CLARKSVILLE CITY COUNCIL
REGULAR SESSION
MARCH 5, 2015, 7:00 P.M.

COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE

AGENDA

1) CALL TO ORDER

2) PRAYER AND PLEDGE OF ALLEGIANCE

3) ATTENDANCE

4) PLANNING COMMISSION

ZONING PUBLIC HEARING

1. **ORDINANCE 47-2014-15** (First Reading; Postponed at request of applicant) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Kevin Kennedy and Bruce Kennedy, Wade Hadley-Agent, for zone change on property at the intersection of Needmore Road and Trenton Road from R-1 Single Family Residential District and R-4 Multiple Family Residential District to C-2 General Commercial District *(RPC: Approval/Approval)*

2. **ORDINANCE 48-2014-15** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Hui Sun Cho, Sung Cho-Agent, for zone change on property at the intersection of Franklin Street and Reynolds Street from R-3 Three Family Residential District to C-1 Neighborhood Commercial District *(RPC: Approval/Approval)*

3. **ORDINANCE 49-2014-15** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Shaun Robertson for zone change on property at the intersection of Maple Lane and Riverview Drive from R-2 Single Family Residential District to R-6 Single Family District *(RPC: Approval/Approval)*

4. **RESOLUTION 24-2014-15** Authorizing abandonment of a public alleyway south of College Street, north of Main Street, and west of Eighth Street; request of James Corlew, Sr. *(RPC: Approval/Approval)*

5) 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 39-2014-15** (Second Reading) Amending the Zoning Ordinance and the Clarksville City Code, application of the Regional Planning Commission to allow multi-family and townhouses in C-2 General Commercial District with conditions

2. **ORDINANCE 40-2014-15** (Second Reading) Authorizing extension of City of Clarksville utility services; request of Rossview Farms, LLC

3. **ORDINANCE 42-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Otis Mallory Estate, Edward Burchett-Agent, for zone change on property at the intersection of Cunningham Lane and Lafayette Road from R-1 Single Family Residential District to C-2 General Commercial District

4. **ORDINANCE 43-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the City of Clarksville and Cathy Perrone, Office of Housing & Community Development-Agent, for zone change on property at the intersection of Daniel Street and Richardson Street from R-3 Three Family Residential District to R-2A Single Family Residential District

5. **ORDINANCE 44-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Allen Farms East, L.P./William B. Allen, II, for zone change on property at Peachers Mill Road, West Boy Scout Road, and East Boy Scout Road from AG Agricultural District to R-2 Single Family Residential District

6. **ORDINANCE 45-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Twosome Partners, Civil Site Design Group c/o Chris Goodman-Agent, for zone change on property at Tiny Town Road, Needmore Road, Bridgewater Drive, and Berkshire Drive from C-5 Highway & Arterial Commercial District and R-1A Single Family Residential District to R-4 Multiple Family Residential District

7. **RESOLUTION 25-2014-15** Approving a retail liquor store Certificate of Compliance for William and Katherine Beach (Riverbend Wine & Spirits, 1206 Highway 48)

8. Adoption of Minutes: February 5th

9. Approval of Board Appointment:

   Community Health Foundation: Dr. Marcos Arancibia, Ben Kimbrough, Khandra Smalley, Priscilla Story – March 2015 through February 2018

6) COMMUNITY DEVELOPMENT COMMITTEE
David Allen, Chair

7) FINANCE COMMITTEE
Joel Wallace, Chair

1. **ORDINANCE 46-2014-15** (First Reading) Amending the FY15 Capital Projects Budget to accept a TDOT Multimodal Access Project grant *(Finance Committee: Approval)*

2. **RESOLUTION 23-2014-15** Authorizing an interlocal contract between the City of Clarksville, the State of Tennessee, and the Tennessee State Veterans' Homes Board for location of the Doughboy Memorial *(Finance and Parks & Recreation Committees: Approval)*

3. **RESOLUTION 27-2014-15** Authorizing legal action pertaining to payment or assessment of ad valorem taxes regarding city property *(Finance Committee: Approval)*

8) GAS & WATER COMMITTEE
Wallace Redd, Chair

9)PARKS, RECREATION, GENERAL SERVICES
Valerie Guzman, Chair

10)PUBLIC SAFETY COMMITTEE
(Building & Codes, Fire, Police)
Geno Grubbs, Chair

1. **ORDINANCE 41-2014-15** (Second Reading) Amending the Official Code relative to after-hours business regulations

11)STREET COMMITTEE
James Lewis, Chair

12)TRANSPORTATION COMMITTEE
Deanna McLaughlin, Chair

13) MAYOR AND STAFF REPORTS

14) ADJOURNMENT

ORDINANCE 47-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF KEVIN KENNEDY AND BRUCE KENNEDY, WADE HADLEY-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF NEEDMORE ROAD AND TRENTON ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District and R-4 Multi Family Residential District, as C-2 General Commercial District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

WEST PORTION
Beginning at a point in the west ROW of Trenton Rd. Said point being 139 +/- feet northwest of the centerline of the Needmore Rd. and Trenton Rd. intersection, said point also being the northeast corner of the John R. Meeks property. thence in an westerly direction 238 +/- feet with the northern boundary of the Meeks property to a point, said point being in the eastern boundary of the Park at Clarksville Limited Partnership property, thence in a northerly direction 386 +/- feet with the eastern boundary of the Park at Clarksville Limited Partnership property to a point, said point being in the southern boundary of the Wilkinson-Huggins LLC property, thence in an easterly direction 257 +/- feet with the southern boundary of the Wilkinson-Huggins LLC property to a point, said point being the southeast corner of the Wilkinson-Huggins LLC property said point also being located in the east ROW of Trenton Rd. thence in a southerly direction 375 +/- feet to the point of beginning, containing 2.15 +/- acres, further identified as (Tax Map 32, Parcel 84.00 & 85.00)

EAST PORTION

Beginning at a point in the east ROW Trenton Rd. Said point being 127 +/- feet northeast of the centerline of the the Needmore Rd. and Trenton Rd. intersection, said point also being in the radius of the corner of the Needmore Rd. and Trenton Rd. intersection, and the southwest corner of the subject tract, thence in a northerly direction 313 +/- feet with the east ROW of Trenton Rd. to a point said point being the southwest corner of the Justice L. Howard property, thence in an easterly direction 170 +/- feet to a point in the western boundary of the Diana Lynn Goodreau property, thence in a southerly direction 297 +/- feet with the Goodreau property and others, to a point said point being the southwest corner of the Frank C. Dowlen property, said pint alson being in the northern ROW boundary of Needmore Ct. & Needmore Rd. thence in a westerly direction 171 +/- feet with the northern ROW boundary to the point of beginning, containing 1.22 +/- acres further identified as (Tax Map 32-O-B, Parcels 12 & 13)

(Combined 3.37 +/- acreage)

March 2, 2015

To: Mayor Kim McMillan

Re: Rezoning Case Z-2-2015

Dear Mayor McMillan,

I, Wade Hadley, Agent for Kevin Kennedy and Bruce Kennedy in rezoning Case # Z-2-2015 do request a 30-day deferral from the City Council for this case.

Respectfully yours,

Wade Hadley 206-2502

Wade Hadley

Crye-Leike Realty

2204 Madison Street

Clarksville, TN 37043

ORDINANCE 48-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HUI SUN CHO, SUN CHO-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF FRANKLIN STREET AND REYNOLDS STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as C-1 Neighborhood Commercial District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 166 +/- feet of the centerline of the Franklin St. & Reynolds St. intersection said point being the northeast corner of the Amanda Prado property, said point also being located in the southern ROW line of Franklin St. thence in a easterly direction 130 +/- feet with the southern ROW line of Franklin St. to a point said point being in the radius of the intersection of the Franklin St. & Reynolds Street, thence in a southerly direction with the western ROW of Reynolds St. 502 +/- feet to a point, said point being the northeast corner of the Andrew Harland property, thence in an easterly direction 121 +/- feet with the northern boundary of the Harland property to a point said point being the southeast corner of the Kip Gilkey property, thence in a northerly direction 256 +/- feet with the eastern boundary of the Gilkey property to a point, said point being the southwest corner of the Amanda Prado property, thence in a easterly direction 73 +/- with the southern boundary of the Prado property to a point, and in a northerly direction 172 +/- feet with the eastern boundary of the Prado property to the point of beginning, said parcel containing 1.52 +/- acres further identified as (Tax Map 66-D-D, Parcel 8.00)

ORDINANCE 49-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SHAUN ROBERTSON FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF MAPLE LANE AND RIVERVIEW DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-2 Single Family Residential District, as R-6 Single Family District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 149 +/- feet northeast of the centerline of the Maple Ln. & Riverview Dr. Intersection, also being the southwest corner of the Charlie H. Cothern property and the northwest corner of the subject property, thence in an easterly direction 137 +/- feet with the southern boundary of the Cothern property to a point said point being in the western boundary of the Jeanette Prine property, thence in a southerly direction 96 +/- feet with the western boundary of the Prine property and others to a point, said point being in the northern ROW of Maple Ln. thence in a westerly direction 140 +/- feet with the northern ROW of Maple Ln. to a point said point being in the eastern ROW boundary of Riverview Dr. thence in a northerly direction 264 +/- feet with the eastern ROW boundary of Riverview Dr. to the point of beginning, said tract containing 0.34 +/- acres, further identified as (Tax Map 65-I-D, Parcel(s) 15.00 & 16.00

RESOLUTION 24-2014-15

A RESOLUTION APPROVING THE ABANDONMENT OF A PORTION OF A PUBLIC ALLEYWAY LOCATED SOUTH OF COLLEGE STREET, NORTH OF MAIN STREET, AND WEST OF EIGHTH STREET; REQUEST OF JAMES L. CORLEW, SR.

WHEREAS, application was made by James L. Corlew, Sr. for vacation of a portion of a public alleyway; located south of College Street, north of Main Street and west of 8th Street; being approximately 18 +/- feet wide and 80 +/- feet long, containing approximately 1,440 +/- sq. ft., shown on Montgomery County tax map 66-F, group B, south of parcel 12.00, and north of parcels 13.00 and 14.00; also shown on the attachment; and

WHEREAS, the application was reviewed according to established procedures by the Regional Planning Commission on February 25, 2015, and was recommended for approval to the Clarksville City Council, with retention of an easement for storm water and surface drainage, and for public utilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the above-described portion of a public alleyway is hereby vacated, with retention of an easement for storm water and surface drainage, and for public utilities.

PUBLIC HEARING:
ADOPTED:

AB-1-2015

College Street

216'

10

56.5'

"B"

12.01

96.55'

76.18'

84.50'

95.64'

40.84'

31'

55.57'

8

200

"B"

12

73.82'

93.45'

31.53'

64.38'

8th Street

128'

40

70'

128'

70'

39

14

13

15

66.05'

49.88'

18

19

310.4'

23

20

210'

210'

218

218

217.21

219.93

219.93

220

220

220

"B"

50'

60'

"C"

75.33'

65.60'

50.25'

45'

MAIN Street

84.31'

"E"

64'

19

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: March 5, 2015. The public hearing will be held on: March 5, 2015.

CITY ORD. #: 47-2014-15 RPC CASE NUMBER: Z-2-2015
Applicant: KEVIN KENNEDY / BRUCE KENNEDY
Agent: Wade Hadley
Location: 225 +/- FEET NORTH OF THE NEEDMORE ROAD AND TRENTON ROAD INTERSECTION, FRONTING ON THE EAST AND WEST OF TRENTON ROAD
Ward #: 11
Request: R-1 Single-Family Residential District / R-4 Multiple-Family Residential District
to
C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 48-2014-15 RPC CASE NUMBER: Z-4-2015
Applicant: HUI SUN CHO
Agent: Sung Cho
Location: AT THE SOUTHWEST CORNER OF THE FRANKLIN STREET AND REYNOLDS STREET INTERSECTION
Ward #: 6
Request: R-3 Three-Family Residential District
to
C-1 Neighborhood Commercial District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 49-2014-15 RPC CASE NUMBER: Z-7-2015
Applicant: SHAUN ROBERTSON
Location: Property located at the northeast corner of the Maple Ln. & Riverview Dr. intersection.
Ward #: 9
Request: R-2 Single-Family Residential District
to
R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL
PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RPC MEETING DATE: 2/25/2015 **CASE NUMBER:** Z - 2 - 2015

NAME OF APPLICANT: Kevin Kennedy / Bruce Kennedy

AGENT: Wade Hadley

GENERAL INFORMATION

PRESENT ZONING: R-1 R-4

PROPOSED ZONING: C-2

EXTENSION OF ZONE CLASSIFICATION: C-2 TO THE SOUTH

APPLICANT'S STATEMENT FOR PROPOSED USE: INCREASE PROPERTY VALUE FOR FUTURE SALE

PROPERTY LOCATION: 225 +/- FEET NORTH OF THE NEEDMORE ROAD AND TRENTON ROAD INTERSECTION, FRONTING ON THE EAST AND WEST OF TRENTON ROAD

ACREAGE TO BE REZONED: 3.37

DESCRIPTION OF PROPERTY AND SURROUNDING USES: 2 single family homes, 1 vacant single family parcel & mobile home park.

GROWTH PLAN AREA: CITY **TAX PLAT:** 032-O-B 032 **PARCEL(S):** 012.00 084.00 & 085.00

CIVIL DISTRICT: 2

CITY COUNCIL WARD: 11 **COUNTY COMMISSION DISTRICT:** 1

PREVIOUS ZONING HISTORY: Z-5-1990
(to include zoning, acreage and action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING
DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☒ UTILITY DISTRICT
- ☐ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☐ ATT
- ☒ FIRE DEPARMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL
- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

1. Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Traffic Assessment Required. Traffic Assessment Received And Reviewed By The Clarksville Street Dept.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS:

Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7. Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8. Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY: GLENELLEN

MIDDLE SCHOOL: NORTHEAST

HIGH SCHOOL: NORTHEAST

0.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased traffic, light & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY **PIPE SIZE:**

SEWER SOURCE: CITY

ACCESSIBILITY: TRENTON RD. & NEEDMORE CT.

DRAINAGE: VARIES

DEVELOPMENT ESTIMATES:	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		
ROAD MILES:		
POPULATION:		
ELEMENTARY SCHOOL STUDENTS:		
MIDDLE SCHOOL STUDENTS:		
HIGH SCHOOL STUDENTS:		

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 4 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

STAFF RECOMMENDATION: **APPROVAL**

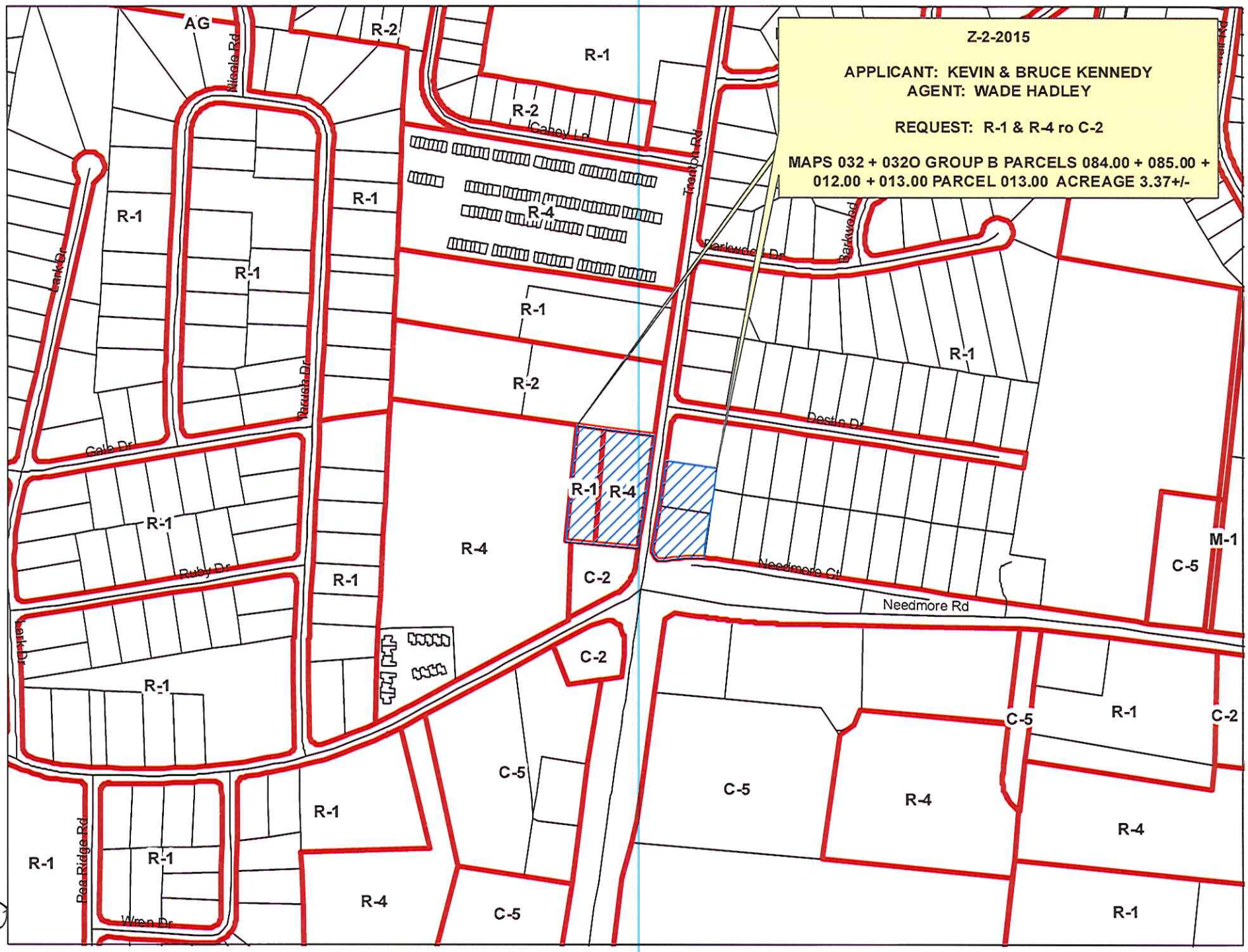
1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan. Future Land Use Opinion Map also indicates Commercial Uses in this vicinity.

2. Adequate infrastructure serves the site.

3. No adverse environmental issues were identified relative to this request.

4. Proposed C-2 General Commercial District provides opportunity for establishments intended to serve the frequent trade or service needs of residents within a convenient traveling distance.

5. Request in an extension of the existing C-2 General Commercial District zoning south and west.


Z-2-2015
APPLICANT: KEVIN & BRUCE KENNEDY
AGENT: WADE HADLEY
REQUEST: R-1 & R-4 ro C-2
MAPS 032 + 032O GROUP B PARCELS 084.00 + 085.00 + 012.00 + 013.00 PARCEL 013.00 ACREAGE 3.37+/-
AG
R-1
R-2
R-4
C-2
C-5
M-1
Nicole Rd
Caney Ln
Trenton Rd
Parkwood Dr
Parkwood
Destin Dr
Needmore Ct
Needmore Rd
Tarquin Dr
Gale Dr
Ruby Dr
Lark Dr
Pea Ridge Rd
Wren Dr

CASE NUMBER: Z 2 2015 **MEETING DATE** 2/25/2015

APPLICANT: Kevin Kennedy / Bruce Kennedy

PRESENT ZONING R-1 **PROPOSED ZONING** C-2

TAX PLAT # 032-O-B **PARCEL** 012.00

GEN. LOCATION 225 +/- FEET NORTH OF THE NEEDMORE ROAD AND TRENTON ROAD INTERSECTION, FRONTING ON THE EAST AND WEST OF TRENTON ROAD

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PUBLIC COMMENTS

None received as of 10:00 a.m. on 2/25/2015 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RPC MEETING DATE: 2/25/2015 **CASE NUMBER:** Z - 4 - 2015

NAME OF APPLICANT: Hui Sun Cho

AGENT: Sung Cho

GENERAL INFORMATION

PRESENT ZONING: R-3

PROPOSED ZONING: C-1

EXTENSION OF ZONE CLASSIFICATION: NO

APPLICANT'S STATEMENT FOR PROPOSED USE: TO PROMOTE MORE BUSINESS OPPORTUNITIES FOR THE COMMUNITY. ERECT SMALL COMMERCIAL PLAZA FOR POSSIBLE CAFE AND CONVENIENCE STORE

PROPERTY LOCATION: AT THE SOUTHWEST CORNER OF THE FRANKLIN STREET AND REYNOLDS STREET INTERSECTION

ACREAGE TO BE REZONED: 1.52

DESCRIPTION OF PROPERTY AND SURROUNDING USES: Heavily wooded with steep varying topography.

GROWTH PLAN AREA: CITY **TAX PLAT:** 066-D-D **PARCEL(S):** 008.00

CIVIL DISTRICT: 12

CITY COUNCIL WARD: 6 **COUNTY COMMISSION DISTRICT:** 17

PREVIOUS ZONING HISTORY:
(to include zoning, acreage and action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☐ ATT
- ☒ FIRE DEPARMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL
- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

1. Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Traffic Assessment Required, Collector Roads, Get 24hr Count. Traffic Assessment Submitted And Reviewed.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS:

Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7. Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8. Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY: MOORE

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: CLARKSVILLE

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased traffic, light & noise

INFRASTRUCTURE:

WATER SOURCE: CITY **PIPE SIZE:**

SEWER SOURCE: CITY

ACCESSIBILITY: FRANKLIN ST. & REYNOLDS ST.

DRAINAGE: WEST / VARIES

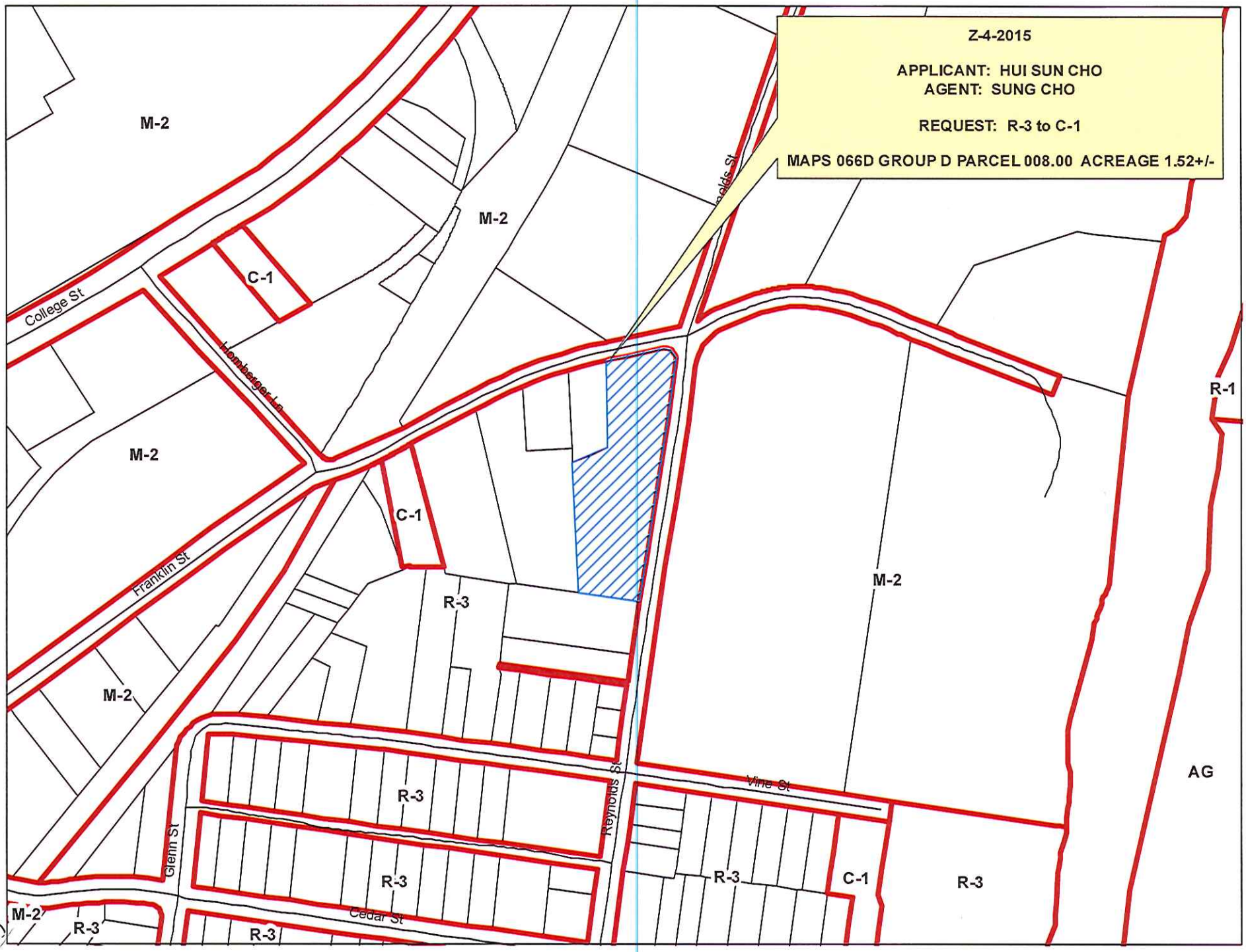
DEVELOPMENT ESTIMATES:	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		
ROAD MILES:		
POPULATION:		
ELEMENTARY SCHOOL STUDENTS:		
MIDDLE SCHOOL STUDENTS:		
HIGH SCHOOL STUDENTS:		

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Red River Planning Area- This planning area is home to the APSU campus. This is a mixed use area with primarily older housing stock neighborhoods sandwiched in between light industrial and commercial districts. This planning area is also targeted for redevelopment.

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. Proposed C-1 Neighborhood Commercial District provides opportunity for small groups of establishments intended to serve the frequent trade or service needs of residents within a convenient traveling distance.
5.


Z-4-2015
APPLICANT: HUI SUN CHO
AGENT: SUNG CHO
REQUEST: R-3 to C-1
MAPS 066D GROUP D PARCEL 008.00 ACREAGE 1.52+/-
M-2
M-2
C-1
College St
Homberger Ln
M-2
C-1
Franklin St
R-3
M-2
M-2
R-1
AG
Vine St
Reynolds St
R-3
R-3
Glenn St
R-3
C-1
R-3
M-2
R-3
Cedar St
R-3

9

CASE NUMBER: Z 4 2015 **MEETING DATE** 2/25/2015

APPLICANT: Hui Sun Cho

PRESENT ZONING R-3 **PROPOSED ZONING** C-1

TAX PLAT # 066-D-D **PARCEL** 008.00

GEN. LOCATION AT THE SOUTHWEST CORNER OF THE FRANKLIN STREET AND REYNOLDS STREET INTERSECTION

****

PUBLIC COMMENTS

None received as of 10:00 a.m. on 2/25/2015 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

RPC MEETING DATE: 2/25/2015 **CASE NUMBER:** Z - 7 - 2015

NAME OF APPLICANT: Shaun Robertson

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-2

PROPOSED ZONING: R-6

EXTENSION OF ZONE CLASSIFICATION: NO

APPLICANT'S STATEMENT FOR PROPOSED USE: For redevelopment into single family homes.

PROPERTY LOCATION: Property located at the northeast corner of the Maple Ln. & Riverview Dr. intersection.

ACREAGE TO BE REZONED: 0.34

DESCRIPTION OF PROPERTY AND SURROUNDING USES: Single Family Residential lot(s). North, East, West- Single Family Residential, South - C-2 Commercial (Krogers)

GROWTH PLAN AREA: CITY **TAX PLAT:** 65-I-D **PARCEL(S):** 15.00 & 16.00

CIVIL DISTRICT: 12th

CITY COUNCIL WARD: 9 **COUNTY COMMISSION DISTRICT:** 17

PREVIOUS ZONING HISTORY:
(to include zoning, acreage and action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING
DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☐ ATT
- ☒ FIRE DEPARMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL
- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

1. Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Comments Received From Department And They Had No Concerns.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS:

Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5. No Comment(s) Received

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

6. FIRE DEPT/EMERGENCY MGT.:

7. No Comment(s) Received

6a. COST FIRE DEPT/EMERGENCY MGT.:

7. POLICE DEPT/SHERIFF'S OFFICE:

8. Comments Received From Department And They Had No Concerns.

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments Received From Department And They Had No Concerns.

9.

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY: MOORE
MIDDLE SCHOOL: RICHVIEW
HIGH SCHOOL: CLARKSVILLE

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Minimal

INFRASTRUCTURE:

WATER SOURCE: CITY **PIPE SIZE:**

SEWER SOURCE: CITY

ACCESSIBILITY: RIVERVIEW DR. & MAPLE LN.

DRAINAGE:

DEVELOPMENT ESTIMATES:	APPLICANT'S ESTIMATES	HISTORICAL ESTIMATES
LOTS/UNITS:		
ROAD MILES:		
POPULATION:		
ELEMENTARY SCHOOL STUDENTS:		
MIDDLE SCHOOL STUDENTS:		
HIGH SCHOOL STUDENTS:		

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Medical District- This Planning area was driven by the former Hospital located within the district. With the hospital being relocated and the former site being redeveloped as commercial and is expected to trigger major changes in the area.

STAFF RECOMMENDATION: **APPROVAL**

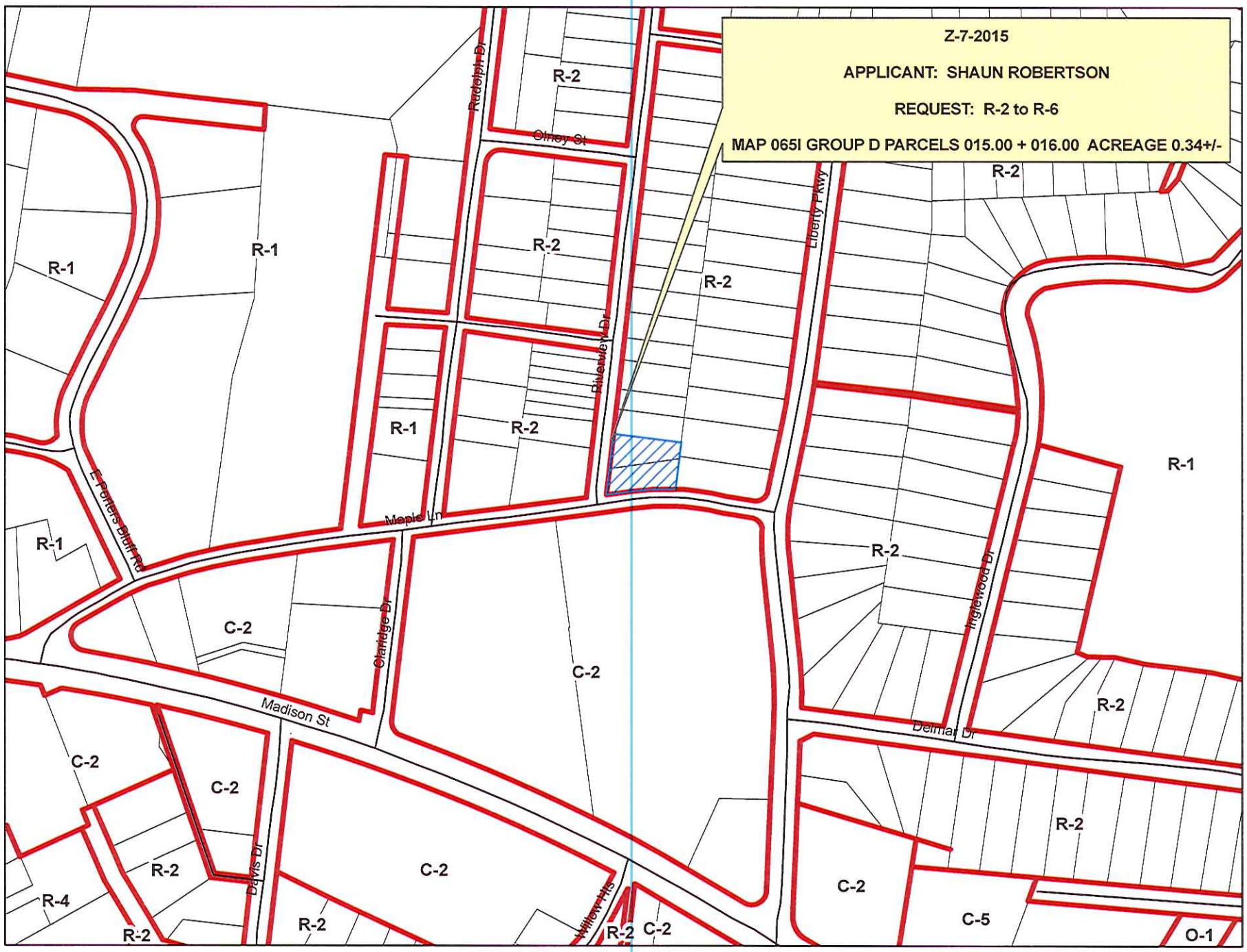
1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.

2. Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.

3. No adverse environmental issues were identified relative to this request.

4. Existing plats provide this property and others in the vicinity potential allowances with the lot of record status, therefore possibly allowing the development lots with 25 feet of width without rezoning the property.

5.


Z-7-2015
APPLICANT: SHAUN ROBERTSON
REQUEST: R-2 to R-6
MAP 065I GROUP D PARCELS 015.00 + 016.00 ACREAGE 0.34+/-
R-1
R-2
R-4
C-2
C-5
O-1
Rudolph Dr
Olney St
Riverview Dr
Liberty Pkwy
E Potters Bluff Rd
Maple Ln
Clairidge Dr
Madison St
Davis Dr
Willow Hts
Inglewood Dr
Delmar Dr

(14)

CASE NUMBER: Z 7 2015 **MEETING DATE** 2/25/2015

APPLICANT: Shaun Robertson

PRESENT ZONING R-2 **PROPOSED ZONING** R-6

TAX PLAT # 65-I-D **PARCEL** 15.00 & 16.00

GEN. LOCATION Property located at the northeast corner of the Maple Ln. & Riverview Dr. intersection.

****

PUBLIC COMMENTS

None received as of 10:00 a.m. on 2/25/2015 (jhb).

ORDINANCE 39-2014-15

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, TENNESSEE, TO PERMIT MULTIPLE FAMILY AND TOWNHOUSES IN THE C-2 GENERAL COMMERCIAL DISTRICT WITH CONDITIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE THAT THE FOLLOWING AMENDMENTS ARE HEREBY MADE TO THE CLARKSVILLE CITY ZONING ORDINANCE:

1. Under Chapter 3 "Zone Districts, Use Tables", Section 3 "Zoning Districts Described", Subsection 20 "C-2 – General Commercial District" is hereby amended by adding the following words in the first sentence between "personal and business services" and "general retail":

   ", general and professional offices, multiple family dwellings (including apartments and townhouses),".

2. Under Chapter 3 "Zone Districts, Use Tables", Section 4 "Land Use Tables", Subsection 12 "Residential Uses", within Table 3.16, Row "Multi-Family", is hereby amended by adding Permitted with Conditions "PC" within the following zoning classification:

   "C-2"

3. Under Chapter 3 "Zone Districts, Use Tables", Section 4 "Land Use Tables", Subsection 12 "Residential Uses", within Table 3.16, Row "Townhouses", is hereby amended by adding Permitted with Conditions "PC" within the following zoning classification:
   "C-2"

4. Under Chapter 4 "District Bulk Regulations and Explanation", within Table 4.7 "Commercial", Column "C-2", Row "Minimum Lot Area" is hereby amended by adding the note:

   "(3) Maximum density of sixteen (16) dwelling units per gross acre for the tract ignoring any portion of the tract (lot or parcel) coverage used for non-residential purposes. The dwellings units may be in the same or separate structures as non-residential uses."

5. Under Chapter 5 "Land Use Development Standards and Procedures", Section 1 "Standards for Uses Permitted with Conditions (PC)", Subsection 7 "Residential Uses

Permitted with Conditions (PC)", is hereby amended by adding another paragraph before "**Single Family**" as follows:

"Multi-Family and Townhouses in the C-2 District:

1. For multi-family dwellings, the following conditions shall be met:
   A. Multi-family dwellings may be located in the same or separate structures as non-residential uses.
   B. Single-family detached structures are permitted provided they are located on a common lot, tract or parcel in a horizontal property regime. Off-street parking and primary access to such single-family detached structures shall be to the side or rear of the dwellings.
2. For townhouses, the following conditions shall be met:
   A. No more than eight (8) single-family attached dwellings may be attached to one another.
   B. Each townhouse unit must be a minimum of sixteen (16) feet wide.
   C. Off-street parking for and primary access to townhouses shall be to the side or rear of the building containing the dwelling units.
3. See Section 6.1.2, Paragraph A for a possible variance for off-street parking for mixed-use development with multi-family dwellings in the same or separate structures on the same tract, parcel or lot.
4. Sidewalks along street frontages are mandatory.

6. Under Chapter 6 "Parking, Loading and Access", Section 1 "Off-Street Parking Requirements", Subsection 2 "Application Standards", add the following paragraph after Paragraph A and renumber the subsequent paragraphs C through L:

"B. In the C-2 General Commercial District with mixed or joint uses with multi-family uses (apartments or townhouses), the off-street parking requirements for residential may be reduced up to twenty percent (20%) by the Board of Zoning Appeals upon demonstration that the off-street parking demand is reduced by pedestrian traffic, transit users, senior housing, and mixed-use interaction."

PUBLIC HEARING: February 5, 2015
FIRST READING: February 5, 2015
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 40-2014-15

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF ROSSVIEW FARMS, LLC FOR PROPERTY LOCATED AT CMAP 39 PARCEL 25.07

WHEREAS, proper application has been made by Jimmy Bagwell on behalf of Rossview Farms, LLC for extensions of City water and sewer utility service to property located at Cmap 39, Parcel 25.07 outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

WHEREAS, the City of Clarksville Gas and Water Department has recommended approval of said application; and

WHEREAS, the Gas, Water and Sewer Committee of the Clarksville City Council has recommended approval of said application; and

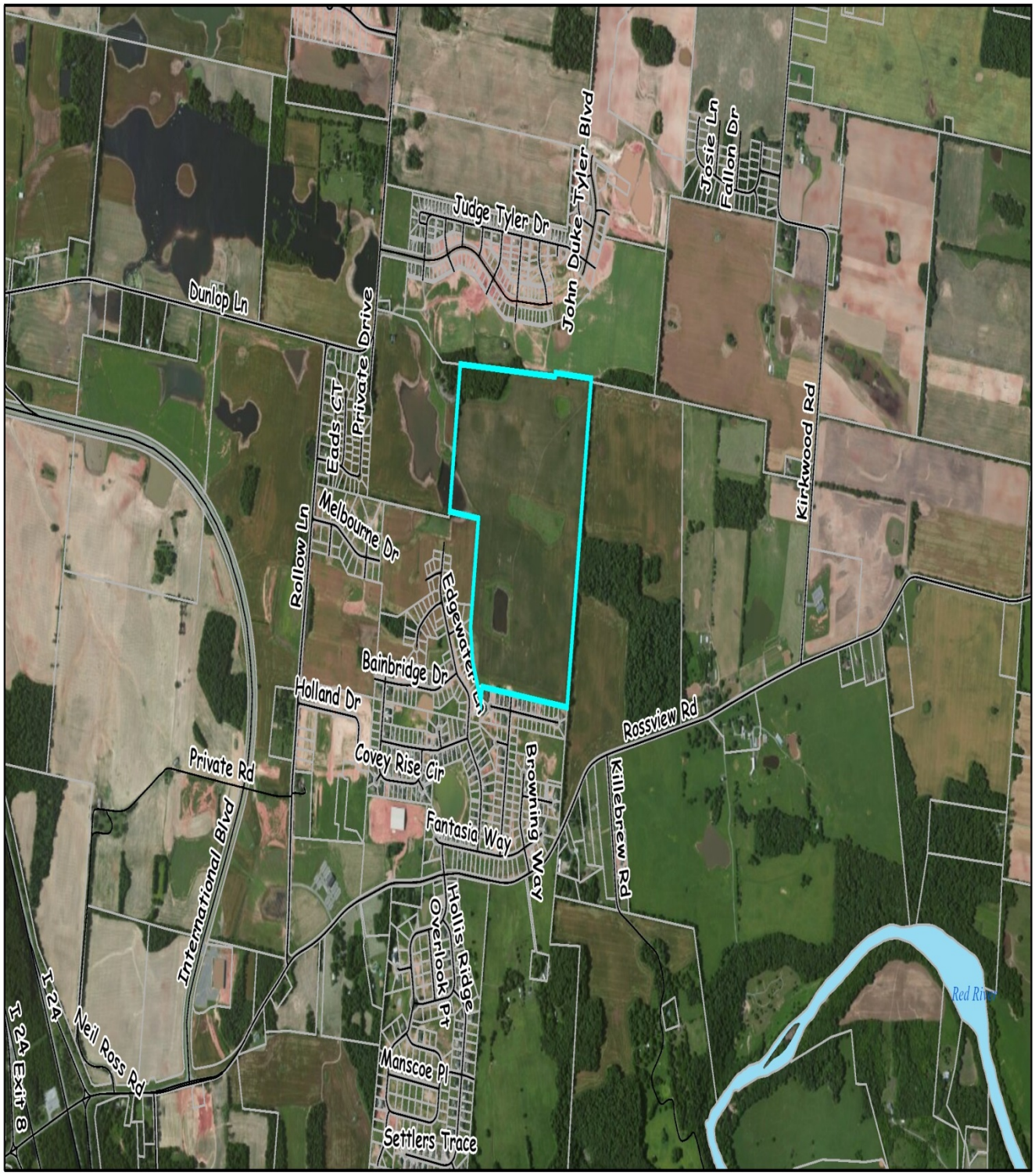
WHEREAS, the Clarksville City Council finds that all of the requirements of City Code Section 13-405 have been or are satisfied and the extension of water and sewer service to property as described in Exhibit A will be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend water and sewer utility service to property located at Cmap 39, Parcel 25.07 outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING: February 5, 2015
SECOND READING:
EFFECTIVE DATE

EXHIBIT A


Josie Ln
Fallon Dr
John Duke Tyler Blvd
Judge Tyler Dr
Kirkwood Rd
Rossview Rd
Killebrew Rd
Browning Way
Edgewater Ln
Bainbridge Dr
Fantasia Way
Hollis Ridge
Overlook Pt
Manscoe Pl
Settlers Trace
Red River
Covey Rise Cir
Holland Dr
Rollow Ln
Melbourne Dr
Eads Ct
Private Drive
Dunlop Ln
Private Rd
International Blvd
Neil Ross Rd
I 24A
I 24 Exit 8

ORDINANCE 42-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF THE OTIS MALLORY ESTATE, EDWARD BURCHETT-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF CUNNINGHAM LANE AND LAFAYETTE ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as C-2 General Commercial District.

PUBLIC HEARING: February 5, 2015
FIRST READING: February 5, 2015
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 405 +/- feet northwest of the centerline of the Lafayette Rd. & Cherry Tree Dr. intersection, said point being the southwest corner on the Nathaniel Mallory property and located in the north ROW line of Lafayette Rd. thence in a northwestern direction 741 +/- feet with the Lafayette Rd. ROW to a point said point being the northwest corner of the subject tract and being located in the radius of the southern ROW line of Cunningham Lane, thence in an easterly direction 740 =/- feet with the southern ROW line of Cunningham Lane to a point, said point being the northwest corner of the Salvatore Zingale property, thence in a southerly direction 473 +/- feet with the western boundary of the Salvatore Zingale property and the western boundary of Boxcroft Subdivision to a point said point being the northeast corner of the Susie Mallory property thence in a westerly direction 72 +/- feet with the northern boundary of the Susie Mallory property to a point, said point being the northeast corner of the Nathaniel Mallory property thence in a westerly direction 131 +/- feet with the to a point said point being the northwest corner of the Nathaniel Mallory property, thence in a southerly direction 132 +/- with the western boundary of the Nathaniel Mallory to the point of beginning, said parcel containing 6.8 +/- acres further identified as (Tax Map 043, Parcel 3.00)

ORDINANCE 43-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CITY OF CLARKSVILLE AND CATHY PERRONE, OFFICE OF HOUSING & COMMUNITY DEVELOPMENT-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF DANIEL STREET AND RICHARDSON STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-2A Single Family Residential District.

PUBLIC HEARING: February 5, 2015
FIRST READING: February 5, 2015
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning a point said point being located 169 +/- feet south of the centerline of the Daniel St. and Wall St. intersection, said point being identified at as the northwest corner of the subject tract and further identified as the southwest corner of the CBP Partners property, thence in an easterly direction 80 +/- feet with the southern boundary of the CBP Partners property to a point, said point being the southwest corner of the James W. Williams property thence in an easterly direction 105 +/- feet with the southern boundary of the Williams property to a point, said point being the southeast corner of the James W. Williams property and the northeast corner of the subject parcel said point being located in the western ROW line of Richardson Street, thence in a southerly direction 264 +/- feet with the western ROW line of Richardson Street to a point, said point being the northeast corner of the Grant Brasher property, thence in a westerly direction 185 +/- feet with the northern boundary of the Brasher property to a point, said point being the northwest corner of the Brasher property and located within the eastern ROW line of Wall St. thence in a northerly direction 259 +/- with the eastern ROW line of Wall St. to the point of beginning. containing 1.11 +/- acres further identified as (Tax Map 79-D-K, Parcel 3.00)

ORDINANCE 44-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF ALLEN FARMS EAST L.P./WILLIAM B. ALLEN, II, FOR ZONE CHANGE ON PROPERTY AT PEACHERS MILL ROAD, WEST BOY SCOUT ROAD, AND EAST BOY SCOUT ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned AG Agricultural District, as R-2 Single Family Residential District.

PUBLIC HEARING: February 5, 2015
FIRST READING: February 5, 2015
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the south right of way of West Boy Scout Road, said point lying South 82 degrees 16 minutes East for 808.00 feet from the centerline intersection of Peachers Mill Road and West Boy Scout Road, also being the northwest corner of herein described parcel; Thence along West Boy Scout right of way for the approximately 847 feet to the terminus of said road, also lying in the south property line of the Mary Durrett Property as recorded in ORV 1472, Page 1648 ROMCT; Thence along the Durrett south property line for approximately 1,313 feet to a point; Thence along Durrett west property line, South 19 degrees 50 minutes 58 seconds East for 256.22 feet to a point; Thence along Durrett south property line, South 83 degrees 34 minutes 29 seconds East for 223.40 feet to a point; Thence along Durrett south property line, North 62 degrees 40 minutes 47 seconds East for 237.49feet to a point lying in the south bank of the Big West Fork Creek; Thence continuing along the bank of the Big West Fork Creek to a point at the northeast corner of the Allen Farms West property as recorded in ORV 506, Page 1774 ROMCT; Thence leaving the creek along the north property line of Allen Farms West property, South 84 degrees 22 minutes 29 seconds West for 734.54 feet to a point, Said point being the southwest corner of herein described parcel; Thence along the east right of way of Allen Griffey Road for approximately 294 feet to the southwest corner of the Amelia Hartz property as recorded in ORV 762, Page 1817 ROMCT; Thence along Hartz property for the next calls; North 76 degrees 16 minutes East for 181 feet;
North 12 degrees 27 minutes West for 245 feet; South 81 degrees 27 minutes West for 178 feet to a point lying in the east property line of the Allen Farms West property; Thence leaving Hartz property along the zone line for approximately 2,456 feet to the point of beginning. Said tract containing 198.8 +/- acres further identified (Tax Map 19, Parcel 35.00 portion of)

ORDINANCE 45-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF TWOSOME PARTNERS, CIVIL SITE DESIGN GROUP C/O CHRIS GOODMAN-AGENT, FOR ZONE CHANGE ON PROPERTY AT TINY TOWN ROAD, NEEDMORE ROAD, BRIDGEWATER DRIVE, AND BERKSHIRE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned C-5 Highway & Arterial Commercial District, as R-4 Multiple Family Residential District.

PUBLIC HEARING: February 5, 2015
FIRST READING: February 5, 2015
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at the northwest corner of Breckinridge Subdivision Section 1A, Plat Book 13 Page 223, said point also being in the eastern right-of-way of Needmore Road; Thence with said right-of-way the following calls: North 14 degrees 31 minutes 29 seconds West 315.78 feet to a point; North 75 degrees 34 minutes 6 seconds East 9.94 feet to a point; North 14 degrees 25 minutes 54 seconds West 77.45 feet to a point: With a curve to the right, with a length of 84.00 feet, a radius of 948.00 feet, and being subtended by a chord bearing North 11 degrees 55 minutes 7 seconds West 83.97 feet to a point; Thence leaving said right-of-way and with the southern line of Laroche Family LP and Pirtle Family LP, volume 1580 Page 1185, North 67 degrees 47 minutes 30 seconds East 457.07 feet to the southeast corner of said Laroche; Thence crossing the property of Twosome Partners, North 67 degrees 47 minutes 30 seconds East 870.31 feet to the western line of Joe Winn, Volume 146 Page 573 and Volume 617 Page 1288; Thence with the western and southern lines of Winn the following calls: South 0 degrees 25 minutes 39 seconds East 20.83 feet to a point; South 30 degrees 6 minutes 28 seconds West 71.01 feet to a point; South 2 degrees 51 minutes 2 seconds West 114.17 feet to a point; South 8 degrees 17 minutes 6 seconds East 76.48 feet to a point; South 84 degrees 28 minutes 52 seconds East 166.42 feet to the northwest corner of Breckinridge Subdivision Section 1C, Plat Book 13 Page 352; Thence with the western and northern

lines of Breckinridge Subdivision Section 1C, 1B (Plat Book 13 Page 259), and Section 1A the following calls: South 12 degrees 34 minutes 9 seconds East 233.84 feet to a point; South 76 degrees 39 minutes 48 seconds West 10.55 feet to a point; South 12 degrees 36 minutes 20 seconds East 200.02 feet to a point; South 77 degrees 23 minutes 30 seconds West 198.33 feet to a point; North 85 degrees 28 minutes 24 seconds West 132.40 feet to a point; South 88 degrees 4 minutes 18 seconds West 532.35 feet to a point; South 9 degrees 31 minutes 43 seconds West 98.61 feet to a point; South 75 degrees 32 minutes 39 seconds West 180.06 feet to a point; South 14 degrees 13 minutes 53 seconds East 62.97 feet to a point; South 75 degrees 30 minutes 7 seconds West 149.56 feet to a point; North 14 degrees 33 minutes 18 seconds West 78.52 feet to a point; Thence South 75 degrees 24 minutes 54 seconds West 150.01 feet to the point of beginning, containing 17.89 +/-acres, further identified as (Tax Map 18, Parcel 19.03 portion of)

RESOLUTION 25-2014-15

A RESOLUTION RENEWING A RETAIL LIQUOR STORE CERTIFICATE OF COMPLIANCE FOR WILLIAM AND KATHERINE BEACH FOR OPERATION OF RIVERBEND WINE & SPIRITS

WHEREAS, William and Katherine Beach have applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for operation of Riverbend Wine & Spirits, 1206 Highway 48; and

WHEREAS, according to a local criminal history check, the applicants who are to be in actual charge of said business have not been convicted of a felony within a ten year period immediately preceding the date of the application and, if a corporation, that the executive officers, or those in control, have not been convicted of a felony within a ten year period immediately preceding the date of the application; and further that it is the undersigned's opinion that the applicant will not violate any provisions of *Tennessee Code Annotated, Title 57, Chapter 3*; and

WHEREAS, the applicants have secured a location which complies with all restrictions of the laws, ordinances, or resolutions; and

WHEREAS, the applicants have complied with the residency provision; and

WHEREAS, the issuance of this license will not exceed the numerical limit established in City Code Sec. 2-205.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Clarksville City Council hereby approves a Certificate of Compliance for William and Katherine Beach for operation of Riverbend Wine & Spirits, 1206 Highway 48, Clarksville, Tennessee.

ADOPTED:

CLARKSVILLE CITY COUNCIL
REGULAR SESSION
FEBRUARY 5, 2015

MINUTES

PUBLIC COMMENTS

Prior to regular session, Niles Arrington asked the City to consider converting the drainage easement on his property at 826 Keystone Drive into a public walkway or park. Anthony Brown had requested to address the City Council regarding Department of Electricity and Gas & Water Department billing policies, but was not present.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, February 5, 2015, 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 Councilwoman Valerie Guzman.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

SPECIAL RECOGNITIONS

Mayor McMillan recognized members of the Mayor's Youth Council who were in attendance. Mayor McMillan and Fire Chief Mike Roberts presented a certificate of appreciation to Clarksville Fire & Rescue EMC Willie Sims who administered CPR to an elderly citizen who had collapsed on January 9th.

PUBLIC HEARING

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

ORDINANCE 39-2014-15 Amending the Zoning Ordinance and the Clarksville City Code, application of the Regional Planning Commission to allow multi-family and townhouses in C-2 General Commercial District with conditions

There were no comments in support of or in opposition to this request.

ORDINANCE 42-2014-15 Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Otis Mallory Estate, Edward Burchett-Agent, for zone change on property at the intersection of Cunningham Lane and Lafayette Road from R-1 Single Family Residential District to C-2 General Commercial District

There were no comments in support of or in opposition to this request.

ORDINANCE 43-2014-15 Amending the Zoning Ordinance and Map of the City of Clarksville, application of the City of Clarksville and Cathy Perrone, Office of Housing & Community Development-Agent, for zone change on property at the intersection of Daniel Street and Richardson Street from R-3 Three Family Residential District to R-2A Single Family Residential District

There were no comments in support of or in opposition to this request.

ORDINANCE 44-2014-15 Amending the Zoning Ordinance and Map of the City of Clarksville, application of Allen Farms East, L.P./William B. Allen, II, for zone change on property at Peachers Mill Road, West Boy Scout Road, and East Boy Scout Road from AG Agricultural District to R-2 Single Family Residential District

William Bailey Allen said they family had no intention of selling this property but wanted to increase its value by changing the zone classification. No one spoke in opposition.

ORDINANCE 45-2014-15 Amending the Zoning Ordinance and Map of the City of Clarksville, application of Twosome Partners, Civil Site Design Group c/o Chris Goodman-Agent, for zone change on property at Tiny Town Road, Needmore Road, Bridgewater Drive, and Berkshire Drive from C-5 Highway & Arterial Commercial District and R-1A Single Family Residential District to R-4 Multiple Family Residential District

There were no comments in support of or in opposition to this request.

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.

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 39-2014-15**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. There was no objection to Councilman Garrett's questions for Dr. Dave Ripple, Director of the Regional Planning Commission. Dr. Ripple said the staff supported this change which would encourage mixed use developments and provide development flexibility.

Councilwoman McLaughlin said she did not support adding a residential option to C-2 zoning because mixed use classifications already exist. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Grubbs, Guzman, Lewis, Powers, Redd, Smith, Wallace

NAY: Garrett, 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 42-2014-15**. 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: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, 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 43-2014-15.** 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: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, 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 44-2014-15**. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Guzman, Lewis, Powers, Redd, Smith

NAY: McLaughlin, Wallace

ABSTAIN: Grubbs

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 45-2014-15.** Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Allen. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, 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 35-2014-15** (Second Reading) Amending the FY15 Police Department Budget to accept a COPS grant for 14 new police officers

2. **ORDINANCE 36-2014-15** (Second Reading) Waiving credit card collection fees for various departments of the City

3. **ORDINANCE 37-2014-15** (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 Capitol Hill Subdivision from R-3 Three Family Residential District to R-2D Two Family Residential District

4. **ORDINANCE 38-2014-15** (Second Reading) Amending the Official Code relative to electronic traffic citation fee

5. Adoption of Minutes: Special Session January 6th, Regular Session January 6th

6. Approval of Board Appointments:

   Adult Oriented Establishment Board: Geno Grubbs – February 2015 through December 2016

   Beer Board: Mark Hodges – February 2015 through March 2016; Jerry Greenwell - April 2015 through March 2017

   Housing Authority – Suzanne Langford – February 2015 through September 2019

   Madison Street Corridor Design Review Board: Joel Wallace – February 2015 through April 2016

   Museum Board: Ray Runyon – January 2015 through December 2017; Wanda Smith – January 2015 through December 2015

   Parking Authority: Linda Shepherd – January 2015 through December 2018; Bill Powers – February 2015 through December 2015

   Public Art Commission: Deanna McLaughlin – June 2014 through May 2016

   Senior Citizens Board: Howard Welch – February 2015 through April 2015

   Zoning Appeals Board: Glenn Rodgers – February 2015 through December 2018

Councilman Lewis made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Grubbs. Councilwoman McLaughlin voiced a

"nay" vote on **ORDINANCE 36-2014-15** and voiced an abstention on her appointment to the Public Art Commission. Councilman Powers voiced an abstention on his appointment to the Parking Authority. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt the Consent Agenda as noted passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE
David Allen, Chair

Councilman Allen said Housing & Urban Development had renewed the City's Shelter and Care Grant, which assists homeless persons, in the amount of $108,944.

FINANCE COMMITTEE
Joel Wallace, Chair

No report; no action required.

GAS & WATER COMMITTEE
Wallace Redd, Chair

ORDINANCE 40-2014-15 (First Reading) Authorizing extension of City of Clarksville utility services; request of Rossview Farms, LLC

The recommendation of the Gas & Water Committee was for approval of this ordinance. Councilman Redd made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

PARKS, RECREATION, GENERAL SERVICES
Valerie Guzman, Chair

Councilwoman Guzman said registration for the Queen City Road Race would begin February 17th for the May 2nd event. She announced that Fort Defiance would be celebrating 153 years by hosting a live history event on February 21st. The annual Chocolate Affair held each February at the Wilma Rudolph Event Center was sold out.

PUBLIC SAFETY COMMITTEE
(Building & Codes, Fire, Police)
Geno Grubbs, Chair

ORDINANCE 41-2014-15 (First Reading) Amending the Official Code relative to after-hours business regulations

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 Councilwoman Guzman.
City Attorney Lance Baker recommended some changes in the language that was presented during Executive Session on January 29th, specifically relative to members' initial terms, definitions, and times of operation. Councilwoman McLaughlin made a motion to substitute revised language as recommended. The motion was seconded by Councilwoman Guzman. A voice vote was taken; taken motion passed without objection. The following vote on the ordinance as amended was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

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

Councilman Grubbs reported the following department statistics for January: Fire & Rescue – 985 emergency responses; Police – 12,282 calls; Building & Codes Construction Division – 1,365 inspections; Building & Codes Enforcement Division – 146 cases; Building & Codes Abatement Division – 13 cases; Building & Codes Administration – 43 single family permits.

STREET COMMITTEE
James Lewis, Chair

Councilman Lewis said the Street Department completed 177 work orders during the month of January.

TRANSPORTATION COMMITTEE
Deanna McLaughlin, Chair

Councilwoman McLaughlin reported the following department statistics for January: Clarksville Transit System - 59,488 passengers; Nashville-Clarksville Express – 4,808 passengers in December, 5,131 passengers in January; City Garage – 260 work orders with unleaded fuel at an average cost of $1.67 per gallon and diesel fuel at an average cost of $1.69 per gallon.

MAYOR AND STAFF REPORTS

There were no mayor or staff reports.

ADJOURNMENT

The meeting was adjourned at 7:36 p.m.

ORDINANCE 46-2014-15

AN ORDINANCE AMENDING THE 2014-15 GENERAL FUND AND CAPITAL PROJECTS FUND BUDGETS (ORDINANCE 81-2013-14) AUTHORIZING THE CITY OF CLARKSVILLE TO ACCEPT A STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) MULTIMODAL ACCESS PROJECT GRANT AWARD IN THE AMOUNT OF $803,425

WHEREAS, the City of Clarksville has been awarded a Tennessee Department of Transportation (TDOT) Multimodal Access grant for the construction of 5' sidewalks/ADA ramps and 41 bus stop shelters with concrete landing pads along the SR12/US41A (Ft. Campbell Blvd.) corridor which has a southern terminus at Market Street and proceeds northerly to the vicinity of SR374 (Purple Heart Parkway), a distance of approximately 4 (four) miles; and,

WHEREAS, the City of Clarksville has been awarded $803,425 in state funds; and,

WHEREAS, the City of Clarksville will be required to provide a match in the amount of $42,285.52.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the following budget amendments be made:

4041000 33430	State Grants Capital	Increase	$803,425
10470003 4914	Transfers Out to Capital Project Fund	Increase	$ 42,286
4041000 39150	Transfer in from General Fund	Increase	$ 42,286
40410003 4330 15102	Professional Services and CEI	Increase	$111,958
40410003 4332 15102	Preliminary Engineering Services	Increase	$ 20,000
40410003 4450 15102	Construction Services	Increase	$713,753

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

RESOLUTION 23-2014-15

A RESOLUTION AUTHORIZING AN INTERLOCAL CONTRACT BETWEEN THE CITY OF CLARKSVILLE, THE STATE OF TENNESSEE, AND THE TENNESSEE STATE VETERANS' HOMES BOARD FOR LOCATION OF THE DOUGHBOY MEMORIAL

WHEREAS, a public memorial to the honored dead who perished in, and to the veterans who served in, World War I from Montgomery County, Tennessee was dedicated on June 9, 1929; and

WHEREAS, the memorial statue, commonly known as "The Doughboy," was recently restored to its' original splendor and placed at a prominent location on Legion Street in Clarksville, Tennessee, as befitting its' purpose to honor our fallen dead and past veterans of that great conflict; and

WHEREAS, the "Doughboy" stands vigilant in remembrance of the great sacrifices and bravery of those who served since its' re-dedication; and

WHEREAS, the Clarksville Public Art Commission proposed relocating the memorial to a location where it would be better protected against vandalism and would be available to the citizens of Clarksville and its visitors; and

WHEREAS, the State of Tennessee Veterans Affairs Commission plans to open the newly constructed Montgomery County Tennessee Veterans' Home at 250 Arrowood Drive in the Spring of 2015; and

WHEREAS, by adoption of RESOLUTION 40-2013-14 on June 5, 2014, the Clarksville City Council determined the "Doughboy" WWI Memorial would be permanently located at the Tennessee Veterans' Home.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENENSSEE:

That the Clarksville City Council hereby authorizes an interlocal contract, attached hereto as Exhibit A, between the City of Clarksville, the State of Tennessee, and the Tennessee State Veterans' Homes Board to permanently locate the "Doughboy" WWI Memorial at the Tennessee Veterans' Home at 250 Arrowood Drive, Clarksville, Tennessee.

ADOPTED:

EXHIBIT A

INTERLOCAL CONTRACT BETWEEN THE CITY OF CLARKSVILLE, TENNESSEE, AND THE STATE OF TENNESSEE, TENNESSEE STATE VETERANS' HOMES BOARD

This agreement is made and entered into pursuant to Tennessee Code Annotated § 12-9-101 et seq. between the City of Clarksville, Tennessee, a political subdivision of the State of Tennessee (hereinafter referred to as "the City"), and the State of Tennessee, Tennessee State Veterans' Homes Board (hereinafter referred to as "TSVHB").

In consideration of the mutual covenants and promises contained in this agreement, the parties agree as follows:

1. The parties agree that the purpose of this interlocal agreement is to provide a permanent site to relocate the City's "Doughboy Statue" to the Tennessee State Veterans' Home in Clarksville at its location on Arrowood Drive, Clarksville, Tennessee.
2. TSVHB agrees to provide a site to permanently relocate the City's Doughboy Statue at its location on Arrowood Drive, Clarksville, Tennessee enabling the statue to be placed and viewed by all members of the community. The City shall provide public transportation to the site.
3. The parties agree that the site of the statue shall be designed and agreed upon in a timely manner so that it may be installed at its new permanent location by April 1, 2015. The parties further agree that the City shall review and approve the placement of the statue and the location design on the TSVHB property. TSVHB shall be responsible for any costs associated with the design and maintenance of the site.

4. The City shall be responsible for the cost of the installation of the Doughboy Statue on the prepared site.

5. The parties agree that TSVHB shall establish appropriate lighting to illuminate the statute. TSVHB shall be responsible for the expenses associated with lighting the statue, including, but not limited to, the costs to establish and maintain the lighting system. TSVHB also agrees to provide an inviting and meditative area surrounding the statue. TSVHB shall maintain continuous communication with the City through its' Department of Parks and Recreation Staff regarding the condition and maintenance of the statue.

6. The City shall be responsible for maintaining the statue, including, but not limited to, cleanings and applications of protective coatings in order to preserve and protect the statue. Any required repairs to the statue due to extreme weather, vandalism, etc. shall be the responsibility of the City. Should the statue become unsightly or unrepairable, the City shall be responsible for removing the statue from the property.

IN WITNESS WHEREOF, each party has caused this interlocal agreement to be executed by an authorized person on the date indicated by his or her name.

CITY OF CLARKSVILLE, TENNESSEE

Date:_____ BY:_____

KIM McMILLAN
Its: City Mayor

STATE OF TENNESSEE, TENNESSEE STATE VETERANS' HOMES BOARD

Date:_____ BY:_____

(Signature)

_____

(Print Name)

Its: Chairperson

RESOLUTION 27-2014-15

A RESOLUTION AUTHORIZING LEGAL ACTION PERTAINING TO PAYMENT OR ASSESSMENT OF AD VALOREM TAXES REGARDING CITY PROPERTY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Clarksville City Council hereby authorizes the City Attorney to take all necessary legal action, against any individual, in an official or individual capacity, or against any governmental entity, to include, but not limited to, the State of Tennessee, Montgomery County, and / or the Montgomery County Assessor, or the Local or State Board of Equalization, as may be necessary to declare, assert, preserve or enforce any rights or claims it may have with regard to the payment or to any assessment for any ad valorem or other taxes levied by such persons or entities with regard to City property, should negotiations fail to resolve any disputes related to same.

BE IT FURTHER RESOLVED THAT the City Attorney is further authorized to employ or to continue to employ private counsel selected by him in furtherance of such aims, as he may determine necessary.

ADOPTED:

ORDINANCE 41-2014-15

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE, TITLE 5 (BUSINESS, PROFESSIONS, AND OCCUPATIONS) RELATIVE TO AFTER-HOURS ESTABLISHMENTS

WHEREAS, the City Council finds that the operation of "after-hours" establishments, clubs and businesses customarily attract large numbers of patrons at late night hours, many who have been consuming alcoholic beverages and who come to the after-hours club typically after licensed alcohol establishments have closed; and

WHEREAS, the City Council finds that such establishments, clubs or businesses typically generate a disproportionate number of police calls which often involve highly intoxicated individuals, illegal drug use, peddling and trafficking, disturbances of the peace, to include fighting and violence; and which create traffic, noise, and parking problems; and negatively impact, and sometimes endanger, nearby businesses and residences; and generally require increased levels of city services; and

WHEREAS, the City Council finds that such establishments, clubs or businesses also have the potential to expose teenaged patrons to negative social elements which would serve to undermine the social stability of the community; and

WHEREAS, the City Council finds that the operation of after-hours establishments, clubs and businesses requires regulation to advance and promote public health, safety, and welfare by establishing after-hours clubs regulations and licensing requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLARKSVILLE, AS FOLLOWS:

1. That the Official Code of the City of Clarksville, Tennessee, Title 5 (Business, Professions, and Occupations), is hereby amended by adding a new Chapter 14 (After Hours Establishments) as follows:

Chapter 14 - AFTER HOURS ESTABLISHMENTS

Section 5-1401. After-hours Establishment Board Established.

A board, to be designated the "After-hours Establishment Board," is hereby created to regulate after-hours establishments, clubs and businesses.

Section 5-1402. After-hours Establishment Board composition; eligibility for appointment; term; vacancy during unexpired term.

(a) Composition. The Clarksville After-hours Establishment Board shall be composed of five (5) members.

(b) Eligibility for appointment. No person shall be eligible for appointment to the After-hours Establishment Board unless he or she has been a resident of the City of Clarksville for at least one (1) year preceding the date of his or her appointment. No former elected mayor or city council member, or current regularly compensated officer or employee of the city, shall be eligible for appointment to the board until at least one (1) year after the expiration of the term of such person's public office or employment with the city. No former After-hours Establishment Board member who has served two (2) consecutive full terms shall be eligible for reappointment to the Board until two (2) years have passed since the expiration of his or her previous term.

(c) Appointment of board members. The Mayor shall appoint the members of the After-hours Establishment Board, subject to the approval of the City Council by majority vote. If a nominee is not approved by majority vote of the City Council, then the Mayor shall nominate another person until such nominee has been approved by a majority vote of the City Council.

(d) Term. Members of the After-hours Establishment Board shall serve a two (2) year term. Members of the After-hours Establishment Board may serve up to two (2) full consecutive terms. For the first board appointed, three members shall be appointed for a term period of two (2) years, and two members shall be appointed for a term period of one (1) year, in order for the board members to have staggered terms. Thereafter, all subsequent term periods shall be for a period of two (2) years.

(e) Residency. Members of the After-hours Establishment Board must maintain their residency within the limits of the City of Clarksville during their term(s) of service. If a member of the Board moves out of the limits of the City of Clarksville during his or her term of service on the Board, their membership shall be vacated and a new member shall appointed to fill the unexpired term of the vacated member.

(f) Vacancy before expiration of term. If any member of the After-hours Establishment Board, resigns from, is removed from, or ceases to be a member of the Board before the expiration of his or her term, the Mayor shall appoint a new member to serve the remainder of the unexpired term, subject to City Council approval. For purposes of computing a term, the filling of an unexpired term shall not count toward the two (2) full consecutive terms limit.

Section 5-1403. After-hours Establishment Board organization; meetings; procedure; compensation.

(a) Quorum. A majority of the After-hours Establishment Board shall constitute a quorum and the Board shall act by vote of a majority present at any meeting attended by a quorum. Vacancies in the board shall not affect its power and authority so long as a quorum remains.

(b) Election of a chair and a vice chair. The After-hours Establishment Board shall elect a chairperson and a vice chairperson.

(c) Public Meetings. The After-hours Establishment Board shall hold public meetings, and give notice to the public thereof, at such regular time and place as the Board may determine. Changes in such time and place of meeting shall be made known to the public as required by law. All meetings of the Board shall be subject to state law of general application concerning open meetings.

(d) Rules of Procedure. The meetings of the After-hours Establishment Board shall be conducted in accordance with the most current edition of Robert's Rules of Order, and such other rules of procedure as the Board may adopt by majority vote.

Section 5-1404. Compensation.

Members of the After-hours Establishment Board shall not receive, or be entitled to receive, any monetary compensation for their service on the Board.

Section 5-1405. Removal of Members.

(a) Grounds. Any member of the After-hours Establishment Board may be removed from office for cause, to include permanent disability, knowing or willful misconduct in office, knowing or willful failure to perform any duty required by law, or the committing of any act constituting a felony or a violation of any penal statute involving moral turpitude, or malfeasance, misfeasance, or nonfeasance as a Board member, upon a roll call vote of three-fourths (3/4) of the full City Council at a public hearing, but only after preferment of formal charges by resolution of the City Council approved by a majority vote of the full Council at a public hearing.

(b) Charges, investigation, notice. All charges shall be in writing and the City Council shall make or direct such investigation in relation to the matter as it may consider necessary. Prior to any hearing, a copy of the charges to be considered at the hearing shall be delivered to or mailed to the Board member against whom they have been filed, together with notice of the time and place for the hearing, which shall not be less than five (5) days from the delivery or mailing of the charges to the accused member.

(c) Hearing, right to counsel and process. The hearing on removal shall be public. The accused Board member shall have the right to appear and to defend in person or by counsel, and shall have process of the City Council to compel the

attendance of witnesses on his or her behalf. The City Attorney, or such other person as the City Council by majority vote may direct, shall present the evidence and witnesses, if any, against the accused Board member.

(d) *Expiration of term upon removal*. Immediately upon a vote approving removal, the term of the accused Board member shall expire, and his or her office, status, power, and authority shall cease without further action.

Section 5-1406. Records and reports of the After-hours Establishment Board.

The After-hours Establishment Board shall keep a complete and accurate record of all meetings and actions taken, which may be in summarized form, and a copy of the same shall be filed with the City Clerk.

Sections 5-1407 through 5-1409. Reserved.

Section 5-1410. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

After-hours establishment, after-hours club, or after-hours business, are terms intended to be interchangeable and shall mean any establishment, club or business open to the general public or to members who pay an admission, cover, or club fee at the door, and which contains an area for dancing, and which features the playing of live or recorded music, and which does not have a beer permit from the City and /or a liquor license from the State of Tennessee. If the establishment, club or business requires a transfer of money or goods upon entry, and contains a dance floor, and uses either a sound amplification system to play music or a disc jockey or a live band for the playing of music, and permits patrons or members to bring in their own alcoholic beverages, it shall be considered an "after-hours establishment," regardless of whether the establishment serves or sells prepared food for consumption.

(a) *Applicant* means a person, on behalf of the after-hours establishment, making an application for an after-hours establishment license.

(b) *City* means the City of Clarksville, Tennessee.

(c) *Department* means the Department of Finance, except as otherwise indicated.

(d) *Director* means the Director of the Department of Finance for the City of Clarksville.

(e) *Beer* shall have the same meaning as is defined in state law of general application.

(f) *Board* means the After-hours Establishment Board for the City of Clarksville.

(g) *Business records* shall mean all financial or accounting records of the after-hours establishment and membership records.

(h) *Hotel* or *motel* means premises licensed by the state or local government as such and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

(i) *Intoxicating Liquor* shall have the same meaning as is defined in state law of general application.

(j) *Licensed premises* means the premises specified in an application for a license under this chapter, which are owned or in possession of the licensee, within which such licensee is authorized to conduct an after-hours establishment, and shall include all of the building or buildings, and porches, patios, and like structures, whether attached or not, and all of the property upon which such are situated, including parking lots owned or leased for the benefit of the operation of the after-hours establishment.

(k) *Licensee* means the person, on behalf of the business, to whom the license is issued.

(l) *Manager* includes the person or those persons, who manage, conduct, direct, supervise, oversee, or administer the acts or transactions of employees or agents of the after-hours establishments governed by this article.

(m) *Moral turpitude* shall be defined as all crimes involving dishonesty.

(n) *Owner* means any person, agent, manager, firm, association, partnership or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or City as holding title to the property, to include the estate of any such person and including the guardian of the estate of any such person if ordered to take possession of such real property by a court.

(o) *Person* means a natural person, partnership, corporation, limited liability company, association, club, or any other business entity recognized by the State of Tennessee, or any officer, manager, employee, or agent thereof, owning or operating an after-hours establishment.

(p) *Person of good moral character* shall mean any person who meets all of the following requirements:

(1) The person has such financial standing and good reputation as will satisfy the City that the person will comply with this chapter and all laws, ordinances, and regulations applicable to the person's operation of an after-hours establishment under this chapter.

a. In evaluating an applicant's "financial standing" the City may consider the following: An applicant's "financial standing" may include, but is not limited to, a record of prompt payment of local, state and federal taxes due, a record of prompt payment to the City and its' utility departments of all fees or charges due the City or its' utility departments for municipal services or utilities provided, and prompt payment of or satisfaction of any fine or civil penalty imposed pursuant to any provision of the City Code.

b. In evaluating an applicant's "good reputation" the City may consider the following: A previous violation of any of the requirements or prohibitions set out in this chapter by the applicant or licensee, or the licensee's agents or employees; a conviction of any criminal law, including misdemeanors, from any jurisdiction, involving alcohol, illegal drugs, violence to the person, or any crime of moral turpitude, within five (5) years preceding the date of the application for an after-hours establishment license; or any currently pending felony criminal charges, or felony criminal convictions of any kind, type or nature, whether federal or state, and from any jurisdiction.

(2) The person is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation, partnership, or a limited liability company, or other business entity recognized by the State of Tennessee. In the case of a partnership, only one general partner need be a resident of this state.

(3) The person has not been convicted of a felony from any jurisdiction. However, if the person's conviction of a felony occurred more than five years before the date of the application for an after-hours establishment license, and if the person's rights of citizenship have been restored, the City may determine that the person is of good moral character notwithstanding such conviction.

(4) The person does not have currently pending criminal felony charges from any jurisdiction.

(5) The person is not a sex offender required to register with local law enforcement agencies.

(6) The person has not been convicted of any criminal law, including misdemeanors, involving alcohol, illegal drugs, violence to the person, or any

crime of moral turpitude, within five (5) years preceding the date of the application for an after-hours establishment license.

(7) The person has not knowingly or recklessly made a material false statement in their application or in connection with proceedings before the Board.

(8) The person has obtained a City business permit and is otherwise authorized to do business within the City and State.

(9) The person is not delinquent or indebted to the City or to the State of Tennessee for any taxes, fees, fines, or penalties assessed, due, and owing in relation to an after-hours establishment or otherwise.

(10) The person has not had a license or permit for the sale of intoxicating liquor, or beer, or wine, or alcoholic beverages, or any other license similar to an after-hours establishment license as provided in this chapter, to have been denied, suspended or revoked within the past ten (10) years from the date of application submittal

(11) The person has not owned, wholly or in part, or operated in any way, any entity, business, or club, within the City, or any other city or county, within this state or out-of-state, whether licensed or unlicensed, and whether selling or serving alcoholic beverages or not, that has been declared a public nuisance within the past ten (10) years from the date of application.

(12) The person is at least twenty one (21) years of age or older.

(13) The requirements of this definition apply to the following:

a. Each of the officers, directors, and partners of such "person."

b. A person who directly or indirectly owns or controls ten percent or more of any class of stock of such "person."

c. A person who directly or indirectly has an interest of ten percent or more in the ownership or profits of such "person."

d. For the purposes of this subsection, an individual and the individual's spouse shall be regarded as one person.

(q) *Repeated disturbances of the public peace* shall mean two or more disturbances requiring a response by the Clarksville Police Department in the preceding twelve (12) months.

(r) *Wine* shall have the same meaning as is defined in state law of general application.

Section 5-1411. License required.

It shall be unlawful for any person to operate an *after-hours establishment* within the City without first paying any required license fee(s) and procuring an after-hours establishment license issued by the After-hours Establishment Board for the operation of such after-hours establishment in accordance with the provisions of this chapter. This chapter, however, shall not apply to hotels or motels.

Section 5-1412. Eligibility.

Upon meeting the requirements imposed by this chapter and other City Ordinances as may be applicable, a person who is of good moral character, as defined by this chapter, may apply for, be issued and hold an after-hours establishment license. For a corporation or partnership, the officers of the corporation, and the partners of a partnership, shall be required to be persons of good moral character as defined by this chapter.

Section 5-1413. Department of Finance-powers and duties.

The Department of Finance shall be charged with the duty of supplying application forms for licenses for permission to operate an after-hours establishment, and such forms shall contain such pertinent questions to be answered by the applicant, under oath, as is provided herein and as otherwise may be deemed to be necessary by the Board.

Section 5-1414. Initial and renewal license application fees; late application fee; retainage of fees after withdrawal or upon denial.

(a) An applicant for an after-hours establishment license shall submit an initial license application fee to the Department of Finance at the time of filing the application in the amount of Two Hundred and Fifty Dollars and Zero Cents ($250.00). No application for an after-hours establishment initial license shall be accepted for processing by the Department without the payment of the required fee.

(b) An applicant for an after-hours establishment renewal license shall submit a renewal license application fee to the Department at the time of filing the renewal application in the amount of One Hundred and Fifty Dollars and Zero Cents ($150.00). No application for an after-hours establishment renewal license shall be accepted for processing by the Department without the payment of the required fee. Any application for a renewal license shall be made no earlier than forty five (45) days prior to expiration of the initial license or any current renewal license.

(c) An applicant who files an application for renewal license less than twenty (20) days prior to the date of license expiration shall pay in addition to the renewal application fee a late fee of Fifty Dollars and Zero Cents ($50.00). No application

for an after-hours establishment renewal license shall be accepted for processing by the Department without the payment of any required late fee.

(d) If the application for an initial license or an application for a renewal license is denied, or if the application for an initial license or renewal license is withdrawn before final action is taken by the Board, then any initial application fee or renewal application fee and any late fee paid by the applicant shall be retained by the Department for the cost of administrative processing.

Section 5-1415. Term for Initial and Renewal Licenses.

All after-hours establishment licenses, to include renewal licenses, unless sooner suspended or revoked, shall expire at 6:00 a.m. one (1) calendar year from the date of issuance by the Board.

Section 5-1416. License application; administrative processing and investigations, inspections and reports.

(a) All applicants shall submit an application for an after-hours establishment license in writing, under oath, through the Department of Finance to the Board, on a form issued by the Department and approved by the Board. Upon receipt of an application for a license by the Department, along with any required fee(s), the original application shall be date stamped and forwarded by the Department to the Board, with a copy provided to the Chief of Police, the Fire Chief, and the Building Official. The Chief of Police, or his or her designee, shall thereafter conduct or cause to be conducted an investigation of the applicant and others listed on the application as may be required herein, as to the truth of the facts averred in the application, as well as a review the accuracy, completeness and acceptability of the security plan, and submit a written report pertaining to same to the Board. The Fire Chief and the Building Official, or their designees, shall each conduct or cause to be conducted a separate inspection of the premises to determine if they conform to the City Code and federal and state laws of general application within their purview pertaining to such establishments, and determining a maximum occupancy, as well as review the accuracy, completeness and acceptability of the evacuation plan, and shall also submit a written report pertaining to same to the Board. Such investigations and reports shall be completed and submitted to the Board within forty five (45) calendar days from the date of submission of the application by the applicant to the Board through the Department of Finance. No license shall be approved or issued by the Board until or unless such reports have been filed with the Board by such officers.

(b) All applications shall be made in the name of the owner of the business, whether an individual or individuals, a corporation, a partnership, a limited liability company, an association or club, or some other business entity recognized by the State of Tennessee, and shall contain the following:

(1) The full name of the applicant(s), the residence address, and the work, business or employer name and address (if any) where the applicant may generally be found, a telephone number, and the date of birth and social security number of an individual applicant or applicants and, when the applicant is a corporation, of the board of directors and officers of the corporation, and when the applicant is a partnership, of the partners of the partnership, and otherwise of any owners having at least a ten percent (10%) interest in the after-hours establishment, and any officers or general managers of the applicant, and the taxpayer identification number if applicable; and

(2) For individual applicants a copy of a state or federal issued identification card; and

(3) The after-hours establishment's legal name, d/b/a name, address, and phone number; and

(4) The name and residence address of the owner of the building where such after-hours business will be located, along with satisfactory proof of the applicant's ownership of the establishment property or right to possession of the premises to include a copy of the lease for such premises; and

(5) A sketch or diagram of the proposed licensed premises showing the boundaries and locations of entrances and exits of buildings and parking lots and indicating the address of the proposed licensed premises, along with street names and abutting addresses; and

(6) A copy of a valid Tennessee sales tax permit and general business license for operation of the after-hours business, as may be required by law; and

(7) The applicant must give consent in writing on the application that members of the police and fire departments and the building official may enter upon the establishment premises without warrant to inspect for violations of the provisions of this chapter, and other provisions of the City Code and of state and federal law of general application; and

(8) The applicant shall disclose in detail on the application whether the applicant, or any other person required to be listed on the application, has ever been charged with or convicted of any felony, whether state or federal, and from any jurisdiction, and if so, providing the name of the offense charged or convicted, the court having jurisdiction over the charge or conviction, the docket or file number for the case, the date of the offense, the date of the charge by warrant or indictment or other charging instrument, the date of conviction (if any) or disposition of the charge, and the disposition or adjudication of the charge or sentence imposed.

(9) The applicant shall disclose in detail on the application whether the applicant, or any other person required to be listed on the application, has ever been convicted of any criminal law, including misdemeanors, involving alcohol, illegal drugs, violence to the person, or any crime of moral turpitude, within five (5) years preceding the date of the application for an after-hours establishment license, whether state or federal, and from any jurisdiction, and if so, providing the name of the offense, the court having jurisdiction over the conviction, the docket, file or warrant number for the case, the date of the offense, the date of the charge by warrant, indictment or other charging instrument, the date of conviction, and the disposition or adjudication of the charge or sentence imposed.

(10) The applicant shall disclose in detail on the application whether the applicant, or any other person required to be listed on the application, has ever had a license or permit for the sale of intoxicating liquor, or beer, or wine, or alcoholic beverages, or any other license similar to an after-hours establishment license as provided in this chapter, to have been denied, suspended or revoked within the past ten (10) years from the date of application submittal, and if so, providing the name of the court or administrative entity, the name of the case and any docket or file number, and the date of any such adjudication or administrative finding.

(11) The applicant shall disclose in detail on the application whether the applicant, or any other person required to be listed on the application, has ever owned in part, or operated in any way, any entity, business, or club, within the City, or any other city or county, within this state or out-of-state, whether licensed or unlicensed, and whether selling or serving alcoholic beverages or not, that has been declared a public nuisance within the past ten (10) years from the date of application submittal, and if so, providing the name of the court or administrative entity, the name of the case and any docket or file number, and the date of any such adjudication or administrative finding.

(12) All after-hours establishment licensees shall be responsible for providing an adequate number of security officers to effectively patrol the premises, including any parking facilities owned or used by the establishment for the use of its patrons, and to maintain order based on the maximum occupancy of the premises. As determined by the Director of Buildings and Codes and / or the Fire Marshall, or their designee, the maximum occupancy load shall be calculated based on one (1) person per fifteen (15) square feet of gross floor space. The applicant shall submit both a detailed security plan and an emergency evacuation plan at the time the application is filed. The emergency evacuation plan shall include employee duties and exit routes. No after-hours establishment license shall be issued until:

a. the Chief of Police, or his/her designee, approves the security plan; and
b. the Fire Chief, or his/her designee, approves the emergency evacuation plan.

The decision of either approval or disapproval of both the security plan and the evacuation plan shall be submitted to the Board within forty five (45) days from the date an application, containing the applicant's proposed plans, is filed with the Department of Finance for forwarding to the Board. If one or both plans are disapproved, the Chief of Police, or the Fire Chief, or their designee, must submit to the Board in writing the reasons for rejection of the security or evacuation plan respectively, as well as recommendations to the applicant of changes to be made to the plan(s) to obtain approval. These reasons and recommendations shall be forwarded by the Board to the applicant by certified mail, return receipt requested, to address provided by the applicant on the application, within ten (10) days of receipt of same by the Board.

(c) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than ten percent of the stock of the corporation; if the applicant is a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the subsections of this section pertaining to a corporate application shall apply.

(d) An applicant or licensee shall amend or supplement the information provided in its application promptly if a change in circumstances affects the responses in its application.

(e) All applicants shall promptly notify the Board in writing in the event that any information contained in an application has changed or any information is discovered by the applicant to be incorrect in any way from what is stated on the application, and every applicant or licensee shall have the continuing duty to promptly update and supplement such information during the term of any after-hours establishment license issued to the applicant. The failure to notify the Board in accordance with this chapter within thirty (30) days from the date of such change or discovery, by supplementing or updating the application on file with the Board, shall be grounds for denial of any application for a license, or where a license has previously been issued, for the suspension or revocation of such after-hours establishment license.

Section 5-1417. License approval and issuance by the Board.

(a) Licenses shall be issued in the name of and to the owner of the business, whether they or it be an individual person(s), partnership, corporation, a limited liability company, club or association, or some other business entity recognized by the State of Tennessee.

(b) No after-hours establishment license shall be approved or issued for premises which do not conform to all applicable laws, ordinances, and resolutions, and health, safety, fire, building and zoning regulations.

(c) No after-hours establishment license shall be approved or issued for any premises in which the after-hours establishment is to be located until a certificate of occupancy has been issued for the building or structure.

(d) The Board shall conduct a public hearing on any application for an after-hours establishment license. At the hearing, the applicant, or counsel for the applicant, may address the Board, and the Board may hear from City officials or employees and members of the public, pertaining to any issue or matter within the purview of the Board and whether or not a license should be approved and issued. No such hearing shall be held until written notice thereof has been sent by U.S. certified mail, return receipt requested, to the last known address provided by the applicant to the Board, at least five days prior to the date set for the hearing.

(e) Upon receipt of departmental investigations and inspections, and upon a finding by the Board at the public hearing that the applicant has fully complied with all requirements of this chapter and all applicable laws, ordinances, resolutions, regulations and codes regulating fire hazards, buildings, health, and zoning applicable to the after-hours establishment, and that the applicant is of good moral character as that term is defined in this chapter, the Board shall approve the application and shall issue the after-hours establishment license.

(f) The Board shall disapprove an applicant's application for an after-hours establishment license if the applicant has not fully complied with all requirements of this chapter and all applicable laws, ordinances, resolutions, regulations and codes regulating fire hazards, buildings, health, and zoning applicable to the after-hours establishment, or if the Board finds that the applicant is not of good moral character as that term is defined in this chapter.

(g) The Board shall be authorized to impose reasonable conditions and restrictions upon any proposed applicant in the interests of public health, welfare, and safety before approving and issuing any after-hours establishment license.

Section 5-1418. License renewals.

(a) Every person operating an after-hours establishment shall apply for an after-hours establishment license annually as if for an original license. There shall be no automatic renewal. Such application shall be filed and the fee paid not less than

twenty (20) days prior to the expiration of the current license, nor earlier than forty-five (45) days prior to the expiration of the original license or any prior issued renewal license. No after-hours establishment may continue to operate beyond the expiration date of the license or any prior renewal license until a renewal application fee has been paid, the renewal application has been filed, and a renewal license has been approved and issued by the Board. No renewal application shall be accepted by the Director or the Board from any licensee after the license for which renewal is requested has expired. In such case, the licensee must submit an application and fee for a new license.

(b) A license that is under suspension may be renewed in accordance with this chapter provided that such renewal shall not modify, alter, terminate, or shorten the period or term of the suspension. The suspension of a license shall not extend the term of the license or otherwise relieve the licensee from timely seeking renewal of the license in accordance with this chapter.

(c) The Board shall conduct a public hearing on any renewal application. At the hearing, the licensee, or counsel for the licensee, may address the Board, and the Board may hear from City officials or employees and members of the public, pertaining to any issue or matter within the purview of the Board and whether or not a renewal license should be approved and issued. No such hearing shall be held until written notice thereof has been sent by U.S. certified mail, return receipt requested, to the last known address provided by the licensee to the Board, at least five days prior to the date set for the hearing.

(d) Prior to any renewal hearing, the Clarksville Police Department, Fire Rescue Department, and Building and Codes Department, shall provide to the Board a written report detailing any violation of federal, state, or local laws which have occurred on the licensed premises, or upon any parking areas, sidewalks, walkways, access ways, or grounds immediately adjacent to the licensed premises, within the previous twelve (12) months.

(e) After the hearing, the Board shall grant an application for renewal if all the criteria of this chapter continue to be met.

(f) The Board may deny a renewal application if violations of this chapter, or of any other state, federal, or local law pertaining to such establishment, have occurred on the licensed premises, or upon any parking areas, sidewalks, walkways, access ways, or grounds immediately adjacent to the licensed premises within the previous twelve (12) months.

(g) The Board is authorized to place reasonable conditions and restrictions in the interests of public health, welfare, and safety on any license at the time of renewal.

Section 5-1419. Renewal application.

(a) Upon receipt of an application for the renewal of an after-hours establishment license, the same information required for an original application shall be required for the renewal application, and the renewal application shall be forwarded to the Chief of Police, the Fire Chief, and the Building Official, or their designees, who shall conduct an investigation and shall submit a written report on the applicant as to the truth of the facts averred in the renewal application as is provided for and in the same manner and particulars as is required for the processing of an original application for a license under this chapter.

(b) Inspection of the premises for a renewal application will be the same as is provided for an original application for a license under this chapter.

Section 5-1420. Timely filed status.

(a) An applicant for renewal of an after-hours establishment license may be granted timely filed status if the applicant complies with the following conditions:

(1) The applicant files a completed application with the Board at least twenty (20) days in advance of the expiration of an after-hours establishment license or previously issued renewal license; and

(2) The applicant pays the appropriate renewal license application fee in full.

(b) Timely filed status shall permit the license holder to continue to operate under a license after its expiration, unless revoked or suspended pursuant to the provisions of this chapter, until such time as the Board has made a final decision with regard to issuance of the renewal license. If the application for the renewal license is denied, timely filed status shall continue until the last day for the appeal of such denial to the City Council, or if an appeal is timely filed, then until such time as the City Council may make a final decision regarding the renewal application.

(c) Absent timely filed status, an applicant for renewal shall not operate an after-hours establishment beyond the expiration date of the license.

Section 5-1421. Prohibited acts, conduct.

No person holding an after-hours business license nor his or her employees or agents shall do any of the following:

(a) Knowingly permit any gambling as defined by state law of general application, or knowingly permit solicitation for immoral purposes, or permit immoral or disorderly conduct on the premises covered by the license.

(b) Keep or allow to be kept gambling devices of any kind or description on the licensed premises contrary to state law.

(c) Engage in, perform, act or cause, permit, procure, counsel or assist any other person who is acting as a waiter, waitress, host, hostess, dancer, or entertainer on the licensed premises to:

(1) Expose his or her genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region;

(2) Expose or wear any device, costume or covering which gives the appearance of or simulates the genitals, public hair, buttocks, perineum, anus region, or pubic hair region; or

(3) Expose any portion of the female breast at or below the nipple thereof.

For purposes of this subsection a person shall be deemed a waiter, waitress, host, hostess, dancer, or entertainer if such person acts in that capacity without regard to whether such person is paid any compensation by the after-hours establishment licensee or by his or her employee or agent.

(d) Knowingly permit solicitation on the licensed premises for purposes of prostitution.

(e) Knowingly permit or engage in any criminal activity on the premises covered by the license, to include but not limited to, use, possession, or sale of illegal drugs.

(f) Knowingly permit any sound to emanate from, in or on any licensed premises in such manner as to violate the City Code or which disturbs the public peace.

(g) Knowingly permit disturbances of the public peace.

(h) Operate an after-hours establishment without a valid license as required by this chapter or fail to display such license in a prominent place within the licensed premises so as to be readily available for inspection, nor operate the after-hours establishment at any time between the hours of six (6:00) a.m. and twelve (12:00) noon.

(i) Allow in such after-hours establishment any indecent act to be committed or any disorder or conduct of gross, violent, criminal, or vulgar/obscene character.

(j) Knowingly or recklessly allow any patrons to enter the premises with a fake identification card.

(k) Knowingly or recklessly allow any patrons to enter the premises bearing any illegal drug, including the analog of a schedule 1 or 2 controlled substance, or upon any parking areas, sidewalks, walkways, access ways, or grounds immediately adjacent to the licensed premises.

(l) Allow or permit any person, other than authorized security personnel, to bring any firearm, as defined by state law, or other deadly weapon as defined by state law, onto the premises of the establishment.

(m) Admit or allow to be admitted in any such after-hours establishment, persons under the age of twenty one (21).

(n) Knowingly or recklessly allow any patrons to enter the premises with a fake identification card.

(o) Admit or allow to be admitted in any such after-hours establishment, persons in a number that exceeds the maximum occupancy of the licensed premises, as determined by the Clarksville Fire Rescue Department.

(p) Operate or permit the operation of an after-hours establishment in violation of any applicable section of the City Code concerning noise; or when the music level emanating from the after-hours establishment is played in such a manner as to be audible within a structure adjacent to the property which annoys or disturbs the quiet, comfort, or repose of any person within such structure.

(q) Operate or permit the operation of an after-hours establishment on the same premises as any business holding an existing City beer permit, or State liquor license.

(r) Operate or permit the operation of an after-hours establishment when the licensee or a manager, as listed on the application, is not physically present within the licensed premises.

(s) Fail to immediately report to the Clarksville Police Department any disorderly conduct, any other criminal activity, or violations of this chapter occurring within the licensed premises or upon any parking areas, sidewalks, walkways, access ways, or grounds immediately adjacent to the licensed premises.

Section 5-1422. Procedures for imposition of civil penalty, suspension or revocation of after-hours establishment license.

(a) Upon investigation and evidence provided by city officials, including but not limited to the Chief of Police, Fire Chief, Director of Buildings and Codes, or the City Attorney, or their designees, pertaining to any alleged violation of the provisions of this chapter, or of any other provision of the City Code or

ordinances, or any state or federal laws of general application pertaining to after-hours establishments, the Board shall conduct a public hearing regarding same, and shall make a determination by majority vote as to whether the City has shown just cause, for the imposition of a civil penalty upon a licensee, and further, for a suspension or revocation of a licensee's after-hours establishment license, as provided herein.

(b) No civil penalty, suspension or revocation shall issue or be imposed except upon prior written notice delivered to the licensee by certified mail, return receipt requested, addressed to the licensee at the licensed premises or at the last address provided by the licensee, a minimum of seven (7) calendar days prior to the date set for the hearing before the Board. Such notice shall inform the licensee of the time, date and place for the hearing, and shall set out briefly and generally in summarized form the reasons therefore and provide notice of the alleged violation(s) against him or her or it.

(c) If, after such hearing, the Board makes a finding that just cause has been established based on material evidence that a licensee has violated any provision of this chapter, or of any other provision of the City Code or ordinances, or any state or federal law of general application pertaining to after-hours establishments, then the Board shall impose a civil penalty of Fifty Dollars and Zero Cents ($50.00) upon the licensee, and in addition thereto may suspend or revoke the license of the licensee. The determination of whether to suspend or revoke such license shall be in the discretion of the Board and shall be dependent upon the totality of the circumstances surrounding the violation and its severity, and the Board may consider any previous violations by the licensee or their employees or agents in determining what sanction to impose.

(d) A licensee whose license has been revoked shall not be eligible to apply for another such license for a period of one (1) year after such revocation, and this prohibition shall apply to any entity having the same owner, or part owner, or manager, of the licensee whose license has been revoked.

(e) Failure to pay a civil penalty imposed by the Board within 30 days of the date of the Board's decision imposing such penalty, unless stayed by court order, shall result in an automatic suspension of the after-hours establishment license, which suspension shall remain in effect until such time as the licensee pays the civil penalty, even if the Board's prior decision imposed a suspension of limited duration. In such case, the Board shall issue an amended suspension order which shall extend any prior issued suspension time period until such time as the civil penalty has been paid.

(f) Nothing in this chapter shall prohibit the City from taking any other enforcement action provided for by local laws and regulations, or state or federal law of general application.

Section 5-1423. Just causes for imposition of civil penalty, and for suspension or revocation.

A holder of an after-hours establishment license shall be required to pay a civil penalty of FIFTY DOLLARS ($50.00), and may have their license suspended for a period not to exceed one (1) calendar year, or may have their license revoked, following notice and hearing, as provided herein, for any of the following just causes:

(a) The licensee or any manager of the licensee has knowingly or recklessly made or provided a false statement or given false information, or made a misrepresentation, as to a material fact in connection with an application for a license, renewal of a license, or in any proceeding or hearing before the Board; or

(b) A change in the ownership of the establishment has occurred which change has not been reported to the Board within the time period required herein; or

(c) The occurrence of an event or a change in status of the licensee which would have resulted in a disqualification or disapproval of the licensee from receiving such license when originally issued; or

(d) Any purported sale, hypothecation, or transfer of such license; or

(e) A licensee, or any manager of licensee, has failed or refused to render any report, or to submit any required information, as required or requested by authorized City employees or agents; or

(f) The licensee, or a manager, employee or agent of the licensee, has knowingly or recklessly violated, or knowingly or recklessly allowed or permitted a violation, of any provision of this chapter; or

(g) The licensee, or any manager of the licensee, has violated any criminal law, including misdemeanors, involving alcohol, illegal drugs, violence to the person, or any crime of moral turpitude, whether state or federal, and from any jurisdiction, while holding a license; or

(h) The licensee, or any manager of the licensee, has committed any felony, whether state or federal, and from any jurisdiction, while holding a license; or

(i) The licensed premises have been inactive for at least three (3) consecutive months; or

(j) That repeated disturbances of the public peace have occurred within the licensed establishment, or upon any parking areas, sidewalks, walkways, access ways, or grounds of the licensed premises, by patrons of the licensed premises or involving patrons, employees, or the licensee; or

(k) A manager or employee of the licensed establishment is under the age of 18 years; or

(l) The licensee, in the case of a corporation or limited liability company, is not in good standing or authorized to do business in the state or has failed to renew any business license as may be required by law; or

(m) The licensee has failed to pay and remit, or refuses to pay and remit, or is otherwise delinquent or indebted to the City or the State of Tennessee for any taxes, fees, fines, or penalties assessed, due, and owing in relation to the after-hours establishment; or

(n) The licensee, or any manager, employee or agent of the licensee, has offered for sale, or transferred or delivered, illegal drugs, or has knowingly or recklessly allowed or permitted illegal drugs to be consumed, upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways, or grounds of the licensed premises; or

(o) The licensee, or any manager, employee or agent of the licensee, has offered for sale, upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways, or grounds of the licensed premises, any alcoholic beverage; or

(p) The licensee, or a manager of the licensee, is not on the licensed premises at all times that the after-hours establishment is open to the public; or

(q) The after-hours establishment has been, or is being, maintained in such a way as to violate any building code, fire safety code, zoning ordinance, or public health or safety law imposed by the City, Montgomery County, the State of Tennessee, or of the United States; or

(r) The licensee, or any manger, employee or agent of the licensee, has violated any of the provisions of Section 10-421 herein.

Section 5-1424. Emergency Suspension.

(a) Notwithstanding any other provision of this chapter, the Chief of Police, the Fire Chief, or the Building Official, or their designee(s), may temporarily suspend the license of an after-hours establishment license holder and order a temporary closure of an establishment in a situation involving an immediate danger to public health, safety, or welfare, or to investigate criminal activity that has allegedly occurred on the premises.

(b) The Chief of Police, the Fire Chief, or the Building Official, or their designee(s), shall give immediate written notice of the temporary suspension/closure order to

the licensee if present at the premises, or to any manager of the licensee who is required to immediately comply with the order. Thereafter, within a reasonable time, using the most efficacious means possible, the Chief of Police, the Fire Chief, or the Building Official, or their designee(s), shall give written notice of the temporary suspension / closure order to the licensee, if not previously served with the immediate notice at the licensed premises, along with a brief statement of the facts and reasons for the decision to suspend the licensee's license and to shut down or close the operation of the after-hours establishment. Such notice shall state that the matter of the temporary suspension and closure will be heard by the Board at the first regularly scheduled Board meeting thereafter or at a special called Board meeting to be held not later than five (5) calendar days from the date of issuance of the temporary suspension/closure order, unless the licensee shall request in writing filed with the Board additional time, not to exceed ten (10) days, during which time the temporary suspension and closure shall continue. The temporary suspension and order of closure shall be effective when issued by the Chief of Police, the Fire Chief, or the Building Official, or their designee(s), and shall remain in effect until the Board reviews the facts, circumstances, and reasons for the temporary suspension and closure and makes a determination as to whether there is just cause for the suspension to continue, but in no event shall the temporary suspension and closure order continue beyond ten (10) calendar days without a hearing thereon by the Board.

(c) At the hearing, the Board may continue the temporary suspension and closure for a period not to exceed thirty (30) calendar days, or the Board may immediately rescind the temporary suspension, lift the closure order, and reinstate the licensee's after-hours establishment license.

Section 5-1425. Effect of revocation.

(a) Any licensee whose license has revoked shall not thereafter be permitted to hold an after-hours establishment license in the City for a period of two years from the date of such revocation.

(b) A spouse, or business associate holding ten percent or more of the stock or ownership interest in the business of a person whose license has been revoked, shall not be issued a license, and no license shall be issued which covers any business in which such person has a financial interest for a period of two years from the date of such revocation.

(c) If a license is revoked, the premises covered by such license shall not be relicensed for two years, no matter that a new or different owner makes application for a license for said premises.

Section 5-1426. Appeal for denial of license or renewal license, or for suspension or revocation of license.

Any applicant aggrieved by a decision of the Board disapproving or denying an application for an initial after-hours establishment license, or a renewal license, or imposing a civil penalty upon a licensee, or a suspending or revoking a licensee's license, may be had in the usual way within the time period and in the manner provided by state law of general application to the state courts of Montgomery County, Tennessee.

Section 5-1427. Right of entry and mandatory police and fire checks.

(a) The submission of an application for an after-hours establishment license shall constitute consent of the applicant and / or licensee and his or her employees or agents to permit the Clarksville Police Department, Clarksville Fire Rescue Department, the Clarksville Department of Buildings and Codes, or any other authorized employee or agent of the City, to conduct inspections of the licensed after-hours establishment, from time to time, between the hours of 8 a.m. and 5 p.m. or during the hours such establishment is open to the public or conducting business, to ensure the establishment is complying with the requirements of this chapter and other City ordinances and state laws and regulations.

(b) Both the Clarksville Police Department and the Fire Rescue Department shall monitor the security and emergency evacuation plans respectively for after-hours establishments on an ongoing basis. In the event the Chief of Police, Fire Chief, or their designees, determines that a security or emergency evacuation plan for a particular after-hours establishment is no longer sufficient, the Clarksville Police Department and/or Fire Rescue Department shall so notify the Board. Upon receiving notice by the Clarksville Police Department or Fire Rescue Department that a security or emergency evacuation plan is no longer sufficient, the Board shall notify the licensee that a revised security and/or evacuation plan must be submitted. If such revised plan is not received by the Board within ten (10) calendar days from the date the Board sends a notice to the licensee, the Board shall proceed with revocation of the license pursuant to this chapter.

Section 5-1428. No Sale or transfer of license except as provided; change of ownership; change of corporate structure; no assignability.

(a) Licenses issued under this chapter shall not be sold or transferable except as provided herein. Any change in the partners of a partnership, or in the officers or directors of a corporate licensee, or the managers of a limited liability company, holding an after-hours establishment license shall result in automatic termination of the license of the partnership or corporation or limited liability company, unless such licensee, within thirty (30) days of any such change, files a written notice of such change accompanied by a renewal application fees as required by this chapter. Any such change shall be reported on forms provided by the Board and shall require the names of all new partners of a partnership, officers and directors of a corporation, and the members of a limited liability company, any new managers, and any other information as required by this chapter. The Board

shall approve or deny such transfer upon the same terms and conditions as provided for in this chapter for the approval or denial of an after-hours license.

(b) Notwithstanding the forgoing, when a license has been issued to a husband and wife, the death of one spouse shall not require the surviving spouse to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivor spouse for the balance of the license term.

(c) Each license issued under this chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he/she holds. A separate license shall be issued for each specific business or business entity and each geographical location.

(d) No after-hours establishment license shall be sold or transferred except as provided above. The purchaser of any after-hours establishment or of the majority of the stock of any corporation operating an after-hours establishment shall make application for and obtain a new license before operating such establishment at the location for which the license has been issued and said license shall not be deemed a renewal license.

(e) The licenses granted under this chapter shall be personal to the licensee and shall not be assignable. It shall not constitute property, nor be subject to attachment or execution, nor be alienable or assignable, and in any case it shall cease upon the death of the licensee, except as otherwise provided herein pertaining to licenses held jointly by spouses. Every license shall be issued in the name of the applicant, and no person holding a license shall allow any other person to use the license.

Section 5-1429. Manager, change of manager.

(a) A registered manager, whose name is listed on the license, shall be on the premises of an after-hours establishment at all times that the establishment is open to the public. It shall be unlawful for any person to work as a manager in an after-hours establishment without first registering with the Board. An after-hours establishment may have more than one registered manager.

(b) In the event a licensee changes the manager of an after-hours establishment, the licensee shall immediately report such change and shall register the new manager on forms provided by the Board within thirty (30) days of such change.

(c) The licensee shall pay a non-refundable investigation fee of FIFTY DOLLARS AND ZERO CENTS ($50.00) for each new manager investigated.

(d) Failure of a licensee to report such a change or failure of the manager to meet the standards and qualifications as required in this chapter shall be grounds for revocation of the license.

Section 5-1430. Description of premises.

The licensed premises shall be described in the license by street name and number and by listing the name of each individual owner, or for a corporation or partnership, by listing the legal name of the corporation or partnership, and by listing the name of any manager(s), and the officers for any corporation, club or association.

Section 5-1431. Numbering of licenses and retention of stub.

All licenses issued under this chapter, whether an original or a renewal license, shall be separately numbered, and the Board shall keep a duplicate thereof.

Section 5-1432. License for each place of business.

Any person conducting or having an *after-hours establishment* at separate locations shall be required to pay the license fee and procure a license for each such separate location.

Section 5-1433. Display of license.

The *after-hours establishment* license for the establishment premises shall be prominently displayed in full public view at all times within the licensed premises.

Section 5-1434. Records.

Every holder of an after-hours establishment license shall keep on the licensed premises a daily record of the gross receipts of the holder's business. In the case of an after-hours establishment that is a private club, a club membership list shall be maintained on the licensed premises. These records shall be maintained for the inspection and examination by the Clarksville Police Department or other authorized city employees during the business hours of the licensed business.

Section 5-1435. Prevention of examination of premises and records unlawful.

It shall be unlawful for a person to refuse, resist, or attempt to prevent any authorized city employee or agent from making a reasonable examination of the after-hours establishment premises and business records.

Section 5-1436. Failure to maintain records.

No person licensed under this chapter or his or her employees or agents shall fail to maintain, or shall fail to surrender, or shall falsify, delete, alter, modify or destroy any records required by this chapter.

Section 5-1437. Violation by employees or agents.

Every employee or agent of any after-hours establishment shall be subject to and bound by all sections of this chapter and be liable to the same civil penalties and to the same extent as his or her employer or principal for any violation of this chapter. Any violation of any section of this chapter by any employee or agent of a licensee shall be deemed the act of the licensee and shall subject the license of said licensee to civil penalty, suspension, or revocation as provided herein.

Section 5-1438. Criminal conviction not prerequisite.

A criminal conviction is not and shall not be a prerequisite to suspension, revocation, or imposition of a civil penalty pursuant to this chapter for any violation of this chapter.

Section 5-1439. Security required.

An after-hours establishment licensee shall provide adequate security in accordance with the provisions of this chapter to provide for crowd control and the safety of patrons and the public.

Section 5-1440. Lighting.

The interior of any building on the licensed premises and any rooms or booths contained therein shall be illuminated to a minimum of two foot-candles as measured by a foot-candle meter at a plane of 30 inches from the floor and shall be so lighted that all objects are plainly visible at all times.

Section 5-1441. Enforcement.

(a) Each violation or non-compliance with each section or sub-section of this chapter shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense.

(b) Nothing herein contained shall prevent or restrict the City from taking other lawful actions in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

(c) All remedies and penalties provided for in this article shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies to the fullest extent allowed by law.

Section 5-1442. Severability Clause.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have adopted the ordinance and such section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5-1443. Time period for existing after-hours establishments to conform.

Any establishment that exists within the City on the adoption date of this ordinance, which meets the definition of "after-hours establishment" as provided herein, shall be considered lawful uses that were not regulated prior to the adoption date of said ordinance, only if:

(a) The owner thereof shall submit a completed application for an after-hours establishment license within thirty (30) days of the effective date of this ordinance / chapter; and

(b) The owner / person / applicant is issued an after-hours establishment license, pursuant to this chapter, within ninety (90) days of the effective date of said ordinance / chapter; and

(c) The establishment otherwise immediately complies, upon notice by the City, with all other requirements and provisions of this chapter which are effective at the time of adoption of this ordinance / chapter.

FIRST READING: February 5, 2015
SECOND READING:
EFFECTIVE DATE: