



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
APRIL 2, 2015
MINUTES**

PUBLIC COMMENTS

Geneva Bell, James D'Angelo, and Callie Lupe had requested to address the Brandon Hills Youth Garden, but were not present.

Former Councilman Marc Harris expressed his appreciation to the Mayor's Office and to the Department Heads for their support during his service as the City Council representative for Ward 6.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, April 2, 2015, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilwoman Wanda Smith; the Pledge of Allegiance was led by Mayor Pro Tem Joel Wallace.

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 Boy Scout Troop 500 who were attending to earn their citizenship badge.

PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding proposed zone changes, zoning amendments, and abandonment of property. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed.

ORDINANCE 47-2014-15 (First Reading) 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

Wade Hadley offered to answer questions; no one spoke in opposition to this request.

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

No one spoke in favor of or in opposition to this request.

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

No one spoke in favor of or in opposition to this request.

ORDINANCE 52-2014-15 (First Reading) Amending the Zoning Ordinance and City of Clarksville Code relative to vested property rights site review requirements

No one spoke in favor of or in opposition to this request.

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.

No one spoke in favor 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 47-2014-15**. Councilman Grubbs 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, Grubbs, Guzman, Lewis, Powers, Redd, Smith

NAY: McLaughlin, 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 48-2014-15**. Councilman Grubbs 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, 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 49-2014-15**. Councilman Grubbs 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, Grubbs, Guzman, Lewis, Powers, Redd, Smith, Wallace

NAY: 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 52-2014-15**. 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 **RESOLUTION 24-2014-15**. Councilman Grubbs made a motion to adopt this resolution. 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 resolution passed.

CONSENT AGENDA

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

1. **ORDINANCE 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 Rossvie 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. **RESOLUTION 30-2014-15** Renewing the Certificate of Compliance for retail liquor store for Steven Howard (University Package Store, 303 College Street)
9. Adoption of Minutes: February 5th, March 5th
10. Approval of Board Appointments:

Airport Authority Liaison Committee: Richard Garrett – April 2015 through December 2018

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

Councilman Redd made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Lewis. Councilman Grubbs abstained from voting on

ORDINANCE 44-2014-15. Councilwoman McLaughlin voiced a “nay” vote on **ORDINANCE 39-2014-15** and **ORDINANCE 44-2014-15.** Councilman Garrett abstained from voting on the Airport Liaison appointment. 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 passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said the Knoxville HUD Field Office conducted a review of local CDBG rehabilitation programs for FY14 which resulting in no findings. He announced the week of April 8th had been designated as “Community Development Week.” Councilman Allen reported three rehabilitation projects and one reconstruction project had been completed in Ward 6.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 46-2014-15 (First Reading) Amending the FY15 Capital Projects Budget to accept a TDOT Multimodal Access Project grant

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

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 51-2014-15 (First Reading) Amending the FY15 Capital Projects to increase funding for the public safety communications system

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

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

The motion to adopt this ordinance on first reading passed.

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

The recommendation of the Parks & Recreation Committee and Finance Committee were for approval of this resolution. Councilman Wallace made a motion to adopt this ordinance. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

The motion to adopt this resolution passed.

RESOLUTION 27-2014-15 Authorizing legal action pertaining to payment or assessment of ad valorem taxes regarding city property

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. City Attorney Lance Baker said outside counsel had filed an appeal on behalf of the City with the State Board of Equalization to challenge the assessment of the marina and marina restaurant property. Councilman Alexander made a motion to delete the following language:

“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”

The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

Councilman Alexander’s amendment passed. The following vote on the original motion as amended was recorded:

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

The motion to adopt this resolution as amended passed.

GAS & WATER COMMITTEE

Wallace Redd, Chair

Councilman Redd said the Gas & Water Department completed 4,384 work orders, responded to 628 after-hours calls, and read 91,500 meters during March.

PARKS, RECREATION, GENERAL SERVICES

Valerie Guzman, Chair

Councilwoman Guzman reported a slight increase in golf fees which was necessary to be competitive with other courses.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

ORDINANCE 41-2014-15 (Second Reading) Amending the Official Code relative to after hours establishments

The recommendation of the Public Safety Committee was for approval of this ordinance. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Mr. Baker suggested amendments including an effective date of May 1st. Councilman Lewis made a motion to adopt the amendments recommended by the City Attorney. The motion was seconded by Councilman Garrett. A voice vote was taken; the motion passed without objection. The following vote on the original motion 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 shared the following department statistics for the month of March: Police – 11,748 calls; Fire & Rescue – 953 responses; Building & Codes Construction Division – 495 inspections; Building & Codes Abatement Division – 19 cases; Building & Codes Administration – 51 single family permits.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis commended the Street Department for their service during the recent snow and ice storms. He reported 400 work orders completed by the department during March.

TRANSPORTATION COMMITTEE

Deanna McLaughlin, Chair

Councilwoman McLaughlin reported 50,972 passengers transported by CTS during February, 58,590 passengers transported during March, 4,157 passengers transported by Clarksville-Nashville Express during February, 384 work orders completed by the City Garage during February and 386 completed during March.

DESIGNATIONS COMMITTEE

Wallace Redd, Chair

RESOLUTION 29-2014-15 Designating the Orgain Building Supply work of art on the Upland Trail as a memorial to deceased Clarksville-Montgomery County Students

The recommendation of the Designations Committee was for approval of this resolution. Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

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

The motion to adopt this resolution passed.

HOUSING AUTHORITY PILOT

ORDINANCE 50-2014-15 (First Reading) Approving a Payment In Lieu Of Taxes program for the Clarksville Housing Authority

This ordinance was considered following adoption of the Consent Agenda. Councilman Allen made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. There was no objection to Mayor McMillan's request to go into public session to hear comments from the developer of this project.

Dewayne Barrett said this project, already completed, consisted of eighty low-income housing units. The Assessor of Property had recently increased the property taxes more than \$80,000. Mr. Barrett said the initial underwritten funding did not cover this tax increase, so the group approached the Clarksville Housing Authority to ask them to accept this development as a PILOT program. Following a lengthy discussion, Councilman Garrett made a motion to revert to regular session. The motion was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion passed without objection.

The following vote on the original motion was recorded:

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

NAY: Alexander, Burkhart

ABSTAIN: Redd

The motion to adopt this ordinance on first reading passed.

RECESS

The City Council recessed at 8:56 p.m. and reconvened at 9:09 p.m.

CHARTER REVISIONS

RESOLUTION 26-2014-15 Requesting the Tennessee General Assembly to approve revisions to the Official Charter of the City of Clarksville

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

POSTPONE

Councilman Alexander made a motion to postpone action on this resolution to the September regular session. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Allen, Burkhardt, Guzman, McLaughlin

NAY: Garrett, Grubbs, Lewis, Powers, Redd, Smith, Wallace

The motion to postpone failed.

CITY ATTORNEY AMENDMENTS

City Attorney Lance Baker proposed the following amendments discussed during the previous work session:

Article I, Section 5A(14) - Industry taxation;
Article II, Section 9(b) – Director of Finance;
Article IV – Add “Section 1” - Mayor duties;
Article IV, Section 1(e) – Execution of documents;
Article IV, Section 1(h) – Oaths;
Article V, Section 1(c) – Citations;
Article VII, Section 4 – Accounting records

Councilman Alexander made a motion to adopt the proposed amendments. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed.

COUNCIL COMPENSATION

Mr. Baker said that Councilwoman Smith’s request to amend Article II, Section 17, relative to compensation for council members for attending committee meetings, should be addressed as an amendment to the City Code.

RESIDENCY REQUIREMENTS

Councilwoman Smith made a motion to amend Article II, Section 3(c), by adding a residency requirement that an absent person must have a definite intention to return to their address in their ward by adding “*within one year from the date he becomes qualified for to run for office.*” The motion was seconded by Councilman Redd. Following discussion, the motion and second were withdrawn.

CONCURRENT OFFICES

Councilman Garrett made a motion to delete Article II, Section 15(b), relative to council members holding concurrent offices. The motion was seconded by Councilman Lewis. A voice vote was taken; Councilman Redd abstained from voting on this amendment. The motion passed.

TERM LIMITS

Councilman Garrett made a motion to amend Article II, Section 4(b), relative to term limits for city council members, and also amend Article IV, Section 2(c) relative to term limits for city judge, by deleting the subsections in their entirety. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Garrett, Grubbs, Lewis, Redd, Wallace

NAY: Alexander, Burkhart, Guzman, McLaughlin, McMillan, Powers, Smith

The amendment failed.

MAYOR'S VOTE

Councilwoman McLaughlin made a motion to delete Article II, Section 10, to allow the mayor to vote only in the event of a tie vote, and to amend Article IV, subsection (b) relative to remove the mayor's right to vote. The motion was seconded by Councilman Alexander. Councilwoman McLaughlin felt the mayor should not have both voting power and veto power. Mayor McMillan stated that she has voted in the past only when her vote would affect the outcome. Following discussion, Councilman Burkhart called for the question. The question was seconded by Councilman Redd. A voice vote was taken; the motion to cease discussion passed. The following vote on the original motion was recorded:

AYE: Alexander, Allen, Garrett, Guzman, McLaughlin

NAY: Burkhart, Grubbs, Lewis, Powers, Redd, Smith, Wallace

The motion to restrict or eliminate the mayor's right to vote failed.

CITY ATTORNEY'S STATEMENT

Mr. Baker reminded the City Council that the current Charter is outdated and contains conflicting provisions and unclear language. He pleaded with the City Council to adopt the proposed revisions.

Councilman Allen called for a point of order and felt the City Attorney should not be allowed to encourage members to vote for the proposed revisions. Mayor McMillan stated Mr. Baker's request for a point of personal privilege was granted and she overruled Councilman Allen's point of order. Councilman Allen challenged the ruling of the Chair which was seconded by Councilwoman McLaughlin. The following vote on the challenge was recorded:

AYE: Allen, McLaughlin

NAY: Alexander, Burkhart, Garrett, Grubbs, Guzman, Lewis, Powers, Redd, Smith, Wallace

Councilman Allen's challenge failed. The ruling was upheld.

Mr. Baker again urged the members to support the proposed revisions to the Official Charter.

Councilman Garrett called for the question. The question was seconded by Councilman Lewis. A voice vote was taken; the motion to cease discussion passed.

The following vote on the resolution to amend the Official Charter was recorded:

AYE: Alexander, Garrett, Grubs, Guzman, Lewis, McMillan, Powers, Redd, Smith, Wallace

NAY: Allen, Burkhart, McLaughlin

The motion to adopt **RESOLUTION 26-2014-15** passed.

MAYOR AND STAFF REPORTS

In response to Councilwoman McLaughlin's question, Mayor McMillan said any change in the membership of the Two Rivers Company Board of Directors must be made by ordinance approved by the City Council.

ADJOURNMENT

The meeting was adjourned at 10:52 p.m.