



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
AUGUST 6, 2015**

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Richard Garrett (father of Councilman Richard Garrett) asked the Council to approve amendments to the Ethics Code regarding indirect benefits. Rev. Tommy Bailey has requested to share information about a local “Stop Violence Organization” 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, August 6, 2015, at 7:25 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman David Allen; the Pledge of Allegiance was led by Councilman James Lewis.

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), Jeff Burkhart (Ward 12)

ABSENT: Bill Powers (Ward 11)

PUBLIC HEARING

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

ORDINANCE 5-2015-16 (First Reading; Postponed July 2) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jason Lee Senseney for zone change on property at the intersection of Oak Street and Providence Boulevard from C-2 General Commercial District to C-5 Highway & Arterial Commercial District

Herb Patrick asked for support of this change on behalf of the applicant. No one expressed opposition.

ORDINANCE 18-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Syd Hedrick for zone change on property at the intersection of Greenwood Avenue and Clark Street from R-3 Three Family Residential District to R-6 Single Family Residential District

Syd Hecrick asked for support of this change. No one expressed opposition.

ORDINANCE 19-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Action Properties, John Kreaske-Agent, for zone change on property at the intersection of Kraft Street and Providence Boulevard from M-1 Light Industrial District to C-2 General Commercial District

No one expressed support for or opposition to this request.

ORDINANCE 20-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Honeycutt Properties, LP, for zone change on property at the intersection of Warfield Boulevard and Stokes Road from R-1 Single Family Residential District to C-2 General Commercial District

No one expressed support for or opposition to this request.

RESOLUTION 6-2015-16 Adopting the Metropolitan Transportation Plan and Greenway-Blueway Master Plan as part of the General Regional Plan

There were no public comments regarding this plan.

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

ADOPTION OF ZONING

The recommendation of the Regional Planning Staff was for disapproval of **ORDINANCE 5-2015-16**; the recommendation of the Regional Planning Commission was for approval. 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, Redd, Smith, Wallace

NAY: McLaughlin

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff was for disapproval of **ORDINANCE 18-2015-16**; the recommendation of the Regional Planning Commission was for approval. 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, 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 19-2015-16**. 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, 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 20-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilman Alexander objected to the change because of traffic congestion on Wilma Rudolph Boulevard. The following vote was recorded:

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

NAY: Alexander, Allen, McLaughlin, Smith

The motion to adopt this ordinance on first reading passed.

ADOPTION OF TRANSPORTATION PLAN

The recommendations of the Regional Planning Staff and Commission were for approval of **RESOLUTION 6-2015-16**. 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, Smith, Wallace

NAY: Redd

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 1-2015-16** (Second Reading) Amending the Official Code relative to the Occupational Safety & Health Program
2. **ORDINANCE 2-2015-16** (Second Reading) Accepting donation of real property for the Deer Hollow Pump Station
3. **ORDINANCE 3-2015-16** (Second Reading) Authorizing extension of utilities to property on Lafayette Road; request of Lawson Mabry
4. **ORDINANCE 4-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Greenspace Partners for zone change on property at the intersection of Ashland City Road and Avondale Drive from R-1 Single Family Residential District to R-4 Multiple Family Residential District and C-2 General Commercial District
5. **ORDINANCE 6-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Harris Trucking, Inc. for zone change on property at the intersection of Needmore Road and Union Hall Road from M-3 Planned Industrial District to C-5 Highway & Arterial Commercial District
6. **ORDINANCE 7-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Habitat For Humanity for zone change on property at the intersection of Ann Drive and Belle Court from RM-1 Single Family Mobile Home Residential District to R-1 Single Family Residential District
7. **ORDINANCE 8-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of O. C. Terrell, Jimmy Bagwell-Agent (Moore Design Services), for zone change on property at Ortex Drive and Gupton Court from C-2 General Commercial District to M-2 General Industrial District
8. **ORDINANCE 9-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of ACI Investment Group for zone change on property at the intersection of North Second Street and Kraft Street from M-1 Light Industrial District to C-2 General Commercial District
9. Adoption of Minutes: Special Sessions June 25, June 29, June 30, July 2, July 6, July 7 and Regular Session July 2
10. Approval of Board Appointments:

Senior Citizens Board: Claudia Erb, Laura Ruizdesparza, Dick Stovall, Howard Welch – May 2015 through April 2018

Councilman Lewis made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Redd. The following vote was recorded:

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

The motion to adopt the Consent Agenda as presented passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said bids had been awarded for \$65,950 for playground equipment and \$95,833 for new ADA-compliant restroom facilities at Edith Pettus Park.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 12-2015-16 (First Reading) Amending the FY16 Internal Audit Budget for a HIPPA Assessment

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. Councilman Wallace said these funds were previously allocated in the FY15 Budget, but the project had not been completed. The following vote was recorded

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 13-2015-16 (First Reading) Accepting donation of property from Clarksville Capital Corporation for an access easement for the Upland Trail

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. Councilman Wallace said this easement would allow the City access to F & M Bank property during construction along the Upland Trail. The following vote was recorded:

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

The motion to adopt this ordinance on first reading passed.

ORDINANCE 14-2015-16 (First Reading) Amending the Official Code to establish the Parking Commission

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

Councilwoman McLaughlin felt that parking citation appeals should be heard by the City Judge and fees should be determined by the City Council. Councilwoman McLaughlin made a motion to postpone first reading to the next regular session. The motion was seconded by Councilman Alexander. Following discussion, there was objection to the motion and second being withdrawn. The following vote on the original was recorded:

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

NAY: McLaughlin

The motion to adopt this ordinance on first reading passed.

RESOLUTION 4-2015-16 Amending RESOLUTION 17-2014-15 to provide for issuance and reimbursement of general obligation public improvement bonds not to exceed \$8,550,000

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The additional \$400,000 was for Fire Station 11. Because this proposed issue would include funding for purchase of 215 Legion Street (Bank of America property), Councilwoman McLaughlin made a motion to table this resolution until after consideration of **ORDINANCE 16-2015-16**. The motion was seconded by Councilman Alexander. Councilman Wallace explained that this resolution would provide for reimbursement of expenses prior to issuance of bonds. The motion and second were withdrawn without objection. Finance Director Laurie Matta said projects covered by this issue that were already being expended were Fire Station 12, a ladder truck, salt complex, sidewalks, and river bank stabilization. The following vote on the original motion was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, guzman, Lewis, Redd, Smith, Wallace

NAY: Allen, McLaughlin

The motion to adopt this resolution passed.

RESOLUTION 5-2015-16 Authorizing the initial intent for issuance and reimbursement of \$9,750,000 general obligation public improvement bonds

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. Councilman Wallace said the bonds will be issued when the market is favorable. The following vote was recorded:

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

The motion to adopt this resolution passed.

GAS & WATER COMMITTEE

Wallace Redd, Chair

ORDINANCE 15-2015-16 (First Reading) Authorizing extension of utilities to property on International Boulevard; request of WEB Development

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, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

PARKS, RECREATION, GENERAL SERVICES

Valerie Guzman, Chair

Councilwoman Guzman said the maintenance department completed 28 work orders during July and invited the public to the annual Riverfest event September 10 through 12.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

RESOLUTION 3-2015-16 Authorizing a Memorandum of Understanding with the Tennessee Department of Transportation and the Tennessee Department of Safety & Homeland Security establishing the Open Roads Policy

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

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

The motion to adopt this resolution passed.

Councilman Grubbs shared the following monthly department statistics: Police – 14,116 responses; Fire & Rescue – 1,055 emergency calls; Building & Codes Construction Division – 1,709 inspections; Building & Codes Enforcement Division – 488 cases; Building & Codes Abatement Division – 81 work orders; Building & Codes Administration – 61 single family permits.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department completed 211 work orders during the month of July.

TRANSPORTATION COMMITTEE

Deanna McLaughlin, Chair

Councilwoman McLaughlin shared the following monthly department statistics: Clarksville Transit System – 60,130 passengers; 84% increase in “Seniors Ride Free” day; Clarksville-Nashville Express – 5,780 passengers; Garage – 349 work orders.

DESIGNATIONS COMMITTEE

Wallace Redd, Chair

ORDINANCE 17-2015-16 (First Reading) Amending the Official Code relative to public property designations

The recommendation of the Designations 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.

Councilman Redd made a motion to amend the ordinance by deleting the second sentence in Sec. 12-1217(e), “the mayor shall have the discretion to remove any home of signs.” The statement was already included in a previous section. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

The amendment passed. The following vote on the original motion was recorded:

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

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

CODE OF ETHICS

ORDINANCE 11-2015-16 (First Reading) Amending the Official Code relative to Code of Ethics to delete provisions pertaining to indirect interests

Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. Councilman Wallace said this change would affect not just elected officials, but all city officials and employees. Councilman felt the Code should prohibit direct benefits, not indirect benefits. City Attorney Lance Baker said the amendment would apply to all benefits, not just those of a financial nature. Councilman Allen said the term “indirect” was too broad and could not be specifically defined and made a motion to amend Sec. 1605(a) by deleting “or derive any benefit,” and by deleting “or indirectly from.” The motion was seconded by Councilman Garrett. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, McLaughlin, Smith

NAY: Grubbs, Guzman, Lewis, McMillan, Redd, Wallace

Councilman Allen's amendment failed. Councilman Redd called for the question. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

NAY: Garrett, McLaughlin

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

AYE: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin, Smith

NAY: Grubbs, Lewis, McMillan, Redd, Wallace

Although this motion received seven affirmative votes, which is required for adoption of an ordinance, it was determined on August 7, 2015, by the City Attorney that this motion failed because the recently ratified Official Charter, Article VI, Section 10, requires a 2/3 majority vote of the full Council (nine affirmative votes) to adopt amendments to the Ethics Code.

215 LEGION STREET (BANK OF AMERICA PROPERTY)

ORDINANCE 16-2015-16 (First Reading) Authorizing purchase of real property located at 215 Legion Street

Councilman Allen made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander.

Councilman Allen offered an amendment to require that the property be purchased within 90 days of adoption of this ordinance, then transferred to the Two Rivers Company in fee simple. The motion was seconded by Councilman Alexander.

Councilman Redd made a motion to postpone this amendment to the next regular session. The motion was seconded by Councilman Alexander. Councilman Burkhart stated he would abstain from voting because of his business relationship with the property owner. The following vote was recorded:

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

NAY: Burkhart

The motion to postpone the amendment passed. Councilman Redd made a motion to postpone this ordinance to the next regular session. The motion was seconded by Councilman Lewis. Councilman Alexander, Councilman Allen, Councilwoman McLaughlin, and Councilman Garrett said the City and County should work together to purchase and develop this property. Councilman Redd opposed joint ownership. Councilman Alexander called for the question on the motion to postpone the ordinance. The question was seconded by Councilman

Lewis. The following vote to cease discussion on the motion to postpone the ordinance was recorded:

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

NAY: Burkhart

The motion to cease discussion on the motion to postpone passed. The following vote on the motion to postpone this ordinance was recorded:

AYE: Grubbs, Guzman, Lewis, McMillan, Redd, Smith

NAY: Alexander, Allen, Garrett, McLaughlin, Wallace

The motion to postpone this ordinance to the next regular session passed.

DIRECTOR OF FINANCE

RESOLUTION 7-2015-16 Terminating Laurie Matta as Commissioner of Finance/Director of Finance/Chief Financial Officer

Councilman Allen made a motion to adopt this resolution. The motion was seconded by Councilwoman McLaughlin for purposes of discussion. Councilman Allen said Ms. Matta had not obtained a Certified Public Accountant license as she agreed to upon employment. Mr. Baker informed the Council that a CPA license was not required for the position of Director of Finance, nor was it required by the resolution of appointment. He said the holder of the office is only required to obtain the Certified Municipal Finance Officer certification which Ms. Matta did receive. Mr. Baker said department heads can be disciplined only by the Mayor for just cause and neither the Charter or Code provide for discipline to be initiated by the City Council.

The Council recessed at 9:45 for approximately five minutes to allow the videographer to install an additional recording disc.

Councilman Allen shared segment of the video recording of the June 6, 2013 regular session during which Ms. Matta was appointed. Councilman Allen then made a motion to postpone action on this resolution indefinitely. The motion was seconded by Councilwoman McLaughlin.

Councilman Wallace left the meeting at 9:59 p.m.

Councilman Burkhart called for the question. The question was seconded by Councilman Lewis. A voice vote was taken; the motion to cease discussion on the motion to postpone passed without objection. The following vote on the motion to postpone was recorded:

AYE: Allen, McLaughlin, Smith

NAY: Alexander, Burkhart, Garrett, Grubbs, Guzman, Lewis, McMillan, Redd

The motion to postpone this resolution indefinitely failed. Councilman Burkhart called for the question. The question was seconded by Councilman Alexander. A voice vote was taken; the motion passed without objection. The following vote on the original motion was recorded:

AYE: Allen

NAY: Alexander, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, McMillan, Redd, Smith

The motion to adopt this resolution failed.

PUBLIC ART COMMISSION

Because these appointments were not on the previous executive session agenda, Councilwoman McLaughlin made a motion to consider appointments to the Public Art Commission. The motion was seconded by Councilman Lewis. The following vote was recorded:

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

The motion to consider the appointments passed by the required 3/4 majority. Councilwoman McLaughlin made a motion to approve the following appointments. The motion was seconded by Councilman Burkhart.

Public Art Commission: Linda Turner, Mike Fink – August 2015 through May 2019; Jennifer Snyder – August 2015 through May 2016

The following vote was recorded:

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

MAYOR AND STAFF REPORTS

There were no Mayor or Staff reports.

ADJOURNMENT

The meeting was adjourned at 10:04 p.m.