



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
FEBRUARY 4, 2016**

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, February 4, 2016, at 7:00 p.m.

A prayer was offered by Councilman Jeff Burkhart; the Pledge of Allegiance was led by Councilwoman Wanda Smith.

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)

PLANNING COMMISSION PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to allow citizens to offer comments regarding a request for zone change. The motion was seconded by Councilman Lewis. There was no objection.

ORDINANCE 70-2015-16 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ricky C. Reda for zone change on property at the intersection of North Second Street and Marion Street from C-2 General Commercial District to C-5 Highway & Arterial Commercial District

Rick Reda said the existing car sales business had been located on this property for approximately 55 years and he intended to continue to operate the same. Mr. Reda said he wanted the option to operate a car sales business in the future. There was no expressed opposition.

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 recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 70-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. Councilman Burkhart supported this change because other uses were limited. The following vote was recorded:

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

NAY: Grubbs, McLaughlin

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 63-2015-16** (Second Reading) Authorizing donation of property located at 1014 Daniel Street to Buffalo Valley
2. **ORDINANCE 64-2015-16** (Second Reading) Authorizing sale of property located on Public Square to Wayne Wilkinson
3. **ORDINANCE 65-2015-16** (Second Reading) Amending the FY16 Capital Projects Budget for Red River Trail (acquisition of the Hollis and Arthur properties) [removed for separate consideration; see end of minutes]
4. **ORDINANCE 67-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Bill Mace for zone change on property at the intersection of Tiny Town Road and Heritage Point Drive from C-5 Highway & Arterial Commercial District to R-2D Two Family Residential District
5. **ORDINANCE 68-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of River Investments GP for zone change on property at the intersection of Warfield Boulevard and Rivermont Drive from R-1 Single Family Residential District to MLUD Mixed Land Use District
6. **RESOLUTION 26-2015-16** Approving a Certificate of Compliance for operation of a retail liquor store for Jesse A. Davie, Sr. (The Wine Cellar, 4 Leland Drive)
7. Adoption of Minutes: January 7

Councilman Wallace requested separate consideration of **ORDINANCE 65-2015-16**. Councilman Lewis made a motion to adopt the Consent Agenda as amended. The motion was seconded by Councilman Burkhart. 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 amended passed.

RED RIVER TRAIL

ORDINANCE 65-2015-16 was removed from the Consent Agenda. City Attorney Lance Baker requested a closed meeting regarding this budget amendment. There was no objection to holding a closed meeting and considering this ordinance at the end of the agenda. [see transcription at end of minutes]

DETECTIVE TYLER BARRETT ROAD

RESOLUTION 31-2015-16 Designating a portion of Excell Road as “Detective Tyler Barrett Road”

This resolution was not presented during the January 28th Executive Session. As a courtesy to the audience, Mayor McMillan made a motion to consider this resolution following adoption of the Consent Agenda instead of during the New Business section of the agenda. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion passed without objection.

The recommendation of the Designations Committee was for approval. Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilman Allen. Councilwoman McLaughlin said she sponsored this request on behalf of James Byrd, a long-time friend of Detective Barrett. Councilman Alexander and Councilman Grubbs expressed support for this designation. Councilwoman Smith said the committee should consider designation a street in honor of George Brooks. Councilwoman Guzman called for a point of order. Mayor McMillan upheld the point of order stating that Councilwoman Smith’s request was not relevant to this resolution. The following vote on the motion was recorded:

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

The motion to adopt this resolution unanimously passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said New Providence United Methodist Church opened a warming shelter on January 16th and assisted an average of 18 persons each night through January 25th.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 71-2015-16 (First Reading) Amending the FY16 General Government Budget for matching funds for airport capital improvement grants for apron rehabilitation and runway overlay design

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 23-2015-16 Authorizing issuance of not to exceed \$1,241,344 General Obligation Qualified Energy Conservation 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. 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 24-2015-16 Authorizing issuance of tax exempt General Obligation Bonds not to exceed \$22,211,344 for 2015 and 2016 budgeted capital projects, issuance of General Obligation Qualified Energy Conservation Bonds (QECCB), and refunding of 2006 Taxable General Obligation 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 made a motion to substitute revised language as recommended by the Director of Finance and Bond Counsel. There was no objection to hearing comments from Laurie Matta, Director of Finance. Ms. Matta said the revised language clarifies the description of some capital projects. Some members said they wanted additional time to review the substitutions. The following vote on the motion was recorded:

AYE: Allen, Grubbs, Guzman, Lewis, McMillan, Powers, Wallace

NAY: Alexander, Burkhart, Garrett, McLaughlin, Redd, Smith

The motion to substitute the revised language passed. Councilman Redd made a motion to table this resolution to allow time for further review. The motion was seconded by Councilman Alexander. The following vote was recorded:

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

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

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

NAY: Allen, Grubbs, Guzman, Lewis, McMillan, Powers, Wallace

The motion to postpone failed. The following vote on the original motion was recorded:

AYE: Allen, Grubbs, Guzman, Lewis, McMillan, Powers, Wallace

NAY: Alexander, Burkhart, Garrett, McLaughlin, Redd, Smith

The motion to adopt this resolution passed.

GAS & WATER COMMITTEE

Wallace Redd, Chair

ORDINANCE 72-2015-16 (First Reading) Authorizing extension of utilities to 154 Towes Lane; request of McKay-Burchett & Company

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 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 ordinance on first reading passed.

PARKS, RECREATION, GENERAL SERVICES

Valerie Guzman, Chair

Councilwoman Guzman recognized newly appointed committee chair Bill Powers. Councilman Powers said the department was beginning preparations for warm weather activities. He noted the upcoming "Chocolate Affair" event scheduled for February 6th. He reported 108 service work orders completed by the maintenance division during the month of January.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)*Geno Grubbs, Chair*

Councilman Grubbs reported the following monthly department statistics: Building & Codes Enforcement Division – 171 cases; Building & Codes Construction Division – 1,084 inspections; Building & Codes Abatement Division – 14 work orders; Building & Codes Administration – 57 single-family permits; Fire & Rescue – 1,000 emergency responses; Police – 12,499 calls.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department completed 159 work orders during the month of January.

TRANSPORTATION COMMITTEE

Deanna McLaughlin, Chair

Councilwoman McLaughlin reported the following January monthly department statistics: Clarksville Transit System - 49,471 passengers; Clarksville-Nashville Express – 4,899 passengers in December; Garage – 339 completed work orders.

EMPLOYEE HIRING FREEZE

ORDINANCE 69-2015-16 (First Reading; Postponed January 7th) Relative to hiring of city employees

Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. Councilman Redd made a motion to amend this ordinance by allowing a new hire with a 2/3 vote approval by the City Council. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Allen, Burkhart, Garrett, Redd

NAY: Alexander, Grubbs, Guzman, Lewis, McLaughlin, Powers, Smith, Wallace

Councilman Redd's amendment failed. The following vote on the original motion was recorded:

AYE: Burkhart, Guzman, Redd

NAY: Alexander, Allen, Garrett, Grubbs, Lewis, McLaughlin, McMillan, Powers, Smith, Wallace

The motion to adopt this ordinance on first reading failed.

E911 LEGAL ACTION

RESOLUTION 27-2015-16 Authorizing legal action for the E911 Board of Directors matter

Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. City Attorney Lance Baker requested an amendment to add language to clarify the terms of the interlocal agreement. He said this resolution would allow declaratory judgement action regarding the validity of the interlocal agreement.

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

AYE: Alexander, Guzman, McLaughlin

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

The motion to postpone failed.

Councilman Redd expressed support for this resolution and referred to the outster law with a member of the E911Board having been replaced without notice by the Montgomery County Commission. Councilman Allen objected to city and county taxpayers paying for all legal expenses involved.

Following an inquiry by Councilwoman McLaughlin regarding who would pay legal expenses for the replaced member, Councilman Allen called for a point of order stating that Mr. Baker's response was not the answer to the question. Mayor McMillan overruled the point of order.

In response to Councilman Burkhart's question regarding the remaining debt on the E911 building, Mayor McMillan said the current bond covenants did not allow early payment of the balance. Following an objection to Councilman Burkhart's request to go out of session to hear comments from Ms. Matta, the following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Powers

NAY: Alexander, Garrett, Lewis, McLaughlin, Redd, Smith, Wallace

The motion to go out of session failed. Councilman Redd called for the question. The question was seconded by Councilman Alexander. A voice vote was taken; the motion to cease discussion passed. The following vote on the original motion was recorded:

AYE: Grubbs, Lewis, Powers, Redd, Smith, Wallace

NAY: Allen, Burkhart, Garrett, Guzman, McLaughlin

ABSTAIN: Alexander

The motion to adopt this resolution passed.

Following adoption of **RESOLUTION 30-2015-16**, Mayor McMillan announced that the amendments to **RESOLUTION 27-2015-16**, which were proposed by the City Attorney, had not been adopted. Councilman Redd made a motion to reconsider **RESOLUTION 27-2015-16**. The motion was seconded by Councilwoman Smith. The following vote was recorded:

AYE: Grubbs, Lewis, McMillan, Powers, Redd, Smith, Wallace

NAY: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin

The motion to reconsider passed. Councilman Redd made a motion amend the resolution by substituting the language recommended by the City Attorney. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Grubbs, Lewis, McMillan, Powers, Redd, Smith, Wallace

NAY: Alexander, Allen, Burkhart, Garrett, Guzman, McLaughlin

The amendment passed. Councilman Alexander stated he abstained from the first vote because he was a Montgomery County public safety employee, but after hearing concerns from other members, he felt the need to cast a vote on the second opportunity. Councilman Garrett called for the question. The question was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion to cease discussion passed. The following vote on the amended resolution was recorded:

AYE: Grubbs, Lewis, Powers, Redd, Wallace

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

The motion to adopt this resolution as amended failed.

RIVERBEND WINE & SPIRITS

RESOLUTION 28-2015-16 Approving a new retail liquor store Certificate of Compliance for Beach Liquors, LLC (William Beach and Bill Beach) and repealing **RESOLUTION 22-2015-16**, approving a Certificate of Compliance for Beach Liquors, LLC (William Beach, Katherine Beach, Bill Beach) (Riverbend Wine & Spirits, 1206 Highway 48)

Because this resolution was not presented during the January 28th Executive Session, Councilman Grubbs made a motion to consider **RESOLUTION 28-2015-16**. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection.

Councilman Grubbs made a motion to adopt this resolution. 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 resolution passed.

CADDY'S DISCOUNT LIQUORS

RESOLUTION 29-2015-16 Renewing the Certificate of Compliance for Seven Seas, Inc. (Ramesh Kasetty) and repealing **RESOLUTION 16-2015-16**, approving a Certificate of Compliance for Clarksville Liquor Hospitality (Jayesh R. and Shveta B. Patel) (Caddy's Discount Liquors, 2206-B Madison Street)

Because this resolution was not presented during the January 28th Executive Session, Councilman Grubbs made a motion to consider this resolution. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion passed without objection.

Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following was recorded:

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

The motion to adopt this resolution passed.

BYPASS IMPROVEMENTS

RESOLUTION 30-2015-16 Accepting a proposal from Tennessee Department of Transportation for improvements to SR-112/US-41A from SR-76 to Denny Road

Because this resolution was not presented during the January 28th Executive Session, Mayor McMillan made a motion to consider this resolution. The motion was seconded by Councilwoman Guzman. A voice vote was taken; the motion passed without objection.

Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Alexander. Mayor McMillan said the improvements included additional lanes at the intersection and a traffic signal at Denny Road, all at the expense of the Tennessee Department of Transportation. 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.

RED RIVER TRAIL

ORDINANCE 65-2015-16 (Second Reading) Amending the FY16 Capital Projects Budget for Red River Trail (acquisition of the Hollis and Arthur properties)

This ordinance was removed from the original Consent Agenda. At the request of City Attorney Lance Baker, the City Council held a closed session beginning at 9:02 p.m., then reconvened at 9:14 p.m.

Councilman Wallace made a motion to adopt this ordinance on second 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 second reading as presented passed.

MAYOR AND STAFF REPORTS

There were no Mayor or Staff reports.

ADJOURNMENT

The meeting was adjourned at 9:16 p.m.