



CLARKSVILLE CITY COUNCIL REGULAR SESSION AUGUST 1, 2013

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Alice Purnell urged the City Council to be cautious when approving large corporate development. David Shelton shared information about a “Fat to Fit” fitness program.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, August 1, 2013, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Jeff Burkhart; the Pledge of Allegiance was led by Mayor Pro Tem James Lewis.

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 received comments regarding requests for zoning. The motion was seconded by Councilman Lewis. A voice vote was taken; the motion passed without objection.

ORDINANCE 3-2013-14 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Hettie Hutchinson for zone change on property at the terminus of Vine Street and Cedar Street from R-3 Three Family Residential District to C-1 Neighborhood Commercial District

Ramona Rudolph, daughter of the applicant, said the intended use of the property would be for a commercial day care. There was no voiced opposition.

ORDINANCE 8-2013-14 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Brenda Barr and John Gibbs, Wade Hadley-Agent, for zone change on property at the terminus of Gibbs Lane from AG Agricultural District to R-2 Single Family Residential District

Wade Hadley offered to answer questions. Brenda Barr said she intended to sell the property. There was no voiced opposition to this request.

ORDINANCE 9-2013-14 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Kevin Finley, Chris Sutton-Agent, for zone change on property at Rossvie Road and Powell Road from AG Agricultural District to R-1 Single Family Residential District

There was no voiced support for this change. Linda Allen objected because of potential increased traffic problem.

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

ZONING

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 2-2013-14**. Councilman Grubbs made a motion to approve this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Harris felt the requested C-1 zoning was appropriate for the intended use. The following vote was recorded:

AYE: Allen, Burkhart, Guzman, Harris, Redd, Steward, Summers, Wallace

NAY: Grubbs, Jones, Lewis, McLaughlin

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 8-2013-14**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilwoman McLaughlin and Councilwoman Jones expressed concern for traffic problems since there were no current plans for improvements to Trenton Road in the immediate area. Councilman Burkhart said he would abstain from voting on this case because he was a potential buyer of the property. 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.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 9-2013-14**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Summers said some improvements were being planned for Rossview Road, but not for the near future. Councilwoman McLaughlin expressed concern regarding traffic congestion. The following vote was recorded:

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

NAY: Jones, McLaughlin, Steward

The motion to adopt this ordinance on first reading 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 98-2012-13** (Second Reading) Amending the Official Code relative to special event beer permits
2. **ORDINANCE 1-2013-14** (Second Reading) Amending the Official Code relative to adoption of the International Fire Code
3. **ORDINANCE 4-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of George M. Milton, Gaines Shearon-Agent, for zone change on property at Tracy Lane and Black Jack Way from R-1 Single Family Residential District to R-4 Multiple Family District
4. Approval of Minutes: June 27, July 1, July 2

Councilman Redd made a motion to adopt the Consent Agenda as presented. 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 the Consent Agenda as presented passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen announced the award of a Shelter-Care grant in the amount of \$104,068 to the Community Development department for handicapped homeless persons.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 5-2013-14 (First Reading) Amending the Capital Projects Fund for street light upgrades

The Finance Committee had recommended approval of this ordinance. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Harris. Director of Finance Laurie Matta said this project was not included in the recently approved FY14 capital projects budget. Debbie Frazier said details of this project would be presented to the City Council once the project moved forward.

Councilwoman McLaughlin made a motion to postpone action indefinitely on this ordinance and also on **RESOLUTION 4-2013-14** until all project information was available. The motion was seconded by Councilman Summers. Councilman Allen stated his objection to the entire project and felt the City had other priorities. The following vote was recorded:

AYE: Jones, McLaughlin, Steward, Summers

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

The motion to postpone failed. Following discussion, Councilman Redd called for the question. The question was seconded by Councilman Harris. The following vote was recorded:

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

NAY: Allen, Jones

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

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

NAY: Allen, Jones, McLaughlin, Redd, Summers

The motion to adopt this ordinance on first reading passed.

RESOLUTION 4-2013-14 Declaring intent to reimburse the City for public works projects from bond proceeds not to exceed \$1,241,344

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

NAY: Allen, Jones, McLaughlin, Redd, Summers

The motion to adopt this resolution passed.

ORDINANCE 6-2013-14 (First Reading) Amending the FY14 Operating Budget to transfer funds from Two Rivers Company to the Legislative Budget

The recommendation of the Finance Committee was for approval of this ordinance. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis.

Councilwoman McLaughlin offered an amendment to have an agreement with the TRC that the director position would be funded for five years as a TRC employee. The motion was seconded by Councilman Steward. Councilman Redd felt if the director position were funded by the City, the director should be a city employee and called for the question. The question was seconded Councilman Lewis. The following vote was recorded:

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

NAY: Allen, Jones, Summers

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

AYE: Allen, Jones, McLaughlin, Steward, Summers

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

Councilwoman McLaughlin's first amendment failed.

Councilwoman McLaughlin offered an amendment to designate the TRC director as an employee of the TRC. The motion was seconded by Councilman Steward.

The following vote on the amendment was recorded:

AYE: Allen, Jones, McLaughlin, Steward, Summers

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

Councilwoman McLaughlin's second amendment failed. Councilman Wallace called for the question. The motion was seconded by Councilman Redd. The following vote was recorded:

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

NAY: Allen, Jones, McLaughlin, Steward, Summers

The motion to cease discussion on the ordinance failed due to lack of 2/3 majority. Councilwoman McLaughlin said a second vote on the ordinance and the positing process for the position would delay hiring of the director. In response to Councilman Summers' question, City Attorney Lance Baker said the

Mayor's vote on this ordinance would not conflict with her voting eligibility as a member of the TRC Board of Directors. The following vote on the original motion was recorded:

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

NAY: Allen, Jones, McLaughlin, Summers

The motion to adopt this ordinance on first reading passed.

RESOLUTION 5-2013-14 Authorizing issuance and reimbursement of general obligation public improvement bonds for various capital projects, not to exceed \$8,050,000

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis.

Councilman Allen offered an amendment to delete \$325,000 included for the excursion boat dock. The motion was seconded by Councilwoman McLaughlin. Following discussion, Councilman Harris called for the question. The question was seconded by Councilman Redd. The following vote was recorded:

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

NAY: Allen, Jones, McLaughlin, Steward, Summers

The motion to cease discussion on the amendment failed due to lack of 2/3 majority. Councilman Allen felt the excursion boat dock project should be a private investment. Councilman Burkhart called for the question. The question was seconded by Councilman Redd. The following vote was recorded:

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

NAY: Allen

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

AYE: Allen, Jones, McLaughlin, Redd, Steward

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

Councilman Allen's motion to delete \$325,000 from the bond issue for the excursion boat dock failed. The following vote on the original motion was recorded:

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

NAY: Allen, Jones, Summers

The motion to adopt this resolution passed.

RESOLUTION 3-2013-14 Authorizing Addendum #2 to the marina restaurant lease

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. There was no objection go out of regular session to hear comments from Darby Campbell, marina operator. Mr. Campbell said he would like more time to fully enhance the marina with the establishment of a restaurant in Liberty Park and said he would not accept any amendments to the second addendum. There was no objection to reverting to regular session.

Councilman Allen said the restaurant and residential developments would eliminate public parking for city-wide events held in the park. Councilman Allen offered an amendment to terminate the current lease with Mr. Campbell and retain the designated property for parking. The motion was seconded by Councilman Summers. City Attorney Lance Baker asked the Council to consider a non-public session regarding this motion. Councilwoman Jones made a motion to table the vote on Councilman Allen's amendment to the end of the agenda. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Jones, McLaughlin, Redd, Summers

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

The motion to table failed. Councilman Allen made a motion to conduct a non-public session to hear comments from the city attorney. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

AYE: Allen, Summers

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

The motion to conduct a non-public session failed. Mr. Baker advised against terminating the restaurant lease. The following vote on the amendment was recorded:

AYE: Allen

NAY: Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLughlin, Redd, Steward, Summers, Wallace

Councilman Allen's motion to terminate the restaurant lease failed. At Mr. Baker's request, the name of the restaurant was changed to "Liberty Park Grill, LLC" in the caption of the resolution without objection.

Councilman Summers made a motion to add the requirement of a minimum guaranteed rent to the lease. The motion was seconded by Councilwoman Jones. Following discussion, Councilman Redd called for the question. The motion was seconded by Councilman Harris. The following vote was recorded:

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

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

The motion to cease discussion failed due to lack of 2/3 majority.

The following vote on the amendment was recorded:

AYE: Allen, Jones, McLaughlin, Summers

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

Councilman Summers's amendment failed. Councilman Wallace called for the question on the original motion. The question was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection. The following vote on the original motion was recorded:

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

NAY: Allen, Jones

The motion to adopt this resolution as presented passed.

RESOLUTION 6-2013-14 Terminating the lease with Daughters of the American Revolution for the Post House

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

NOTE: Councilwoman Jones was not present for this vote.

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 shared the following department statistics for the month of July: Clarksville Fire & Rescue – 818 emergency responses; Clarksville Police Department – 13,607 calls; Building & Codes Enforcement Division – 383 cases; Building & Codes Administration – 70 single family permits.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department processed 214 work orders during the month of July.

TRANSPORTATION COMMITTEE

Marc Harris, Chair

No report.

ETHICS COMMISSION

ORDINANCE 7-2013-14 (First Reading) Amending the Official Code to delete the requirement for nominated citizen volunteers to complete a written questionnaire prior to the vote on their nomination

Councilman Redd made a motion to adopt this ordinance. The motion was seconded by Councilman Steward. Councilman Summers and Councilwoman McLaughlin felt the questionnaire should be required. Councilman Redd felt the questionnaire was too intrusive. The following vote was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Redd

NAY: Allen, Jones, Lewis, McLaughlin, Steward, Summers, Wallace

The motion to adopt this ordinance failed.

ORDINANCE VOTE REQUIREMENT

RESOLUTION 7-2013-14 Requesting the Tennessee General Assembly to enact legislation to amend the Official Charter relative to voting on ordinances (2/3 majority required)

Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilman Harris. Following discussion, Councilman Allen called for the question. The question was seconded by Councilman Lewis. A voice vote was taken; the motion to cease discussion passed. The following vote on the original motion was recorded:

AYE: Burkhart, Grubbs, Harris, Lewis, Redd

NAY: Allen, Guzman, Jones, McLaughlin, Steward, Summers, Wallace

The motion to adopt this resolution failed.

QUEEN CITY LIQUORS

Councilman Allen made a motion to consider **RESOLUTION 8-2013-14**. The motion was seconded by Councilman Redd. The following vote was recorded:

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

The motion to consider this resolution passed.

RESOLUTION 8-2013-14 Renewing the Certificate of Compliance for Raj Daswani for operation of Queen City Liquors

Councilman Allen made a motion to adopt this resolution. The motion was seconded by Councilman Steward. 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.

COMMUNITY HEALTH FOUNDATION

Councilman Steward made a motion to consider **RESOLUTION 9-2013-14**. 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 consider this resolution passed.

RESOLUTION 9-2013-14 Approving an amendment to the Charter and Bylaws of the Clarksville-Montgomery County Community Health Foundation, Inc.

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

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

The motion to consider this resolution passed.

BOARD APPOINTMENTS

Councilman Redd made a motion to consider board appointments. The motion was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion passed without objection.

Councilman Grubbs made a motion to approve the following board appointments.

Beer Board: Stephen Page (reappointment) – August 2013 – March 2015

Human Relations Commission: Feleesha Johnson (fill vacant seat) – August 2013 through June 2015

Public Art Commission: Karen Par Moody (replace Kel Black-term expired) – August 2013 through May 2017; Paul Collins (replace Howard Brown-resigned) and Steve Wilson (replace Dan Hanley-resigned) – August 2013 through May 2016

Zoning Appeals: Bobby Powers (replace Lorilee Rager-resigned) – August 2013 through May 2015

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 approve board appointments passed.

MAYOR AND STAFF REPORTS

Mayor McMillan said her recent visit to the United States Army War College in Carlisle, Pennsylvania was very rewarding.

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.