



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
FEBRUARY 7, 2013, 7:00 P.M.**

MINUTES

PUBLIC COMMENTS

Rachael Rutland encouraged support of RESOLUTION 35-2012-13 authorizing legal action relative to enforcement of zoning regulations in the Patrick Place Subdivision.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, February 7, 2013, at 7:02 p.m. in City Council Chambers, 108 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Wallace Redd; the Pledge of Allegiance was led by Councilman Joel Wallace.

ATTENDANCE

PRESENT: Nick Steward (1), Deanna McLaughlin (2), James Lewis, Mayor Pro Tem (3), Wallace Redd (4), Valerie Guzman (5), Marc Harris (6), Geno Grubbs (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhart (12)

PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding requests for zoning and abandonment of property. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection.

ORDINANCE 70-2012-13 Amending the Zoning Ordinance and Map of the City of Clarksville, application of Herbert E. Baggett, Jr., for zone change on property at the terminus of Poplar Court from R-3 Three Family Residential District to R-2 Single Family Residential District

There were no comments for or against this request.

ORDINANCE 71-2012-13 Amending the Zoning Ordinance and Map of the City of Clarksville, application of Richard E. Stone, Jr., Executor, Jason Daugherty-Agent, for zone change on property at Ringgold Road and Ringgold Court from R-1 Single Family Residential District to R-4 Multiple Family Residential District

There were no comments for or against this request.

RESOLUTION 33-2012-13 Approving abandonment of a portion of Eagle Street; request of Huneycutt Properties

There were no comments for or against this request.

Councilman Grubbs made a motion to revert to regular session. The motion was seconded by Councilman Lewis. A voice vote was taken; the motion passed without objection.

ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 70-2012-13**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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 71-2012-13**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, Redd, Steward, Summers, Wallace

NAY: McLaughlin

The motion to adopt this ordinance on first reading passed.

ABANDONMENT

The recommendations of the Regional Planning Staff and Commission were for approval of **RESOLUTION 33-2012-13**. Councilman Grubbs made a motion to adopt this reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to adopt this resolution unanimously passed.

SPECIAL RECOGNITIONS

Mayor McMillan presented a Certificate of Appreciation to Sgt. Johnny Ferguson for performing CPR and reviving an unresponsive male at his residence on Parker Drive on September 10, 2012. Sgt. Ferguson had previously been presented with the Clarksville Police Department Life Saver Award.

CONSENT AGENDA

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

1. **ORDINANCE 54-2012-13** (Second Reading) Amending the FY13 Capital Projects Budget to accept grants for the Red River Trail project
2. **ORDINANCE 57-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Randy and Gloria Suggs, Syd Hedrick-Agent, for zone change on property at Gateway Lane and Hayes Street from R-1 Single Family Residential District to OP Office-Professional District
[Removed; see end of Consent Agenda]
3. **ORDINANCE 58-2012-13** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Thomas W. Cork for zone change on property at Terminal Road and Wilma Rudolph Boulevard from M-2 General Industrial District to C-5 Highway & Arterial Commercial District
4. **ORDINANCE 61-2012-13** (Second Reading) Authorizing acquisition property on Ashbury Road for Fire Station #6
5. **RESOLUTION 34-2012-13** Approving a Certificate of Compliance for retail liquor store for Favorite Liquors, Inc., Ashok K. Bhagchand, for operation of Favorite Liquors, Inc.
6. Approval of Minutes: Special Session January 3, Regular Session January 3, Special Session January 14
7. Approval of Board Appointments:

Community Health Foundation: Suzanne Uffleman (replace L. M. Ellis-resigned) and Joey Smith (replace Harold Vann-resigned) - March 2013 through February 2016; Khandra Smalley (fill unexpired term of Andrea Fresco-resigned) - March 2013 through February 2015; Kaye Drew (reappointment) - March 2013 through February 2016.

Housing Authority: Martha Jones – February 2013 through September 2017

Regional Solid Waste Planning Board: Jay Albertia – November 2012 through October 2017

Storm Water Board of Appeals: Chris Goodman – February 2013 through October 2013

Councilwoman Jones requested separate consideration of **ORDINANCE 57-2012-13**. Councilman Redd made a motion to adopt the Consent Agenda with the exception of Item #2. The motion was seconded by Councilman Harris. Councilman Burkhart abstained from voting on Item #5, **RESOLUTION 34-2012-13**. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to adopt the Consent Agenda as amended passed.

ORDINANCE 57-2012-13 (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Randy and Gloria Suggs, Syd Hedrick-Agent, for zone change on property at Gateway Lane and Hayes Street from R-1 Single Family Residential District to OP Office-Professional District

This ordinance was removed from the original Consent Agenda. Councilwoman Jones made motion to adopt this ordinance on second reading. The motion was seconded by Councilman Steward. Councilwoman Jones requested denial of this request and recognized individuals in the audience who were residents of the Haynes Street area and noted their opposition to the proposed change. Councilman Summers said the recommendation in the 2030 Smart Growth Plan was for the Publix area to be a blended, walkable area. The following vote was recorded:

AYE: Burkhart, Grubbs, Harris, Lewis, Redd, Steward, Wallace

NAY: Allen, Guzman, Jones, McLaughlin, Summers

The motion to adopt this ordinance on second reading passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said the Community Development Department would soon be taking bids for Pettus Park playground improvements.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 55-2012-13 (Second Reading) Amending the FY13 Capital Projects Budget to accept a donation for the Police Ballistic Scenario House

Councilman Wallace made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Redd. Councilman Redd offered an amendment to change the purpose for the appropriation as well as accounting information that was recommended by the Finance & Revenue Department. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

ORDINANCE 65-2012-13 (First Reading) Amending the FY13 Information Technology Operating Budget for email archiving system upgrade

Based on the recommendation of the Finance Committee, Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

ORDINANCE 66-2012-13 (First Reading) Authorizing purchase of property on Chestnut Street for Community Development

Based on the recommendation of the Finance Committee, Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

GAS & WATER COMMITTEE

Jeff Burkhart, Chair

ORDINANCE 63-2012-13 (First Reading) Authorizing extension of utilities to property on Highway 76; request of Ronnie Powers

Based on the recommendation of the Gas & Water Committee, Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

ORDINANCE 64-2012-13 (First Reading) Authorizing extension of utilities to property on Rossvie Road; request of B & S Development

Based on the recommendation of the Gas & Water Committee, Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

Councilman Redd said the Parks & Recreation Committee had approved adding the Summer Buddy Group Pass to the Outdoor Season Pool Pass in addition to the existing family pricing plan. The Committee also approved a new schedule for the Downtown Market vendor fees.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

ORDINANCE 62-2012-13 (Second Reading) Authorizing a budget amendment and acquisition of property on Main Street for future expansion of Fire Station #

Councilman Grubbs made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Redd. Councilman Redd offered an amendment to add language relative to an environmental study as recommended by the City Attorney. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

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

Councilman Grubbs reported the following January department statistics: Building & Codes Enforcement Division – 315 cases; Building & Codes Construction – 920 permits

and 1,484 inspections; Clarksville Police Department – 5,563 calls and 7,420 self-initiated cases; Clarksville Fire & Rescue – 726 emergency responses.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis reported 200 work orders completed by the Street Department during January.

TRANSPORTATION COMMITTEE

Marc Harris, Chair

Councilman Harris reported the following January department statistics: Clarksville Transit System – 73,591 passengers; City Garage – 340 work orders with unleaded fuel at a cost of \$2.98 per gallon and diesel fuel at a cost of \$3.15 per gallon.

NEW BUSINESS

ORDINANCE 68-2012-13 (First Reading) Establishing the Occupational Safety and Health Program

Mayor McMillan made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to adopt this ordinance on first reading unanimously passed

ORDINANCE 69-2012-13 (First Reading) Accepting donation of property from In-Rel Development for the Clarksville Greenway

Based on the recommendation of the Finance Committee, Mayor McMillan made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Steward. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to adopt this ordinance on first reading unanimously passed

RESOLUTION 35-2012-13 Directing the City Attorney to take legal action relative to zoning enforcement in the Patrick Place Subdivision

Councilman Allen made a motion to adopt this resolution. The motion was seconded by Councilwoman McLaughlin. City Attorney Lance Baker re-stated his advice against pursuing legal action against the developers of the Patrick Place subdivision regarding perimeter lot requirements. Mr. Baker reminded the Council of problems and risks cited during previous closed sessions. He said the Regional Planning Commission had already granted approval of the site plan and also stated that under the rules of statutory construction, a contradiction involving

interpretation of a statute would be resolved against the governmental entity and in favor of the private party.

Councilman Allen said this proposed action was not an issue against Councilman Burkhart as the developer of this subdivision, but an issue against any developer who did not follow the zoning ordinance. He said adoption of this resolution would show support for the City as a whole.

Councilman Redd called for the question. The question was seconded by Councilman Lewis. The following vote was recorded:

AYE: Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

NAY: Allen

ABSTAIN: Burkhart

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

AYE: Allen, Guzman, Jones, McLaughlin, Summers

NAY: Grubbs, Harris, Lewis, Redd, Steward, Wallace

ABSTAIN: Burkhart

The motion to adopt this resolution failed.

MAYOR AND STAFF REPORTS

Mayor McMillan said the Council would begin receiving quarterly reports of actions from the Airport Authority.

ADJOURNMENT

The meeting was adjourned at 8:09 p.m.