



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
MARCH 5, 2020, 7:00 P.M.**

**COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE**

AGENDA

PUBLIC COMMENTS:

During the public comment period prior to the meeting, Phil Stilke shared his concern about fast traffic on Ringgold Road. Janice Butts had requested to speak, but was not present.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, March 5, 2020, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Kenneth Burkhart, Needmore Church of Christ, guest of Councilman Jeff Burkhart.

The Pledge of Allegiance was led by Scout Troops 546 and 1019 along with Troop Leader Kim McPhearson.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Ron Erb (Ward 3), Tim Chandler (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Travis Holleman (Ward 7), David Allen, Mayor Pro Tem (Ward 8), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (Ward 12)

ABSENT: Vondell Richmond (Ward 2; excused), Jeff Henley (Ward 9; excused)

SPECIAL RECOGNITIONS

Mayor Pitts proclaimed March as “Procurement Month” and presented the proclamation to Camille Thomas, Director of Purchasing, along with Katina Spainhoward and Heather Fleming.

Mayor Pitts welcomed Sh’Niya Horn who was recently named Miss Black Clarksville.

PLANNING COMMISSION PUBLIC HEARING

Councilman Garrett made a motion to conduct a public hearing to receive comments regarding a change in the Regional Historic Zoning Commission’s appeal process and requests for zone change. The motion was seconded by Councilman Holleman. There was no objection.

ORDINANCE 64-2019-20 (First Reading) Amending the City Zoning Ordinance as it pertains to Historic Overlay District and the appeals process contained therein

No one spoke for or against this change.

ORDINANCE 65-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Providence Builders, LLC, Jacqlyn Elliott-Agent, for zone change on property located at the intersection of Whitfield Road and Prewitt Lane from AG Agricultural District to R-2 Single Family Residential District

Bryce Powers said the proposed development included six homes with one access from Whitfield Road and noted a traffic study was not required for six lots.

No one spoke against this request.

ORDINANCE 66-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Rufus S. Johnson, III, for zone change on property located at the intersection of Memorial Drive and Richaven Road from MLUD Mixed Land Use Development to C-2 General Commercial District

Roger Maness spoke on behalf of the applicant noting the adjacent property was zoned C-5 Highway & Arterial Commercial District. He said Mr. Johnson had agreed to donate land to build a road through both parcels, connecting Memorial Drive to Highway 76.

Bryce Sanders, resident of Richaven Road, said there was no current funding for construction of the road and expressed concern for the additional commercial opportunities that would be available in a C-2 General Commercial District. Mr. Sanders said the residents of Richaven Road did not oppose a residential or office development.

Eric Byrd, resident of Rudolphtown, read Mr. Maness' December 4, 2008 letter to Mayor Johnny Piper stating several provisions regarding the 2008 zone change and recognized those in the audience who were opposed to this change.

In rebuttal, Mr. Maness confirmed he had written the letter mentioned earlier and noted some commercial uses allowed in the C-2 classification were also allowed in the current MLUD Mixed Land Use Development classification.

In rebuttal, Mr. Byrd said area residents opposed both the C-1 and C-2 classifications.

Councilman Allen made a motion to temporarily revert to regular session to seek responses from Regional Planning Director Jeff Tyndall. The motion was seconded by Councilwoman Smith. A voice vote was taken; the motion passed without objection. Mr. Tyndall explained that MLUD zone must be balanced with commercial and residential uses and noted the MLUD zone allows fewer commercial uses than the C-2 zone. Councilwoman Smith made a motion to revert back to public hearing. The motion was seconded by Councilman Garrett. A voice vote was taken; the motion passed without objection.

ORDINANCE 67-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Iron Horse Belleglade, LLC, Lewis Whitley-Contact, for zone change on property located at the intersection of Fort Campbell Boulevard and Wallace Boulevard from R-4 Multiple Family Residential District to C-5 Highway & Arterial Commercial District

Paul Chase said this proposed development would fill a need for aesthetically recreational vehicle homes with a total of 108 units.

Roderick Gochett expressed concern for elderly residents regarding additional traffic and increased crime in the area.

In rebuttal, Mr. Chase said the ten acres in question would allow 160 units and the new zoning would allow 108 units.

ORDINANCE 68-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Richard Tucker, Et Ux, for zone change on property located at the intersection of Parkway Place and Stonecrossing Drive from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District

Richard Tucker said rezoning would increase the market for residential development of this property. No one expressed opposition.

ORDINANCE 69-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Claudelle B. Wooten Living Trust/William N. Wooton, Robert Mallory-Agent, for zone change on property located at the intersection of Warfield Boulevard and Rossview Road from O-1 Office District to C-2 General Commercial District

Robert Mallroy said this property was the remainder of his family farm and the new zone classification would increase interest for sale of the land.

Fred Mathews felt the current zoning of O-1 Office District was the best fit for the property. He expressed concern for traffic problems if a road was built to connect to the Virginia Hills Subdivision. Ginger Fitting expressed concern about traffic congestion and overcrowding at Rossview schools.

In rebuttal, Mr. Mallory said there were no plans to build a road that would connect to Bristol Court in Virginia Hills. He said a C-2 zone would broaden future potential uses.

In rebuttal, Ms. Fitting Said opposing citizens were concerned because they had not been made aware of the intended use for the property.

ORDINANCE 70-2019-20 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Rex Hawkins for zone change on property located south of Arrowood Drive, west of Quin Lane, north of Cunningham Lane, and east of Panorama Drive from C-5 Highway & Arterial Commercial District to C-2 General Commercial District

Vernon Weakley offered to answer questions on behalf of the applicant. In response to Mayor Pitts' question regarding effects on the Veterans Home, Mr. Weakley said the C-2 zone would eliminate high-noise uses. No one expressed opposition.

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

ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 64-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Allen restated his support of the current process which allows citizens to appeal decisions of the Regional Historic Zoning Commission to the City Council. Mayor Pitts said he would reach out to the Tennessee Historical Commission regarding the City's designation as a Certified Local Government and made a motion to postpone first reading to the April regular session. The motion was seconded by Councilwoman Smith. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

The motion to postpone first reading on this ordinance to the April regular session passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 65-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Allen. Councilady Smith felt this change would increase the already congested traffic on Whitfield Road. Councilman Norris said this was a good example of in-fill development. Councilady Guzman said there would be only one access to the property from Whitfield Road. The following vote was recorded:

AYE: Burkhart, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Streetman

NAY: Allen, Chandler, Smith

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 66-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilady Streetman felt this change would worsen Richview Middle School dropoff and pick up traffic and a C-2 zoning would allow more commercial uses than the current MLUD zone. Councilman Chandler said a proposed road could already be built under the current zoning. Councilman Burkhart said he owned property across the street and would abstain from voting. The following vote was recorded:

AYE: Allen, Chandler, Garrett, Guzman, Smith

NAY: Erb, Holleman, Norris, Pitts, Streetman

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading failed due to lack of a majority.

The recommendation of the Regional Planning Staff was for disapproval of **ORDINANCE 67-2019-20**; the recommendation of the Regional Planning Commission was for approval. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Burkhart said RV's were not allowed in the R-4 zone and made a motion to postpone first reading to the April regular session. The motion was seconded by Councilady Streetman. Councilman Chandler made a motion to go out of regular session to allow answers from Regional Planning Director Jeff Tyndall. The motion was seconded by Councilman Allen. There was no objection. Mr. Tyndall said the applicant had previously contact the Building & Codes Department to determine the appropriate zoning for an RV park. Councilman Burkhart said there was a definite need for this type of housing, but he opposed a change to a C-5 zoning. Councilady Smith made a motion to revert to regular session. The motion was seconded by Councilman Burkart. There was no objection. The following vote on Councilman Burkhart's motion was recorded:

NAY: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

The motion to postpone first reading to the April regular session failed. Councilman Allen made a motion to postpone action indefinitely. The motion was seconded by Councilman Burkhart. In response to Councilman Garrett's question, City Attorney Lance Baker said establishing a new zone classification for RV parks would require a three month process and taking no action on this ordinance within 100 days of the public hearing would deny the requested change. Councilman Garrett made a motion to amend Councilman Allen's motion by postponing first reading on this ordinance to the next regular session. This motion was not seconded. The following vote on Councilman Allen's motion was recorded:

AYE: Allen, Burkhart, Erb, Garrett, Guzman, Holleman, Norris Pitts, Smith, Streetman

NAY: Chandler

The motion to postpone first reading on this ordinance indefinitely passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 68-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 69-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Burkhart said Briston Court in the Virginia Hills Subdivision could currently be connected to another thoroughfare and made a motion to postpone first reading to the next regular session. The motion was seconded by Councilwoman Streetman. The following vote was recorded:

AYE: Burkhart, Chandler, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

NAY: Allen

The motion to postpone first reading on this ordinance to the next (April) regular session passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 70-2019-20**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Holleman. Councilman Burkhart said he was a partner in this development and would abstain from voting. The following vote was recorded:

AYE: Allen, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

NAY: Chandler, Erb

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

CONSENT AGENDA *City Clerk*

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 29-2019-20** (Second Reading) Repealing the Internal Service Fund Guidelines and amending the Official Code approving new Internal Service Fund Guidelines *[Removed; see end of minutes]*
2. **ORDINANCE 54-2019-20** (Second Reading) Amending the Official Code relative to residential new construction plumbing permit fee
3. **ORDINANCE 55-2019-20** (Second Reading) Accepting donation of property from the Industrial Development Board and Montgomery County Commission for Police District 3
4. **ORDINANCE 56-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of CBP Properties, Christian Black-Agent, for zone change on property located at the intersection of Ashland City Road and Glenstone Boulevard from R-1 Single Family Residential District to R-2A Single Family Residential District
5. **ORDINANCE 57-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William Boyd, Mid State Investments-Agent, for zone change on property located at the intersection of Cumberland Drive and Woodmont Boulevard-Hickory Grove Boulevard from R-3 Three Family Residential District to R-2A Single Family Residential District
6. **ORDINANCE 58-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Michael Hanna, Dover Road, LLC, Chris Scogin-Agent, for zone change on property located at the intersection of Dover Road (US Hwy. 79) and Somerset Lane from C-1 Neighborhood Commercial District to C-5 Highway & Arterial Commercial District
7. **ORDINANCE 59-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Care, LLC, J. Chris Fielder-Agent, for zone change on property located at the intersection of Warfield Boulevard and Memorial Drive from R-4 Multiple Family Residential District to O-1 Office District

8. **ORDINANCE 60-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Sam Lucas, Jr., Double Bogey Partners-Agent, for zone change on property located at the intersection of Reynolds Street and Dodd Street from R-3 Three Family Residential District to R-6 Single Family Residential District

9. **ORDINANCE 61-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Kentucky-Tennessee Conference Association of Seventh Day Adventists, Inc., Ray Ormar, Capital Brands Group-Agent, for zone change on property located at the intersection of Northfield Drive and Glenhurst Way from R-1 Single Family Residential District to R-4 Multiple Family Residential District

10. **RESOLUTION 45-2019-20** Approving a Certificate of Compliance for operation of Riverbend Wine & Spirits (1206 Highway 48) *CPD: No Criminal History*

11. Adoption of Minutes: February 6

Mayor Pitts requested separate consideration of ORDINANCE 29-2019-20. Councilman Burkhart made a motion to adopt the Consent Agenda with the exception of ORDINANCE 29-2019-20. The motion was seconded by Councillady Guzman. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

The motion to adopt the Consent Agenda as amended passed.

FINANCE COMMITTEE *Chairman Jeff Burkhart*

Councilman Burkhart said 2019 property tax collections through February 29th totaled \$30.2 million or 92% of actual billing. December 2019 Local Option Sales Tax collections were \$9.6 million, a 23.8% increase over the previous year and the largest collection in the City's history.

GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

ORDINANCE 62-2019-20 (First Reading) Authorizing extension of utility services to 255 Harper Road; request of Karen McKay

The recommendation of the Gas & Water Committee was for approval. Councillady Guzman made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

Councilman Allen said the Office of Housing & Community Development conducted a public meeting as a part of the five-year 2020-24 Consolidated Plan which offers the public's input. Mayor Pro Tem Allen said Housing & Urban Development hosted the FY20 CDBG and HOME and announced the City of Clarksville's allocation of \$1,021,544 for CDBG and \$489,225 for HOME.

PARKS & RECREATION COMMITTEE *Chairlady Valerie Guzman*

No report.

PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

ORDINANCE 63-2019-20 (First Reading) Amending the Official Code pertaining to a prohibition on electric motorized bicycles, scooters, and skateboards

The recommendation of the Public Safety Committee was for approval. Councilman Erb made a motion to adopt this ordinance on first reading. The motion was seconded by Councillady Streetman. Councilman Holleman said he did not support a permanent ban on scooters. Councillady Streetman said she had received several comments from the public for support of the ban and felt scooter traffic would have a negative effect on downtown businesses. Following discussion, Councillady Guzman called for the question. The question was seconded by Councilman Chandler. A voice vote was taken; the motion to cease discussion passed without objection. The following vote was recorded:

AYE: Allen, Burkhart, Erb, Garrett, Guzman, Pitts, Smith, Streetman

NAY: Chandler, Holleman, Norris

The motion to adopt this ordinance on first reading passed.

Councilman Erb shared the following monthly department statistics: Fire Rescue - 1,132 emergency runs; Police - 13,151 responses; Building & Codes - 1,916 inspections, 197 code enforcement cases, 101 single-family permits, 9 multi-family permits, 12 commercial permits, and 25 abatement work orders.

STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

Councilman Chandler said city-wide vehicle expenses totaled \$130,915; unleaded gas \$1.61 per gallon and diesel fuel \$1.69 per gallon. The Street Department closed 357 work orders with sidewalk repairs ongoing.

TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councilady Smith shared the following monthly department statistics: Clarksville Transit System - 52,446 passengers including 6,607 senior citizens and 3,347 demand responses.

INTERNAL SERVICE FUND

ORDINANCE 29-2019-20 (Second Reading) Repealing the Internal Service Fund Guidelines and amending the Official Code approving new Internal Service Fund Guidelines

Councilman Allen made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Garrett. Mayor Pitts made a motion to amend this ordinance by clarifying language relative to on-the-job injuries. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

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

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Holleman, Norris, Pitts, Smith, Streetman

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

MAYOR AND COUNCIL MEMBER COMMENTS

Councilman Burkhart asked the Council to consider moving zoning public comments to executive sessions instead of regular sessions.

Councilman Erb announced the tree giveaway at the Smith-Trahern Mansion on March 6 in recognition of Arbor Day.

ADJOURNMENT

The meeting was adjourned at 9:36 p.m.

ADOPTED: April 2, 2020