



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
APRIL 7, 2016**

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, April 7, 2016, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Rev. Megan Holland, Rector of Trinity Church; the Pledge of Allegiance was led by Councilman Jeff Burkhart.

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 presented a Mayor's Certificate of Appreciation to Head Coach Dave Loos and the Austin Peay State University Men's Basketball Team for winning the 2015-16 Ohio Valley Conference championship and playing in the first round of the NCAA Tournament in Des Moines, Iowa.

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 Councilman Lewis. There was no objection.

Mayor McMillan announced that Gordon Seay wanted to withdraw **ORDINANCE 84-2015-16**.

ORDINANCE 82-2015-16 (First Reading) Amending the Zoning Ordinance of the City of Clarksville, application of the Regional Planning Commission to add a cell tower masking provision for communication towers to existing conditions for approval

No one spoke for or against this request.

ORDINANCE 83-2015-16 (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Randy and Debra Butts for zone change on property at the intersection of Trenton Road and Sequoia Lane from R-1 Single Family Residential District to C-5 Highway & Commercial District

Randy Butts said he planned to develop an office complex on the property. No one spoke in opposition to this request.

ORDINANCE 84-2015-16 (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Gordon Seay for zone change on property at the intersection of Tylertown Road and Samantha Lane from R-2 Single Family Residential District and R-5 Residential District to R-4 Multiple Family Residential District

Levenia Peavy submitted a petition with signatures of area residents who opposed this change.

ORDINANCE 85-2015-16 (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Reda Homebuilders, Inc. for zone change on property at the intersection of Fairview Lane and W. Rossview Road from R-1 Single Family Residential District to R-2 Single Family Residential District

Ricky Reda offered to answer questions. No one spoke in opposition to this request.

ORDINANCE 86-2015-16 (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Biltmore Landings Business Park, Johnny Piper-Agent, for zone change on property at the intersection of Wilma Rudolph Boulevard and Old Trenton Road from C-2 General Commercial District to R-4 Multiple Family Residential District

David Smith, DBS & Associates, offered to answer questions. No one spoke in opposition to this request.

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

ACTION ON ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 82-2015-16**. Councilman Grubbs 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.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 83-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. 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 this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 84-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. Councilman Redd made a motion to postpone action on this ordinance to the next regular session (May 5, 2016). The motion was seconded by Councilwoman McLaughlin. Councilman Alexander 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. The following vote was recorded:

AYE: Alexander, Allen, Lewis, McLaughlin, McMillan, Powers, Redd

NAY: Burkhart, Garrett, Grubbs, Guzman, Smith, Wallace

The motion to postpone action on first reading of this ordinance to the next regular session passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 85-2015-16**. 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, 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 86-2015-16**. Councilman Grubbs 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.

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 66-2015-16** (Second Reading) Amending the Official Code relative to city council compensation
2. **ORDINANCE 73-2015-16** (Second Reading) Amending the FY16 Fire & Rescue Budget for purchase of a rescue truck
3. **ORDINANCE 75-2015-16** (Second Reading) Amending the Official Code relative to the number of retail liquor store inside the city limits [*removed; see transcription following adoption of Consent Agenda*]
4. **ORDINANCE 77-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Chandrika Patel, Hayes & Sons Construction-Agent, for zone change on property at the intersection of Greenwood Avenue and Crossland Avenue from R-3 Three Family Residential District to C-2 General Commercial District
5. **ORDINANCE 78-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mary Durrett, et al, Cal McKay-Agent, for zone change on property at the intersection of Peachers Mill Road and West Boy Scout Road from AG Agricultural District to C-2 General Commercial District and R-4 Multiple Family Residential District
6. **ORDINANCE 79-2015-16** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of D. W. Durrett, et al, Cal McKay-Agent, for zone change on property at the intersection of Peachers Mill Road and West Boy Scout Road from AG Agricultural District to R-2 Single Family Residential District
7. **RESOLUTION 37-2015-16** Approving a retail liquor store Certificate of Compliance for Seven Seas, LLC [should be Inc.], Ramesh and Sreelakshmi Kasetty for operation of Caddy's Discount Liquors, 1960-M Madison Street [current business relocating from 2206-B Madison Street]
8. **RESOLUTION 38-2015-16** Approving a Certificate of Compliance for sale of wine in a food store for Don Frieson, Cynthia Moehring, Steven Zielske, Andrea Lazenby for Sam's Club #6512
9. **RESOLUTION 39-2015-16** Approving a Certificate of Compliance for sale of wine in a food store for Michael Moore, Cynthia Moehring, Steven Zielske, Andrea Lazenby for Walmart #673 (3050 Wilma Rudolph Boulevard)
10. **RESOLUTION 40-2015-16** Approving a Certificate of Compliance for sale of wine in a food store for Michael Moore, Cynthia Moehring, Steven Zielske, Andrea Lazenby for Walmart #1075 (1680 Fort Campbell Boulevard)

11. **RESOLUTION 41-2015-16** Approving a Certificate of Compliance for sale of wine in a food store for Michael Moore, Cynthia Moehring, Steven Zielske, Andrea Lazenby for Walmart #3495 (2315 Madison Street)
12. **RESOLUTION 42-2015-16** Approving a Certificate of Compliance for sale of wine in a food store for Michael Moore, Cynthia Moehring, Steven Zielske, Andrea Lazenby for Walmart #4469 (2551 Whitfield Road)
13. **RESOLUTION 43-2015-16** Approving a Certificate of Compliance for sale of wine in a food store for Michael Moore, Cynthia Moehring, Steven Zielske, Andrea Lazenby for Walmart #4589 (216 Dover Road)
14. **RESOLUTION 44-2015-16** Approving a Certificate of Compliance for sale of wine in a food store for Michael Moore, Cynthia Moehring, Steven Zielske, Andrea Lazenby for Walmart #4591 (408 Tiny Town Road)
15. Adoption of Minutes: March 3rd, March 22nd
16. Approval of Board Appointments:

After Hours Establishment Board: Charlie Keene, Mary Catherine Roby – May 2016 through April 2018

Airport Authority: John Hadley - April 2016 through June 2017

Board of Equalization: Doug Jackson, Gary Harmon – May 2016 through April 2018

Councilman Lewis requested separate consideration of **ORDINANCE 75-2015-16**. Councilman Lewis made a motion to adopt the Consent Agenda as amended. The motion was seconded by Councilwoman Guzman. Councilman Burkhart, Councilman Alexander, Councilwoman Guzman, and Councilman Powers voiced a “nay” vote on **ORDINANCE 66-2015-16**. 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.

RETAIL LIQUOR STORES

ORDINANCE 75-2015-16 (Second Reading) Amending the Official Code relative to the number of retail liquor store inside the city limits

This ordinance was removed from the original Consent Agenda. Councilman Alexander made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman McLaughlin.

Councilman Burkhart made a motion to postpone action on second reading to the January 2018 regular session. The motion was seconded by Councilwoman Guzman. Following discussion, Councilman Garrett called for the question. The question was seconded by Councilman Redd. A voice vote was taken; the motion

to cease discussion on Councilman Burkhart's motion to postpone passed. The following vote was recorded:

AYE: Burkhart, Grubbs, Guzman, Lewis, Powers

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

The motion to postpone second reading to the January 2018 regular session failed. City Attorney Lance Baker asked for more time to study and evaluate all aspects of this ordinance and to prepare a document that would address specific situations. Mr. Baker also suggested adding language relative to issuance of certificates of compliance for sale of wine in food stores.

Councilman Burkhart made a motion to postpone second reading to the May 2016 regular session. The motion was seconded by Councilman Lewis. Councilman Alexander offered an amendment to postpone second reading to the June 2016 regular session. The motion was seconded by Councilman Burkhart. Following discussion, Councilman Garrett called for the question. The question was seconded by Councilman Alexander. A voice vote was taken; the motion to cease discussion on Councilman Alexander's motion to postpone passed. The following vote was recorded:

AYE: Alexander, Burkhart, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd

NAY: Allen, Garrett, Smith, Wallace

The motion to postpone second reading on this ordinance to the June 2016 regular session passed.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 80-2015-16 (First Reading) Authorizing purchase of Randall Arthur Property for the Clarksville Greenway (Red River 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 Burkhart. 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 81-2015-16 (First Reading) Authorizing purchase of Cecil Radford property for wastewater system improvements

The recommendations of the Finance Committee and Gas & Water Committee were 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 35-2015-16 Accepting the 2017-2021 Public Improvements Program and Capital Projects Budget

The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. In response to Councilwoman McLaughlin's question, Finance Director Laurie Matta said a site for a proposed new downtown parking garage had not been determined. Councilwoman McLaughlin said she wanted additional information on plans for the city-owned old waterworks building on Riverside Drive.

Following discussion, Councilwoman McLaughlin made a motion to postpone action on this resolution to the same date as first reading of the FY17 General Government Budget. The motion was seconded by Councilman Alexander. Councilman Wallace said this was a planning document only. Councilman Allen felt the City Council should be involved in establishing future projects. Councilman Wallace called for the question. The question 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 cease discussion on Councilwoman McLaughlin's motion to postpone passed. The following vote on Councilwoman McLaughlin's motion was recorded:

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

NAY: Grubbs, Guzman, Powers, Wallace

The motion to postpone action on this resolution to the same date as first reading on the FY17 General Government Budget passed.

RESOLUTION 36-2015-16 Supporting a grant application for the Local Parks & Recreation Fund through the Tennessee Department of Environment & Conservation for Swan Lake Pool

The recommendation of the Finance Committee was for approval. Councilman Wallace 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 & COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen said the City of Clarksville was awarded an Tennessee Housing Development Agency Emergency Solutions Grant in the amount of \$147, 613.42 to help improve the quality of emergency shelters for the homeless, to help meet the costs of operating and maintaining the shelters, and to provide street outreach services, access to those who need assistance to improve their situation, rapid re-housing services, and emergency intervention services.

GAS & WATER COMMITTEE

Wallace Redd, Chair

No report.

PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

Councilman Powers said the department was preparing for spring activities including adult softball, adult lacrosse, and 50+ Olympics.

Councilman Powers shared the following March statistics: Indoor Aquatic Center – 4,170 patrons, B-Cycle – 579 rentals traveling 3,879 miles, Burt Cobb Center – 1,226 patrons, Crow Center – 1,988 patrons, Kleeman Center – 4,720 patrons.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

Councilman Grubbs shared the following department statistics: Building & Codes Construction Division – 1,700 inspections, Building & Codes Enforcement Division – 290 cases, Building & Codes Administration – 91 single family permits; Fire & Rescue – 1,042 emergency calls; Police – 13,625 responses.

Councilman Grubbs and Officer Natalie Hall reported a very successful simulated vehicle crash involving two cars, one of which the driver was texting, sponsored by Kenwood High School. Area emergency agencies participated.

STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

Councilman Lewis shared the following department statistics: Clarksville Transit System – 61,354 passengers, Nashville-Clarksville Express – 5,227 passengers; Garage – 315 work orders (unleaded fuel \$1.68/gal., diesel fuel \$1.44/gal.); Street – 356 work orders.

NEW BUSINESS

ORDINANCE 74-2015-16 (First Reading; Postponed March 3rd) Amending the Official Code relative to the City of Clarksville Code of Ethics [2/3 majority of full Council required]

Councilman Garrett stated his intention not to pursue this amendment. He made a motion to adopt this ordinance on first reading. The motion was not seconded.

MAYOR AND STAFF REPORTS

Mayor McMillan announced that the Tennessee Department of Transportation had recently indicated their support for immediate funding for widening of S.R. 374/Warfield Boulevard between Dunbar Cave Road and Stokes Road.

ADJOURNMENT

The meeting was adjourned at 8:26 p.m.