



**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
MAY 5, 2016**

**MINUTES**

**PUBLIC COMMENTS**

During the public comment period prior to regular session, John Despain and Robert Neimann stated their concerns regarding noise, loitering, and trash generated by the Warehouse Bar & Grill on Spring Street. Linda O'Connor Barnett expressed concern regarding conditions of some sidewalks relative to handicap accessibility.

**CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, May 5, 2016, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Richard Woodson, Living Word International Ministries; the Pledge of Allegiance was led by Councilman Bill Powers.

**ATTENDANCE**

**PRESENT:** Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), 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)

**ABSENT:** James Lewis (Ward 3)

**SPECIAL RECOGNITIONS**

Mayor McMillan proclaimed May 5, 2016, as "Teens-4-Teens" Day to honor Kenwood High School Seniors and their efforts in raising awareness of needs in the local community.

## ZONING PUBLIC HEARING

**ORDINANCE 84-2015-16** (First Reading; Postponed April 7<sup>th</sup>) 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

The public hearing for this case was held April 7, 2016. The City Council had previously been made aware of the applicant's request to withdraw this ordinance.

**ORDINANCE 87-2015-16** (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Pamela S. May, Wayne Wilkinson-Agent, for zone change on property located at the intersection of Union Hall Road and Timberwood Drive from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District

Wayne Wilkinson said he did not attend the public hearing at the Regional Planning Commission and explained this change would be an extension of existing commercial zonings on two side of the subject property. No one expressed opposition.

**ORDINANCE 88-2015-16** (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Wanda Morrison, Mark Holleman-Agent, for zone change on property north of Dover Road, east of Paula Drive, and west of Aurelia Lynn Drive from R-1 Single Family Residential District to C-2 General Commercial District

Mark Holleman asked the Council refer this ordinance back to the Regional Planning Commission to allow the applicant to amend the acreage to be changed to C-2 General Commercial District.

Wayne Erickson and Helga Redd opposed the change to commercial which could allow a multi-family development.

During rebuttal, Mr. Holleman said the applicant would like the opportunity to consider better zoning options.

**ORDINANCE 89-2015-16** (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Ronnie Goad for zone change on property South of Bellshire Court and north of Wilson Road from R-4 Multiple Family Residential District to R-2D Two Family Residential District and R-2A Single Family Residential District

No one spoke for or against this request.

**ORDINANCE 90-2015-16** (First Reading) Amending the Zoning Ordinance and map of the City of Clarksville, application of Chris Morin, David Smith-Agent, for zone change on property at the intersection of Amberley Drive and Powell Road from AG Agricultural District to R-1 Single Family Residential District

David Smith offered to answer questions. Mark Grant reminded the Council that Powell Road was on the current re-paving schedule and adjacent properties were already zoned R-1 Single Family Residential District.

Ralph Mackens said this change would increase traffic on Powell Road which could create emergency vehicle access problems. Pam Clumphas was concerned about traffic congestion and asked those in the audience who opposed this change to stand and be recognized.

During rebuttal, Mr. Smith said one entrance/exit would provide extra security for the neighborhood. Linda Allen said widening of Rossvie Road would not improve traffic flow on Powell Road and that sinkholes could cause drainage problems on the roadways.

## ACTION ON ZONING

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 84-2015-16** and the applicant had asked for withdrawal of the request. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. City Attorney Lance Baker said if the request was disapproved, an applicant must wait at least twelve months to make the same request on the same land even if the property was sold to a new owner. The following vote was recorded:

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

The motion to adopt this ordinance on first reading failed.

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 87-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Garrett. Councilman Powers supported this change stating surrounding lots were already zoned commercial. Councilman Burkhart felt this change would allow intrusion of commercial development into the residential area. The following vote was recorded:

AYE: Allen, Garrett, Grubbs, McMillan, Powers, Smith, Wallace

NAY: Alexander, Burkhart, Guzman, McLaughlin, Redd

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 88-2015-16**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. Councilwoman McLaughlin made a motion to refer this request back to the Regional Planning Commission for reconsideration. The motion was seconded by Councilman Powers. Councilman Redd said he owned land adjacent to the property in question and did not object to commercial rezoning, but did oppose a multi-family development. Councilman Grubbs said he would not vote on this ordinance because a family member was a relative of the owner. The following vote was recorded:

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

ABSTAIN: Grubbs, Redd

The motion to refer this request back to the Regional Planning Commission passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 89-2015-16**. 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, 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 90-2015-16**. 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, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

## NEW BUSINESS

### **RESOLUTION 45-2015-16** Adopting the Smoke Free Community Initiative

There was no objection to moving this resolution up from the end of this agenda. Councilwoman McLaughlin made a motion to adopt this resolution. The motion was seconded by Councilman Garrett. Councilman Garrett commended Rossvie High School and Northwest High School students for their presentations made during the April 28<sup>th</sup> Executive Session. The following vote was recorded:

AYE: Allen, Burkhart, Garrett, Grubbs, Guzman, McLaughlin, McMillan, Powers, Smith, Wallace

NAY: Alexander, 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 80-2015-16** (Second Reading) Authorizing purchase of Randall Arthur Property for the Clarksville Greenway/Red River Trail
2. **ORDINANCE 81-2015-16** (Second Reading) Authorizing purchase of Cecil Radford property for wastewater system improvements
3. **ORDINANCE 82-2015-16** (Second 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
4. **ORDINANCE 83-2015-16** (Second 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
5. **ORDINANCE 85-2015-16** (Second 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
6. **ORDINANCE 86-2015-16** (Second 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
7. **RESOLUTION 49-2015-16** Approving a Certificate of Compliance for Ernst N. Corns for sale of wine at Houchens Food Group/Price Less IGA #494, 1151 Fort Campbell Boulevard
8. **RESOLUTION 50-2015-16** Approving a Certificate of Compliance for John A. Attaway, Jr. for sale of wine at Publix #1392, 1771 Madison Street
9. **RESOLUTION 51-2015-16** Approving a Certificate of Compliance for John A. Attaway, Jr. for sale of wine at Publix #1425, 1490 Tiny Town Road
10. Adoption of Minutes: April 7<sup>th</sup>, April 18<sup>th</sup>
11. Approval of Board Appointments:  
  
Senior Citizens Board: Gilbert Pulley, Doris Allen Reynolds – May 2016 through April 2019

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

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

The motion to adopt the Consent Agenda as presented passed.

## FINANCE COMMITTEE

*Joel Wallace, Chair*

**RESOLUTION 46-2015-16** Authorizing a grant application and adopting the 2016-17 Action Plan and Budget for Community Development Block Grant and HOME programs

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. Councilman Wallace offered an amendment to include the recently approved funding for the Shelter Plus Care Grant in the amount of \$109,688. The motion was seconded by Councilman Powers. A voice was taken; the motion passed without objection. The following vote on the original motion as amended was recorded:

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

NAY: Garrett

The motion to adopt this resolution as amended passed.

**RESOLUTION 47-2015-16** Accepting the proposal from the Tennessee Department of Transportation for a project on SR-237/Rossvie Road

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. The following vote was recorded:

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

The motion to adopt this resolution passed.

## HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

*David Allen, Chair*

Councilman Allen announced the following reconstruction projects would begin soon: 1606 Golf Club Lane - \$82,647 (Ward 9); 156 Reynolds Street - \$84,052 (Ward 6).

Councilman Garrett referred to his message distributed earlier this day requesting an ordinance that would require all City funding for non-profit agencies be allocated to the United Way to be disbursed at their discretion. He expressed his feelings that the Leap Organization was being discriminated against. City Attorney Lance Baker said this action could be accomplished during the process for adopting the upcoming budget. Without objection from the Council, Community Development Director Keith Lampkin said a notice was published in the local newspaper giving all non-profit agencies information regarding the application process. Mr. Lampkin vowed to follow Housing & Urban Development guidelines regarding allocation of the City's federal funds.

Councilman Burkhart and Councilwoman McLaughlin suggested phasing out city-funded non-profit agency donations. Councilman Allen expressed support for the funding stating the agencies contribute greatly to the community.

NOTE: Councilman Alexander left the meeting at 8:49 p.m.

#### GAS & WATER COMMITTEE

*Wallace Redd, Chair*

**RESOLUTION 48-2015-16** Authorizing issuance, sale, and payment of up to \$110,000,000 Water, Sewer, and Gas Revenue Refunding Bonds and authorizing cash defeasance of certain outstanding bonds

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

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

The motion to adopt this resolution passed.

#### PARKS, RECREATION, GENERAL SERVICES

*Bill Powers, Chair*

Councilman Powers said city pools would open May 28<sup>th</sup> and shared information regarding the following spring and summer events: Queen City Road Race, Movies in the Park, Sleeping Under the Stars, and Downtown Market. He said Building Maintenance had completed 164 work orders during the previous month.

#### PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

*Geno Grubbs, Chair*

Councilman Grubbs shared the following monthly department statistics: Building & Codes Construction Division – 1,602 inspections; Building & Codes Enforcement Division = 475 cases; Building & Codes Abatement Division – 46 work orders; Fire & Rescue – 1,018 emergency runs; Police – 12,900 responses.

#### STREETS-TRANSPORTATION-GARAGE COMMITTEE

*James Lewis, Chair*

In Chairman Lewis' absence, Councilwoman McLaughlin said Clarksville Transit System transported 60,580 passengers, the Clarksville-Nashville Express transported 5,856 passengers, and the City Garage completed 305 work orders during April.

#### MAYOR AND STAFF REPORTS

Councilman Garrett had also requested a budget amendment that would designate funding directly to the Two Rivers Company and not require the TRC to apply through the non-profit agency donation process. Mr. Baker also this action could also be accomplished during the upcoming budget process.

## NON-PUBLIC SESSION

City Attorney Lance Baker held a non-public session with members of the City Council regarding situations involving Jonathan George, Sr.

Some members left the meeting during this discussion.

## ADJOURNMENT

The meeting was adjourned at 9:27 p.m.