



**CITY COUNCIL
CLARKSVILLE, TENNESSEE
REGULAR SESSION
MAY 1, 2014**

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, May 1, 2014, at 7:02 p.m. in City Council Chambers, 1-6 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilwoman Kaye Jones; the Pledge of Allegiance was led by Councilman Marc Harris.

ATTENDANCE

PRESENT: Kip McNeill (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; arrived 7:05), Bill Summers (10), Kaye Jones (11), Jeff Burkhart (12)

SPECIAL RECOGNITIONS

Mayor McMillan, Fire Chief Mike Roberts, and Deputy Fire Chief Buff Albright presented a Mayor's Certificate of Appreciation to Lt. Billy Castle, EMC Michael Rios, Fire Fighter Richard Cayce, and Fire Fighter Jobe Moore for rescuing a victim from a burning house on Evans Road on April 9th.

PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding requests for zone change. The motion was seconded by Councilman Lewis. A voice vote was taken; the motion passed without objection.

ORDINANCE 70-2013-14 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Legends Bank/Cindy Nix, Matthew J. Ellis-Agent, for zone change on property at Riverside Drive & Dean Drive from M-1 Light Industrial District to C-2 General Commercial District

No one spoke for or against this request.

ORDINANCE 71-2013-14 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on portions of Cunningham Place Subdivision from R-4 Multiple Family Residential District to R-2A Single Family Residential District and R-2D Single Family Residential District

No one spoke for or against this request.

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

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 70-2013-14**. Councilman Grubbs 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, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 71-2013-14**. Councilman Grubbs 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, McNeill, Redd, Summers, Wallace

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 58-2013-14** (Second Reading) Amending the FY14 Capital Projects Budget for Fort Defiance Interpretive Center signage
2. **ORDINANCE 59-2013-14** (Second Reading) Amending the FY14 Capital Projects budget to close the Excursion Boat project and create the Red River Trail Phase II project
3. **ORDINANCE 60-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of CBP Properties c/o Christian Black for zone change on property at Crossland Avenue & Perkins Avenue from R-3 Three Family Residential District to R-6 Single Family Residential District

4. **ORDINANCE 61-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Linda Titington, Jane Ondocin-Agent, for zone change on property at Rossview Road & Dunbar Cave Road, from R-1 Single Family Residential District to OP Office-Professional District
5. **ORDINANCE 62-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of David S. Hong, Mike Baggett and Anthony Vaughn-Agents, for zone change on property at Highway 41-A South & Old Excell Road from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District
6. **ORDINANCE 63-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on portions of Dale Terrace Subdivision from R-4 Multiple Family Residential District to R-2 Single Family Residential District
7. **ORDINANCE 64-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on portions of Glenstone Subdivision from R-4 Multiple Family Residential District to R-1 Single Family Residential District
8. **ORDINANCE 65-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on portions of Heritage Estates from R-4 Multiple Family Residential District to R-1 Single Family Residential District
9. **ORDINANCE 66-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of portions of Creekside Subdivision from R-4 Multiple Family Residential District to R-2 Single Family Residential District
10. Approval of Minutes: April 3rd
11. Approval of Board Appointments:

Senior Citizens Board: Laura Ruizdesparza – May 2014 through April 2015;
Patricia Blair and Annette Shrader – May 2014 through April 2016

Councilwoman McLaughlin made a motion to adopt the Consent Agenda. The motion was seconded by Councilman Harris. A voice vote was taken. Councilwoman McLaughlin registered a “nay” vote on **ORDINANCE 60-2013-14** and **ORDINANCE 61-2013-14**. Councilwoman Jones registered a “nay” vote on **ORDINANCE 59-2013-14** and **ORDINANCE 60-2013-14**. The following vote was recorded:

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

The motion to adopt the Consent Agenda passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen announced the Office of Housing & Community Development would host the Middle Tennessee Affordable Housing Coalition meeting on May 9th at the Freedom Point Event Center as well as the Mayor's Homeless Solution Forum on May 20th at the Wilma Rudolph Event Center.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 67-2013-14 (First Reading) Accepting a Federal Grant passed through the Tennessee Department of Environment & Conservation for the Clarksville Greenway through Heritage Park to the Pedestrian Bridge

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. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 69-2013-14 (First Reading) Amending the Official Code relative to Parks & Recreation special revenue accounts

The recommendation of the Finance Committee was for approval of this ordinance. 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, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

RESOLUTION 35-2013-14 Authorizing a grant application and approving the FY15 Action Plan and Budget for the Community Development Block Grant and HOME Programs

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, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this resolution passed.

GAS & WATER COMMITTEE

Jeff Burkhart, Chair

Councilman Burkhart said several utility relocation projects were currently underway.

PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

No report.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

ORDINANCE 68-2013-14 (First Reading) Amending the Official Code relative to fireworks

The recommendation of the Public Safety Committee was for approval of this ordinance. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Harris. Councilman Grubbs made a motion to amend this ordinance by substituting the language presented during Executive Session on April 28, 2014 with new language recommended by the City Attorney. The motion was seconded by Councilman Harris. Assistant City Attorney Ginny Robinson reviewed each recommended change. The following vote was recorded:

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

NAY: Jones

The amendment passed. Councilman Allen made a motion to refer this ordinance back to the Public Safety Committee to consider whether the City Council should have authority to approve additional dates for explosion of fireworks in case of a burn ban during the authorized times. The motion was seconded by Councilman Burkhart. Following discussion regarding the time frame for passage of this ordinance prior to July 1, 2014, Councilman Allen and Councilman Burkhart withdrew their motions. No action was taken on the motion to refer back to the committee.

The following vote on the motion to adopt was recorded:

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 72-2013-14 (First Reading) Amending the Official Code relative to issuance of permits for beer manufacturers

The recommendation of the Public Safety Committee was for approval of this ordinance. Councilman Grubbs 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, McNeill, Redd, Summers, Wallace

NAY: Harris

The motion to adopt this ordinance on first reading passed.

RESOLUTION 36-2013-14 Authorizing a Memorandum of Understanding between the Clarksville Police Department and the United States Secret Service

The recommendation of the Public Safety 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, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this resolution passed.

Councilman Grubbs shared the following department statistics for the month of April: Clarksville Police Department – 12,666 responses; Clarksville Fire & Rescue – 918 emergency responses; Building & Codes Construction Division – 1,899 inspections; Building & Codes Enforcement Division – 398 cases; Building & Codes Abatement Division – 40 work orders; Building & Codes Administration – 964 permits.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department completed 200 work orders during the month of April.

TRANSPORTATION COMMITTEE

Marc Harris, Chair

Councilman Harris said during the month of April the Clarksville Transit System transported 63,490 passengers and the City Garage completed 301 work orders with unleaded fuel at a cost of \$3.45 per gallon and diesel fuel at a cost of \$3.12 per gallon.

NEW BUSINESS

RESOLUTION 37-2013-14 Authorizing and approving Addendum #3 to the Lease with Liberty Park Development, LLC, for construction, installation, operation, maintenance, and professional management of a restaurant at Liberty Park

Mayor McMillan made a motion to adopt this resolution. The motion was seconded by Councilman Harris.

Councilwoman McLaughlin made a motion to postpone action on this resolution indefinitely until the actual cost of sidewalk installation could be determined. The motion was seconded by Councilwoman Jones. The following vote was recorded:

AYE: Allen, Jones, McLaughlin, McNeill, Summers

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

The motion to postpone failed.

Councilwoman Jones made a motion to delete lighting (Section 2) and the sidewalk (Section 4) of the Addendum. The motion was seconded by Councilman Summers. Councilwoman Jones, Councilman Allen, Councilman Summers, and Councilwoman McLaughlin felt the sidewalk funding should be spent in city wards and not for the restaurant in Liberty Park. Councilwoman Guzman, Councilman Burkhardt, and Councilman Redd said the added sidewalk would improve the property. Following discussion, Councilman Lewis called for the question. The question was seconded by Councilwoman Guzman. The following vote was recorded:

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

NAY: Allen

The motion to cease discussion on Councilwoman Jones' amendment passed. The following vote on Councilwoman Jones' motion was recorded:

AYE: Allen, Jones, McLaughlin, McNeill, Summers

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

The motion to delete Section 2 and Section 4 from the Addendum failed.

Councilwoman McLaughlin made a motion to amend the Addendum to require the tenant to pay 50% of the cost of lighting (Section 2), utilities (Section 3), and sidewalks (Section 4). The motion was seconded by Councilwoman Jones. Mayor McMillan said the City had a legal obligation to provide utilities to the restaurant premises in accordance with the original lease. Councilwoman McLaughlin amended her motion to require the tenant to pay 50% of the cost of lighting and sidewalks, but not utilities. The motion was seconded by Councilwoman Jones. A voice vote was taken; the motion to delete utilities from the amendment passed.

Information regarding the costs associated with the lighting and sidewalk was requested from Project Manager Hatem Shah. Councilman Redd made a motion to go out of regular session to obtain the requested information. The motion was seconded by Councilman Harris. A voice vote was taken; with some objection, the motion passed. Mr. Shah said the difference between the original lighting and the upgraded lighting would be approximately \$75,000. The Council returned to regular session.

Councilman Redd called for the question. The question was seconded by Councilman Wallace. A voice vote was taken; the motion to cease discussion on the amendment passed. The following vote on Councilwoman McLaughlin's amendment was recorded:

AYE: Allen, Jones, McLaughlin, McNeill, Summers

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

The motion to amend Section 2 and Section 4 of the Addendum failed.

Councilwoman Jones felt the previous project manager should have addressed the issues of lighting and sidewalks during the design phase of the project. Councilwoman Guzman requested a point of order. Mayor McMillan ruled Councilwoman Jones' comments were out of order because the individual mentioned was no longer employed by the City and that person had no opportunity to respond to the statement.

Councilwoman McLaughlin called for the question. The question was not seconded. Following further discussion, Councilman Redd called for the question. The question was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion to cease discussion on the resolution passed. The following vote on the resolution as presented was recorded:

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

NAY: Allen, Burkhart, Jones, McLaughlin, McNeill

Mayor McMillan ruled the motion to adopt this resolution passed. Councilman Summers thought this vote was on an amendment to the Addendum and requested a new vote. There was no objection. The second vote was recorded:

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

NAY: Allen, Jones, McLaughlin, McNeill, Summers

The motion to adopt this resolution as presented passed.

MAYOR AND STAFF REPORTS

Mayor McMillan presented all members of the Council with a printed copy of Robert's Rules of Order.

With regard to Councilwoman Jones' comment at the end of the April 28th Executive Session claiming the microphones had been turned off prior to adjournment of the April 3rd Regular Session, Mayor McMillan said she, as the Chair, controls the Council microphones, not the Information Technology staff. She said she responds to member's requests to speak and that all meetings are fully recorded and posted on the City website.

ADJOURNMENT

The meeting adjourned at 8:40 p.m.