



**CITY COUNCIL  
CLARKSVILLE, TENNESSEE  
REGULAR SESSION**

**MARCH 7, 2013**

**MINUTES**

**CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, March 7, 2013, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

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

**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)

**SPECIAL RECOGNITIONS**

Mayor McMillan presented a Mayor's Certificate of Recognition to members of the New Providence Middle School Math Team for winning the Clarksville-Montgomery County School System's "Sweepstakes Championship" system-wide math tournament.

**PUBLIC HEARING**

Councilman Grubbs made a motion to conduct a public hearing to consider requests for zone changes and code amendments. The motion was seconded by Councilman Lewis. A voice vote was taken; the motion passed without objection.

**ORDINANCE 73-2012-13** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jeff Burkhart for zone change on property at Trenton Road and Kennedy Road from AG Agricultural District to R-2 Single Family Residential District

Stanley Ross, attorney on behalf of Councilman Burkhart, said the zone change would create approximately 66 lots and said traffic on Trenton Road would not be affected. There was no expressed opposition to this request.

**ORDINANCE 74-2012-13** (First Reading) Amending the Zoning Ordinance and the Official Code of the City of Clarksville relative to cluster option development

There was no expressed support for this change. Rachel Rutland said changes to the criteria for the cluster option should create a balance of the needs of adjacent homeowners, developers, and the City.

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

## ZONING

Based on the recommendations of the Regional Planning Staff and Commission, Councilman Grubbs made a motion to adopt **ORDINANCE 73-2012-13** on first reading. The motion was seconded by Councilman Redd. Councilman Steward, Councilwoman Jones, Councilman Allen, and Councilwoman McLaughlin opposed additional development in the area until the State of Tennessee makes improvements to Trenton Road. The following vote was recorded:

AYE: Grubbs, Guzman, Harris, Lewis, McMillan, Redd, Wallace

NAY: Allen, Jones, McLaughlin, Steward, Summers

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

Based on the recommendations of the Regional Planning Staff and Commission, Councilman Grubbs made a motion to adopt **ORDINANCE 74-2012-13** on first reading. The motion was seconded by Councilman Redd. Councilwoman McLaughlin made a motion to refer this ordinance back to the Regional Planning Commission to add language to require cluster developments to be approved by the City Council. The motion was seconded by Councilman Lewis. Following discussion, Mayor McMillan agreed to consider Councilwoman McLaughlin's request to schedule a special session to allow her to introduce a resolution to ask that new language be considered by the Regional Planning Commission; there was no objection to withdrawal of the motion to refer. Councilman Steward called for the question. The question was seconded by Councilman Lewis. A voice vote was taken; the motion passed without objection. The following vote on the original motion was recorded:

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

NAY: Allen

The motion to adopt this ordinance on first reading passed.

## CITY HALL AIR CONDITIONING SYSTEM

The following resolution and ordinance were presented as New Business and were considered, without objection, following zoning.

**ORDINANCE 72-2012-13** (First Reading) Amending the FY13 General Fund and Capital Projects Budget for the City Hall air conditioning system

Councilman Wallace made a motion to adopt **ORDINANCE 72-2012-13** on first reading. The motion was seconded by Councilman Grubbs.

Interim Director of Finance Debbie Frazier said the urgency in this matter was to get delivery of the chiller before hot weather. In response to Councilman Summers' question, Mrs. Frazier said the Department of Electricity would pay for the lighting utility portion of the debt service. She introduced Josh McCoy, PFM Financial Advisor, and Kirk Whittington, Siemens Business Development & Energy Solutions. Mr. Whittington said a chiller comparable to the existing unit would have a life-span of approximately 15 years, and a new energy-efficient chiller would last approximately 25 years with added energy savings. He said with regard to the building lighting portion of the project, the proposed fixtures would provide higher wattage than the existing lighting.

Councilwoman McLaughlin agreed with Councilman Summers regarding the local economy and felt the lighting portion of the project should be eliminated.

Councilman Lewis called for the question. The question was seconded by Councilman Steward. A voice vote was taken; with some objection, the motion to cease discussion passed. The following vote on the original motion was recorded:

AYE: Burkhardt, Grubbs, Guzman, Harris, Lewis, McMillan, Wallace'

NAY: Allen, Jones, McLaughlin, Redd, Steward, Summers

The motion to adopt this ordinance on first reading passed.

**RESOLUTION 37-2012-13** Declaring intent to reimburse proceeds for expenses related to certain public works projects

Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. The following vote was recorded:

AYE: Burkhardt, Grubbs, Guzman, Harris, Lewis, McMillan, Wallace

NAY: Allen, Jones, McLaughlin, Redd, Steward, Summers

The motion to adopt this resolution passed.

## CONSENT AGENDA

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

1. **ORDINANCE 63-2012-13** (Second Reading) Authorizing extension of utilities to property on Highway 76; request of Ronnie Powers
2. **ORDINANCE 64-2012-13** (Second Reading) Authorizing extension of utilities to property on Rossvie Road; request of B & S Development
3. **ORDINANCE 65-2012-13** (Second Reading) Amending the FY13 Information Technology Operating Budget for email archiving system upgrade
4. **ORDINANCE 66-2012-13** (Second Reading) Authorizing purchase of property on Chestnut Street for Community Development
5. **ORDINANCE 68-2012-13** (Second Reading) Establishing the Occupational Safety and Health Program
6. **ORDINANCE 69-2012-13** (Second Reading) Accepting donation of property from In-Rel Development for the Clarksville Greenway
7. **ORDINANCE 70-2012-13** (Second Reading) 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
8. **ORDINANCE 71-2012-13** (Second Reading) 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
9. **RESOLUTION 38-2012-13** Approving a Certificate of Compliance for Jack G. Miller (Sango Wine & Spirits, 1049 Highway 76)
10. Approval of Minutes: Special Session January 29, Regular Session February 7
11. Approval of Board Appointments:

Human Relations Commission: Mohsun Uddin Ghias, Johnny Jones, Mercedes Acuna – March 2013 through June 2013

Residential Development Commission: Valerie Guzman – March 2013 through December 2013

Councilman Lewis made a motion to adopt the Consent Agenda. The motion was seconded by Councilman Redd. Councilwoman McLaughlin registered a “nay” vote on Item #8, **ORDINANCE 71-2012-13**. 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 passed.

#### COMMUNITY DEVELOPMENT COMMITTEE

*David Allen, Chair*

Councilman Allen said the Tennessee Housing Development Agency approved an application for the Emergency Solutions Grant in the amount of \$193,848; \$130,000 appropriated for Community Action Agency and \$55,000 appropriated for Urban Ministries to assist individuals experiencing homelessness or housing crisis situations.

#### FINANCE COMMITTEE

*Joel Wallace, Chair*

**RESOLUTION 36-2012-13** Authorizing members of the TCRS who have one year or more of current membership service in the retirement system to establish retirement credit for time during which such members were employed by a political subdivision

Based on the recommendation of the Finance Committee, Councilwoman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. The following vote was recorded:

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

The motion to adopt this resolution passed.

#### GAS & WATER COMMITTEE

*Jeff Burkhart, Chair*

No report.

#### PARKS, RECREATION, GENERAL SERVICES

*Wallace Redd, Chair*

No report.

#### PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

*Geno Grubbs, Chair*

Councilman Grubbs said the Building & Codes staff distributed department information to the public during the recent Chamber of Commerce Home & Garden Show and reported the following February department statistics: Code Enforcement - 193 cases, Construction Division - 1,498 inspections.

Councilman Grubbs said Clarksville Fire & Rescue responded to 687 emergency calls during February and had recently hired five new firefighters.

Councilman Grubbs said the Police Department had four new officers. He informed the public that former Police Chief Charles Slayden was recently hospitalized.

#### STREET COMMITTEE

*James Lewis, Chair*

Councilman Lewis reported 123 work orders completed by the Street Department during February.

#### TRANSPORTATION COMMITTEE

*Marc Harris, Chair*

Councilman Harris said Clarksville Transit System transported 74,345 passengers and the City Garage completed 233 work orders during February with unleaded fuel at \$3.38 per gallon and diesel at \$3.41 per gallon.

#### RECESS

The Council recessed for approximately five minutes.

#### NEW BUSINESS

**ORDINANCE 67-2012-13** (First Reading; Postponed January 29<sup>th</sup>) Amending the Official Code relative to Code of Ethics

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

Councilwoman McLaughlin offered an amendment to Sec. 1-620, "Procedures for Filing," Subsection 2 and 2a, to delete the requirement for complaints to be in writing and sworn by the complainant. The motion was seconded by Councilman Steward. Councilman Allen, Councilman Redd, and Councilwoman Jones supported allowing anonymous complaints; Councilman Burkhart and Councilwoman Guzman opposed anonymous complaints. Following discussion, Councilman Lewis called for the question. The question was seconded by Councilman Steward. A voice vote was taken; the motion to cease discussion on the amendment passed without objection. The following vote was recorded:

AYE: Allen, Jones, McLaughlin, Redd, Summers

NAY: Burkhart, Grubbs, Guzman, Harris, Lewis, Steward, Wallace

Councilwoman McLaughlin's amendment failed.

Councilman Summers offered an amendment to Section 1-611, "Ethics Commission," to change the number of commissioners from five to thirteen who are registered voters in respective wards as well as other membership criteria. The amendment was seconded by Councilman Steward. Following a lengthy

discussion, Councilman Steward called for the question on the amendment. The question was seconded by Councilman Lewis. The following vote was recorded:

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

NAY: Allen, Guzman, Jones, McLaughlin, Redd, Summers

The motion to cease discussion on Councilman Summers' amendment failed due to lack of 2/3 majority. After brief discussion, Councilman Burkhart called for the question. The question was seconded by Councilman Steward. The following vote was recorded:

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

NAY: Allen, Redd

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

AYE: Allen, Jones, McLaughlin, Redd, Steward, Summers

NAY: Burkhart, Grubbs, Guzman, Harris, Lewis, McMillan, Wallace

Councilman Summers' first amendment failed.

Councilman Summers offered an amendment to Sec. 1-619, "Ethics Commission Jurisdiction," to include entities having a separate corporate or other legal existence other than those that have their own ethics policy. The motion was seconded by Councilman Steward. The following vote was recorded:

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

Councilman Summers' second amendment unanimously passed.

Councilman Summers' offered an amendment to Sec. 1-622, "Commission Action," Subsection (b), to require the Commission to take action as decided by a vote of six members instead of four, and to Sec. 1-622(b)(1) to require the Commission to make recommendations to the City Council regarding any action to be taken. The motion was seconded by Councilman Steward. The following vote was recorded:

AYE: Jones, Lewis, McLaughlin, Steward, Summers

NAY: Allen, Burkhart, Grubbs, Guzman, Harris, Redd, Wallace

Councilman Summers' third amendment failed. Councilman Steward called for the question. The question was seconded by Councilman Lewis. A voice vote was taken; the motion to cease discussion passed without objection. The following vote on the original motion as amended was recorded:

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

NAY: Allen, Jones, McLaughlin, Steward, Summers

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

**RESOLUTION 32-2012-13** (Postponed January 3<sup>rd</sup>) Authorizing the Regional Planning Commission to initiate revisions to the City Zoning Ordinance and the City Code relative to signage and lighting provisions

Councilman Summers made a motion to substitute the previous version (postponed January 3, 2013) with the amended version. The motion was seconded by Councilman Steward. A voice vote was taken; the motion passed without objection. Councilman Summers made a motion to adopt the amended version of this resolution. The motion was seconded by Councilman Steward. Mayor McMillan reminded the Council that a comprehensive task force had been formed to review and recommend changes to signage city-wide. Councilman Redd called for the question. The question was seconded by Councilman Lewis. The following vote was recorded:

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

NAY: Allen, Steward

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

AYE: Allen, Jones, McLaughlin, Summers

NAY: Burkhart, Grubbs, Guzman, Harris, Lewis, McMillan, Redd, Steward, Wallace

The motion to adopt this resolution failed.

**ORDINANCE 76-2012-13** (First Reading) Amending the FY13 Municipal Properties Budget for Council Chambers roof repair

Councilman Redd made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Steward. Maintenance Supervisor Kevin Cowling said the damaged roof would be removed and replaced. Councilman Burkhart called for the question. The question was seconded by Councilman Steward. A voice vote was taken; the motion to cease discussion passed without objection. The following vote on the original motion was recorded:

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

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

## COUNCILMAN STEWARD

Councilman Steward announced that he was undergoing test to become a kidney donor for his friend, Wiley Byrd.

## ADJOURNMENT

The meeting was adjourned at 11:19 p.m.