



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
OCTOBER 2, 2014**

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, October 2, 2014, 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 David Allen.

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), Bill Summers (10), Kaye Jones (11), Jeff Burkhart (12)

UPDATE FROM DIRECTOR OF SCHOOLS

Dr. B. J. Worthington, Director of Clarksville-Montgomery County Schools, gave the system's annual update. Dr. Worthington said the CMCSS had received approximately \$16,000,000 in grants for 38 schools, plus the middle college at Austin Peay State University. The system had 4,200 employees, 2,100 certified teachers, and 32,071 students. He said 42 different languages were being spoken through the schools and the system had a 94% graduation rate.

PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding a request for zone change. The motion was seconded by Councilman Harris. There was no objection.

ORDINANCE 23-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Sandra Fusco, Faye Whitmer-Agent, for zone change on property at Copeland Road and Darrow Road from R-4 Multiple Family Residential District to C-2 General Commercial District

Sandra Fusco said this property was near two major thoroughfares which would benefit a small business. Faye Whitmer said the property had a limited residential use and it would not require a large amount of parking. No one expressed opposition to the change.

Councilman Grubbs made a motion to revert to regular session. The motion was seconded by Councilman Harris. There was no objection.

ZONING

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 23-2014-15**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilman McNeill said his constituents opposed this change. The following vote was recorded:

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

The motion to adopt this ordinance on first reading failed.

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 14-2014-15** (Second Reading) Amending the FY15 Operating Budget for Burchwood Park redevelopment
2. **ORDINANCE 15-2014-15** (Second Reading) Amending the FY15 Parking Authority budget for parking meter sleeves and cleaning the Cumberland Garage
3. **ORDINANCE 16-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Safeplace Storage c/o Powers & Means for zone change on property at Peachers Mill Road and Allen Griffey Road from C-2 General Commercial District to C-5 Highway & Arterial Commercial District
4. **ORDINANCE 17-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Three B Sac Self Storage, LP, John H. Comperry-Agent, for zone change on property at Wilma Rudolph Boulevard and South Hampton Place from M-2 General Industrial District to C-5 Highway & Arterial Commercial District
5. **ORDINANCE 18-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wilson and Norma Kirby, Carlson Consulting Engineers, Inc.- Agent , for zone change on property at 101st Parkway & Whitfield Road from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District *[Removed; see below]*

6. **ORDINANCE 19-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Caudill, Maynard, and Robert E. Durrett, III, Robert E. Durrett, III-Agent, for zone change on property at the terminus of West Allen Griffey Road and south of the terminus of Bandera Drive from R-4 Multiple Family Residential District to R-2 Single-Family Residential District
7. **ORDINANCE 20-2014-15** (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 Belle Forest Subdivision from R-3 Three Family Residential District to R-2 Single Family Residential District and R-2D Two Family Residential District
8. Approval of Minutes: Regular Session September 4th

Councilwoman Jones requested separate consideration of **ORDINANCE 18-2014-15**. Councilwoman McLaughlin made a motion to adopt the Consent Agenda with the exception of Item #5. The motion was seconded by Councilwoman Jones. 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 as amended passed.

KIRBY ZONING

ORDINANCE 18-2014-15 (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wilson and Norma Kirby, Carlson Consulting Engineers, Inc.- Agent , for zone change on property at 101st Parkway & Whitfield Road from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District

This item was removed from the original Consent Agenda. Councilwoman Guzman made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman McLaughlin. Councilwoman Jones said this development, along with a nearby market development already underway, would worsen traffic problems. She said there was also the potential for a decrease in the value of adjacent properties. Councilman Allen made a motion to defer second reading to the next regular session to allow members to review the new information regarding a study that showed the proposed turn lanes would improve peak traffic. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

NAY: Jones, McLaughlin, McNeill, Wallace

The motion to postpone to the next regular session passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said the Community Development Department had met recently with the Red River neighborhood regarding the Choice Neighborhood Planning Grant. The staff also participated in Operation Serve by assisting residents with various home repairs. Councilman Allen said the Consolidated Annual Performance Evaluation Report had been submitted to Housing & Urban Development. He said the first EPA report for the city-owned Frosty Morn property gave the site a clean bill of health.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 21-2014-15 (First Reading) Amending the FY15 General Fund Budget for Congestion Mitigation and Air Quality Improvement grant matching funds

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 Summers. The following vote was recorded:

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

NAY: Redd

The motion to adopt this ordinance on first reading passed.

RESOLUTION 10-2014-15 Authorizing application to the Tennessee Department of Transportation for matching funds for the proposed Northeast Connector and improvements to Trenton Road

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.

RESOLUTION 11-2014-15 Directing and approving payment of a claim for replacement of a water pipe for Moore's Office Furniture

The recommendation of the Finance Committee was for disapproval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Harris. Councilman Burkhart said this customer did not have water service following the City's repair of the sidewalk and water meter. Councilman Redd and Councilwoman McLaughlin opposed payment of this claim saying because it would establish a precedent for other customers. The following vote was recorded:

AYE: Allen, Burkhart, Guzman, Harris

NAY: Grubbs, Jones, Lewis, McLaughlin, McNeill, Redd, Summers,
Wallace

The motion to adopt this resolution failed.

GAS & WATER COMMITTEE

Jeff Burkhart, Chair

Councilman Burkhart said he would personally reimburse Moore's Office Furniture for their water line repairs.

PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

Councilman Redd invited the public to the annual downtown "Fright on Franklin" event on October 25th. He announced Fort Defiance had new signage.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

RESOLUTION 9-2014-15 Authorizing a lease between the City of Clarksville and the Fraternal Order of Police, Two Rivers Lodge #23, for purposes of conducting the Clarksville Police Department Youth Coalition Program

The recommendation of the Public Safety Committee was for approval of this resolution. Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Redd. 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 September department statistics: Building & Codes Enforcement Division – 489 cases; Building & Codes Construction Division – 1,846 inspections; Building & Codes Abatement Program – 52 work orders; Clarksville Fire & Rescue – 989 emergency calls; Clarksville Police – 12,241 responses.

Councilman Grubbs announced the City received a \$1,700,000 Department of Justice grant for fourteen new police officers.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department completed 250 work orders during the month of September.

TRANSPORTATION COMMITTEE

Marc Harris, Chair

Councilman Harris mentioned that **ORDINANCE 21-2014-15**, adopted during the Finance Committee report, included funding for three new hybrid buses.

Councilman Harris said the Clarksville Transit System transported 65,219 during September. The City Garage completed 329 work orders with unleaded fuel at a cost of \$3.02 per gallon and diesel fuel at a cost of \$2.82 per gallon.

BANK OF AMERICA PROPERTY

ORDINANCE 22-2014-15 (First Reading) Amending the FY15 Capital Project Revenue District to transfer funds to Two Rivers Company for purchase of Bank of America Property

Councilman Allen made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Allen then made a motion to postpone first reading on this ordinance indefinitely. The motion was seconded by Councilman Redd. Councilman Allen said a premature transfer of funds may interfere with securing grant monies for demolition of existing structures. Councilman Burkhart stated his intent to abstain from voting because of his previous business relationship with the property owner. The following vote was recorded:

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

ABSTAIN: Burkhart

The motion to postpone indefinitely passed.

RECOGNITION OF GUESTS

Councilwoman McLaughlin recognized Boy Scouts who were in the audience.

SETTLEMENT OFFER

The City Council recessed at 7:43 p.m. for a closed session with City Attorney Lance Baker regarding the City v. Greenfield case, then reverted to regular session at 7:49 p.m.

Councilwoman McLaughlin made a motion to approve a settlement in the City v. Greenfield case, as recommended by Mr. Baker during the closed session, of \$150,000.00, less the amount previously tendered to the Court, plus ordinary court costs and discretionary court costs not to exceed \$7,000.00, with the Clarksville Gas & Water Department agreeing to make the existing sewer line operational within six months, and each party paying their own attorney fees. The motion was seconded by Councilman Wallace. The following vote was recorded:

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

The motion to approve the City v. Greenfield settlement passed.

MAYOR AND STAFF REPORTS

Mayor McMillan proclaimed October as “Bullying Prevention Month” in the City of Clarksville.

Councilman Burkhart congratulated the Rossview High School ladies golf team for winning the state championship.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.