan available to citizens, public agencies, and other interested parties for review and comments.

Interested parties are encouraged to submit comments electronically or by U.S Mail to Housing and Community Development. Before the City adopts the Consolidated Plan, HCD will make available to residents, public agencies, and other interested parties' information that includes the amount of assistance the City expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated dollar amount that will benefit persons of low- and moderate-income.

If displacement will occur due to any planned actions, HCD will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as described in 49 CFR Part 24.

Housing and Community Development will publish its draft and final Consolidated Plan so that all affected residents will have sufficient opportunity to review and comment on the plans. A summary describing the contents and purpose of the Consolidated Plan and the AI will be published in one or more newspapers. The draft Consolidated Plan and AI will also be posted on the City's website.

A period of not less than 30 calendar days will be provided to receive comments from residents of the community regarding the draft Consolidated Plan and AI. All comments will be included in the final Consolidated Plan.

Amendments to the Consolidated Plan / Annual Action Plan

Occasionally, it may be necessary for Housing and Community Development to process a substantial amendment to the Five-Year Consolidated Plan or the One Year Action Plans to allow for new CDBG funded activities, modification of existing activities, or other HUD Community Planning and Development (CPD) program administrative actions.

Any proposed amendment that is considered a substantial amendment is subject to the Citizen Participation process. This process involves Housing and Community Development Council Committee review, Mayor approval, at least one public meeting, formal action by the Clarksville City Council, and approval by HUD. A thirty (30) day public notice is published to provide the opportunity for the public to review and comment on a substantial amendment.

Substantial amendments require at least one public meeting. A substantial amendment public meeting may be held after a minimum of seven days (7)

notice to the public. “Notice” is a legal notice that is published in a newspaper at least seven (7) days prior to the date of the first public meeting. Minimum comment period is thirty days, commencing from the date of the first publication. If HCD elects to hold more than one public meeting, a legal notice should be published two times with seven days apart between notices.

Public meetings will be held at times and locations that are convenient to potential or actual beneficiaries and with accommodations for the disabled. At all public hearings, upon advance request, translators will be available for those who do not speak or understand English, or those that are hearing impaired or sight impaired.

Housing and Community Development will consider all comments or views received from the public concerning proposed substantial amendments in accordance with 24 CFR 91.105 (c) (3). A summary of these comments and views, including comments or views not accepted (and the reason why) shall be included with the substantial amendment.

Amendments to the Consolidated Plan are divided into four categories: Substantial Amendments, Minor Amendments, One-Percent Amendments, and Emergency Amendments.

Housing and Community Development is required by HUD [24 CFR 91.505 (b)] to identify the criteria to be used in determining if a proposed action will be considered a “Substantial Amendment”. The following criteria will be used:

Substantial Amendments

1. Addition of a new project not previously described in the Consolidated Plan or Annual Action Plan.
2. Deletion of any project previously described in the Consolidated or Action Plan.
3. Change in the purpose, scope, location or beneficiaries of an activity or project previously described in the Consolidated Plan or Action Plan.
4. Change in the use of CDBG funds from one eligible activity to another.
5. Change in total dollar amount allocated or budgeted for an activity by more than $50,000.
6. Substantial Amendments require at least one public meeting and a minimum thirty-days (30) comment period.
7. All Substantial Amendments require approval from Housing and Community Development Council Committee, City of Clarksville Mayor, and the Clarksville City Council.

Minor Amendments

Minor amendments represent any changes to Consolidated Plan or Action Plan activities that do not qualify as substantial amendments and are more than one percent change in funding up to $50,000. Minor amendments require the signature of the City of Clarksville Housing and Community Development Department Director or designated representative, but do not require a public notice or approval from Community Development Council Committee, City of Clarksville Mayor, or City Council.

One-Percent Amendments

One-percent amendments represent any change in the funded amount of an activity that is one percent or less. These amendments require the signature of the City of Clarksville Housing and Community Development Department director or designated representative, but do not require a public notice or approval from Community Development Council Committee, City of Clarksville Mayor, or City Council.

Emergency Amendments

It may be necessary to expedite substantial amendments to the Consolidated Plan in the event of a declared disaster or emergency. These expedited substantial amendments may include funding new activities and/or the reprogramming of funds including canceling activities to meet needs resulting from a declared disaster or emergency. Therefore, the City of Clarksville may utilize CDBG funds to meet these needs with a 5-day public comment period instead of a 30-day public comment period, which is otherwise required for substantial amendments. These amendments require approval from Housing and Community Development Council Committee, City of Clarksville Mayor, and the Clarksville City Council.

Consolidated Annual Performance Evaluation Report (CAPER)

Housing and Community Development is required to submit the CAPER for its CPD programs to HUD no later than 90 days from the end of a program year (i.e. late – September). The CAPER describes how funds were spent and the extent to which these funds were used for activities that benefitted low and moderate-income persons.

Housing and Community Development will publish a legal notice that its CAPER is available for review, so the public will have sufficient opportunity to review and comment on the report. The notice will be published in one or more local newspapers. There is a 15-day public comment period prior to the submission of the CAPER to HUD. Housing and Community Development will consider any citizen comments or views received in writing, or verbally at public hearings. A

summary of comments and views will be attached to the final CAPER to be submitted to HUD.

Anti-Displacement and Relocation

CITY OF CLARKSVILLE HOUSING AND COMMUNITY DEVELOPMENT POLICIES ON DISPLACEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) and/or HOME FUNDED ACTIVITIES

Residential Anti-Displacement and Relocation Assistance Plan under Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Housing and Community Development, in accordance with Federal Regulations for Displacement, 24 CFR 570.606(b), hereby issues this statement of policy regarding the displacement of persons by CDBG or HOME Program funded activities.

This Plan certifies that any entity receiving CDBG or HOME Program funds will replace all occupied and vacant units that will be demolished or converted to a use other than as low/moderate income housing.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. This includes any property obtained through a public undertaking. Before obligating or expending funds that will directly result in such demolition or conversion, the entity will make public and submit to the HUD Field Office the following information in writing.

· A description of the proposed assisted activity;

· The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for low/moderate income dwelling units as a direct result of the assisted activity;

· A time schedule for the commencement and completion of the demolition or conversion;

· The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

· The source of funding and a time schedule for the provision of replacement dwelling units, and

· The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy (i.e.: Deed of Trust, Deed Restriction, etc.).

Housing and Community Development or the subrecipient will provide relocation assistance, as described in 570.606(b)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use. Benefits will be provided to relocatees and displacees according to the calculation of benefits derived pursuant to requirements of regulations promulgated under the Uniform Property Acquisition and Relocation Act of 1970, as amended.

Assistance to Aliens

An alien who is not lawfully present in the United States is prohibited from receiving assistance under the Uniform Relocation Act, per 49 CFR 24.208, and assisted housing programs. Circumstances may dictate that determination that an alien is ineligible would result in exceptional and extremely unusual hardship to a spouse, parent, child who is a United States citizen. A final determination on the eligibility of the request will be made by HUD before any assistance is provided.

Permanent Displacement

Displacement is defined as follows: Permanent movement of person(s) or other entities from a dwelling unit or business location resulting from CDBG or HOME-funded code inspections, rehabilitation, demolition or acquisition. Where appropriate, Housing and Community Development may use CDBG funds to pay for relocation-related costs in projects using Low Income Housing Tax Credits.

To minimize displacement and mitigate adverse effects, the policy shall consist of the following steps, in the event displacement is caused by current or future CDBG or HOME Program-funded projects:

· Avoid or minimize permanent displacement whenever possible and only take such action when no other viable alternative exists.

· The impact on existing persons and properties will be considered in the development of CDBG and HOME Program funded projects.

· Citizens shall be informed of CDBG or HOME Program project area(s) through information made available as part of the annual proposed and final statements on use of CDBG and HOME Program funds.

· Current regulations, HUD notices and policies will be followed when preparing informational statements and notices.

· Written notification of intent will be given to eligible property owners who may be displaced and/or relocated due to an approved project activity.

· Assist those displaced in locating affordable, safe, decent and comparable replacement housing.

· Ensure that “just compensation” for CDBG or HOME Program acquired property (as determined by appraised fair market value) is paid with relocation benefits, if applicable.

· Provide for reasonable benefits to any person permanently displaced because of the use of CDBG funds to acquire or substantially rehabilitate property.

· Reasonable benefits will follow established policies set forth in applicable federal, state and local regulations.

· Provision of information regarding equal opportunity and fair housing laws to ensure that the relocation process does not result in different or separate treatment because of race, color, religion, national origin, sex, handicap, or source of income.

· Displaced families will be given a preference through the Housing Choice Voucher Program, Conventional Public Housing or any other federally funded program for which they might qualify. This priority is contingent upon availability of certificates, vouchers or placement coupons by the agency certified to handle assistance in the jurisdiction.

Temporary Displacement

CDBG or HOME Program funded activities may involve temporary displacement. While strict adherence to provisions of the Uniform Relocation Act is not specified, it is the policy of Housing and Community Development that all subrecipients shall take steps to mitigate the impact of CDBG or HOME Program funded code inspections, rehabilitation, demolition or acquisition that results only in temporary movement of person(s) from a dwelling unit. Such temporary displacement primarily involves demolition and reconstruction of a single-family owner-occupied home. Where appropriate, Housing and Community Development may use CDBG funds to pay for relocation-related costs in projects using Low Income Housing Tax Credits. Accordingly, the citizens involved in a temporary movement shall be fully informed of the below matters and appropriate steps shall be taken to guarantee that fair and equitable provisions are made to:

· Ensure that owners receive compensation for the value of their existing house prior to demolition.

· Receive temporary living accommodations while their CDBG or HOME Program funded unit is being demolished and reconstructed.

· Move and temporarily store household goods and effects during the demolition and reconstruction evolution.

· Reimburse all reasonable out-of-pocket expenses incurred relating to the temporary relocation, including moving costs and any increased rent and utility costs.

Complaints

Written complaints from City residents related to the Consolidated Plan, amendments, AFH, revisions, and the performance report will receive careful consideration and will be answered in a written response within 15 business days (where practicable) to every written resident complaint.

Written complaints should be sent to the Director's Office at the following address: City of Clarksville Housing and Community Development, 1 Public Square, Suite 201.

Civil Rights, Complaints and Grievance Process

Title VIII of the Civil Rights Act of 1968 is known as the Fair Housing Act. The Act, as amended in 1974 and 1988, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and disability.

These seven classifications are collectively termed federally protected classes. The federal familial status provision protects children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

HCD program staff will provide a written response to all written citizen complaints received related to the Consolidated Plan, Consolidated Plan amendments, and performance reports within 15 working days from receipt of the complaint. Citizens not satisfied with the staff response may request a review of the complaint by the City of Clarksville Housing and Community Development Director. Reviews may be requested by telephone, email or letter to the Director and should include a summary of the complaint as well as the summary of the response from the HCD program staff.

City of Clarksville
Title VI, Civil Rights Act of 1964
Requirements

It is the policy of the City of Clarksville that no person shall be denied the benefits of, or be subjected to discrimination in, any sponsored program, service, or activity provided by City of Clarksville staff, contractors, or consultants on the grounds of race, color, national origin, limited English proficiency, age, disability, religion, marital status, familial status, sex, gender, gender identity, sexual orientation, or source of income.

Filing a Title VI Complaint:
Complaints should be filed with the Title VI Officer, located in the City of Clarksville Finance Office.

Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Officer or may have another person write and acknowledge the complaint on his or her behalf.

The complaint should include names and contact information of any witnesses, including City of Clarksville employees or contractors. Allegations may be faxed or
e-mailed and will be acknowledged.

Allegations sent by fax or e-mail will not be processed until the identity of the complainant and the intent to proceed with the complaint have been established. The complaint form must be signed or acknowledged and returned to the Title VI Officer for processing.

The original copy may be sent, faxed, or emailed to:
Title VI Officer
City of Clarksville Finance Office
1 Public Square
Clarksville, TN 37040



Approved 2021



ORDINANCE 62-2020-21

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

WHEREAS, the City Council finds that amendments to the City Ethics Code are in order to remove any obligation of the City Council to provide expenses and costs to City officials charged with ethics violations; and

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

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

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

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

b. *Hearing procedures*

(1)

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

~~law, there is a finding that the person who is the subject of the ethics complaint violated the ethics code in any material way, the City Council will be entitled to seek reimbursement for any expenses advanced or reimbursed to such person.~~

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 63-2020-21

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE RELATIVE TO SHORT TERM RENTALS

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

The Clarksville City Code, Title 5, "Business, Professions, and Occupations," is hereby amended by deleting the language in Chapter 3, "Short-Term Rentals," in its entirety.

~~Section 5-301. Purpose. The City Council finds that the following regulations of Short-Term Rental Units are necessary to protect the health, safety, and welfare of the public.~~

~~Section 5-302. Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Chapter. The word "shall" is always mandatory and not merely advisory.~~

~~(a) *Code Official*. A City Code Enforcement Officer or the Building Official.~~

~~(b) *Consideration*. The charge, whether or not received, for occupancy in a ShortTerm Rental Unit valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and services of any kind or nature. Nothing in this definition shall be construed to mean that consideration is charged when the Short-Term Rental Unit provided to the Transient Guest(s) is complimentary from the Owner and no consideration of any type is charged to, or received from, any person.~~

(c) *Contiguous Property.* Any property that is directly adjacent to the property on which a Short-Term Rental Unit is located, or which is across any street, road, highway, or alley from any property on which a Short-Term Rental Unit is located, and which is within one-hundred (100) feet of the nearest property boundary line of any property on which a Short-Term Rental Unit is located.

(d) *Dwelling Unit.* A cabin, house, house trailer or mobile home, or structure used or designed to be used as an abode or home of a person, family, or household, and includes a single-family dwelling, a portion of a single-family dwelling, or an individual residential dwelling in a multi-dwelling building, such as a duplex, triplex, an apartment building, condominium, cooperative, or timeshare.

(e) *Hosting Platform.* A person or entity that facilitates the booking of a Short-Term Rental Unit.

"Facilitate" includes, but is not limited to, the act of allowing an Owner to offer to list or advertise, typically for a charge or fee, the Short-Term Rental Unit on an Internet website, in a print publication, or through another forum provided or maintained by the Hosting Platform.

(f) *Non-Residential District.* Any zoning district designated in the City of Clarksville that allows residential uses but is not a Residential District.

(g) *Occupancy.* The use or possession, or the right to the use or possession, of any room(s), lodgings, or accommodations in any Short-Term Rental Unit.

(h) *Operating Permit.* The city-issued document authorizing an Owner to operate a Short-Term Rental Unit within the City of Clarksville.

(i) *Owner.* The person who owns property held out as a Short-Term Rental Unit.

(j) *Residential District.* Any zoning district designated in the City of Clarksville where the principal permitted uses in the district include residential uses, including houses, duplexes, and multi-dwelling structures.

(k) *Short-Term Rental Unit.* A dwelling unit, a portion of a dwelling unit, or any other structure or space that is occupied or intended or designed or advertised for occupancy by Transient Guests for dwelling, lodging, or sleeping, and which is offered to Transient Guests for Consideration for a period of up to 30 consecutive calendar days. Short-Term Rental Units shall not include dwelling units owned by the federal government, the state, or any of their agencies or political subdivisions; facilities licensed by the state as healthcare facilities, including temporary family healthcare structures; hotels; inns; motels; boarding houses; Bed and Breakfast establishments approved by the City of Clarksville pursuant to the Clarksville Zoning Ordinance; campgrounds; recreational vehicles or campers, or dwelling units rented to the same occupant(s) for more than thirty continuous days.

(l) *Transient Guest.* A person who occupies a dwelling unit or portion thereof, other than his or her usual place of residence, in exchange for consideration.

Section 5-303. Permit Required for Operation of a Short-Term Rental Unit.

(a) *Operating Permit Required*. It shall be unlawful to operate or advertise any Short-Term Rental Unit within the City of Clarksville without a Short-Term Rental Unit Operating Permit issued under this Chapter, except as otherwise provided herein.

(b) *Continued use for properties already being used as short-term rental*. In accordance with T.C.A. § 13-7-603, as may be amended from time to time, this Short-Term Rental Ordinance shall not apply to any property that was being used as a Short-Term Rental Unit by the owner of the property prior to the Clarksville City Council's enactment of this Chapter. The definition of "Used as a short-term rental unit" contained in T.C.A. § 13-7-602, as may be amended from time to time, shall be used in determining whether a property was being used as a Short-Term Rental Unit by the Owner of the property prior to enactment of this Chapter. In accordance with T.C.A. § 13-7-604(b)(3), as may be amended from time to time, any property being used as a Short-Term Rental Unit by the Owner of the property prior to enactment of this Chapter may continue operating said property as a Short-Term Rental Unit, without securing a permit, until the property is sold, transferred, ceases being used as a Short-Term Rental Unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times with no appeal rights remaining for any of the three (3) violations.

Section 5-304. Short-Term Rental Unit Operating Permit Application; Permit Availability; Application Form and Fee; Right of Entry.

(a) *Application*. Except as otherwise provided herein, every Owner desiring to operate a Short-Term Rental Unit shall submit an application for an Operating Permit to the Clarksville Department of Finance and Revenue. Each application shall contain all of the following information, along with a sworn statement that the information being provided is true and accurate, upon penalty of perjury. The permit application shall not be considered complete until all information specified by the application form and required by this chapter, as determined by the Department of Finance and Revenue, has been completed by the applicant.

(1) *Acknowledgement of Regulations and Obligation to Pay Hotel / Motel Tax; Submission of Proof of Business License*. The applicant shall include with his or her application a written acknowledgement by the Owner that he/she has read all regulations of this Chapter pertaining to the operation of a Short-Term Rental Unit, that the applicant will comply with and pay as required by law any hotel/motel tax requirements as levied or assessed by the City, Montgomery County, and / or the State of Tennessee, and shall submit a statement that the applicant has obtained a City of Clarksville business license and attach a copy of same thereto.

(2) *Affidavit of Life Safety Compliance*. An application for an Operating Permit shall be accompanied by an affidavit from the applicant verifying the number and room location(s) of all required life safety equipment, and that all such equipment is currently fully operational at the time of the application for the Short-Term Rental Unit. All such life safety equipment will be subject to verification or inspection.

(3) *Local Contact Person(s)*. A person or persons designated by the Owner who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (i) being able to respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the Short-Term Rental Unit, and (ii) taking remedial action necessary to resolve any such complaints. The Local Contact Person(s) may be the Owner or an Owner's agent. If not the Owner, the full legal name, residential street and mailing addresses, the e-mail address, and the telephone number of the Local Contact Person(s) shall be provided.

(4) *Owner Information*. The full legal name, street and mailing addresses, the e-mail address, and the telephone number of the Owner of the property sought to be used as a Short-Term Rental Unit and, in cases where a business entity or trust is the owner of the property that is sought to be used as a Short-Term Rental Unit, the individual who has the responsibility to oversee the ownership of the property sought to be used as a Short-Term Rental Unit on behalf of the business entity or trust, including the mailing address, the e-mail address, and the telephone number of the individual having such responsibility. If the Owner of a Short-Term Rental Unit is a business entity, information and documentation is required demonstrating the Owner's valid status with the Tennessee Secretary of State.

(5) *Site Plan*. A site plan and floor plan accurately and clearly depicting the size and location of the existing dwelling and the approximate square footage in the dwelling, the number and location of designated off-street parking spaces and the maximum number of vehicles allowed for overnight occupants. The floor plan shall describe the use of each room in the dwelling, the number, location and approximate square footage of all bedrooms, and any accessory buildings, including but not limited to garages and accessory dwelling structures or units.

(6) *Confirmation regarding private agreements*. Written acknowledgement by the Owner that he/she/it is solely responsible for confirming and that he/she/it has confirmed that operating the Short-Term Rental Unit would not violate any Home Owners Association agreement or bylaws, Condominium Agreement, Covenants, and / or Restrictions, mortgage agreement, insurance contract, or any other contract or agreement governing and limiting the use of the proposed Short-Term Rental Unit.

(7) Reserved.

(8) Reserved.

(b) *Short-Term Rental Unit Operating Permit Availability*.

(1) *Generally*. A Short-Term Rental Unit Operating Permit is available in any Residential or Non-Residential Districts upon meeting the criteria in this

Chapter. A Short-Term Rental Unit Operating Permit may be issued only to the Owner of the Short-Term Rental Unit.

(2) *Proof of Ownership*. Ownership shall be established by the deed for the property as recorded in the office of the Montgomery County, Tennessee, Register of Deeds.

(c) *Operating Permit Application Form.* The Department of Finance and Revenue shall develop and supply Short-Term Rental Unit Operating Permit application forms for use by applicants, which shall contain such questions and acknowledgements as are specified herein, to be answered and acknowledged by the applicant under oath and notarized.

(d) *Fees.* An administrative processing and inspection permit fee in the amount of one-hundred fifty dollars ($150.00) shall be paid to the Clarksville Department of Finance and Revenue at the time an application for a Short-Term Rental Unit Operating Permit is submitted. There shall be no proration of fees. Application fees shall be non-refundable.

(e) *Right of Entry of Fire Department and Building and Codes Department.* The submission of an application for a Short-Term Rental Unit Operating Permit shall constitute consent of the applicant to permit the Clarksville Fire Rescue Department and the Clarksville Department of Building and Codes to conduct inspections of the Short-Term Rental Unit, from time to time, between the hours of 8 a.m. and 5 p.m. or during the hours such Short-Term Rental Unit is being rented, to ensure the Short-Term Rental Unit is complying with the requirements of this Chapter, other city ordinances, and state/federal laws and regulations.

Section 5-305. Administrative Processing and Inspections; Issuance.

(a) Once the Short-Term Rental Unit Operating Permit application is considered complete by the Department of Finance and Revenue, to include the payment of any required fee(s), the original application shall be date-stamped and retained by the Department of Finance and Revenue. The Department of Finance and Revenue shall then forward a copy of the completed application to the Fire and Rescue Department and to the Building and Codes Department for further review and inspections.

(b) The Fire and Rescue Department shall conduct a fire and life safety inspection of the Short-Term Rental Unit within fifteen (15) calendar days of the date the application is accepted by the Department of Finance and Revenue to ensure that all required fire and life safety equipment is currently operable, and that the Short-Term Rental Unit is in compliance with all applicable fire codes, laws, and regulations. As part of the inspection, the Fire and Rescue Department shall determine the maximum occupancy of Transient Guests for the Short-Term Rental Unit. Upon completion of the fire and life safety inspection, the Fire and Rescue Department shall annotate on a form developed in coordination with the Building and Codes Department whether the Short-Term Rental Unit passed or failed the fire and life safety inspection, and if it failed, shall provide a short and plain summary of the reasons why the Short-Term Rental Unit failed the inspection, and shall cite to the applicable provision(s) of the fire codes, laws, or regulations at issue. In the event of failure of the fire and life safety inspection, an applicant may request a re-inspection, whereupon the applicant shall have ten (10) days from the date of the failed fire and life safety inspection to correct any deficiencies and pass a re-inspection. An applicant shall only be permitted one

opportunity for a fire and life safety re-inspection.

(c) The Department of Building and Codes shall conduct a building safety inspection of the Short-Term Rental Unit within fifteen (15) calendar days of the date the application is accepted by the Department of Finance and Revenue to ensure compliance with all applicable building, gas, electrical, and plumbing codes, laws, and regulations. Upon completion of the building safety inspection, the Department of Building and Codes shall annotate on the form developed in coordination with the Fire and Rescue Department, whether the Short-Term Rental Unit passed or failed the building safety inspection, and if it failed, shall provide a short and plain summary of the reasons why the Short-Term Rental Unit failed the building safety inspection and shall cite to the applicable provision(s) of the building safety codes, laws, or regulations at issue. In the event of failure of the building safety inspection, an applicant may request a re-inspection, whereupon the applicant shall have ten (10) days from the date of the failed building safety inspection to correct any deficiencies and pass a re-inspection. An applicant shall only be permitted one opportunity for a building safety re-inspection.

(d) Within fifteen (15) days of the date of successful completion of the fire and life safety inspection and the building safety inspection (whichever comes later), the Department of Building and Codes shall make a final determination whether the application should be approved or denied.

(e) If the Department of Building and Codes determines that the application or the Short-Term Rental Unit does not conform to the requirements of this Chapter, or to other applicable laws or regulations, the application for a Short-Term Rental Unit Operating Permit shall be denied. Within five (5) days of any decision denying an application for an Operating Permit, the Department of Finance and Revenue shall inform the applicant of the denial in writing and shall explain the reason(s) for the denial in writing.

(f) Upon successful completion of all required inspections and payment of the necessary fee(s), if the Department of Building and Codes is satisfied that the application and the Short-Term Rental Unit conform to the requirements of this Chapter and to all other applicable laws and regulations, within five (5) days of approval of the Short-Term Rental Unit Operating Permit application by the Department of Building and Codes, the Department of Finance and Revenue shall inform the applicant of the approval in writing and shall issue a Short-Term Rental Unit Operating Permit to the applicant using a permit form developed by the Department of Finance and Revenue in coordination with the Fire and Rescue Department and the Department of Building and Codes. The Operating Permit shall specify the maximum occupancy of Transient Guests permitted within the Short-Term Rental Unit.

(g) All permits, whether an original permit or a renewal permit, shall pertain only to one single Short-Term Rental Unit as defined herein, and shall be separately numbered, and the Department of Finance and Revenue shall keep a duplicate of each original permit issued.

(h) Once issued, the Short-Term Rental Operating Permit shall be valid for one (1) calendar year from the date of issuance, unless the Short-Term Rental Unit Operating Permit is suspended or revoked pursuant to this Chapter, or otherwise terminated by operation of, or in accordance with, law.

Section 5-306. Short-Term Rental Unit Operating Permit Renewals.

Unless suspended or revoked for a violation of any provision of this Chapter or other applicable law or regulation, a Short-Term Rental Unit Operating Permit may be renewed annually, provided that an applicant submits a renewal application and processing fee of one-hundred twenty dollars ($120.00) no later than thirty (30) calendar days before the Short-Term Rental Unit Operating Permit's expiration. An application for renewal of a Short-Term Rental Unit Operating Permit, which shall include an updated acknowledgement of rules signed by the Owner; an updated affidavit of life safety compliance signed by the Owner; any updated information regarding the Local Contact Person; any updated Owner information; an updated confirmation regarding private agreements signed by the Owner; an updated proof of insurance; and proof of payment of all taxes due, shall be made through the Department of Finance and Revenue. Upon receipt of an application for renewal, together with the renewal application fee, an inspection of the Short-Term Rental Unit, in accordance with the provisions of **Section 5-305** above, shall be made to ensure compliance with all fire safety and building safety requirements. After the Short-Term Rental Unit Operating Permit's expiration, the holder of the Short-Term Rental Unit Operating Permit forfeits the right to renew, and the Owner must reapply for a new Short-Term Rental Unit Operating Permit. A renewed Short-Term Rental Unit Operating Renewal Permit shall be valid for one (1) calendar year from the date of issuance.

Section 5-307. Prohibition Against Transfer.

(a) *Generally*. No person holding a Short-Term Rental Unit Operating Permit shall sell, lend, lease, or in any manner transfer the permit for value.

(b) *Permission*. The permission to operate a Short-Term Rental Unit under a ShortTerm Rental Unit Operating Permit shall be personal and limited to the Owner to whom the City issued the permit. A Short-Term Rental Unit Operating Permit shall terminate immediately upon the transfer of the property covered by the permit, whether such transfer is by deed, by law, or otherwise.

(c) *Transfers Invalid*. Any unauthorized transfer or attempt to transfer a Short-Term Rental Unit Operating Permit shall automatically void such permit. Persons violating this provision, including both the transferor and transferee, may be subject to a citation and fine. Each unauthorized transfer or attempt to transfer of a Short-Term Rental Unit Operating Permit shall constitute a separate violation, and the penalty for such violation shall be fifty dollars ($50.00) per day.

Section 5-308. No Vested Rights.

The provisions of this Chapter concerning Short-Term Rental Units are not a grant of vested rights to continue to operate any Short-Term Rental Unit indefinitely. Any Short-Term Rental Unit use, operation, and / or permits for Short-Term Rental Units are subject to the provisions of ordinances, resolutions, or other City measures, to include declarations of states of emergency, concerning Short-Term Rental Units that may be enacted or adopted at a later date, even though such ordinances, resolutions, or other city measures may change the terms, conditions, allowance, or duration for Short-Term Rental Unit use or operation, including but not limited to

those that may terminate some or all Short-Term Rental Unit uses or operations, with or without some period of amortization. While this recitation concerning vested rights is implicit in any uses permitted by the City, this explicit recitation is set forth to avoid any uncertainty or confusion. This Chapter is expressly declared to be enacted pursuant to general police powers, to include those pertaining to general health and welfare, building and fire safety, and is not to be construed as a zoning law.

Section 5-309. Compliance with Laws; Complaints; Remedies; and Permit Revocation.

(a) *Compliance with city, state, and federal Laws*. It shall be unlawful to operate a Short-Term Rental Unit that does not comply with all applicable city, state, and federal laws and regulations.

(b) *Operation without permit deemed public safety hazard*. Except as otherwise provided herein, any Short-Term Rental Unit operating or advertising for operation without a valid Short-Term Rental Unit Operating Permit shall be deemed a public safety hazard. The City may issue, and the Owner or the Local Contact Person may receive, a civil citation for operating or advertising for operation without a Short-Term Rental Unit Operating Permit. Such civil citations will be adjudicated in the Clarksville City Court.

(c) *Public nuisance*. It is unlawful and a violation of this Chapter and is hereby declared a public nuisance for any person to commit, cause, or maintain a violation of any provision or fail to comply with any of the requirements of this Chapter. The City may issue and the Owner, the occupants, or the Local Contact Person may receive a civil citation for any violation of this Chapter or any other City ordinance by the Owner, the Local Contact Person, or the occupants of the Short-Term Rental Unit. Such civil citations will be adjudicated in the Clarksville City Court.

(d) *Complaints*. If a complaint is filed with the City of Clarksville alleging that the Owner has violated the provisions of this Chapter or any other applicable City ordinance or State law, a Code Official shall provide written notification of the complaint by registered mail to the Owner at the Owner's address listed on the application, and the Code Official shall investigate the complaint and inspect the property being used as a Short-Term Rental. Within twenty (20) days of the date that the notification was sent to the Owner, the Owner may respond to the complaint, present evidence, and respond to evidence produced by the investigation. If the Code Official finds the complaint to be supported by a preponderance of the evidence, the Code Official may suspend or revoke the Short-Term Rental Unit Operating Permit or take or cause to be taken other enforcement action as provided herein or elsewhere in the City Code. Any false complaint made against a Short-Term Rental Owner may be punishable as perjury under T.C.A. § 39-16-702, as may be amended from time to time.

(e) *Revocation or Suspension of Permit*. The Code Official may suspend or revoke a Short-Term Rental Unit Operating Permit if the Code Official discovers that (i) an applicant obtained the ShortTerm Rental Unit Operating Permit by knowingly providing false information on the application; (ii) the continuation of the Short-Term Rental Unit presents a threat to public health or safety; or (iii) the Owner or Short-Term Rental Unit has violated any of the provisions of this Chapter or has violated any other City ordinance, State law, or Federal law related to the operation of the Short-Term Rental Unit.

(f) *Effect of Revocation.* Should the Short-Term Rental Unit Operating Permit be revoked, in addition to any other penalty, there shall be a one-year waiting period from the date of revocation for the property to become eligible again for a Short-Term Rental Unit Operating Permit. Upon reapplication, the Owner must pay the full permit fee.

(g) *Appeal of Suspension or Revocation*. If a Short-Term Rental Unit Operating Permit is suspended or revoked, the Code Official shall state the specific reason(s) for the suspension or revocation. Any Owner whose Short-Term Rental Unit Operating Permit has been suspended or revoked may appeal such suspension or revocation by submitting a written request to the Department of Building and Codes for a hearing before the Board of Adjustments and Appeals within twenty (20) calendar days of receiving the notice of suspension or revocation. A hearing date will be set within twenty (20) calendar days of the filing of an appeal. All hearings before the Board of Adjustments and Appeals shall be open to the public. The appellant, the appellant's representative, the Code Official or his/her designee, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than a majority of full membership of the Board of Adjustments and Appeals. The Board of Adjustments and Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made. The decision of the Board of Adjustments and Appeals shall be the final administrative decision and shall be subject only to judicial review in the Circuit or Chancery Court pursuant to state law of general application. In addition to any other penalty imposed, if the decision of the Board of Adjustments and Appeals to revoke a Short-Term Rental Unit Operating Permit is upheld, the Owner shall not be eligible to reapply for a new Short-Term Rental Unit Operating Permit for the premises for a period of one (1) year. Upon reapplication, the Owner shall be required to pay the full Short-Term Rental Unit Operating Permit application fee. During the pendency of any appeal to the Board of Adjustments and Appeals or to any Court as provided herein, the revocation or suspension decision of the Code Official or of the Board, respectively, shall remain in effect.

(h) *Emergency Suspension*. Notwithstanding any other provision of this Chapter, the chief of police, the fire chief, or the Code Official, or their designee(s), may temporarily suspend a Short-Term Rental Unit Operating Permit and order a temporary cessation of Short-Term Rental operations in a situation involving an immediate danger to public health, safety, or welfare, or to investigate criminal activity that has allegedly occurred on the premises. The chief of police, the fire chief, or the Code Official, or their designee(s), shall give immediate written notice of the temporary suspension/cessation order to the Owner if present at the premises, or to the Local Contact Person or to any occupant, who shall be required to immediately comply with the order. Thereafter, within a reasonable time, using the most efficacious means possible, the chief of police, the fire chief, or the Code Official, or their designee(s), shall give written notice of the temporary suspension/cessation order to the permit holder, if not previously served, along with a brief statement of the facts and reasons for the decision to suspend the Short-Term Rental Unit Operating Permit and to terminate the operation of the Short-Term Rental Unit. Such notice shall state that the matter of the temporary suspension/cessation will be heard by the Board of Adjustments and Appeals at the first regularly scheduled board meeting thereafter, or at a special called board meeting, either of which to be held not later than five (5) calendar days from the date of issuance of

the temporary suspension/cessation order, unless the Owner shall request in writing additional time, not to exceed ten (10) days, said request to be filed with the board, during which time the temporary suspension/cessation shall continue. The temporary suspension and order of cessation shall be effective when issued by the chief of police, the fire chief, or the Code Official, or their designee(s), and shall remain in effect until the Board of Adjustments and Appeals reviews the facts, circumstances, and reasons for the temporary suspension and makes a determination whether there is just cause for the suspension to continue, but in no event shall the temporary suspension and cessation order continue beyond ten (10) calendar days without a hearing thereon by the Board of Adjustments and Appeals. At the public hearing, the board may, after a finding of just cause as provided herein, suspend the Operating Permit for a definite time period or may revoke the Operating Permit. If no finding of just cause is established, the board may immediately rescind the temporary suspension, lift the cessation order, and reinstate the Operating Permit.

Section 5-310. City Shall Have No Obligation to Enforce Private Rights or Agreements; No Third Party Beneficiaries.

The City of Clarksville shall not have any duty or obligation or be responsible for making a determination regarding whether the issuance of a Short-Term Rental Unit Operating Permit or the use of a dwelling as a Short-Term Rental Unit is permitted under any private agreement(s) or any covenants, conditions, and restrictions, or private codes, or under any of the regulations or rules of a homeowners' association or maintenance organization, condominium agreement, mortgage agreement, insurance contract, or any other contract or agreement that may be applicable governing and limiting the use of the Short-Term Rental Unit, and the City shall have no enforcement obligations in connection with such private agreements or covenants, conditions and restrictions or such regulations or rules. The provisions of this chapter, nor the approval of or issuance of any Short-Term Rental Unit Operating Permit shall not be construed to confer any third-party beneficiary status upon any person, business entity, organization or association as against the City of Clarksville.

Section 5-311. Operational Requirements.

(a) *Safety Standards*. Notwithstanding any code provision to the contrary, during each Short-term Rental Unit Occupancy, each Short-term Rental Unit shall have, at minimum, the following life safety equipment on the premises and installed to manufacturer specifications: (i) a smoke alarm meeting Underwriters Laboratory (UL) 217 standards inside each sleeping room, outside of and within fifteen (15) feet of sleeping rooms, and on each story of the dwelling unit, including basements; (ii) a carbon monoxide detector within fifteen (15) feet of all bedrooms; and (iii) and a fire extinguisher. Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button and the fire extinguisher must be operational. It shall be unlawful to operate a Short-term Rental Unit without a smoke alarm, carbon monoxide detector, or fire extinguisher as required by this Chapter.

(b) *Taxes*. All Short-Term Rental Unit Owners shall be responsible to pay all applicable taxes, including, but not limited to, real and personal property taxes, the hotel/motel tax, sales taxes, gross receipts taxes, and any employment and income taxes, as may be levied or assessed by the City, Montgomery County, the State of Tennessee, or the United States of America.

(c) *Advertising*. It shall be unlawful to advertise any Short-Term Rental Unit without the Operating Permit number clearly displayed on the advertisement. For the purposes of this Chapter, the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a Short-Term Rental Unit in any forum, whether electronic or non-electronic, in any media or medium, in order to promote the availability of the Short-Term Rental Unit.

(d) *Maximum Occupancy*. The maximum occupancy of any Short-Term Rental Unit by Transient Guests shall not exceed the maximum occupancy limits as prescribed by the Operating Permit. Simultaneous rental to more than one party under separate contracts shall be prohibited.

(e) *Age Requirement*. The principal renter (Transient Guest) of a Short-Term Rental Unit shall be at least eighteen (18) years of age.

(f) *Use of Short-Term Rental Unit*. No Transient Guest may use a Short-Term Rental Unit for on-site business or commercial purposes during any rental period.

(g) *Parking*. Each Short-Term Rental Unit shall provide at least one parking space per bedroom offered for rent.

(h) Reserved.

(i) Reserved.

(j) *Food Service*. No food shall be prepared for, or served to, the Transient Guest(s) by the Owner for any consideration.

(k) *Contact Information Shall Be Posted*. The name and telephone number of the Local Contact Person(s) shall be conspicuously posted within the Short-Term Rental Unit.

(l) *Compliance with Clarksville City Code*. The Owner shall ensure that the use of the Short-Term Rental Unit complies with all applicable noise, nuisance, parking, trash, and property maintenance code, ordinances, regulations, and all other provisions of the City Code. A prohibition against making loud noise in such a manner as to disturb the quiet, comfort or repose of neighboring property owners shall be included in the Short-Term Rental Unit rules and contained in the Short-Term Rental Unit lease agreement.

Section 5-312. Effect of Chapter During Declared State of Emergency.

The provisions of this Chapter, in whole or in part, may be suspended during the pendency of any lawfully declared state of emergency issued by the President of the United States of America, the Governor of the State of Tennessee, or by the Mayor of the City of Clarksville, which may include, but is not limited to, a temporary prohibition on the rental of a Short-Term Rental Unit by an Owner who possesses an otherwise legally valid Short-Term Rental Unit Operating Permit, or on the use or occupation of same by any Transient Guest as defined herein, to the extent permitted or not otherwise prohibited by federal or state law of general application.

~~**Section 5-313. Severability.**~~

~~If any section, paragraph, sentence, phrase, term, or word of this Chapter for any reason be declared unlawful, invalid, unenforceable, or void, by a court or other administrative tribunal of competent jurisdiction, then the remainder of this chapter shall remain in full force and effect.~~

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 64-2020-21

AN ORDINANCE AMENDING THE OFFICIAL CODE DESIGNATING JUNETEENTH AS A CITY HOLIDAY

WHEREAS, Juneteenth is a holiday celebrated on the 19th of June to commemorate the emancipation of enslaved people in the United States; and

WHEREAS, on June 19, 1865, Major General Gordon Granger of the Union Army landed in Galveston, Texas and informed enslaved people that the Civil War had ended and slavery had been abolished; and

WHEREAS, it was also on that date in 1865, in the aftermath of the Civil War, enslaved people were declared free under the terms of the 1862 Emancipation Proclamation; and

WHEREAS, Juneteenth is also known as Freedom Day or Emancipation Day.

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

That the Official Code of the City of Clarksville, Tennessee, Title 1.5, "Human Resources," Chapter 15, "Miscellaneous," Section 1.5-1501, "Holidays," is hereby amended by adding the following language and renumbering the subsequent holidays:

(5) June 19: Juneteenth

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 72-2020-21

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2021 FOR GOVERNMENTAL FUNDS (ORDINANCE 39-2020-21) TO REMOVE FUNDING FOR THE PERFORMING ARTS/ROXY

WHEREAS, Article VII, Section 3 of the official charter of the City of Clarksville provides for the approval and adoption of a budget; and

WHEREAS, Article VII, Section 3 of the official charter of the City of Clarksville provides for the ability to amend the adopted budget by ordinance by the City Council at any time during the fiscal year by vote of a majority of the City Council on two (2) separate readings; and

WHEREAS, The City Council discontinued providing funding to non profit organizations in 2017 and the Roxy was permitted to circumvent the process for requesting City funding and the council deems that it provided an unfair advantage from all the other noteworthy non profit organizations that used to receive funding that weren't provided the same opportunity to request City funding.

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

That the following Amendment be made:

General Fund

0462003 – 4864 – Misc. Agency-Roxy Decrease $60,000

BE IT FURTHER ORDAINED that the above $60,000 shall be returned to the fund balance of the General Fund**.**

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

RESOLUTION 49-2020-21

A RESOLUTION TO REPEAL PREVIOUSLY APPROVED RESOLUTION 40-2020-21 PERTAINING TO A LONG TERM LEASE AND OPERATING AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND ROXY PRODUCTIONS, INC. AND THE ROXY THEATER PROPERTY LOCATED AT 100 FRANKLIN STREET

WHEREAS, the City Council has previously approved a long term lease and operating and management agreement between the City of Clarksville, Tennessee and the Roxy Productions, Inc. and pertaining to the Roxy Regional Theater located at 100 Franklin Street by approval of Resolution 40-2020-21; and

WHEREAS, the City Council finds that the best interests of the City would be served by repealing that Resolution;

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

1. That Resolution 40-2020-21 should be and is hereby repealed.

PUBLIC HEARING:
FIRST READING:
EFFECTIVE DATE:

RESOLUTION 40-2020-21

A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE ROXY REGIONAL THEATER

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

That the Clarksville City Council hereby authorizes a lease agreement with the Roxy Regional Theater for property located at 100 Franklin Street.

ADOPTED: December 3, 2020

LEASE AGREEMENT

THIS LEASE AGREEMENT made this the _____ day of _____, 20 , between the **CITY OF CLARKSVILLE, TENNESSEE**, a municipal corporation, hereinafter referred to as "Lessor," and the **ROXY REGIONAL THEATRE,** a not for profit corporation organized under the laws of the State of Tennessee, hereinafter referred to as "Lessee,"

W I T N E S S E T H:

1. The Lessor hereby leases to the Lessee certain property located at 100 Franklin Street, in Clarksville, Tennessee, which is more particularly described as property located on the (parcel ID 066G-K-001000000) corner of the intersection of Franklin Street and First Street in Clarksville, Tennessee.

2. The Lessee accepts the building, improvements, and any equipment on or in the leased property in their existing condition. No representation, statement or warranty, expressed or implied, has been made by or on behalf of the Lessor as to such condition, or as to the use that may be made of such property. In no event shall the Lessor be liable for any defect in such property or for any limitation on its use.

3. The term of this lease shall be for a period of twenty-five (25) years, commencing on the first day of (month) (year), and ending on the (date) day of (month), (year), unless the parties to this Agreement mutually agree in writing to the termination of the Lease. In writing, the Lessee and Lessor may mutually agree to extend this Lease, upon the same terms, in increments of five (5) years for a total additional period of twenty-five (25) years, such request for option renewal shall be exercised in writing by the Lessee not later than sixty (60) days prior to the expiration of the original term and each term

thereafter. If the Lessee shall remain in possession of the leased property after the expiration of either the original term of this Lease or of any extended term, except pursuant to the exercise of an option to extend such possession, said possession shall be maintained by the Lessee as a month-to-month tenant, subject to all conditions and covenants contained in this Lease. The Lessee shall pay to the Lessor an annual rent of One Dollar ($1.00) in lawful money of the United States, payable no later than the 1st day of May of each year during the term of his Lease or any extended term. The rent shall be payable to the City of Clarksville, or at such other place as the Lessor may designate in writing. It is the intention of the Lessor and the Lessee that each year during the term of this Lease, all costs, expenses, claims and obligations of every kind relating to the interior and operation of the leased property (except as otherwise specifically provided in this Lease as to the exterior of the building, paving, fire and extended and casualty insurance) which may arise or become due during the term of this Lease or any extended term shall be paid by the Lessee, and that the Lessor shall be indemnified against such costs, expenses, claims and obligations. In this regard, Lessee shall acquire, at its sole expense, general liability coverage with minimum limits of $1,000,000 per occurrence and not less than $2,000,000 annual aggregate, and shall name the Lessor as an additional insured in said policy. Lessee shall supply proof at least annually that said policy is in effect

4. After three (3) full fiscal years of operation, after occupancy in the new Performing Arts Center, additional rent will be applicable. Additional rent is to be calculated as follows: If the Performing Arts Center exceeds breakeven ticket sales and leased rental revenue in excess of five (5%) percent, five (5%) percent of the amount over breakeven shall be shared with the City. As an example if breakeven (defined as - ticket

sales and leased/rental revenue equals expenses to provide same) is $100,000 and the ticket and rental revenue is $110,000 for the year the City will be distributed 5% of the $10,000 that is over $100,000. Every three (3) years the additional rent calculation and percentage shall be renegotiated with the Roxy Board and the City. Should an agreement not be reached between the Board and the City, the terms shall remain the same until the next negotiated agreement. Each year an audit of the financial records performed by a qualified independent auditing firm shall be provided to the City's finance department no later than October 1st of each year for the prior fiscal year ending June 30th.

5. The Lessor and the Lessee agree that the Lessee shall use and occupy the leased property for the purpose of operating a performing arts center, and the Lessor agrees that the Lessee shall have exclusive use of the said leased property for said purpose. The Lessor shall not have the ability or any controlling interest in the artistic integrity or productions of any event held within the Leased premises. Sole discretion of productions shall be at the discretion of the Lessee. The Lessee agrees that it shall not use or knowingly permit any part of the leased property to be used for any other purpose not connected with the operation of a performing arts center or for any unlawful purpose, without the expressed written permission of the Lessor.

6. The Lessee, upon the payment of the rent as specified, and upon the performance of all the terms of this Lease, shall at all times during the Lease term and during any extension peaceably and quietly enjoy the leased property without any disturbance from the Lessor or from any person or organization claiming through the Lessor.

7. Throughout the term of this Lease, the Lessee, at its sole expense, will make all necessary repairs to the interior of the leased property, ordinary and extraordinary,

foreseen and unforeseen. The Lessor shall be responsible for all exterior repairs of the leased property, ordinary and extraordinary, foreseen and unforeseen, including any parking lot paving. Lessee shall not undertake any exterior repair which are contemplated to be the financial responsibility of the Lessor without the expressed written permission of the Lessor. The term "repairs" shall include all necessary replacements, renewals, alterations, additions and betterments. The Lessor is aware that the Lessee shall use the said building for the purposes of operating a performing arts center, and as such, it may be necessary to substantially alter and renovate the interior of the building to meet the needs and requirements of such use. Therefore, the Lessor agrees that the Lessee may make repairs and alterations to the interior of the building, such to the applicable building codes and inspections by the City of Clarksville. Said repairs and alterations shall be performed to a standard of workmanship at least equal to that in the community. At the expiration of the Lease term or any extended term, the Lessee shall surrender the leased property in as good condition as it was at the beginning of the term, reasonable wear and tear and damages by the elements excepted.

8. The Lessor shall have the right to reserve six (6) dates annually for events or activities in the property. The dates will be provided to the management of the facility by July of each year for the following calendar year.

9. The charges for gas, electricity, light, heat, power and telephone, where applicable, shall be prorated (based on occupancy) between the parties during the first billing cycle for each utility, and thereafter the Lessee shall pay all charges for gas, electricity, light, heat, power and telephone supplied or in connection with the leased property, and shall indemnify the Lessor against all liability or damages on such account.

10. If the leased property shall be deserted or vacated, or if proceedings are commenced against the Lessee in any Court under any bankruptcy act or for the appointment of a Trustee or receiver of the Lessee's property, either before or after the commencement of the lease term or if there shall be a default in the performance of any other covenant, agreement, condition, rule or regulation herein contained on the part of the Lessee for more than thirty (30) days after written notice of such default of the Lessor, this lease, at the option of the Lessor, may be deemed in default. The Lessor shall have the right to re-enter or repossess the leased property, either by force, summary proceedings, surrender or otherwise, and dispossess and remove the Lessee therefrom, along with its effects, without being liable to any prosecution therefore.

11. The Lessor and its representatives may enter the leased property at any reasonable time for the purpose of inspecting the leased property, performing any work which the Lessor elects to undertake, made necessary by reason of the Lessee's default of the terms of this Lease, exhibiting the leased property for sale, lease or mortgage financing, within sixty (60) days of the termination of the original term or any extension term, or posting notices of no-responsibility under mechanics lien laws.

12. This Lease may be terminated by the mutual agreement of the parties, reduced to writing, or by the breach of the Lessee for any of the terms contained herein, but for no other reason. Any written notice required by the terms of this Lease in order to be effective, shall be forwarded by United States mail, postage prepaid, certified with return receipt requested. Unless otherwise provided, notice to the Lessor shall be given to:

City of Clarksville
Mayor's Office
One Public Square
Clarksville, Tennessee 37040

or to the Lessee to:

Chair, Board of Directors
Roxy Regional Theatre
100 Franklin Street
Clarksville, Tennessee 37040

13. Throughout the terms of this Lease, the Lessor shall secure and pay all premiums for insurance on the leased property relating to fire and extended casualties, and the Lessee shall reimburse the Lessor such insurance policy premium expenses. The amount of the insurance coverage and the limit of liability, as well as all other matters pertaining to the insurance policies, shall be determined at the sole discretion of the Lessor. The Lessee shall be solely responsible for securing insurance protection for the contents of the leased property. A proof of insurance for contents shall be provided to the City annually. The parties further agree that each forfeits any right of action that it may later acquire against the other for loss or damage to its property, or property which it may have an interest, where such loss is caused by fire or any of the extended coverage hazards covered by insurance carried by either party or is covered by insurance required under the terms of this Lease, whichever is broader and arises out of or is connected with the leased property.

14. If the leased property shall be damaged or destroyed as a result of the casualty or hazard against which the Lessor is required to carry insurance, to an extent in excess of fifty percent (50%) of its then insurable value, then either party shall have the right to cancel this Lease by giving the other party five (5) days written notice thereof within sixty (60) days after the date of any such damage or destruction. If such rights shall be exercised by either party, this Lease shall wholly cease and expire on the date specified in

such notice. The Lessee shall not be obligated to re-build, and the insurance proceeds receivable under any policy of insurance shall be retained by the Lessor, and all taxes, rents and other charges shall be prorated and paid to the date specified in such notice of cancellation.

15. The Lessee shall not have the right to sub-let the whole of the leased premises, or to assign this Lease, without the express written permission of the Lessor. The Lessor understands and agrees the Lessee may rent or sub-let the leased premises or any portion thereof for outside performances and events to further support the arts. A calendar of scheduled events will be provided to the Roxy Board monthly of which the City will have access as an ex-officio member, for information purposes only. Under no circumstances shall any sub-letting or assignment by the Lessee affect the obligation of the Lessee to perform all the covenants required to be performed by the Lessee under the terms of this Lease. Should any ad valorem taxes be assessed at any time during this Lease term, said taxes shall be the responsibility of the Lessee.

16. This Lease shall be governed by, construed, and enforced in accordance with the laws of the State of Tennessee.

17. The covenants, terms, conditions, provisions and undertakings of this Lease or any renewal thereof shall extend to and be binding upon the successors and assigns of the respective parties hereto.

18. This Lease contains the entire agreement between the parties, and shall not be modified in any manner except by an instrument in writing executed by the parties. If any term or provision of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease

shall not be affected thereby, and each term and provision of his Lease shall be valid and be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the Lessor and the Lessee have hereunto set their hands and seals, the day and year above written.

LESSOR:

CITY OF CLARKSVILLE, TENNESSEE

BY:_____
JOE PITTS, Mayor

LESSEE:

ROXY REGIONAL THEATRE

By: _____
STACY TURNER

Title: Chair, Board of Directors

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, with whom I am personally acquainted, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Mayor of the City of Clarksville, a Tennessee Corporation, and he is authorized by the maker to execute the instrument on behalf of the maker.

Witness my hand and seal this the ___ day of _____, 20 .

_____

NOTARY PUBLIC

My commission expires: _____

STATE OF TENNESSEE)
)
COUNTY OF MONTGOMERY)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, **STACY TURNER**, with whom I am personally acquainted, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Chairman of the Board of Directors of the Roxy Regional Theatre, and she is authorized by the maker to execute the instrument on behalf of the maker.

Witness my hand and seal this the ___ day of _____, 20 .

_____
NOTARY PUBLIC

My commission expires: _____

RESOLUTION 50-2020-21

A RESOLUTION TO AMEND THE LONG TERM LEASE AND OPERATING AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF CLARKSVILLE AND ROXY PRODUCTIONS, INC. INVOLVING THE ROXY THEATER PROPERTY LOCATED AT 100 FRANKLIN STREET, SAID LEASE BEING PREVIOUSLY APPROVED BY THE CITY COUNCIL BY RESOLUTION 40-2020-21

WHEREAS, the City Council has previously approved a long term lease and operating and management agreement between the City of Clarksville, Tennessee and the Roxy Productions, Inc. and pertaining to the Roxy Regional Theater located at 100 Franklin Street by approval of Resolution 40-2020-21; and

WHEREAS, the City Council finds that the best interests of the City would best be served by seeking an amendment to said Lease Agreement for the insertion of a provision into the existing Lease Agreement pertaining to inclusion and diversity with regard to minority hiring for all staff, actors / actresses, artists and talents of all types, and management positions, for hire by Roxy Productions, Inc.

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

1. That the Mayor is hereby requested to seek, through negotiation with Roxy Productions, Inc., an amendment to the existing Lease Agreement referenced above, for the insertion of a new provision into the existing Lease Agreement pertaining to non-discrimination, and inclusion and diversity, with regard to minority hiring for all staff positions, actors / actresses, musicians, artists and talents of all types, and management positions, for hire by Roxy Productions, Inc; and further, the Mayor is hereby authorized to execute any reasonable amendment to said Lease Agreement pertaining to same, as determined by the Mayor in his / her discretion, as may be agreed to by Roxy Productions, Inc.

PUBLIC HEARING:
FIRST READING:
EFFECTIVE DATE:

RESOLUTION 51-2020-21

A RESOLUTION APPROVING THE REMOVAL OF LANCE BAKER FROM THE POSITION OF CITY ATTORNEY FOR THE CITY OF CLARKSVILLE

WHEREAS, Lance Baker has held the position of City Attorney of the City of Clarksville for a number of years; and

WHEREAS. the Charter of the City of Clarksville charges Lance Baker with the duty to direct the management of all litigation in which the City of Clarksville is a party, advise the City Council of the City of Clarksville, its members, and committees as to all legal questions affecting the City of Clarksville's interest, and to have full charge of all legal proceedings in which the City of Clarksville is a party; and

WHEREAS, Lance Baker has conducted the duties charged to Lance Baker in a manner that the City Council of the City of Clarksville now finds to be not in the best interest of the City of Clarksville and to the detriment of the confidence of the City Council of the City of Clarksville in Lance Baker to discharge such duties with objectivity and impartiality; and

WHEREAS, Lance Baker has conducted the duties charged to Lance Baker as Chief Ethics Officer of the City of Clarksville in a manner that has negatively impacted public confidence in the commitment of the City of Clarksville to transparency, impartiality, and the avoidance of conflicts of interest, as mandated by the Code of Ethics of the City of Clarksville; and

WHEREAS, Lance Baker has conducted the duties charged to Lance Baker to inform, advise, and counsel the City Council of the City of Clarksville in a manner that the City Council of the City of Clarksville has determined to be in need of improvement; and

WHEREAS, the City Council of the City of Clarksville has determined that the position of City Attorney of the City of Clarksville should better reflect the needs, priorities, and concerns of the City of Clarksville and the City Council of the City of Clarksville.

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

That the Clarksville City Council hereby approves the removal of Lance Baker from the position of City Attorney for the City of Clarksville, Tennessee.

ADOPTED:

Served 1-19-21

Circuit Court Montgomery County Clarksville Tennessee	**CIVIL SUMMONS**	Case Number CC20CV2247

JEFFREY ROBINSON V. CITY OF CLARKSVILLE

Serve On:

Name **LANCE BAKER, CITY ATTORNEY**

Serve By: _____Montgomery Co Sheriff's Dept _____Secretary of State _____ Comm of Insurance __X__ Other:

You are hereby summoned to defend a civil action filed against you in Circuit Court, Montgomery County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: Jan 15, 2021 _____ KDunst _____
Clerk / Deputy Clerk

Attorney for Plaintiff: Taylor R. Dahl, Attorney for Plaintiff
498 Grant Avenue, Clarksville, TN 37040 931-245-5060

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar ($10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state case number on list.

CERTIFICATION (IF APPLICABLE)

I, Circuit Court Clerk of Montgomery County, Tennessee, do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____ _____
Clerk / Deputy Clerk

SERVICE RETURN: Please execute this summons and make your return within ninety days of issuance as provided by law.

I certify that I have served this summons and complaint as follows: _____

I certify that I was unable to serve the summons and complaint because: _____

Date: _____ By: _____
Officer, Title/Process Server

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

_____
Plaintiff's Attorney (or Person Authorized to Serve Process)

SWORN TO AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 20____.

_____
Notary Public / Deputy Clerk (Comm. Expires _____)

(Attach return receipt on back)

RECEIVED
JAN 15 2021

ADA – If you have a disability and require assistance, please contact the ADA Coordinator at 931-920-1844

Rev. 12/10

IN THE CIRCUIT COURT FOR THE 19TH JUDICIAL DISTRICT
MONTGOMERY COUNTY, TENNESSEE
AT CLARKSVILLE

JEFFREY ROBINSON, **Plaintiff,**	)	
v.	)	**Docket 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, **Defendants.**	)	**Judge Hicks**

2021 JAN 15 PM 4:27
CIRCUIT COURT CLERK

FIRST AMENDED COMPLAINT

Plaintiff sues Defendants for violations of the Tennessee Open Meetings Act, *Tennessee Code Annotated* § 8–44–102 *et seq.* and Tennessee Open Records Act, *Tennessee Code Annotated* § 10–7–101 *et seq.*, and petitions this Court for a Writ of Mandamus to compel Defendants to perform their ministerial, nondiscretionary functions, for temporary and permanent injunctive relief against Defendants, and for declaratory judgment. In support of these causes of actions, Plaintiff states as follows:

PARTIES AND JURISDICTION

1. Jeff Robinson is a citizen and resident of Clarksville, Montgomery County, Tennessee.

2. The City of Clarksville, Tennessee (herein the "City") is a political subdivision of the State of Tennessee, located in Montgomery County. The City is properly before the Court.

3. Defendant Joseph Pitts ("Defendant Pitts") is a citizen and resident of Clarksville, Montgomery County, Tennessee and Mayor of the City of Clarksville.

4. Defendant Lance Baker ("Defendant Baker") is a citizen and resident of Clarksville, Montgomery County, Tennessee and City Attorney of the City of Clarksville.

5. Venue is proper pursuant to *Tenn. Code Ann.* § 20-4-101 and *Tenn. Code Ann.* § 20-4-103.

6. Jurisdiction is proper pursuant to *Tenn. Code Ann.* § 8-44-106, *Tenn. Code Ann.* § 10-7-505, *Tenn. Code Ann.* § 29-25-101, and *Tenn. Code Ann.* § 29-14-102.

FACTUAL BACKGROUND

7. It is "the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret." *Tenn. Code Ann.* § 8-44-101.

8. "All meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee." *Tenn. Code Ann.* § 8-44-102.

9. The City of Clarksville is a political body of the State of Tennessee.

10. The City Council of the City of Clarksville ("City Council") is the governing body of the City of Clarksville.

11. The Mayor of the City of Clarksville, Defendant Pitts, is a member of the City Council.

12. The members of the City Council comprise committees that oversee and administer the City's functions and business.

13. The Finance and Administration Committee of the City of Clarksville ("Finance Committee") is one such committee.

14. The Finance Committee has the authority to make decisions or recommendations to the City Council and/or the City of Clarksville on policy or administration.

15. Presently, the Finance Committee at times relevant to this Complaint was comprised of the following members of the City Council: Ms. Stacey Streetman, Mr. Jeff Henley, Mr. Jeff

Burkhart, Ms. Valerie Guzman, and Mr. Timothy Chandler.

16. Defendant Baker has full charge of all legal proceedings in which the City is a party and is responsible for advising the City Council, its members, and its Committees of all legal issues, to include the proper process for convening meetings and Non-Public meetings.

17. The Open Meeting Act requires that all meetings of any governing body be open to the public at all times unless the body is named as the party to a lawsuit and is receiving privileged information from Counsel. Even in such cases, any discussion whatsoever regarding what actions to take based upon advice from counsel must be open to the public.

18. Members of a governing body may not use electronic communication to decide or deliberate public business in circumvention of the spirit or requirements of the Open Meetings Act. *Tenn. Code Ann.* § 8-44-102.

19. Herein "Non-Public Meeting" means a meeting where public business is discussed and/or deliberated and for which there is inadequate notice, minutes that are not promptly and/or fully recorded, and/or inadequate opportunity for the public to attend. "Meeting," within the meaning of the Open Meetings Act and as used herein, means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. *Tenn. Code Ann.* § 8-44-102.

COUNT 1 – VIOLATION OF OPEN MEETINGS ACT

20. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

21. Defendant Baker directed, facilitated, suggested, counseled, or caused the Finance Committee to hold a Non-Public meeting on December 23, 2019. *See* December 23, 2019 Finance Committee Minutes, attached hereto as **Exhibit A**.

22. The Finance Committee held a Non-Public meeting on December 23, 2019.

23. There was not adequate notice of the December 23, 2020 Non-Public meeting.

24. The public was not afforded the opportunity to attend this Non-Public Meeting.

25. A quorum of members of the Finance Committee was present at this Non-Public meeting.

26. This Non-Public meeting related to a proposed Ordinance relating to scooters.

27. This Non-Public meeting did not relate to present or pending litigation in which the City was named as a party.

28. The Minutes for this Non-Public meeting are not fully recorded.

29. The Minutes for this Non-Public meeting do not include all proposals or all resolutions offered.

30. Defendant Baker, Jeff Henley, Jeff Burkhart, Stacey Streetman, Valerie Guzman, and Timothy Chandler were present or participated in this Non-Public meeting.

31. Defendant Pitts was present or participated in this Non-Public meeting.

32. At this Non-Public meeting, persons present discussed and/or deliberated public business.

33. This Non-Public meeting violates the Open Meetings Act.

COUNT 2 – VIOLATION OF OPEN MEETINGS ACT

34. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

35. Defendant Baker directed, facilitated, suggested, counseled, or caused the Finance Committee to hold a Non-Public meeting on June 23, 2020. *See* June 23, 2020 Finance Committee Minutes, attached hereto as **Exhibit B**.

36. The Finance Committee held a Non-Public meeting on June 23, 2020.

37. There was not adequate notice of the June 23, 2020 Non-Public meeting.

38. The public was not afforded the opportunity to attend this Non-Public Meeting.

39. A quorum of members of the Finance Committee was present at this Non-Public meeting.

40. This Non-Public meeting related to a proposed Ordinance relating to short-term rentals.

41. This Non-Public meeting did not relate to present or pending litigation in which the City was named as a party.

42. The Minutes for this Non-Public meeting are not fully recorded.

43. The Minutes for this Non-Public meeting do not include all proposals or all resolutions offered.

44. Defendant Baker, Jeff Henley, Jeff Burkhart, Stacey Streetman, Valerie Guzman, and Timothy Chandler were present or participated in this closed meeting.

45. Defendant Pitts was present or participated in this Non-Public meeting.

46. At this Non-Public meeting, persons present discussed and/or deliberated public business.

47. This Non-Public meeting violates the Open Meetings Act.

COUNT 3 – VIOLATION OF OPEN MEETINGS ACT

48. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

49. Defendant Baker directed, facilitated, suggested, counseled, or caused the Finance Committee to hold a Non-Public meeting on April 4, 2019. *See* April 4, 2019 Finance Committee

Minutes, attached hereto as **Exhibit C**.

50. The Finance Committee held a Non-Public meeting on April 4, 2019.

51. The public was not afforded the opportunity to attend this Non-Public Meeting.

52. A quorum of members of the Finance Committee was present at this Non-Public meeting.

53. This Non-Public meeting related to the settlement of a civil action in which the City of Clarksville is named as a party.

54. Defendant Baker, Jeff Henley, Jeff Burkhart, Stacey Streetman, Valerie Guzman, and Timothy Chandler were present or participated in this Non-Public meeting.

55. Defendant Pitts was present or participated in this Non-Public meeting.

56. At this Non-Public meeting, the Finance Committee discussed and/or deliberated a decision regarding a settlement offer in the civil action in which the City of Clarksville is named as a party. At this Non-Public meeting, the Finance Committee discussed and/or deliberated public business.

57. At this Non-Public meeting, the Finance Committee discussed what action to take based upon advice of counsel.

58. "Discussions were held" at this Non-Public meeting. **Exhibit C** at 1. After this Non-Public meeting, the Finance Committee "voted to make a counter offer as discussed during the non-public meeting." *Id.* at 2. Discussion or deliberation took place in the Non-Public meeting.

59. The Finance Committee did not reconsider or substantially reconsider or discuss the issues discussed in the Non-Public meeting prior to the vote on the settlement offer.

60. The Minutes for this Non-Public meeting do not include all proposals or all resolutions offered.

61. The Minutes for this Non-Public meeting are not fully recorded.

62. This Non-Public meeting and this vote violate the Open Meetings Act.

COUNT 4 – VIOLATION OF OPEN MEETINGS ACT

63. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

64. Defendant Pitts is a member of the City Council.

65. Defendant Pitts comprises part of the governing body of the City of Clarksville.

66. Defendant Pitts participates in and/or attends meetings with members of the City Council.

67. Defendant Pitts participates in and/or attends meetings with members of the City Council that are not open to the public, in violation of *Tenn. Code Ann.* § 8-44-102.

68. Defendant Pitts participates in and/or attends meetings with members of the City Council for which Minutes are not promptly or fully recorded.

69. Defendant Pitts participates in and/or attends meetings with members of the City Council for which there is not adequate notice thereof.

70. Defendant Pitts participates in and/or attends meetings with members of the City Council that Citizens are not afforded the opportunity to attend.

71. Defendant Pitts participates in and/or attends meetings that are Non-Public meetings.

72. Defendant Pitts participates in and/or attends meetings for which Minutes are not promptly or fully recorded, for which there is no notice thereof, and/or to which the public is not afforded the opportunity to attend, that do not relate to present or pending litigation in which the City is named as a party.

73. Defendant Pitts participates in and/or attends meetings with members of the City

Council in the Mayor's office.

74. Defendant Pitts participates in and/or attends meetings with members of the City Council in the Mayor's office that are not adequately noticed to the public.

75. Defendant Pitts participates in and/or attends meetings with members of the City Council in the Mayor's office for which Minutes are not promptly and/or fully recorded.

76. Defendant Pitts participates in and/or attends meetings with members of the City Council in the Mayor's office that are not open to the public, in violation of *Tenn. Code Ann.* § 8-44-102.

77. Defendant Pitts participates in and/or attends meetings where public business is discussed or deliberated with members of the City Council in the Mayor's office for which public Minutes are not promptly or fully recorded.

78. Defendant Pitts participates in and/or attends meetings where public business is discussed or deliberated with members of the City Council in the Mayor's office, and these meetings are not adequately noticed.

79. Defendant Pitts participates in and/or attends meetings where public business is discussed or deliberated with members of the City Council in the Mayor's office, and the public is not afforded the opportunity to attend these meetings.

80. Defendant Pitts discusses public business and/or deliberates toward decisions with members of the City Council at meetings that are not adequately noticed, to which the public is not afforded the opportunity to attend, and/or for which Minutes are not promptly and/or fully.

81. Defendant Pitts discusses public business or deliberates toward decisions with members of the City Council at meetings in the Mayor's office that are not adequately noticed, to which the public is not afforded the opportunity to attend, and/or for which Minutes are not

promptly and/or fully recorded.

82. Defendant Pitts discusses public business and/or deliberates toward decisions with members of the City Council at meetings in locations other than the Mayor's office or through electronic means that are not adequately noticed, to which the public is not afforded the opportunity to attend, and/or for which Minutes are not promptly and/or fully recorded.

COUNT 5 – VIOLATION OF OPEN MEETINGS ACT

83. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

84. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilman Jeff Burkhart on January 23, 2019. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. *See* Mayor Pitts' Calendar, attached hereto as **Exhibit D** at 1.

COUNT 6 – VIOLATION OF OPEN MEETINGS ACT

85. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

86. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilwoman Valerie Guzman on March 15, 2019. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 8.

COUNT 7 – VIOLATION OF OPEN MEETINGS ACT

87. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

88. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilman Gary Norris on May 22, 2019. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 18.

COUNT 8 – VIOLATION OF OPEN MEETINGS ACT

89. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

90. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilman Gary Norris on June 17, 2019. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 22.

COUNT 9 – VIOLATION OF OPEN MEETINGS ACT

91. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

92. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilman Gary Norris on September 12, 2019. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 34.

COUNT 10 – VIOLATION OF OPEN MEETINGS ACT

93. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

94. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with an unnamed member of the City Council on December 9, 2019. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 47.

COUNT 11 – VIOLATION OF OPEN MEETINGS ACT

95. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

96. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with an unnamed member of the City Council on January 3, 2020. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 50.

COUNT 12 – VIOLATION OF OPEN MEETINGS ACT

97. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

98. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilman Timothy Chandler on January 6, 2020. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public

business was discussed and/or deliberated at this meeting. **Exhibit D** at 51.

COUNT 13 – VIOLATION OF OPEN MEETINGS ACT

99. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

100. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilman Gary Norris on January 10, 2020. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 51.

COUNT 14 – VIOLATION OF OPEN MEETINGS ACT

101. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

102. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilman Gary Norris on January 24, 2020. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 53.

COUNT 15 – VIOLATION OF OPEN MEETINGS ACT

103. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

104. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilman Gary Norris on February 7, 2020. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting.

No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 55.

COUNT 16 – VIOLATION OF OPEN MEETINGS ACT

105. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

106. Defendant Pitts held, caused to be held, and/or participated in a Non-Public meeting with Councilwoman Valerie Guzman on March 13, 2020. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. **Exhibit D** at 60.

COUNT 17 – VIOLATION OF OPEN MEETINGS ACT

107. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

108. Following the filing of the Ethics Complaints by Plaintiff relating to the violations of the Open Meetings Act, the City Council held a special session on September 1, 2020 to receive training on compliance with the Open Meetings Act from the Municipal Technical Advisory Service ("MTAS").

109. A specialist on the Open Meetings Act from MTAS delivered a presentation to the City Council on September 1, 2020, at which Defendant Pitts was present.

110. At this presentation, the specialist from MTAS stated that it would be a violation of the Open Meetings Act for two or more members of the City Council to discuss or deliberate public business at a Non-public meeting.

111. Nonetheless, Defendant Pitts held, caused to be held, and/or participated in a Non-

Public meeting with a member of the City Council on September 18, 2020, barely two weeks after the specialist from MTAS specifically informed Defendant Pitts that such a meeting would violate the Open Meetings Act. This meeting violates the Open Meetings Act. No adequate public notice exists for this meeting. No fully recorded Minutes exist for this meeting. No members of the public were afforded the opportunity to attend this meeting. Public business was discussed and/or deliberated at this meeting. *See* Defendant Pitts' September 2020 Calendar, attached hereto as **Exhibit E** at 4.

COUNT 18 – VIOLATION OF OPEN MEETINGS ACT

112. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

113. Defendant Pitts violated the Open Meetings Act on occasions not specifically listed herein, by discussing and/or deliberating public business in Non-Public meetings with members of the City Council in person and/or through electronic means.

COUNT 19 – VIOLATION OF OPEN RECORDS ACT

114. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

115. Plaintiff requested public records including "Emails or other communications related to Ordinance 24-2020-21 by and between the Mayor, Council Members, City legal office for the past 90 days" on November 2, 2020. *See* **Exhibit F**.

116. Ordinance 24-2020-21 relates to amending the Ethics Code of the City of Clarksville. This Ordinance enables the City Council to pay for and/or reimburse City employees for the cost of legal fees incurred in proceedings before the Ethics Commission of the City of Clarksville when an Ethics Complaint is filed against an employee of the City.

117. The City did not promptly make the record available for inspection within seven (7) business days as required by Tenn. Code Ann. § 10-7-503.

118. The City did not within seven (7) business days make the information available to the requestor, deny the request in writing, or furnish the requestor a completed records request response form stating the time reasonably necessary to produce the record or information as required by Tenn. Code Ann. § 10-7-503.

119. The City did not produce any purportedly responsive records until more than thirty (30) days after Plaintiff's request.

120. The records produced by the City are heavily redacted. The records produced are attached hereto as **Exhibit G**.

121. The City claims that the redactions are proper pursuant to the Work Product Doctrine and/or Attorney-Client Privilege.

122. The Attorney-Client Privilege does not apply to the records requested by Plaintiff.

123. The Work-Product doctrine does not apply to the records requested by Plaintiff.

124. The records were not produced in anticipation of litigation or for litigation.

125. The City's ordinary course of business includes proposing, considering, discussing, and/or drafting Ordinances.

126. The records requested by Plaintiff were created in the ordinary course of business.

127. Defendant Baker directed, instructed, and/or caused the records requested by Plaintiff to be redacted.

128. Defendant Pitts directed, instructed, and/or caused the records requested by Plaintiff to be redacted.

129. One or more of the Defendants directed, instructed, and/or caused the records

requested by Plaintiff to be redacted.

130. Defendant Baker and/or Defendant Pitts knew that such records were public and willfully refused to disclose the records requested by Plaintiff. The City knew that such records were public and willfully refused to disclose the records requested by Plaintiff. One or more of the Defendants knew that such records were public and willfully refused to disclose the records requested by Plaintiff.

COUNT 20 – VIOLATION OF OPEN RECORDS ACT

131. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

132. On November 2, 2020, Plaintiff requested public records including "Emails or other communications related to the City acquisition and development of the property at 1004 Franklin Street. Mayor, Chief of Staff, Purchasing, Office of Community and Housing Development and City legal department." *See* **Exhibit F**.

133. The City did not promptly make the record available for inspection within seven (7) business days as required by Tenn. Code Ann. § 10-7-503.

134. The City did not within seven (7) business days make the information available to the requestor, deny the request in writing, or furnish the requestor a completed records request response form stating the time reasonably necessary to produce the record or information as required by Tenn. Code Ann. § 10-7-503.

135. The City did not produce any purportedly responsive records until more than thirty (30) days after Plaintiff's request.

136. The records produced by the City are heavily redacted. The records produced are attached hereto as **Exhibit H**.

137. The City failed to provide a basis for the denial of access to the full and complete records, as the City failed to provide a basis for its redactions, in violation of Tenn. Code Ann. § 10-7-503.

138. To the extent that the City redacted the records pursuant to the Attorney-Client Privilege and/or the Work Product Doctrine, neither the Attorney-Client Privilege nor the Work Product Doctrine entitles the City to redact these records because neither the Attorney-Client Privilege nor the Work Product Doctrine is applicable to these records.

139. The records requested by Plaintiff were created in the ordinary course of business.

140. Defendant Baker directed, instructed, and/or caused the records requested by Plaintiff to be redacted.

141. Defendant Pitts directed, instructed, and/or caused the records requested by Plaintiff to be redacted.

142. One or more of the Defendants directed, instructed, and/or caused the records requested by Plaintiff to be redacted.

143. Defendant Baker and/or Defendant Pitts knew that such records were public and willfully refused to disclose the records requested by Plaintiff. The City knew that such records were public and willfully refused to disclose the records requested by Plaintiff. One or more of the Defendants knew that such records were public and willfully refused to disclose the records requested by Plaintiff.

COUNT 21 – VIOLATION OF OPEN RECORDS ACT

144. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

145. On November 2, 2020, Plaintiff requested public records from the City relating to

"All meeting minutes, notes, recordings and video from all non-public meetings of the City Council, or any Committee of the City Council, that occurred in the past 1 year. I am not requesting the attorney advice portions of those records. I am specifically requesting any deliberation or discussion by Council Members and or the Mayor that occurred during those non-public meetings." *See* **Exhibit F**.

146. The City did not promptly make the record available for inspection within seven (7) business days as required by Tenn. Code Ann. § 10-7-503.

147. The City did not within seven (7) business days make the information available to the requestor, deny the request in writing, or furnish the requestor a completed records request response form stating the time reasonably necessary to produce the record or information as required by Tenn. Code Ann. § 10-7-503.

148. After several weeks and follow-up requests by Plaintiff for these records, the City stated that the records would be produced by Friday, December 11, 2020.

149. The City has not produced these records, in violation of Tenn. Code Ann. § 10-7-101 *et seq*. The City has provided no basis for this denial.

150. Defendant Baker and/or Defendant Pitts knew that such records were public and willfully refused to disclose the records requested by Plaintiff. The City knew that such records were public and willfully refused to disclose the records requested by Plaintiff. One or more of the Defendants knew that such records were public and willfully refused to disclose the records requested by Plaintiff.

COUNT 22 – WRIT OF MANDAMUS

151. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

152. The City Charter and City Code for the City of Clarksville establish a Code of Ethics ("Code of Ethics") and Ethics Commission ("Ethics Commission") for the City of Clarksville.

153. The Code of Ethics states that "Employees, in the context of this chapter, includes all full time and part time elected or appointed officials and employees, whether compensated or not, including those of any separate board, council, commission, committee, authority, corporation, or other instrumentality appointed or created by the city."

154. The Code of Ethics further states that "The maintenance of high standards of honesty, integrity, impartiality, and conduct by employees and agents of the city is essential to ensure the proper performance of government business and the maintenance of confidence by citizens in their government. Moreover, the avoidance of misconduct and conflicts of interest on the part of employees of the city is indispensable to the maintenance of these standards. Therefore, this chapter shall be construed at all times in accordance with these goals."

155. Plaintiff filed Ethics Complaints against Defendant Baker and Defendant Pitts, in accordance with the procedures outlined in the Code of Ethics.

156. One of these Ethics Complaints relates to Defendant Baker's conduct in directing, facilitating, suggesting, counseling, and/or causing the Finance Committee to hold the Non-Public Meetings referenced in Count 1 and Count 2 of this Complaint.

157. Plaintiff attempted to resolve this Ethics Complaint through the process proscribed by the Code of Ethics prior to initiating this action.

158. In response to this Ethics Complaint, Defendant Baker caused to be placed on the Agenda for the Finance Committee a resolution ("the Resolution") for the City to pay for an attorney to represent Defendant Baker in relation to the Ethics Complaint filed against Defendant Baker.

159. The Finance Committee voted unanimously to approve the Resolution.

160. Defendant Baker's actions with respect to the Resolution violate the Code of Ethics.

161. The Code of Ethics expressly states that those involved in an Ethics Complaint may have an attorney "at their own expense."

162. The City Council attempted to change the Code of Ethics to ameliorate this violation of the Code of Ethics. Defendant Baker directed, facilitated, suggested, counseled, and/or caused the City Council to attempt to change the Code of Ethics to ameliorate this violation of the Code of Ethics. Defendant Pitts directed, facilitated, suggested, counseled, and/or caused the City Council to attempt to change the Code of Ethics to ameliorate this violation of the Code of Ethics.

163. The Ethics Commission has a duty to receive Ethics Complaints within its jurisdiction and to hold hearings and conduct investigations in connection therewith as may be required pursuant to the provisions of the Code of Ethics.

164. After the Ethics Commission receives an Ethics Complaint, the Ethics Commission shall call a meeting of the Ethics Commission. At the commission meeting, the Ethics Commission shall evaluate the allegations of the Ethics Complaint, and make a determination as to whether the allegations would constitute an ethics violation, if the facts alleged in the ethics complaint were true.

165. After receiving Plaintiff's Ethics Complaints, the Ethics Commission held a meeting on September 16, 2020.

166. The Ethics Commission did not evaluate the allegations of the Ethics Complaints at this meeting, in violation of the Code of Ethics. The Ethics Commission violated the Code of Ethics at the direction of Mr. Saul Solomon, Esq., who was retained by Defendant Baker and/or Defendant Pitts to oversee the Ethics Complaints filed by Plaintiff.

167. The hiring of Mr. Solomon violates the Code of Ethics and/or the City Code.

168. At a meeting of the City Council, Councilman Norris stated that Defendant Pitts appointed Mr. Solomon. The City Code vests Defendant Baker with the sole discretion of whether to retain outside counsel. Defendant Baker has the discretion of whether to retain outside counsel and which outside counsel to retain. Defendant Pitts lacks the authority to unilaterally retain outside counsel for the City.

169. Defendant Pitts exceeded his authority in violation of the City Code by appointing Mr. Solomon. Defendant Pitts violated the Code of Ethics by appointing Mr. Solomon.

170. If Mr. Solomon was retained at Defendant Baker's direction, Defendant Baker violated the Code of Ethics because Defendant Baker is named in the Ethics Complaints that Mr. Solomon was appointed to oversee.

171. Shortly after this meeting, multiple members of the Ethics Commission resigned from the Commission and refused to continue service thereupon.

172. The Code of Ethics states that "a new member shall be appointed by the mayor" when a member of the Ethics Commission refuses to continue service on the Ethics Commission.

173. Defendant Pitts has failed to appoint new members to the Ethics Commission.

174. The Ethics Commission cannot function without new members to replace those that have resigned. The Ethics Commission has not performed its duties since these members resigned.

175. The Ethics Commission has been unable to perform its duties because of Defendant Pitts' failure to perform his duties.

176. Defendant Pitts has a ministerial, nondiscretionary duty to appoint members to the Ethics Commission.

177. Because Defendant Pitts has a ministerial, official duty to appoint members to the

Ethics Commission and because Defendant Pitts has failed to do so, a Writ of Mandamus is the proper remedy to require Defendant Pitts to perform his ministerial duties and appoint new members to the Ethics Commission.

178. Based upon the allegations contained herein, Plaintiff is entitled to a Writ of Mandamus, as provided in Tenn. Code Ann. § 29-25-101, requiring Defendant Pitts to perform his official non-discretionary function of appointing members to the Ethics Commission.

COUNT 23 – WRIT OF MANDAMUS

179. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

180. Should Defendant Pitts be unable to perform his duties due to the conflict of interest presented by appointing members to a Commission that may oversee Ethics Complaints filed against Defendant Pitts, the Mayor pro Tem shall act as Mayor.

181. Defendant Pitts has failed to perform his duties and to delegate these duties to the Mayor pro Tem.

182. The Mayor pro Tem shall act as Mayor when the Mayor has an inability to act.

183. If Defendant Pitts has an inability to act, the Mayor pro Tem has a duty to appoint new members to the Ethics Commission. Defendant Pitts has an inability to act with respect to appointing new members to the Ethics Commission because Defendant Pitts has a conflict of interest and if Defendant Pitts were to appoint new members, such action would violate the Code of Ethics.

184. The Mayor pro Tem has a ministerial, nondiscretionary duty to appoint members to the Ethics Commission.

185. Because the Mayor pro Tem has a ministerial, official duty to appoint members to

the Ethics Commission, a Writ of Mandamus is the proper remedy to require the Mayor pro Tem to perform his ministerial duties and appoint new members to the Ethics Commission.

186. Based upon the allegations contained herein, Plaintiff is entitled to a Writ of Mandamus, as provided in Tenn. Code Ann. § 29-25-101, requiring the Mayor pro Tem to perform his official non-discretionary function of appointing members to the Ethics Commission.

COUNT 24 – DECLARATORY JUDGMENT

187. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

188. Based on the allegations contained herein, Plaintiff is entitled to a declaratory judgment, pursuant to Tenn. Code Ann. § 29-14-102, declaring the following: (1) the Finance Committee violates the Open Meetings Act when the Finance Committee holds Non-Public meetings for any purpose other than receiving privileged information from counsel related to litigation in which the City is a party; (2) Defendant Baker violates the Open Meetings Act by participating in, facilitating, directing, or causing the Finance Committee to hold meetings in violation of the Open Meetings Act; (3) Defendant Pitts violates the Open Meetings Act by participating in, facilitating, directing, or causing Non-Public meetings to be held; (4) Communications regarding proposed Ordinances occur in the ordinary course of business for the City and are not protected from disclosure pursuant to the Open Records Act by the Work-Product Doctrine; (5) the Defendants violate the Open Records Act when the City fails to either produce the records responsive to a request pursuant to the Public Records Act within seven (7) days, deny the request and provide basis for such denial, or furnish Plaintiff with the time reasonably necessary to produce the records; (6) Defendant Pitts has a duty to appoint new members to the Ethics Commission; (7) Defendant Pitts has an inability to appoint new members to the Ethics

Commission; (8) The Mayor pro Tem has a duty to appoint new members to the Ethics Commission.

COUNT 25 – TEMPORARY AND PERMANENT INJUNCTION

189. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

190. A permanent injunction is sought against Defendants, enjoining Defendants and any of the City's departments, agencies, committees, or other bodies from holding meetings in violation of the Open Meetings Act.

191. A temporary injunction is sought against Defendants, enjoining Defendants and any of the City's departments, agencies, committees, or other bodies from holding meetings in violation of the Open Meetings Act, during the pendency of this action.

COUNT 26 – TEMPORARY AND PERMANENT INJUNCTION

192. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

193. A permanent injunction is sought against Defendants, enjoining Defendants from refusing to disclose public records pursuant to the Open Records Act when the Attorney-Client Privilege, Work Product Doctrine, or other specific exceptions in the Open Records Act do not apply to the records requested.

194. A temporary injunction is sought against Defendants, enjoining Defendants from refusing to disclose public records pursuant to the Open Records Act when the Attorney-Client Privilege, Work Product Doctrine, or other specific exceptions in the Open Records Act do not apply to the records requested, during the pendency of this action.

COUNT 27 – TEMPORARY AND PERMANENT INJUNCTION

195. Plaintiff realleges and incorporates the allegations contained in the preceding paragraphs of this Complaint.

196. A permanent injunction is sought against Defendants, enjoining Defendants from refusing to take any and all necessary actions to appoint new members to the Ethics Commission when members of the Ethics Commission resign.

197. A temporary injunction is sought against Defendants, enjoining Defendants from refusing to take any and all necessary actions to appoint new members to the Ethics Commission when members of the Ethics Commission resign, during the pendency of this action.

PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons, Plaintiff respectfully prays for relief as follows:

1. That this Amended Complaint be filed, a copy being provided to Counsel of record for the City, and be served upon the additional Defendants, requiring an answer within that time allowed by law;

2. For Writs of Mandamus as specified in Count 22 and Count 23;

3. That the Court declare the judgments specified in Count 24;

4. That Defendants be temporarily and permanently enjoined as specified in Count 25, Count 26, and Count 27;

5. That the Court issue an Order requiring the Defendants to produce the records requested by Plaintiff without redactions;

6. That the Court issue an Order requiring the Defendants to immediately appear and show cause, if they have any, for why the petition for relief pursuant to the Open Records Act should not be granted, as required by Tenn. Code Ann. § 10-7-505;

7. That the Court direct that the records sought pursuant to the Open Records Act be

submitted under seal for review by the Court to determine the applicability of the grounds for nondisclosure cited by Defendants;

8. That the Court impose penalties in the amount of $50,000.00 against the City of Clarksville for each and every separate violation of the Open Meetings Act;

9. That any party named herein and/or any party in violation of the Open Meetings Act report semiannually to the Court regarding their compliance with the Open Meetings Act;

10. That any and all records of any meeting that violated the Open Meetings Act be made public immediately;

11. That the costs of this action, including discretionary costs and Plaintiffs' attorney's fees in the amount of $350.00 per hour, as well as all other allowable fees by statute, be taxed against the Defendants with a Judgment being entered for the same; and

12. That Plaintiff have such further and general relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this the 15th day of January, 2021.

TAYLOR R. DAHL, BPR #034200
498 Grant Avenue
Clarksville, Tennessee 37040
(931) 245-5060
(931) 245-5062
Attorney for the Plaintiff

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

I, Jeff Robinson, first being duly sworn, make oath that I have read the foregoing, know the contents thereof, and that the same is true and correct to the best of my knowledge, information, and belief; that this Complaint is not made out of levity or by collusion with the Respondent, but in truth and sincerity for the caused mentioned therein.

JEFF ROBINSON

SWORN TO AND SUBSCRIBED before me, this the 15th day of January, 2021.

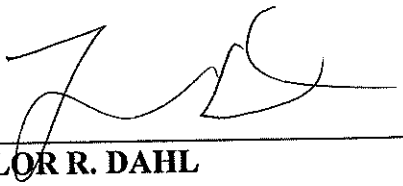
NOTARY PUBLIC

My Commission Expires: 2-12-2024

KIM WINSLOW
STATE OF TENNESSEE NOTARY PUBLIC
MONTGOMERY COUNTY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been provided either by hand delivery or mailed United States postage prepaid to Lance Baker, Attorney for the City of Clarksville, 1 Public Square, Clarksville, Tennessee 37040 on this the 15th day of January, 2021.



TAYLOR R. DAHL

EXHIBIT A

FINANCE COMMITTEE
DECEMBER 23, 2019

MINUTES

NON-PUBLIC MEETING

City Attorney Lance Baker held a non-public meeting with all members of the City of Clarksville Finance Committee on Monday, December 23, 2019, at 3:02 p.m. in the City Hall Conference Room, 1 Public Square, Clarksville, Tennessee, to discuss the Robinson v. City case and the proposed scooter ordinance.

PUBLIC MEETING CALL TO ORDER

The public meeting of the Finance Committee was called to order by Chairman Jeff Burkhart at 3:13 p.m. No action was taken on the Robinson v. City case or the proposed scooter ordinance.

ATTENDANCE

PRESENT: Jeff Burkhart, Tim Chandler, Valerie Guzman, Jeff Henley, Stacey Streetman

ADOPTION OF MINUTES

Councillady Guzman made a motion to adopt the November 21st minutes as presented. The motion was seconded by Councillady Streetman. A voice vote was taken; the motion passed without objection.

PURCHASING DEPARTMENT REPORT

Director of Purchasing Camille Thomas presented the monthly bid summary and said there were no professional service contract awards to report. She reported sale of surplus property in the amount of $21,213.53 on *GovDeals.com* during November.

GENERAL FUND REPORT

Chief Financial Officer Laurie Matta said revenues were more than expected for November, up $1.9 million from the previous year. Property tax collection totaled $3

million, 4.2% more than the previous year, with 29% of budgeted revenues already collected. Expenditures were 11.6% higher than FY19, but still under budget by 8.2%. Sales tax collection had increased 7% over last year. Mayor Pitts said the State Finance Department was reviewing local city and county sales tax revenue to verify the City is receiving its fair share. The Local Option Sales Tax report showed $5.9 million was collected in the City with $1.5 million for the General Fund, $72,000 for roads, and $4.8 million for schools. Ms. Matta said $2.5 million of the $30 million total capital project investment had been spent in FY20. The audited beginning FY20 Fund Balance was $15.6 million (15%). She said the City had been awarded the Byrne Justice Assistance Grant, a grant for trees at Billy Dunlop Park, and a grant for an alcohol impairment program.

CDE REPORT

Monthly reports were scheduled to be distributed December 31st.

CITY ATTORNEY

City Attorney Lance Baker reported payment of the following legal expenditures:

- Bradley Arant, Employment Matters - $175.00
- Bradley Arant, Kimberly Black v. City - $1,211.50
- Bradley Arant, Jeff Robinson v. City - $10,983.92

GAS & WATER

Gas & Water General Manager Mark Riggins said the department had a followup pay study after the city-wide study in 2011 which was implemented June 2019. The report showed the construction division pay was 15% to 28% below market. He said retainage is a challenge in this field. Mr. Riggins said funds were available to move the bottom class of labors up one step which would put them in line with the existing pay scale at a cost of approximately $600,000 per year. No action was required.

COMMITTEE ACTION

There were no items requiring committee action.

MID-YEAR BUDGET AMENDMENTS

ORDINANCE 52-2019-20 (First Reading) Amending the 2019-20 Operating and Capital Budget for Governmental Funds for various uses

Ms. Matta said this ordinance contained various department budget amendments as opposed to individual amendments throughout the year. There was some discussion regarding a new field iPad system for Building & Codes as well as software for submitting construction plans. Ms. Matta said approval of these amendments would result in a 21.8% Fund Balance. Councilman Burkhart made a motion to forward this ordinance to the City Council with a recommendation of approval. The motion was seconded by Councillady Guzman. A voice vote was taken; the motion passed without objection.

GAS RATES/INTERDISTRICT FEES

ORDINANCE 50-2019-20 (First Reading) Amending the Official Code relative to gas rates and interdistrict fees

Mr. Riggins said this ordinance would create a fee for other district services. Councillady Streetman made a motion to forward this ordinance to the City Council with a recommendation of approval. The motion was seconded by Councilman Henley. A voice vote was taken; the motion passed without objection.

EMPLOYEE 401K/DEFERRED COMPENSATION

RESOLUTION 38-2019-20 Approving the Participating Employer Agreement with the State of Tennessee for Employee Deferred Compensation Plan II

Human Resources Director Will Wyatt explained the new plan which adds 401K as an option for new employees. Councillady Streetman made a motion to forward this ordinance to the City Council with a recommendation of approval. The motion was seconded by Councilman Henley. A voice vote was taken; the motion passed without objection.

ROSSVIEW ROAD IMPROVEMENTS

RESOLUTION 34-2019-20 Asking the Tennessee Department of Transportation for improvements to SR237/Rossview Road from east of International Boulevard to Hayes Lane

Mayor Pitts said a new school was being planned for this area and TDOT requires approval by the local government. Councilman Chandler made a motion to forward this resolution to the City Council with a recommendation of approval. The motion was seconded by Councilman Henley. A voice vote was taken; the motion passed without objection.

SCOOTERS

ORDINANCE 49-2019-20 (First Reading) Amending the Official Code pertaining to a prohibition on electric motorized bicycles, scooters, and skateboard

This ordinance was presented to the Public Safety Committee, but no action was taken. Councilman Chandler made a motion to forward this ordinance to the City Council with a recommendation of approval. The motion was seconded by Councillady Guzman. Councillady Guzman made a motion to postpone action indefinitely to allow the legal staff time to review the language. The motion was seconded by Councilman Henley. A voice vote was taken; the motion to postpone indefinitely passed without objection.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

The meeting was adjourned at 4:15 p.m.

EXHIBIT B

FINANCE COMMITTEE
JUNE 23, 2020

MINUTES

NON-PUBLIC MEETING

City Attorney Lance Baker met in a non-public meeting with the City of Clarksville Finance Committee on Tuesday, June 23, 2020, at 3:00 p.m. in the hallway outside City Council Chambers, 106 Public Square, Clarksville, Tennessee, regarding the proposed ordinance relative to short term rentals. Members present included Councilman Jeff Burkhart, Councilwoman Valerie Guzman, Councilman Jeff Henley, and Councillady Stacey Streetman.

CALL TO ORDER

The public meeting of the Finance Committee was called to order by Chairman Jeff Burkhart at 3:06 in City Council Chambers.

In an effort to facilitate the continued response to the Coronavirus Disease (COVID-19), this meeting was conducted in person and via Google Meets.

ATTENDANCE

IN PERSON: Jeff Burkhart, Valerie Guzman, Jeff Henley, Stacey Streetman

VIA GOOGLE MEETS: Tim Chandler

APPROVAL OF ELECTRONIC MEETING

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

Councillady Guzman made a motion to authorize the electronic meeting. The motion was seconded by Councillady Streetman. The following vote was recorded:

AYE: Burkhart, Chandler, Guzman, Henley, Streetman

The motion to authorize the electronic meeting unanimously passed.

ADOPTION OF MINUTES

Councilman Henley made a motion to adopt the minutes of May 26 as presented. The motion was seconded by Councilman Chandler. The following vote was recorded:

AYE: Burkhart, Chandler, Guzman, Henley, Streetman

The motion to adopt the May 26 minutes unanimously passed.

PURCHASING DEPARTMENT

Director of Purchasing Camille Thomas reviewed the monthly bid summary and reported award of the following professional service contracts:

- CDE - Renovation Design of the Office on Madison Street from Lyle-Cook-Martin Architects in the amount of $710,751.00.

  Ms. Thomas confirmed later during the meeting that the reported contract amount was for the total project and that architectural fees were $53,000.

- CDE - Survey & Design for a New Parking Area at the Wilma Rudolph Blvd. Office from TTL Company (formerly DBS & Associates) in the amount of $4,000.00.

- Street Dept. - Security Upgrade Design for the Lobby from Powell Architecture in an amount not to exceed $4,000.00.

- Street Dept. - Design for the Replacement of the Dunbar Cave Road Bridge from Winford A. Petrone Co., PLLC in the amount of 15% of the construction cost.

- Gas & Water - New North Service Center Renovation Design from Lyle-Cook-Martin in the amount of $40,000.00.

- Project Management - Asbestos Monitoring of the Frosty Morn Building from Gobbell Hays Partners, Inc. in the amount of $21,070.00.

Ms. Thomas reported sales of surplus property on *GovDeals.com* in the amount of $33,326.00 during May 2020.

GENERAL FUND REPORT

Chief Financial Officer Laurie Matta said year-to-date revenues were exceeding expenditures by $3 million with $33 million collected for property taxes. She noted the $2.8 million transfer to the Central Business Improvement District. Department spending was $4.4 million, or 5.3%, more than the previous year, but was $2.1 million, or 6.1%

under budget. Local Option Sales Taxes provided $4.9 million for schools, $76,600 for the Road Improvement Fund, and $1,561,000 for the General Fund. Capital project spending totaled $5.5 million of $33.1 million invested. Ms. Matta said the current Fund Balance was $30.3 million or 30% of expenditures. Grants awarded included funding for emergency supplies relative to the COVID-19 Pandemic and nine new police officers.

Ms. Matta briefly reviewed Reports on Debt Obligation for $4,430,000 and $42,619,000

DEPARTMENT OF ELECTRICITY

Christy Batts reported Broadband Cash was above $6 million with year-to-date retained earnings of $4 million and noted payment of a one-time fee of $176,000 for a new internet supplier. She said the division gained 218 net customers for video, internet, and phone during the month of May. Mrs. Batts said the interdivisional loan to the Electric Division was on schedule to be paid off in 2021 which would be 17 years earlier than planned.

CITY ATTORNEY

City Attorney Lance Baker reported payment of the following legal expenditure:

- Bradley Arant Boult Cummings: Kimberly Black v. City $983.82

CROSSING GUARD PAY PLAN

Deputy Chief David Crockarell said the proposed plan would pay crossing guards for a full three hours at the full rate. Guards were currently working an additional second or third zone at half rate. He said the plan would also help recruit and retain employees. Councilman Henley made a motion to approve the new plan. The motion was seconded by Councillady Streetman. A voice vote was taken; the motion passed without objection.

COMMUNITY DEVELOPMENT

RESOLUTION 4-2020-21 Authorizing the Grant Application and Adopting the 2020-2024 Consolidated Plan and the 2020-2021 Annual Action Plan and the 2020-2021 Budget for Community Development Block Grant and HOME Programs

Interim Director Tammy Kilgore said this resolution would authorize the department's five-year consolidated plan including CDBG and HOME funds. She noted the community would be involved in the needs assessment, marketing analysis, and strategic plan. Councillady Streetman made a motion to forward this resolution to the City Council with a recommendation of approval. The motion was seconded by Councillady Guzman. The following vote was recorded:

AYE: Chandler, Guzman, Henley, Streetman

The motion to forward this resolution to the City Council with a recommendation of approval passed.

HUMAN RESOURCES

RESOLUTION 5-2020-21 Adopting Personnel Policy #20-1 pertaining to Confined Spaces in the Workplace

Safety Manager Wes Golden said this policy was mandated by the Occupational Safety and Health Administration and would make the policy consistent for all departments. Councillady Guzman made a motion to forward this resolution to

the City Council with a recommendation of approval. The motion was seconded by Councillady Streetman. The following vote was recorded:

AYE: Chandler, Guzman, Henley, Streetman

The motion to forward this resolution to the City Council with a recommendation of approval passed.

RESOLUTION 6-2020-21 Adopting Personnel Policy #20-2 pertaining to Control of Hazardous Energy Sources in the Workplace

Mr. Golden said this policy was also required by OSHA and required specific procedures for training and documentation. Councilman Henley made a motion to forward this resolution to the City Council with a recommendation of approval. The motion was seconded by Councillady Guzman. The following vote was recorded:

AYE: Chandler, Guzman, Henley, Streetman

The motion to forward this resolution to the City Council with a recommendation of approval passed.

POLICE

RESOLUTION 1-2020-21 Authorizing an interlocal agreement with the E911 Emergency Communications District

Chief Crockarell said this resolution would renew the annual agreement regarding E911 services. Councilman Henley made a motion to forward this resolution to the City Council with a recommendation of approval. The motion was seconded by Councillady Guzman. The following vote was recorded:

AYE: Chandler, Guzman, Henley, Streetman

The motion to forward this resolution to the City Council with a recommendation of approval passed.

RESOLUTION 2-2020-21 Authorizing an interlocal agreement with Montgomery County regarding shared expenses for autopsies

Chief Crockarell said this agreement would provide for a 50/50 split for autopsy expenses and the agreement would be in effect until either party chose to withdraw. Councilman Henley made a motion to forward this resolution to the City Council with a recommendation of approval. The motion was seconded by Councillady Streetman. The following vote was recorded:

AYE: Chandler, Guzman, Henley, Streetman

The motion to forward this resolution to the City Council with a recommendation of approval passed.

SHORT TERM RENTALS

ORDINANCE 1-2020-21 (First Reading) Amending the Official Code to establish regulations pertaining to short term rentals

Councillady Streetman summarized the contents of the ordinance and said the regulations would benefit tenants and adjoining property owners. Assistant City Attorney Neil Stauffer said a provision was included that would grandfather existing short term rentals upon confirmation that owners had paid business taxes for at least six months prior to the effective date of the ordinance and noted issuance of a permit was not dependent on a particular zone classification. Following discussion, Councilman Henley made a motion to forward this ordinance to the City Council with a recommendation of approval. The motion was seconded by Councillady Streetman. The following vote was recorded:

AYE: Chandler, Guzman, Henley, Streetman

The motion to forward this ordinance to the City Council with a recommendation of approval passed.

SUFFRAGIST MONUMENT

RESOLUTION 3-2020-21 Authorizing a Memorandum of Understanding with the Clarksville-Montgomery County Arts & Heritage Development Council pertaining to Clarksville's Original Suffragist Monument on Public Square

Director of Parks & Recreation Jennifer Letourneau noted placing of this monument would commemorate 100 years of women's right to vote. She said funds were being raised by the Arts & Heritage Development Council. Councilman Henley made a motion to forward this ordinance to the City Council with a recommendation of approval. The motion was seconded by Councillady Streetman. The following vote was recorded:

AYE: Chandler, Guzman, Henley, Streetman

The motion to forward this resolution to the City Council with a recommendation of approval passed.

PUBLIC COMMENTS

No requests were submitted in accordance with the Alternative Public Comments Procedure (RESOLUTION 55-2019-20).

ADJOURNMENT

The meeting was adjourned at 4:22 p.m.

EXHIBIT C

FINANCE COMMITTEE
APRIL 4, 2019

MINUTES

NON-PUBLIC MEETING

The City of Clarksville Finance Committee met in a non-public meeting with City Attorney Lance Baker on Thursday, April 4, 2019, at 6:15 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee. All members were present along with Mayor Joe Pitts. Discussions were held regarding the Keesee claim and the Robinson v. City case.

PUBLIC MEETING CALL TO ORDER

The public meeting was called to order 6:46 p.m. by Chairman Jeff Burkhart.

ATTENDANCE

PRESENT: Jeff Burkhart, Tim Chandler, Valerie Guzman, Jeff Henley, Stacey Streetman

CONSIDERATION OF CLAIM

Councilwoman Guzman made a motion to reject the claim made by Edward Keesee as recommended by the City Attorney. The motion was seconded by Councilman Henley. A voice vote was taken; the motion passed without objection.

CONSIDERATION OF SETTLEMENT DEMAND

Councilman Chandler made a motion to reject the settlement demand of $650,000 made by Jeff Robinson, et al. The motion was seconded by Councilman Henley. A voice vote was taken; the motion passed without objection.

Councilman Burkhart made a motion to authorize the City Attorney to make a counter offer as discussed during the non-public meeting. The motion was seconded by Councillady Streetman. A voice vote was taken; Councilman Henley voted "nay." The motion passed.

ADJOURNMENT

The meeting was adjourned at 6:48 p.m.