

**Clarksville\_CBD**

|  |                 |
|--|-----------------|
|  | Original CBD    |
|  | 2002 CBD Change |
|  | Proposed 2006   |

# *IT'S TIME*

## TO-STOP THIS CBID- CBD-DDP CORPORATION – FRAUDULENT-ORDINANCE'S MUST BE ABOLISHED FOR SUPERCEDING A FEDERAL DISCRIMINATORY STATUTE

Co-Chairman Jeff Bibb... stated back in 1999 to the City council that the city would become urban blight, producing vacant building, lots, and erosion of the Tax Base... without the efforts to control the rebuilt process from the tornado by reinvesting at least \$150 million...

2/4/99 RESOLUTION 56-1998-99 initiating the establishment of the Clarksville Central Business Improvement and Redevelopment District... that took advantages and OVER TURNED all disaster protected victims like Elinor Thurman at 202 Madison Street in Clarksville TN being a prompt taxpayer all her life, under federal protection... lost her rights, defrauded by locals Governments that stopped her to restore this historical property... which she was totally discriminated against by the City Council... for approving ORDINANCE... 2004-05 to pay certain disaster victim like Patrick for just a complaint in the amount of \$152,000.00...

RESOLUTION 57-1998-99 was to wave certain purchasing rights to selected new DDP property investors for the Downtown Clarksville Redevelopment Task Force... David Riggins...

ORDINANCE 41-1998-99... is a restricting 14 MEMBERS APPOINTED IN ACCORDANCE WITH 41-1998-99 (Apr.1, 1999) and Ordinance 87-2002 (July 2, 2003); three year terms: two term limit, that powered the DDP to be extended through June for re-appointment or replaced in July (ORDINANCE 108-2004-05... is a conflict-of-interest... for Members to restrict, take and reinvest from property owners for personal interest... destroyed on January 22, 1999...

ORDINANCE... 43-2004-05

Another ordinance was established... for Patrick's personal benefits... the 2004-05 Budgets for this Extraordinary/Emergency... Funding... accounts to pay for certain damage... John Branham, being the attorney for Herbert Patrick... said this \$152K amount appropriated by this ordinance would be a full settlement for Damages that Contractor Ronnie Lewis was blamed for... an illegal dispute from the 1999 tornado... being another unjust settlement caused by the City of Clarksville officials...

On March 3, 2005... Joe Pitts informed the council that Mayor Don Trotter was hospitalized with severe stomach pains... NOTE... Gabriel Segovia... Ward 3... RESIGNED... imagine that...!!!

Attorney... David Haines... resigned in 2007... lied on several issues... one by saying that this ordinance in 2005, would appropriate funds from a (still-disputed-unjust-settlement), filed by Ronnie Lewis, blamed for bidding negligent, was an is wrong-doing on the behalf of the City... that affected and damaged Lewis to the point of filing bankruptcy in 2004, that never recovered or ever had a contract agreement to work on / Herbert Patrick's building... which Patrick's was paid money for damages caused by Lewis, which was condemned by several engineers, reports...

Back in 1999 several reports were filed, by several different certified engineers reports, on this Patrick building, was an still is unsafe, 75% burn-up during the tornado...bridged or sandwiched in a alley later in years, being a very short in original depth, extended back from the sidewalk... The know records, said it was built in 1917...later, scabbed or extended the floor-plan an roof over a existing breeze way or court-yard, between two free standing building, over a period of time, yet these CBID boards allowed Patrick a faulty unsafe stay, in a still dangerous, grid-locked situation with Gary Hodges property today, yet the City prematurely condemned and demolished 56 other historical building in the downtown area before proper valuation or assessments were completed...is Criminal FRAUD...

Herbert Patrick... is the only one out of 515 dwelling received un-useable funds that benefited, himself, allowed by a illegal discriminatory action...being a illegal stay in a condemned dwelling, by these District authorities, over ruled by this Board of Adjustments & Appeals,... being a conflict, that superseded, the overturning of the Southern Building Code & Standard... that David Haines knew was wrong, quoted to the council that Herbert Patrick... DID\_NOT\_SIGN... a RIGHT TO ENTER...RELEASE OF LIABIBITY, agreement...therefore Haines said the City was responsible to pay PATRICK \$152,000.00 ... is statutory CIVIL-FRAUD...

#### *IT'S TIME TO WAKE-UP-CLARKSVILLE*

Especially the BLIGHTED DISTRICT...CITIZENS...Population...1800...

NOTICE TO TAXPAYERS...*TO BECOME A PETITIONER... VOTER...*

TENNESSEEPETITIONS.COM... needs your HELP TO solicit in helping get the affected citizens, to sign a petition, to spearhead this CBID Corporation corruption...for good...!!! Prosecuting those responsible for occurring civil damages...!!!

We need, the general public, within the affected people who own property, become a registered voter an get a Voter's card number, for signing this upcoming petition soon to abolish this *illegally* form District...that superceded a Declared Federal Disaster Area, unjustly created back in 1999...shortly after the Tornado...

Please...sign...the Guest Sheet...to receive more details, getting involved to help your community get the endorsements...needed...

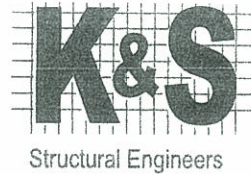
THANK-YOU

*Robert H. Melton*

Hosting Tennesseepetitions.com...

RECEIVED

2007 MAR 12 AM 10:13



Engineering, PLLC

March 6, 2007

ARCHITECTS AND  
ENGINEERS BOARD

Exhibit #  
3-6-07

Mr. John Cothron, Executive Director  
Board of Architectural and Engineering Examiners  
500 James Robertson Parkway, Third Floor  
Nashville, Tennessee 37243-1142

**RESPONSE TO COMPLAINT  
111 & 113 SOUTH THIRD STREET COMMON WALL  
CLARKSVILLE, TN**

Dear Mr. Cothron:

I understand that a complaint has been filed accusing me of a conflict of interest regarding a decision made by the City of Clarksville's Board of Adjustments and Appeals to not demolish a common brick wall between 111 South Third Street and 113 South Third Street in July, 1999.

Although I was a member of the Board of Adjustments and Appeals at that time, I avoided a conflict of interest by recusing myself from voting on this matter when it came before the board.

Mr. Gary Hodges, owner of 113 South Third Street, hired me to investigate a common brick wall located between 111 & 113 South Third Street on June 9, 1999. Both of the buildings and the brick wall were heavily damaged by a tornado in January, 1999. My engineering report recommended demolition and replacement of the common wall between 111 & 113 South Third Street. At the time of performing the structural investigation, I had no idea that this matter would come before the Board for a decision.

Furthermore, the Board voted against my recommendation; so I obviously did not influence the Board's decision.

I trust that I have adequately answered the complaint from Mr. Robert Melton. If you have any further questions, feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Benjamin D. Shepard'.

Benjamin D. Shepard, PE

**DOWNTOWN DISTRICT PARTNERSHIP  
(CLARKSVILLE CENTRAL BUSINESS  
IMPROVEMENT & REDEVELOPMENT DISTRICT)**

Term

Property Owners

|                 |                   |
|-----------------|-------------------|
| Doug Jackson    | July 06 – June 09 |
| Doug Barber     | July 07 – June 10 |
| Billy Hadley    | July 05 - June 08 |
| Scott Giles     | July 06 – June 09 |
| Gene Washer     | July 07 - June 10 |
| Wayne Wilkinson | July 07 – June 10 |

Montgomery County Residents

|                   |                   |
|-------------------|-------------------|
| Charlsie Lankford | July 07 – June 10 |
| Frank Lott        | July 06 – June 09 |
| Wayne Stanfill    | Feb. 07 – June 09 |

District Resident and Property Owner

|          |                   |
|----------|-------------------|
| Kay Drew | July 05 - June 08 |
|----------|-------------------|

Montgomery County Commission

|               |                    |
|---------------|--------------------|
| Charles Keene | Sept. 06 - June 08 |
|---------------|--------------------|

City Council

|                 |                   |
|-----------------|-------------------|
| Barbara Johnson | July 05 - June 08 |
|-----------------|-------------------|

Tennessee House

|           |             |
|-----------|-------------|
| Joe Pitts | Coterminous |
|-----------|-------------|

Tennessee Senate

|                 |             |
|-----------------|-------------|
| Rosalind Kurita | Coterminous |
|-----------------|-------------|

Ex-Officio

City Mayor  
County Mayor  
EDC Chair  
APSU President  
Parking Authority Chair  
Housing Authority Chair  
RDC Chair  
RPC Chair

\*\*\*\*\*

*14 members appointed in accordance with ORDINANCE 41-1998-99 (Apr. 1, 1999) and ORDINANCE 87-2002-03 (July 2, 2003); three year terms; two term limit. DDP requested that terms be extended through June to be re-appointed or replaced in July (ORDINANCE 108-2004-05).*

**BYLAWS OF  
CLARKSVILLE CBID MANAGEMENT CORPORATION  
OF 1999**

NAME

1. The name of the Corporation shall be the CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999. The organization is incorporated under the laws of the State of Tennessee.

OFFICES

2. The principal office of CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999 shall be located at 1 Public Square, Clarksville, Tennessee 37040, and the Corporation shall have such other offices at such other places as the Board of Directors may from time to time specify or as the business of the Corporation may require.

SEAL

3. The Corporation shall have no seal.

MEMBERSHIP

4. The Corporation has no members.

PURPOSE

5. The CLARKSVILLE CBID MANAGEMENT CORPORATION OF 1999 is organized for the purpose of adopting and implementing a comprehensive plan for the rebuilding and redevelopment of the "Clarksville Central Business Improvement and Redevelopment District" (the "District") as defined in Ordinance #41-1998-99 of the City of Clarksville (the "Ordinance") and to carry out the other objectives and provisions of

the Ordinance, including, but not limited to development of design criteria which will maintain the character of the District, the construction of public facilities and improvements in connections therewith, improving downtown beautification and maintenance, and any and all other activities associated with achieving the full scale redevelopment and revitalization of the District.

#### LIMITATION

6. The district management corporation shall be non-profit, non-partisan, and non-sectarian. The district management corporation shall observe all local, state and federal laws, which apply to not for profit organizations as defined in § \_\_\_\_\_ of the *Internal Revenue Code*.

#### DIRECTORS

7. The district management corporation shall be governed by a board of directors consisting of fourteen (14) members. A member of the Tennessee State Senate, as determined by the Speaker of the Senate shall be appointed, and a member of the Tennessee House of Representatives, as determined by the Speaker of the House of Representatives, shall be appointed, Seven members shall be owners of property, or persons whose principle place of business is headquartered within the District, at least one of these seven members shall reside within the District. All members shall be residents of Montgomery County, Tennessee. One member shall be appointed based upon a recommendation from the Montgomery County Commission, and one member shall be a member of the City Council. The terms of the latter twelve members shall be three (3) years after the initial terms established below. No member may serve more than two (2) consecutive three-year terms. In addition, the Mayor of the City of Clarksville,

the Mayor of Montgomery County, and the Chairman of the Clarksville-Montgomery County Economic Development Council shall serve as ex-officio, non-voting members of the board. The President of Austin Peay State University, the Chairman of the Clarksville Parking Authority, a member of the Clarksville Housing Authority, a member of the Clarksville-Montgomery County Regional Planning Commission, and a member of the Clarksville River District Commission or their designee shall also serve as an ex-officio, non-voting member of the board. Vacancies on the board shall be filled by the City Council, based on the recommendation of the Mayor.

8. Regular meetings of the Board shall be held at such time as shall from time to time be determined by the Board, and public notice of such meetings shall be given and such meetings shall be open to the public.

9. The Directors shall hold their meetings at the principal office of the Corporation in Clarksville, Tennessee, or at such other place or places as they may from time to time determine. All meetings shall be open to the public.

10. Special meetings of the Board may be called by any officer of the Corporation on one day's notice to each Director, and such notice may be in person or by mail, telephone or telegram. Special meetings shall be called by the President or Secretary on the same notice at the request of at least two Directors.

11. At all meetings of the Board, a majority of the total number of Directors then on the Board shall be necessary and sufficient to constitute a quorum for the transaction of business, and the act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board of Directors, except as may be otherwise specifically provided by statute, by the Charter of the Corporation, or by these



Bylaws. Any meeting may be adjourned from time to time despite the absence of a quorum, and notice of an adjourned meeting need not be given if the time and place to which the meeting is adjourned are fixed at the meeting at which the adjournment is taken; and any business may be transacted at an adjourned meeting where a quorum is present, which might have been transacted at the original meeting.

12. The Board of Directors shall keep a record of all their proceedings, and these records and the principal books of the Corporation shall be kept at the principal office of the Corporation, with necessary books and records being kept at such place or places as the Board of Directors may from time to time determine. All of these books and records shall be open to the public at any reasonable time of the day.

13. Directors and members of any Committee of the Board of Directors shall not be entitled to compensation for their services.

14. Vacancies on the Board of Directors caused by death or resignation may be filled for the unexpired portion of the term by the Clarksville City Council upon recommendation of the Mayor.

15. Any voting member of the Board may be removed for cause by a majority vote of the City Council. Such removal may be recommended by any member of the City Council or the Mayor. The Board may recommend to the Mayor and/or City Council the removal of any Board member who misses three or more consecutive regularly scheduled meeting of the Board.

#### OFFICERS

16. The Officers of the Corporation shall consist of a Chairperson, Vice Chairperson and Secretary and such other Officers as may be deemed necessary by the Board of Directors.

17. All Officers shall be elected by the Board of Directors at its June meeting and the officers shall take office after July 1, and shall hold office for one year and thereafter until their successors are elected and qualified.

18. The Officers of the Corporation shall exercise such powers and perform such duties as are specified in these Bylaws or are from time to time conferred by the Board of Directors.

19. Vacancies occurring in any office for any reason, including removal, shall be filled by the Board of Directors. Any Officer elected to fill a vacancy shall hold office for the remainder of the unexpired term of the predecessor in that office and thereafter until his successor is elected and qualified.

20. In case of the absence of any Officer of the Corporation, or for any other reason that the Board may deem sufficient, the Board may delegate, for the time being, any of the powers and duties of such Officer to any other Officer or to any Director, provided a majority of the entire Board concur therein.

#### THE CHAIRPERSON

21. The Chairperson shall preside at all meetings of the Board of Directors, shall have general supervision over the active management of the affairs of the Corporation, and shall see that all orders and resolutions of the Board are carried into effect. He shall be, ex-officio, a member of all standing committees and shall have the

general powers and duties of supervision and management usually vested in the office of president of a corporation.

#### THE VICE CHAIRPERSON

22. The Vice Chairperson shall perform the duties of and may exercise the authority of the Chairperson in the Chairperson's absence and shall be responsible for other activities as may be designated by the Chairperson.

#### THE SECRETARY

23. The Secretary, or an assistant secretary if the Board appoints an assistant secretary, shall attend all sessions of the Board and shall record all votes and minutes of all proceedings in a book to be kept for that purpose, and shall perform like duties for the standing committees when required. The Secretary shall give, or cause to be given, notice of all meetings of the Board of Directors and shall perform such other duties as may be prescribed by the Board of Directors.

#### EXECUTIVE COMMITTEE

24. The Executive Committee of the district management corporation shall be composed of the Chairperson, the Vice Chairperson, the Secretary, the immediate past Chairperson and a Chairperson of a standing committee appointed by the current Chairperson. Legal counsel selected by the Board shall be an ex-officio member of the Executive Committee. The Executive Committee shall possess and exercise the power of the Board of Directors in the intervals between the meetings of the Board. The Executive Committee shall have no power or authority to alter or amend the Bylaws and shall report to the entire Board at its next regular meeting, and actions taken by the Executive Committee.

Chapter 9 CENTRAL BUSINESS IMPROVEMENT AND REDEVELOPMENT DISTRICT

Sec. 12-901. Created.

Pursuant to the authority granted to municipalities in Tennessee Code Annotated Title 7, Chapter 84, Part 5, there is hereby created a central business improvement district, to be known as the "Clarksville Central Business Improvement and Redevelopment District" (the "district").

(Ord. No. 41-1998-99, § 1, 4-1-99)

Sec. 12-902. Boundaries.

The boundaries of the district shall be as follows:

Beginning at the intersection of South Second Street and Crossland Avenue; thence westerly along Crossland Avenue to Cumberland River; thence northerly along the city limits to Red River; thence easterly at the center of Red River to Highway 41-A; thence southerly to the center of North Second Street; thence along North Second Street to College Street; thence along College Street to Seventh Street; thence southerly to Madison Street; thence westerly along Madison Street to Cumberland Drive; thence along Cumberland Drive to Crossland Avenue; thence along Crossland Avenue to the point of beginning. The boundary of the District shall extend to lots of record in the Office of the Montgomery County Assessor of Property located on both sides of the streets enumerated herein.

(Ord. No. 41-1998-99, § 1, 4-1-99)

Sec. 12-903. Initial improvements, services, and projects.

The initial improvements, services, and projects authorized to be provided within the district shall be as follows:

- (1) Adoption and implementation of a comprehensive plan for the rebuilding and redevelopment of the district, including design criteria which will maintain the character of the district;
- (2) The construction of public facilities and improvements in connection therewith, improving downtown beautification and maintenance, and any and all activities associated with achieving the full-scale redevelopment and revitalization of the district. For these purposes, there is appropriated the sum of fifty-five thousand dollars (\$55,000.00) for activities undertaken from the effective date of this chapter through June 30, 1999.

(Ord. No. 41-1998-99, § 3, 4-1-99)

Sec. 12-904. Levy of special assessment.

No additional rate of levy of special assessment is imposed to properties within the district boundaries. That levy of assessment for streetscape improvements to sidewalks, street lights, landscaping, and signage in accordance with the master design plan designated as the "Franklin Street Master Plan" formulated by Tunnell Spangler Architects dated August, 1991, and which was authorized by the enactment of Ordinance 1-1997-98 shall remain in full force and effect until the completion of the improvements

authorized thereby and the payment in full of the assessment by affected property owners. Upon completion of those improvements, the district management corporation authorized to be created by Ordinance 1-1997-98 shall take appropriate steps to wind up its affairs and to dissolve its existence. Collection of any outstanding balance of the levy referred to above shall become the responsibility of the management corporation to be created pursuant to this chapter. In addition, the management corporation created pursuant to this chapter shall assume the responsibilities for implementation and administration of the provisions of Ordinance 7-1998-99 relative to festivals, street fairs, and other similar public functions conducted in the Central Business District.

(Ord. No. 41-1998-99, § 4, 4-1-99)

Sec. 12-905. District management corporation.

There is authorized a district management corporation to be chartered pursuant to the provisions of the Tennessee Nonprofit Corporation Act for the purpose of administering the activities for and within the district, the making of improvements within and for the district, and the provision of services within and for the district. The district management corporation shall be governed by a board of directors consisting of eleven (11) members. A member of the Tennessee State Senate, as determined by the Speaker of the Senate shall be appointed, and a member of the Tennessee House of Representatives, as determined by the Speaker of the House of Representatives, shall be appointed. Seven (7) members shall be owners of property, or persons whose principle place of business in headquartered within the district. At least one of these seven (7) members shall reside within the district. All of the seven (7) members shall be residents of Montgomery County, Tennessee. One member shall be appointed based upon a recommendation from the Montgomery County Commission, and one member shall be a member of the city council. The terms of the latter nine (9) members shall be three (3) years after the initial terms established below. No member may serve more than two (2) consecutive three-year terms. In addition, the Mayor, the Montgomery County Executive, and the Chairman of the Clarksville-Montgomery County Economic Development Council shall serve as ex officio, non-voting members of the board. The President of Austin Peay State University shall also serve as an ex-officio, non-voting member of the board. Vacancies on the board shall be filled by the city council, based on the recommendation of the mayor. Any voting member may be removed for cause by a majority vote of the city council. Such removal may be recommended by any member of the city council or the mayor.

In addition to the members of the board of directors specified above, there shall be an additional three (3) members effective July 1, 2003. These members shall be residents of Montgomery County, Tennessee, and shall be subject to the term limitations contained herein. The initial terms and appointments to these positions are as follows:

Charlsie Lankford--Initial one-year term

Eric Burnett--Initial two-year term

Frank Lott--Initial three-year term

The chairman of the following agencies, or their authorized designee shall also serve as ex-officio, non-voting members of the board: Chairman of the Clarksville Parking Authority, Chairman of the Clarksville Housing Authority, Chairman of the Clarksville-Montgomery County Regional Planning Commission, and Chairman of the Clarksville River District Commission.

(Ord. No. 41-1998-99, § 5, 4-1-99; Ord. No. 87-2002-03, 7-3-03)

Sec. 12-906. Scope of authority.

This chapter is adopted pursuant to the provisions of Tennessee Code annotated Title 7, Chapter 84, Part 5. The Clarksville Central Business Improvement and Redevelopment District is established and shall be administered pursuant to the provisions contained therein, and only to the extent that they are within the scope of improvements, services, and programs authorized by section 12-903 of this chapter or amendments thereto, the district management corporation is hereby delegated those powers necessary to carry out the improvements, services, or programs authorized by section 12-903 of this chapter, and shall specifically have the following powers:

- (1) To acquire, construct or maintain parking facilities;
- (2) To acquire, construct or maintain public improvements;
- (3) To acquire real property or an interest therein in connection with a public improvement;
- (4) To provide services for the improvement and operation of the district, including, but not limited to:
  - (a) Promotion and marketing;
  - (b) Advertising;
  - (c) Health and sanitation;
  - (d) Public safety;
  - (e) Security;
  - (f) Elimination of problems related to traffic and parking;
  - (g) Recreation;
  - (h) Cultural enhancements;
  - (i) Consulting with respect to planning, management, and development activities;
  - (j) Maintenance of improvements;
  - (k) Activities in support of business or residential recruitment, retention, or management development;
  - (l) Aesthetic improvements, including the decoration, restoration or renovation of any public place or of building facades and exteriors in public view which confer a public benefit;
  - (m) Furnishing of music in any public place;
  - (n) Professional management, planning and promotion of the district;
  - (o) Design assistance; and
  - (p) Such other services as municipalities are authorized to provide pursuant to Tennessee Code Annotated and by the Clarksville City Council;
- (5) To enter into contracts and agreements, including but not limited to, a contract with the Clarksville-Montgomery County Economic Development Council for staff services in connection with the implementation of the plan adopted herein;
- (6) To hire employees or retain agents, engineers, architects, planners, consultants, attorneys and accountants;
- (7) To acquire, construct, install and operate public improvements contemplated by the establishment ordinance and all property, rights, or interests incidental or appurtenant thereto and dispose of real and personal property and any interest therein, including leases and easements in connection therewith;

- (8) To manage, control and supervise:
  - (a) All the business and affairs of the district;
  - (b) The acquisition, construction, installation and operation of public improvements within the district; and
  - (c) The operation of district services therein;
- (9) To construct and install improvements across or along any public street, alley, highway, stream of water or watercourse;
- (10) To construct and operate child care facilities;
- (11) To accept, administer and comply with the conditions and requirements respecting any appropriation of funds or any gift, grant or donation of property or money to the central business improvement district;
- (12) To exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter or by state law. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter. As provided by state law, the boundaries of the district may be changed, or improvements, services, and projects authorized to be provided may be added to, or the rates to be charged for improvements, services and projects may be changed after a public hearing is held to consider such changes.
- (13) Pursuant to the authority granted in subsection (4)(l) above, the district management corporation shall promulgate exterior design criteria applicable to construction, alteration, or renovation of properties located within the boundaries of the district. Until such time as other design criteria are adopted by the district management corporation, the corporation shall review all applications for the construction, reconstruction, alteration, or extension of commercial buildings or other commercial structures within the district and shall approve such application upon a determination that the exterior design of the project is to be undertaken in conformance with the Design Review Guidelines Manual-Clarksville Main Street District developed by Thomason and Associates, dated August 1994.

The district management corporation shall review and decide all such requests within thirty (30) days of receipt of a request. Any property within the **CBID** which is also within an area designated as part of the H-1 Historic Overlay District shall have an application approved upon a showing that it has obtained the approval of the Clarksville Regional Historic Zoning Commission.

(Ord. No. 41-1998-99, § 6, 4-1-99)

Sec. 12-907. Meetings, records.

All meetings of the district management corporation shall be open meetings, pursuant to Tennessee Code Annotated Section 8-44-102 et seq. All records of the district management corporation shall be deemed public records, subject to the provisions of Tennessee Code Annotated Section 10-7-503.

(Ord. No. 41-1998-99, § 7, 4-1-99)

Sec. 12-908. Appeals to decisions of district management corporation board.

Appeals to the Clarksville City Council may be taken by any person aggrieved by any decision of the district management corporation board based in whole or in part upon the implementation of the provisions of section 12-906(13) of this chapter or amendments

thereto. The city council shall hear and decide any such appeal at its next regular session. A two-thirds majority vote of those council members in attendance at such hearing shall be required to modify or overturn the decision which forms the basis for an appeal.  
(Ord. No. 41-1998-99, § 8, 4-1-99)



## Survey of the Clarksville Tornado of January 22, 1999

An F3 tornado struck Clarksville at 415 AM, traveled through downtown and dissipated near St. Bethlehem. There were 5 injuries, 2 of them were for broken bones. Clarksville has a population of 89,000 people [and] is Tennessee's fifth largest city. [Twenty-five thousand] people were without power. The Tornado Warning was issued by the NWS at 354 AM CST. The NOAA Weather Radio alerted sleepy residents of Clarksville and urge[d] them to take cover immediately. The tornado ripped apart a 5 block area of downtown Clarksville and [tore] up buildings in Austin Peay State University. Once the tornado ravaged the city, downtown Clarksville resembled bombed-out London during World War 2. Bricks and glass were strewn everywhere. The photo editor of the Leaf-Chronicle newspaper, Fred Dye, said "It looked like somebody walked through with a broom and knocked over whatever else was loose enough to knock down." The Montgomery County court house was in ruins. The City Fathers planned on rebuilding the court house. It was last rebuilt after a fire in 1878. The Leaf-Chronicle newspaper office was severely damaged. The newspaper had to set up a temporary office in Hopkinsville, KY. [Twenty-two] buildings were heavily damaged at Austin Peay State University. Also, several old churches were heavily damaged in Clarksville. The Madison Street United Methodist Church lost its spires and roof. It will take about 2 years to rebuild the church. The Trinity Episcopal Church lost its roof. Police closed off downtown Clarksville from 6 AM-6 PM in order to prevent looting. The National Guard was on duty as well. On January 23, FEMA Director James Lee Whitt toured the devastation. He Exclaimed, "Wow!" "It's like someone dropped a bomb on it. That's just what it look[ed] like." There [were] a total of **124 buildings destroyed** and **562 buildings damaged**. These figures included residential, commercial, government, public and buildings at Austin Peay.

[Note: The Clarksville tornado was on the ground from 415 AM until 420 AM, and traveled northeastward. The path length was 4.3 miles

**NEWS RELEASE**

Effective January 25, 1999, at 9:00 a.m., the following procedures for residents and business owners who wish to access their property or bring appropriate support for evaluation and restoration will be in effect:

1. Property owners and/or residents will be required to secure a pass from the Clarksville Police Department at the Chamber of Commerce located at 312 Madison Street, Clarksville, Tennessee. This pass will allow the property owner and/or resident, as well as support personnel authorized by them to secure or improve their property to enter the secured area. Property owners/residents must produce reasonable proof of ownership in order to secure passes.

2. Property owners and/or residents must register <sup>How</sup> all additional support personnel with the City of Clarksville, who reserve the right to limit the support personnel to a reasonable number. Support personnel will be registered at the Chamber of Commerce.

3. The City of Clarksville reserves the right to limit the amount of heavy equipment at any location within the established perimeter.

4. Passes will not be issued to retail customers/clients at this time due to heavy construction and demolition in the area. Certain areas may be designated as loading and unloading areas, only.

5. The existing curfew (6:00 pm - 6:00 am) will remain in effect until further notice and will be lifted as soon as is reasonably possible in the interest of public safety.

**City of Clarksville, Tennessee  
Downtown Redevelopment Task Force  
Budget**

**Mabel Larson, Chair  
Budget & Finance Sub-Committee  
Charles Hand  
Joe Pitts**

| <u>No.</u> | <u>Item</u>  | <u>Description</u>  | <u>Amount</u>      |
|------------|--|---|--------------------|
| 1.         | Professional Services  | Contract with Odell Associates<br>for Master Plan Development                                   | \$29,500.00        |
| 2.         | Travel, Postage,<br>Long Distance Comm.,<br>And Reproduction | Est. expenses for Odell Associates  | \$13,000.00        |
| 3.         | Supplies   | Paper and expenses for meetings   | \$ 2,000.00        |
| 4.         | Communications   | Postage for mailings to property owners<br>and business owners, long-distance<br>communications | \$ 2,000.00        |
| 5.         | Copies   | Duplication of mailings   | \$ 500.00          |
| 6.         | Contracted Services  | Temporary clerical support  | \$ 3,000.00        |
|            | <b>TOTAL</b>   |   | <b>\$50,000.00</b> |

3/26/99

Attachment 1  
Operating Revenues, Expenditures and Other Financing Sources and Uses

| attachment 1<br>Description  | FY 1999<br>Actual    | FY 2000              |                      | FY 2001              |
|--|----------------------|----------------------|----------------------|----------------------|
|  |                      | Budget               | Amended              | Estimated            |
| Public Library (operating)   | \$ 507,275           | \$ 668,275           | \$ 668,275           | \$ 610,730           |
| Public Library (loan on library<br>furnishings)  | \$ 34,375            | \$ 34,375            | \$ 34,375            | \$ 34,375            |
| Regional Airport   | \$ 100,000           | \$ 100,000           | \$ 100,000           | \$ -                 |
| Museum   | \$ 281,631           | \$ 272,978           | \$ 272,978           | \$ 292,998           |
| Criminal Justice Complex   | \$ 65,000            | \$ -                 | \$ -                 | \$ -                 |
| Girls Home   | \$ 6,117             | \$ -                 | \$ -                 | \$ -                 |
| CBID   | \$ 55,000            | \$ 195,000           | \$ 195,000           | \$ 195,000           |
| Human Relations Commission   | \$ -                 | \$ 1,200             | \$ 1,500             | \$ 1,585             |
| Emergency Management   | \$ 28,710            | \$ -                 | \$ 28,710            | \$ 28,710            |
| Reappraisal of Property  | \$ 26,390            | \$ 28,297            | \$ 28,297            | \$ 35,786            |
| E911   | \$ -                 | \$ 185,734           | \$ 185,734           | \$ 374,593           |
| 22.2% Share of In Lieu of Tax, Dept.<br>of Electricity   | \$ 250,486           | \$ 299,970           | \$ 338,342           | \$ 360,145           |
| 50% Share of State Liquor Taxes  | \$ 136,318           | \$ 130,000           | \$ 145,283           | \$ 145,429           |
| Acquisition of Howell School Building  | \$ 200,000           | \$ -                 | \$ -                 | \$ -                 |
| State of Tennessee 15% of Business<br>Taxes  | \$ 176,705           | \$ 182,082           | \$ 186,693           | \$ 208,736           |
| Volunteer State Vocational Center  | \$ 23,963            | \$ -                 | \$ -                 | \$ -                 |
| YMCA Teen Activity Center  | \$ 220,000           | \$ 200,000           | \$ 205,000           | \$ -                 |
| Industrial Development Commission  | \$ 213,911           | \$ 225,266           | \$ 225,266           | \$ 240,268           |
| Progressive Directions   | \$ 12,500            | \$ 12,500            | \$ 12,500            | \$ 12,500            |
| Community Action   | \$ 15,000            | \$ 15,000            | \$ 15,000            | \$ 15,855            |
| Main Street  | \$ 35,000            | \$ -                 | \$ -                 | \$ 24,000            |
| North Tennessee Private Industry<br>Council (PIC)  | \$ 15,000            | \$ 15,000            | \$ 15,000            | \$ 15,000            |
| Senior Citizens Center   | \$ 50,000            | \$ 55,000            | \$ 55,000            | \$ 75,000            |
| Humane Society   | \$ 20,000            | \$ 20,000            | \$ 20,000            | \$ 20,000            |
| Tourism Commission   | \$ 15,000            | \$ -                 | \$ -                 | \$ -                 |
| Pratt Museum   | \$ 100,000           | \$ 100,000           | \$ 100,000           | \$ 100,000           |
| Fort Campbell Statue   | \$ -                 | \$ -                 | \$ -                 | \$ 25,000            |
| Project Save   | \$ 10,000            | \$ 10,000            | \$ 10,000            | \$ 10,000            |
| TN Small Business Center (APSU)  | \$ -                 | \$ -                 | \$ -                 | \$ 15,000            |
| Arts and Culture Commission  | \$ -                 | \$ -                 | \$ -                 | \$ 50,627            |
| <b>Total Miscellaneous Agencies</b>  | <b>\$ 3,246,128</b>  | <b>\$ 3,235,017</b>  | <b>\$ 3,219,479</b>  | <b>\$ 3,315,712</b>  |
| <b>Total Operating Expenditures</b>  | <b>\$ 39,193,452</b> | <b>\$ 39,456,561</b> | <b>\$ 37,671,509</b> | <b>\$ 44,247,825</b> |
| <b>Other Financing Uses</b>  |                      |                      |                      |                      |
| Debt Service (transfers to debt<br>service fund)   | \$ 3,085,559         | \$ 5,917,469         | \$ 4,146,710         | \$ 4,732,904         |
| Clarksville Transit System-Operating   | \$ 715,970           | \$ 721,970           | \$ 729,809           | \$ 744,422           |
| Clarksville Transit System-Capital   | \$ 86,012            | \$ -                 | \$ -                 | \$ 45,600            |
| Capital Projects Fund  | \$ 610,221           | \$ 890,000           | \$ 4,403,821         | \$ 4,001,220         |
| Parking Authority  | \$ 6,820             | \$ 7,500             | \$ 7,500             | \$ -                 |
| Downtown Redevelopment Fund  | \$ 50,000            | \$ -                 | \$ -                 | \$ -                 |
| Transfer to Extraordinary<br>Occurrence/Emergency Fund (city's<br>share of FEMA/TEMA eligible costs) | \$ -                 | \$ 1,306,190         | \$ 1,306,190         | \$ -                 |
| <b>Total Other Financing Uses</b>  | <b>\$ 4,554,582</b>  | <b>\$ 8,843,129</b>  | <b>\$ 10,594,060</b> | <b>\$ 9,524,146</b>  |

**CITY COUNCIL  
CLARKSVILLE, TENNESSEE  
REGULAR SESSION  
FEBRUARY 4, 1999**

**MINUTES**

Prior to the beginning of the meeting, Lynn Carter, Jackson's Body Shop, inquired why bids were not requested for repairs of city vehicles damaged by the recent tornado. Purchasing Agent Steve Yarbrough stated that Bob Frost, the city's agent for Commerce Companies, had directed that repairs be made by Wayne's Body Shop.

The regular session of the Clarksville City Council was called to order by Mayor Johnny Piper on Thursday, February 4, 1999 at 7:30 p.m. in City Hall Council Chambers, 108 Public Square, Clarksville, Tennessee.

A prayer was offered by Pastor Warren Broomer, Reconciliation Christian Church; the pledge to the national colors was led by Councilman Wallace Redd.

Roll call by the City Clerk registered as follows:

**PRESENT:** Barbara Johnson, Staton Shelby, Gabriel Segovia, Wallace Redd, John Aldridge, Mark Holleman, Mary Jo Dozier, Tad Bourne, Ron Edmondson, Curtis G. Johnson, Morrell Boyd, M. E. Alexander

Mayor Piper presented a Mayor's Certificate of Appreciation in memory of Regina Gray for her tireless efforts and never-ending dedication to the children of Clarksville. Mrs. Gray's life was ended in a tragic automobile accident in December 1998. The certificate was accepted by her husband, Gas-Water-Sewer employee Mike Gray.

Councilman Boyd made a motion to go into public hearing to consider zone change requests. The motion was seconded by Councilman Shelby. A voice vote was taken; the motion unanimously passed.

**ORDINANCE 36-1998-99** Amending the Zoning Ordinance and Map of the City of Clarksville, application of Charter Communications, LLC (Dennis Rice, Agent) for zone change from R-3 Two & Three Family Residential District to C-2 General Commercial District

No one spoke for or against this request.

**ORDINANCE 37-1998-99** Amending the Zoning Ordinance and Map of the City of Clarksville, application of J. Mark Young for zone change from R-1 Single Family Residential District to O-1 Office-Medical-Institutional-Civic District

Mark Young offered to answer any questions. No one spoke in opposition.

**ORDINANCE 38-1998-99** Amending the Zoning Ordinance and Map of the City of Clarksville, application of William J. Stokes for zone change from R-4 Multiple Family Residential District to O-1 Office-Medical-Institutional Civic District

No one spoke for or against this request.

**ORDINANCE 39-1998-99** Amending the Zoning Ordinance and Map of the City of Clarksville, application of James H. Maynard for zone change from AG Agricultural District to R-2 Single Family Residential District

No one spoke for or against this request.

Councilman Aldridge made a motion to revert to regular session. The motion was seconded by Councilman Bourne. A voice vote was taken; the motion unanimously passed.

Based on the recommendations of the Regional Planning Staff and Commission, Councilman Boyd made a motion to adopt **ORDINANCE 36-1998-99** on first reading. The motion was seconded by Councilman Aldridge. A vote was taken; the motion unanimously passed by a vote of 12 to 0.

The recommendation of the Regional Planning Staff was for disapproval of **ORDINANCE 37-1998-99**; however, the recommendation of the Regional Planning Commission was for approval. Councilman Boyd made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. Councilman Edmondson stated that no residents of his ward has voiced opposition to this change. A vote was taken; the motion unanimously passed by a vote of 12 to 0.

The recommendation of the Regional Planning Staff was for disapproval of **ORDINANCE 38-1998-99**; however, the recommendation of the Regional Planning Commission was for approval. Councilman Boyd made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. A vote was taken; the motion unanimously passed by a vote of 12 to 0.

Based on the recommendations of the Regional Planning Staff and Commission, Councilman Boyd made a motion to adopt **ORDINANCE 39-1998-99** on first treading. The motion was seconded by Councilman Shelby. A vote was taken; the motion unanimously passed by a vote of 12 to 0.

#### 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. A member may request that an item be removed form the consent agenda, placed under the appropriate committee call, and considered in normal sequence as part of the general order:*

1. **ORDINANCE 20-1998-99** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of John Teeter for zone change from AG Agricultural District to C-5 Highway & Arterial Commercial District
2. **ORDINANCE 33-1998-99** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Jehovah's Witnesses (Lawrence Cline, Agent) for zone change from R-1 Single Family Residential District to C-2 General Commercial District
3. **ORDINANCE 34-1998-99** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Department of Veterans Affairs (Joe McClure, Agent) for zone change from R-1 Single Family Residential District to OP Office-Professional District

4. **ORDINANCE 35-1998-99** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mossland LLC (Benny Weakley, Agent) for zone change from R-2 Single Family Residential District to C-2 General Commercial District *[removed from consent agenda]*
5. **RESOLUTION 52-1998-99** Authorizing a contract with Atkins Construction Company to allow exchange of sanitary sewer lift stations for Charlestown Estates Subdivision
6. **RESOLUTION 53-1998-99** Authorizing a Golf Pass for any mayor or member of the City Council who no longer serves in such official capacity
7. **RESOLUTION 54-1998-99** Authorizing grant applications with the Federal Transit Administration
8. **RESOLUTION 55-1998-99** Establishing the position of Informational Technology Analyst
9. **RESOLUTION 56-1998-99** Initiating the establishment of the Clarksville Central Business Improvement and Redevelopment District
10. **RESOLUTION 57-1998-99** Waiving purchasing requirements for the Downtown Clarksville Redevelopment Task Force
11. Authorization of lease with Larry Metcalf for premises located at 701 Red River Street for use by the Police Department
12. Renewal of Certificate of Compliance for retail liquor license for Louvisia Harris (University Package Store, 303 College Street)
13. Adoption of Minutes: Regular Session – January 7, 1999, and Special Session – January 25, 1999

*End of Consent Agenda*

Councilman Segovia requested that Item #4, **ORDINANCE 35-1998-99**, be removed for discussion. Councilman Alexander made a motion to adopt the Consent Agenda with the exception of Item #4. The motion was seconded by Councilman Redd. A vote was taken; the motion unanimously passed by a vote of 12 to 0. Councilman Alexander and Councilman Aldridge abstained from voting on Item #13.

Planning Director David Riggins elaborated on the purpose of **RESOLUTION 56-1998-99** relative to establishing the Clarksville Central Business Improvement and Redevelopment District. The area affected would not include only the immediate downtown area, but certain outlying areas as well. The Downtown Clarksville Redevelopment Task Force planned to report its recommendations to the Council within sixty days.

**COMMUNITY PLANNING & ENVIRONMENTAL ENHANCEMENT COMMITTEE**  
*Mark Holleman, Chairman*

Councilman Holleman reported that Mayor Piper had appointed the Downtown Clarksville Redevelopment Task Force to formulate rebuilding guidelines and regulations for the downtown area recently destroyed by a tornado.

*FINANCE & ADMINISTRATION COMMITTEE*  
*Ron Edmondson, Chairman*

**ORDINANCE 35-1998-99** Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mossland, LLC (Benny Weakley, Agent) for zone change from R-2 Single Family Residential District to C-2 General Commercial District

This ordinance was removed from the original consent agenda. Councilman Segovia made a motion to disapprove the request on second reading. The motion was seconded by Councilman Edmondson. Councilman Segovia displayed an aerial photo of the property in question. He felt this would be considered "spot zoning" and expressed concern regarding potential flooding and draining problems. Councilman Segovia recognized several residents in the audience who opposed the proposed zone change and presented a petition of signatures of 787 individuals who were against this rezoning. Councilman Redd called for the question; a vote was taken. The motion to cease discussion unanimously passed by a vote of 12 to 0. A vote was taken on the original motion. The motion to disapprove on second reading failed by a vote of 4 to 8. Councilman Aldridge made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Shelby. A vote was taken; the motion passed by a vote of 10 to 2. A roll call vote was not requested; however, members were polled the following day on how they voted. The results were as follows:

On the motion to disapprove **ORDINANCE 35-1998-99** on second reading (motion failed):

AYE: Barbara Johnson, Gabriel Segovia, Ron Edmondson, Mike Alexander

NAY: Staton Shelby, Wallace Redd, John Aldridge, Mark Holleman, Mary Jo Dozier, Tad Bourne, Curtis Johnson, Morrell Boyd

On the motion to approve **ORDINANCE 35-1998-99** on second reading (motion passed):

AYE: Staton Shelby, Wallace Redd, John Aldridge, Mark Holleman, Mary Jo Dozier, Tad Bourne, Ron Edmondson, Curtis Johnson, Morrell Boyd, Mike Alexander

NAY: Barbara Johnson, Gabriel Segovia

Councilman Edmondson made a motion to approve the position of Chief Administrative Officer for the Mayor's Office. The motion was seconded by Councilman Aldridge. In response to Councilman Segovia's questions, Councilman Edmondson stated that the Finance & Administration Committee had approved the concept of this position and that the responsibilities were more extensive than that of the former position of Public Affairs Director. Mayor Piper stated that this position was placed in Level T of the employee pay matrix. Councilman Redd called for the question. A vote was taken; the motion to cease discussion unanimously passed by a vote of 12 to 0. A vote on the original motion was taken; the motion to approve the position passed by a vote of 11 to 0 with 1 abstention. A roll call vote was not requested.



*GAS & WATER COMMITTEE*

*Mike Alexander, Chairman*

No report.

*INTERNAL SERVICES COMMITTEE (Garage, Building Maintenance, Cemetery)*

*Wallace Redd, Chairman*

Councilman Redd referred the Council to the attached Garage, Building Maintenance, and Cemetery department reports.

*PARKING AUTHORITY*

*Curtis Johnson, Council Representative*

Councilman Johnson mentioned that the Parking Authority would be experiencing significant revenue loss as a result of tornado damage. Two employees had been temporarily transferred to the Police Department. Mayor Piper requested that consideration be given to redesigning parking meters as the rebuilding of the area progresses.

*PARKS & RECREATION COMMITTEE (Parks, Recreation, Golf Courses)*

*Morrell Boyd, Chairman*

Councilman Boyd announced that the City of Clarksville would be hosting the Tennessee Senior Games through the year 2000.

Councilman Boyd stated that insurance should cover tornado damage in Valleybrook Park and Heritage Park. An invitational softball tournament had been scheduled for March in Heritage Park.

*PUBLIC SAFETY COMMITTEE (Fire, Police)*

*Tad Bourne, Chairman*

*Howehl  
School*

Councilman Bourne referred the Council to the attached Fire Department report. No report was submitted from the Police Department as their entire administrative facility was destroyed by the tornado.

*NO-REPORT*

*PUBLIC WORKS COMMITTEE (Streets, Transportation, Building Codes)*

*John Aldridge, Chairman*

**ORDINANCE 40-1998-99** (First Reading) Amending the Official Code relative to establishing a code of ethics (elected officials)

Councilman Aldridge made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Boyd. A voice vote was taken; the motion unanimously passed.

Councilman Aldridge expressed appreciation to all departments of the city for their professional actions during the tornado emergency.

Mayor Piper invited the public to a Disaster Relief fund raiser sponsored by Ramada Inn Riverview on February 5<sup>th</sup>. The hotel planned to match each dollar donated to the fund during this event.

The meeting adjourned at 8:13 p.m.

**ADOPTED:** March 4, 1999

RESOLUTION 56-1998-99

A RESOLUTION INITIATING THE ESTABLISHMENT OF THE CLARKSVILLE  
CENTRAL BUSINESS IMPROVEMENT AND REDEVELOPMENT DISTRICT

*WHEREAS,* the destruction of a major portion of the Clarksville central business district by tornado on January 22, 1999 is a threat to the property tax and other revenue sources of the City of Clarksville and is detrimental to the safety, health, morals and general economic welfare of the community; and

*WHEREAS,* the repair and restoration of property and the modernization and general improvement of such central business district by governmental action is considered necessary to promote the public health, safety and welfare of the City of Clarksville; and the restoration of such central business district is an appropriate subject for remedial legislation; and

*WHEREAS,* the Tennessee General Assembly has concluded that (1) municipalities should be encouraged to create self-financing central business improvement districts and designate district management corporations to execute self-help programs to enhance their local business climates; and (2) municipalities should be given the broadest possible discretion in establishing self-help programs most consistent with their local needs, goals and objectives; now, therefore,

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That there is hereby initiated, by the adoption of this resolution, and of Ordinance 41-1998-99, the establishment of a central business improvement district, to be known as the "Clarksville Central Business Improvement and Redevelopment District".

*BE IT FURTHER RESOLVED* that the boundaries of the District shall be as follows:

Beginning at the intersection of South Second Street and Crossland Avenue; thence westerly along Crossland Avenue to Cumberland River; thence northerly along the city limits to Red River; thence easterly at the center of Red River to Highway 41-A; thence southerly to the center of North Second Street; thence along North Second Street to College Street; thence along College Street to Seventh Street; thence southerly to Madison Street; thence westerly along Madison Street to Cumberland Drive; thence along Cumberland Drive to Crossland Avenue; thence along Crossland Avenue to the point of beginning. The boundary of the District shall extend to properties located on both sides of the streets enumerated herein.

*BE IT FURTHER RESOLVED* that the improvements, services, and projects proposed to be provided within and for the District are as follows:

Adoption and implementation of a comprehensive plan for the rebuilding and redevelopment of the District, including design criteria which will maintain the historical character of the District; the construction of public facilities and improvements in connection therewith, and any and all activities associated with achieving the full-scale redevelopment of the District.

*BE IT FURTHER RESOLVED* that the City Council hereby finds that the total estimated costs of the proposed improvements, services, and projects cannot be accurately calculated, but that it is anticipated at this time that no levy of any special assessment to properties within the District boundaries will be required to accomplish the purposes for which the district is to be created.

*BE IT FURTHER RESOLVED* that this resolution is adopted pursuant to the provisions of Tennessee Code Annotated Title 7, Chapter 84, Part 5. The Clarksville Central Business Improvement and Redevelopment District initiated hereby shall be established and administered pursuant to the provisions contained therein.

*BE IT FURTHER RESOLVED* that a public hearing shall be held to determine whether the Clarksville Central Business Improvement and Redevelopment District shall be established. Such hearing shall be held not less than thirty (30) nor more than forty-five (45) days following the adoption of this resolution. Notice of the public hearing shall be given by publishing a notice once a week for three (3) consecutive weeks in the Clarksville *Leaf-Chronicle*. Such notice shall state in summary detail those facts contained herein. The time and place of such public hearing shall be at least seven (7) days following the date of publication of the third and final notice. Such notice shall also be given by mail to each owner of real property within the proposed district.

*ADOPTED:* February 4, 1999

ORDINANCE 41-1998-99

AN ORDINANCE CREATING THE "CLARKSVILLE CENTRAL BUSINESS IMPROVEMENT AND REDEVELOPMENT DISTRICT"

WHEREAS, the destruction of a substantial portion of the Clarksville central business district by tornado on January 22, 1999, is a threat to the property tax and other revenue sources of the City of Clarksville and is detrimental to the safety, health, morals and general economic welfare of the community; and

WHEREAS, the repair and restoration of property, the elimination of urban blight and decay, and the modernization and general improvement of such central business district by governmental action is considered necessary to promote the public health, safety and welfare of the City of Clarksville; and the restoration of such central business district is an appropriate subject for remedial legislation; and

WHEREAS, the Tennessee General Assembly has concluded that (1) municipalities should be encouraged to create self-financing central business improvement districts and designate district management corporations to execute self-help programs to enhance their local business climates; and (2) municipalities should be given the broadest possible discretion in establishing self-help programs most consistent with their local needs, goals and objectives, now therefore;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE, AS FOLLOWS:

SECTION 1. Pursuant to the authority granted to municipalities in Tennessee Code Annotated Title 7, Chapter 84, Part 5, there is hereby created a central business improvement district, to be known as the "Clarksville Central Business Improvement and Redevelopment District" (the "District").

SECTION 2. The boundaries of the District shall be as follows:

Beginning at the intersection of South Second Street and Crossland Avenue; thence westerly along Crossland Avenue to Cumberland River; thence northerly along the city limits to Red River; thence easterly at the center of Red River to Highway 41-A; thence southerly to the center of North Second Street; thence along North Second Street to College Street; thence along College Street to Seventh Street; thence southerly to Madison Street; thence westerly along Madison Street to Cumberland Drive; thence along Cumberland Drive to Crossland Avenue; thence along Crossland Avenue to the point of beginning. The boundary of the District shall extend to lots of record in the Office of the Montgomery County Assessor of Property located on both sides of the streets enumerated herein.

SECTION 3. The initial improvements, services, and projects authorized to be provided within the District shall be as follows:

Adoption and implementation of a comprehensive plan for the rebuilding and redevelopment of the District, including design criteria which will maintain the character of the District; the construction of public facilities and improvements in connection therewith, improving downtown beautification and maintenance, and any and all activities associated with achieving the full-scale redevelopment and revitalization of the District. For these purposes, there is appropriated the sum of \$55,000 for activities undertaken from the effective date of this ordinance through June 30, 1999.

SECTION 4. No additional rate of levy of special assessment is imposed to properties within the District boundaries. That levy of assessment for Streetscape improvements to sidewalks, street lights, landscaping, and signage in accordance with the master design plan designated as the "Franklin Street Master Plan" formulated by Tunnell Spangler Architects dated August, 1991, and which was authorized by the enactment of Ordinance 1-1997-98 shall remain in full force and effect until the completion of the improvements authorized thereby and the payment in full of the assessment by affected property owners. Upon completion of those improvements, the district management corporation authorized to be created by Ordinance 1-1997-98 shall take appropriate steps to wind up its affairs and to dissolve its existence. Collection of any outstanding balance of the levy referred to above shall become the responsibility of the management corporation to be created pursuant to this Ordinance. In addition, the management corporation created pursuant to this ordinance shall assume the responsibilities for implementation and administration of the provisions of Ordinance 7-1998-99 relative to festivals, street fairs, and other similar public functions conducted in the Central Business District.

SECTION 5. There is authorized a district management corporation to be chartered pursuant to the provisions of the Tennessee Nonprofit Corporation Act for the purpose of administering the activities for and within the district, the making of improvements within and for the district, and the provision of services within and for the district. The district management corporation shall be governed by a board of directors consisting of eleven (11) members. A member of the Tennessee State Senate, as determined by the Speaker of the Senate shall be appointed, and a member of the Tennessee House of Representatives, as determined by the Speaker of the House of Representatives, shall be appointed. Seven members shall be owners of property, or persons whose principle place of business in headquartered within the District. At least one of these seven members shall reside within the District. All of the seven members shall be residents of Montgomery County, Tennessee. One member shall be appointed based upon a recommendation from the Montgomery County Commission, and one member shall be a member of the City Council. The terms of the latter nine members shall be three (3) years after the initial terms established below. No member may serve more than two (2) consecutive three-year terms. In addition, the Mayor, the Montgomery County Executive, and the Chairman of the Clarksville-Montgomery County Economic Development Council shall serve as ex officio, non-voting members of the board. The President of Austin Peay State University shall also serve as an ex-officio, non-voting member of the board. Vacancies on the board shall be filled by the City Council, based on the recommendation of the Mayor. Any voting member may be removed for cause by a majority vote of the City Council. Such removal may be recommended by any member of the City Council or the Mayor. The initial terms and the members of the initial board shall be as follows:

|                          |                   |                 |                   |
|--------------------------|-------------------|-----------------|-------------------|
| Initial one-year term:   | 1. Alan Henderson | 2. Sammy Stuard | 3. Ray Balthrop   |
| Initial two-year term:   | 1. Richard Batson | 2. Jan Massey   | 3. Warren Broomer |
| Initial three-year term: | 1. Wallace Redd   | 2. Bill Hadley  | 3. Richard Swift  |

SECTION 6. This ordinance is adopted pursuant to the provisions of Tennessee Code annotated Title 7, Chapter 84, Part 5. The Clarksville Central Business Improvement and Redevelopment District is established and shall be administered pursuant to the provisions contained therein, and only to the extent that they are within the scope of improvements, services, and programs authorized by Section 3 of this ordinance or amendments thereto, the district management corporation is hereby delegated those powers necessary to carry out the improvements, services, or programs authorized by Section 3 of this ordinance, and shall specifically have the following powers:

- (1) To acquire, construct or maintain Parking facilities
- (2) To acquire, construct or maintain public improvements;
- (3) To acquire real property or an interest therein in connection with a public improvement;

(4) To provide services for the improvement and operation of the district, including, but not limited to:

- (A) Promotion and marketing;
- (B) Advertising;
- (C) Health and sanitation;
- (D) Public safety;
- (E) Security;
- (F) Elimination of problems related to traffic and parking;
- (G) Recreation;
- (H) Cultural enhancements;
- (I) Consulting with respect to planning, management, and development activities;
- (J) Maintenance of improvements;
- (K) Activities in support of business or residential recruitment, retention, or management development;
- (L) Aesthetic improvements, including the decoration, restoration or renovation of any public place or of building facades and exteriors in public view which confer a public benefit;
- (M) Furnishing of music in any public place;
- (N) Professional management, planning and promotion of the district; and
- (O) Design assistance;
- (P) Such other services as municipalities are authorized to provide pursuant to Tennessee Code Annotated and by the Clarksville City Council;

(5) To enter into contracts and agreements, including but not limited to, a contract with the Clarksville-Montgomery County Economic Development Council for staff services in connection with the implementation of the plan adopted herein;

(6) To hire employees or retain agents, engineers, architects, planners, consultants, attorneys and accountants;

(7) To acquire, construct, install and operate public improvements contemplated by the establishment ordinance and all property, rights, or interests incidental or appurtenant thereto and dispose of real and personal property and any interest therein, including leases and easements in connection therewith;

(8) To manage, control and supervise:

- (A) All the business and affairs of the district;
- (B) The acquisition, construction, installation and operation of public improvements within the district; and
- (C) The operation of district services therein;

(9) To construct and install improvements across or along any public street, alley, highway, stream of water or watercourse;

(10) To construct and operate child care facilities;

(11) To accept, administer and comply with the conditions and requirements respecting any appropriation of funds or any gift, grant or donation of property or money to the central business improvement district;

(12) To exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this Ordinance or by state law. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this Ordinance. As provided by state law, the boundaries of the District may be changed, or improvements, services, and projects authorized to be provided may be added to, or the rates to be charged for improvements, services and projects may be changed after a public hearing is held to consider such changes.

(13) Pursuant to the authority granted in subsection (4)(L) above, the district management corporation shall promulgate exterior design criteria applicable to construction, alteration, or renovation of properties located within the boundaries of the district. Until such time as other design criteria are adopted by the district management corporation, the corporation shall review all applications for the construction, reconstruction, alteration, or extension of commercial buildings or other commercial structures within the district and shall approve such application upon a determination that the exterior design of the project is to be undertaken in conformance with the Design Review Guidelines Manual-Clarksville Main Street District developed by Thomason and Associates, dated August 1994.

The district management corporation shall review and decide all such requests within thirty (30) days of receipt of a request. Any property within the CBID which is also within an area designated as part of the H-1 Historic Overlay District shall have an application approved upon a showing that it has obtained the approval of the Clarksville Regional Historic Zoning Commission.

SECTION 7. All meetings of the district management corporation shall be open meetings, pursuant to Tennessee Code Annotated Section 8-44-102, et seq. All records of the district management corporation shall be deemed public records, subject to the provisions of Tennessee Code Annotated Section 10-7-503.

SECTION 8. Appeals to the Clarksville City Council may be taken by any person aggrieved by any decision of the district management corporation board based in whole or in part upon the implementation of the provisions of Section 6(13) of this ordinance or amendments thereto. The City Council shall hear and decide any such appeal at its next regular session. A 2/3 majority vote of those council members in attendance at such hearing shall be required to modify or overturn the decision which forms the basis for an appeal.

SECTION 9. Section 5-1002(a)(2) of the Official Code of the City of Clarksville is amended by deleting the second sentence of the subsection and by substituting instead the following: Permits for such functions held in the Central Business District shall be issued by the Clarksville CBID Management Corporation created pursuant to Ordinance 41-1998-99.

|                          |  |
|--------------------------|--|
| <i>PUBLIC HEARING:</i>   | March 8; continued March 29; concluded April 1, 1999 |
| <i>DISAPPROVED:</i>      | March 8, 1999  |
| <i>FIRST READING:</i>    | March 11, 1999 as amended                            |
| <i>SECOND READING:</i>   | April 1, 1999 as amended                             |
| <i>PUBLICATION DATE:</i> | April 13, 1999                                       |

CLARKSVILLE CITY COUNCIL  
SPECIAL SESSION  
MARCH 8, 1999  
MINUTES

Exhibit #  
3899

A special session of the Clarksville City Council was called to order by Mayor Johnny Piper on Monday, March 8, 1999, at 3:45 p.m. at the Riverview Inn ballroom, 50 College Street, Clarksville, Tennessee.

A prayer was offered by Mayor Pro Ron Edmondson; the pledge to the national colors was led by Councilman Mike Alexander.

Roll call by the City Clerk registered attendance as follows:

PRESENT: Barbara E. Johnson, Gabriel Segovia, Wallace Redd, John Aldridge, Mary Jo Dozier, Tad Bourne, Ron Edmondson, Morrell Boyd, M. E. Alexander

ABSENT: Staton Shelby, Mark Holleman, Curtis G. Johnson

Special Session Agenda:

**ORDINANCE 41-1998-99 (First Reading) Creating the Clarksville Central Business Improvement & Redevelopment District**

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

Councilwoman Dozier read a letter the Red River Residential Advisory Council requesting appointment of a representative the Red River District and Lincoln Homes housing area to the Downtown Redevelopment Task Force. Councilwoman Dozier made a motion that the request be made a part of the official record and the request be considered. The motion was seconded by Councilman Redd. A voice was taken; the motion unanimously passed.

Mayor Piper agreed to announce the members of the new district prior to second reading.

With regard to Section 3, Mayor Piper stated that \$55,000 had been appropriated for district board activities.

Councilman Bourne stated his reservations about delegating such broad powers to an appointed board made a motion to remove the words "but without limitation" in Section 6. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion unanimously passed.

Councilwoman Dozier recommended an appeal process to a council committee be established and consideration be given to shrinking the proposed boundaries of the district.

City Attorney David Haines stated that the City Council is the only body with assessing or taxing powers.

Exhibit #  
FLAG



Councilwoman Dozier made a motion to inject the process of appeals to a council committee. The motion was seconded by Councilman Redd. Mr. Haines stated that the proposed ordinance would allow appeals through Chancery Court. Planning Director David Riggins said that the ordinance establishes a mechanism for the City Council to delegate any authorities listed in Section 6 to the district board through an annual budget process. Councilman Alexander also expressed concern regarding the appeals process. No action was taken on Councilwoman Dozier's motion.

Task Force member Earl Bradley elaborated on the factors which determined the proposed district boundaries.

Mayor Piper reminded the Council that activities of the proposed board would be controlled through the annual budget process.

Task Force Co-Chair David Riggins restated the purpose and the fundamentals of the CBIRD. The Downtown Redevelopment Task Force was appointed by the Mayor following the tornado disaster of January 22, 1999. Recommendations for implementation of guidelines for enhancing and rebuilding the Central Business District were to be reported to the City Council within sixty days. Mr. Riggins said because of the state's limited authority to cities for design

review, the creation of the district appeared to be the most viable tool to implement any proposed guidelines

Jeff - Bibb

Co-Chair Jeff Bibb elaborated on the specifics of the CBIRD. He stated that the first priority of the district board would be to deal with the commercial vitalization of the downtown area. Without some control the city could suffer urban blight, vacant buildings and lots, and erosion of the tax base. Efforts would be made to obtain federal and state assistance and to encourage private investments. New and reconstruction costs were estimated at \$150 million.

Councilman Boyd made a motion that an area homeowner be appointed to the district board. The motion was seconded by Councilman Bourne. A voice vote was taken; the motion unanimously passed. Councilman Boyd questioned whether owners of Cumberland Wholesale Company (Hiter Street) would be allowed to reconstruct the building as it was prior to the storm damage. Mr. Riggins said the façade must comply with the new regulations.

In response to Councilman Alexander's question, Mr. Haines stated that the district board meetings would be open to the public and activities would be public record.

In response to Councilwoman Dozier's question, Mr. Haines said that if an assessment is applied to the area, church properties would be affected the same as other properties.

**Exhibit #**  
FLAG

Councilman Redd called for the question. The question was seconded by Councilman Aldridge. A voice vote was taken; the motion to cease discussion passed. Councilman Alexander voted "no."

A roll call vote to adopt **ORDINANCE 41-1998-99** on first reading as amended registered as follows:

AYE: John Aldridge, Ron Edmondson, Morrell  
Boyd

NAY: Barbara Johnson, Gabriel Segovia, Wallace  
Redd, Tad Bourne, Mike Alexander

ABSTAIN: Mary Jo Dozier

The motion failed.

**Exhibit #**  
FLA9

**ORDINANCE 44-1998-99** (Second Reading) Amending the Official Code of the City of Clarksville relative to various changes in the Central Business District

Councilwoman Dozier made a motion to adopt this ordinance on second and final reading. The motion was seconded by Councilman Segovia. A voice vote was taken; the motion unanimously passed.

The Council adjourned its special session at 4:45 p.m. Thereafter, a public hearing was begun to hear comments from property owners within the proposed Central Business Improvement District to be created by **ORDINANCE 41-1998-99**. That public hearing was recessed at 5:50 p.m.

*ADOPTED:* May 6, 1999

CLARKSVILLE CITY COUNCIL  
SPECIAL SESSION  
MARCH 11, 1999

MINUTES

Exhibit #

FL 99 3-11-99

A special session of the Clarksville City Council was called to order by Mayor Johnny Piper on Thursday, March 11, 1999, at 3:45 p.m. in the conference room of the Building & Codes Department, 100 S. Spring Street, Clarksville, Tennessee.

The prayer was offered by Mayor Pro Tem Ron Edmondson; the pledge to the national colors was led by Councilman Tad Bourne.

Roll call by the City Clerk registered as follows:

PRESENT: Gabriel Segovia, Wallace Redd, John Aldridge, Mary Jo Dozier, Tad Bourne, Ron Edmondson, Curtis G. Johnson, Morrell Boyd, M. E. Alexander

ABSENT: Barbara E. Johnson, Staton Shelby, Mark Holleman

Special Session Agenda:

**RESOLUTION 64-1998-99** Authorizing an encroachment agreement with First Baptist Church for a pedestrian overpass

Councilman Edmondson made a motion to adopt this resolution. The motion was seconded by Councilman Aldridge. A voice vote was taken; the motion unanimously passed.

**RESOLUTION 65-1998-99** Authorizing creation of an additional Captain position in the Police Department

Councilman Edmondson made a motion to adopt this resolution. The motion was seconded by Councilwoman Dozier. In response to Councilman Aldridge's question, Chief Lavoyed Hudgins said initially this would be an administrative position. Councilwoman Dozier called for the question. The motion was seconded by Councilman Bourne. A voice vote was taken; the motion to cease discussion unanimously passed. A voice vote was taken; the motion unanimously passed.

**RESOLUTION 66-1998-99** Imposing a moratorium on issuance of sign permits in the Central Business District

Councilman Edmondson made a motion to adopt this resolution. The motion was seconded by Councilman Redd. Mayor Piper explained that signage was being addressed by the Downtown Redevelopment Task Force. A voice vote was taken; the motion unanimously passed.

**RESOLUTION 67-1898-99** Authorizing creation of an additional clerical position for the Building & Codes Department

Councilman Edmondson made a motion to adopt this resolution. The motion was seconded by Councilman Alexander. Councilman Edmondson stated that Interim Building & Codes Director Ed Hadley had requested approval of this position along with the elimination of one position of Building Inspector. No additional funding would be necessary. A voice was taken; the motion unanimously passed.

**ORDINANCE 41-1998-99 (First Reading, Amended) Creating the  
Clarksville Central Business Improvement & Redevelopment District**

Councilman Redd made a motion to suspend the rules of procedure as they apply to a motion to reconsider. The motion was seconded by Councilman Alexander. A two-thirds vote of approval was required. A voice vote was taken; the motion to suspend the rules unanimously passed. Councilman Redd made a motion to reconsider action on **ORDINANCE 41-1998-99**, as amended, which was disapproved on first reading on March 8, 1999. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion to reconsider unanimously passed. Mayor Piper presented the following timetable for CBID implementation: March 11, 1999: reconsideration of adoption of the ordinance on first reading as amended; March 19, 1999: Notice of Continuation of Public Hearing mailed to property owners; March 25, 1999: Amendments to be reviewed by the Finance & Administration Committee; March 29, 1999: Continuation of Public Hearing, discussion during Executive Session with downtown organizations and structure subcommittee

**Exhibit #**  
Flag

to develop proposed amendments; March 30, 1999, 4:00 p.m.: Deadline for submitting proposed amendments in writing to the City Attorney (No objections were stated.); April 1, 1999: Conclusion of Public Hearing, consideration of proposed amendments, and adoption or rejection on second and final reading. City Attorney David Haines agreed to assist in drafting the proposed amendments. Co-Chair David Riggins expressed appreciation to the Council on behalf of the Downtown Redevelopment Task Force for their reconsideration. Mr. Haines stated that the boundaries of the district can be amended once only. Mayor Piper thanked the Council for their support. Councilman Redd called for the question. A voice vote was taken; the motion to cease discussion unanimously passed. A voice vote was taken on the motion to adopt **ORDINANCE 41-1998-99** as amended on first reading. The motion passed; Councilman Segovia voted "no."

**Exhibit #**  
Flag

Segovia

The meeting adjourned at 4:20 p.m.

**ADOPTED:** May 6, 1999

The district management corporation shall review and decide all such requests within thirty (30) days of receipt of a request. Any property within the CBID which is also within an area designated as part of the H-1 Historic Overlay District shall have an application approved upon a showing that it has obtained the approval of the Clarksville Regional Historic Zoning Commission.

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Mayor

ATTEST:

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City Clerk

PUBLIC HEARING: March 8, 1999  
FIRST READING: Disapproved March 8, 1999  
Reconsidered and Adopted as Amended, March 11, 1999  
SECOND READING:  
PUBLICATION DATE:

CITY COUNCIL  
CLARKSVILLE, TENNESSEE  
REGULAR SESSION  
APRIL 1, 1999

Exhibit #  
4199

MINUTES

Prior to the meeting, Ewing Burchett, former member of the City Council and Public Utilities Committee, addressed the Council regarding the recent termination of Gas-Water-Sewer Department General Manager Dwight Luton.

David Riggins presented the final report of the Downtown Redevelopment Task Force. Brief comments were made by committee chairs Dan Hanley, Earl Bradley, Representative Kim McMillan, James Mann, Councilman Mark Holleman, and Rudy Johnson.

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The regular session of the Clarksville City Council was called to order by Mayor Johnny Piper on Thursday, April 1, 1999, at 7:30 p.m. in City Hall Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Rev. Leroy Burgess; the pledge to the national colors was led by Councilman Tad Bourne.

Roll call by the City Clerk registered attendance as follows:

PRESENT: Barbara E. Johnson, Staton Shelby, Gabriel Segovia, Wallace Redd, John Aldridge, Mark Holleman, Mary Jo Dozier, Tad Bourne, Ron Edmondson, Curtis G. Johnson, Morrell Boyd, M. E. Alexander

Mayor Piper presented a Mayor's Certificate to Police Sgt. Chuck Denton for helping save the life of a heart attack victim on December 15, 1998.

Mayor Piper recognized Fire Chief Eugene Keel who had announced his retirement as of July 1, 1999, after 47 years of service with the city. Mayor Piper assigned department head duties to Assistant Fire Chief Mike Roberts for the following few weeks.

Mayor Piper read his letter to County Executive Doug Weiland encouraging the return of county offices to the downtown area.

Councilman Boyd made a motion to go into public hearing to consider requests for zone changes and vacation of property. The motion was seconded by Councilman Redd.

**ORDINANCE 41-1998-99** (Second Reading) Creating the Clarksville Central Business Improvement and Redevelopment District

No one spoke in favor of this ordinance. Local Attorney Bob Marks expressed concern that proper parliamentary procedure had not been followed in establishing the district.

Exhibit #  
E1A9 4199

**ORDINANCE 47-1998-99** Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mildred Davidson (Larry Sundstrom, Agent) for zone change from R-1 Single Family Residential District to O-1 Office-Medical-Institutional-Civic District

Larry Sundstrom spoke on behalf of the applicant. No one opposed the request.

**ORDINANCE 48-1998-99** Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mary E. Hayes (Anthony L. Underwood, Agent) for zone change from R-1 Single Family Residential District to C-2 General Commercial District

No one spoke for or against this request.

**ORDINANCE 49-1998-99** Amending the Official Code of the City of Clarksville relative to signs in the Central Business District

No one spoke for or against this ordinance.

**RESOLUTION 68-1998-99** Approving vacation of a portion of Acuff Road; request of City of Clarksville

No one spoke for or against this request.

Councilman Boyd made a motion to revert to regular session. The motion was seconded by Councilman Shelby. A voice vote was taken; the motion unanimously passed.

Mayor Piper expressed appreciation to the City Council for their support and determination to create the Clarksville Central Business Improvement and Redevelopment District and thanked the one hundred-plus members of the Downtown Redevelopment Task Force for their efforts in developing the ordinance. Councilman Boyd made a motion to adopt **ORDINANCE 41-1998-99** on second reading as previously amended. The motion was seconded by Councilman Redd. Councilman Redd made a motion to amend the ordinance as follows:

**Exhibit #**  
✓/199

*Amendment No. 1:*

1. By adding the following: Section 7 – “All meetings of the district management corporation shall be open meetings pursuant to *Tennessee Code Annotated* Section 8-44-102, et seq. All records of the district management corporation shall be deemed public records subject to the provisions of *Tennessee Code Annotated* Section 10-7-503.”
2. Delete the following sentence in Section 5 – “Seven members shall be owners of property, at least one residential property owner, or persons who conduct business in the District.” Substitute instead the following: “Seven members shall be owners of property, or persons whose principle place of business is headquartered within the District. At least one of these seven members shall reside within the District. All of the seven members shall be residents of Montgomery County, Tennessee.”
3. Add the following language to Section 5 – “The President of Austin Peay State University shall also serve as an ex-officio, non-voting member of the board.”

4. Delete the introductory language in Section 6 in its entirety and substitute instead the following: "This ordinance is adopted pursuant to the provisions of Tennessee Code Annotated Title 7, Chapter 84, Part 5. The Clarksville Central Business Improvement and Redevelopment District is established and shall be administered pursuant to the provisions contained therein, and only to the extent that they are within the scope of improvements, services, and programs authorized by Section 3 of this ordinance or amendments thereto. The district management corporation is hereby delegated those powers necessary to carry out the improvements, services, or programs authorized by Section 3 of this ordinance and shall specifically have the following powers:"

5. Add a new Section 8 as follows: Section 8 – "Appeals to the Clarksville City Council may be taken by any person aggrieved by any decision of the district management corporation board based in whole or in part upon the implementation of the provisions of Section 6(13) of this ordinance or amendments thereto. The City Council shall hear and decide any such appeal at its next regular session. A 2/3 majority vote of those council members in attendance at such hearing shall be required to modify or overturn the decision which forms the basis for an appeal."

6. Delete the second sentence of Section 6(13) and substitute instead the following: "Until such time as other design criteria are adopted by the district management corporation, the corporation shall review all applications for the construction, reconstruction, alteration, or extension of commercial buildings or other commercial structures within the district and shall approve such application upon a determination that the exterior design of the project is to be undertaken in conformance with the Design Review Guidelines Manual-Clarksville Main Street District developed by Thomason & Associates, dated August 1994."

The motion was seconded by Councilman Holleman. A voice vote was taken; the motion to adopt Amendment No. 1 unanimously passed. Councilman Alexander made a motion to amend the ordinance as follows:

*Amendment No. 2:*

1. By adding a new Section 9 as follows: Section 9 – Section 5-1002(a)(2) of the Official Code of the City of Clarksville is hereby amended by deleting the second sentence of the subsection and by substituting instead the following: "Permits for such functions held in the Central Business Improvement District shall be issued by the Clarksville CBID Management Corporation created pursuant to ORDINANCE 41-1998-99."

2. By adding the following language at the end of Section 4: "In addition, the management corporation created pursuant to this ordinance shall assume the responsibilities for implementation and administration of the provisions of ORDINANCE 7-1998-99 relative to festivals, street fairs, and other similar public functions conducted in the Central Business District."

**Exhibit #**

109



The motion was seconded by Councilman Redd. A voice vote was taken; the motion to adopt Amendment No. 2 unanimously passed. Councilman Redd made a motion amend the ordinance as follows:

*Amendment No. 3:*

1. By adding the following to Section 5: "Any voting member may be removed for cause by a majority vote of the City Council. Such removal may be recommended by any member of the City Council or the Mayor."

2. By also adding the following in Section 5: One Year: Alan Henderson, Sammy Stuard, Ray Balthrop; Two Years: Richard Batson, Jan Massey, Warren Broomer; Three Years: Wallace Redd, Bill Hadley, Richard Swift

The motion was seconded by Councilman Bourne. A voice vote was taken; the motion to adopt Amendment No. 3 unanimously passed.

Mayor Piper stated that the existing Design Review Committee would be asked to continue serving in that capacity. City Attorney David Haines said that individual situations would determine whether the city would be liable for damages caused by demolition in which the city is a party. Mayor Piper informed the Council that efforts were being made to obtain federal reimbursement to those property owners who demolished their buildings at their own expense. Mr. Haines also stated that in his opinion the CBID ordinance was adopted according to proper procedure. David Riggins said that a flyer mailed to CBID property owners was mailed as an information tool and was not used to gain support for the ordinance. Councilman Shelby called for the question. A voice vote was taken; the motion to cease discussion unahimously passed.

A voice vote was taken on the original motion. The motion to adopt **ORDINANCE 41-1998-99** as amended unanimously passed. Mayor Piper announced the members of the CBID board as stated in Amendment No. 3 as well as Representative Kim McMillan and Senator Rosalind Kurita.

Based on the recommendations of the Regional Planning Staff and Commission, Councilman Boyd made a motion to adopt **ORDINANCE 47-1998-99** on first reading. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion unanimously passed.

Based on the recommendations of the Regional Planning Staff and Commission, Councilman Boyd made a motion to adopt **ORDINANCE 48-1998-99** on first reading. The motion was seconded by Councilman Alexander. A voice vote was taken; the motion unanimously passed.

Based on the recommendations of the Regional Planning Staff and Commission, Councilman Boyd made a motion to adopt **ORDINANCE 49-1998-99** on first reading. The motion was seconded by Councilman Redd. A voice vote was taken; the motion unanimously passed.

**Exhibit #**  
4198

**Exhibit #**  
103 4-1-99

Councilman Boyd made a motion to delay action on **RESOLUTION 68-1998-99** for one month. The motion was seconded by Councilman Holleman. A voice vote was taken; the motion unanimously 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. A member may request that an item be removed from the consent agenda, placed under the appropriate committee call, and considered in normal sequence as part of the general order:*

1. **ORDINANCE 42-1998-99** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Baggett, Goad & Harvey (Aubrey Harvey, Agent) for zone change from C-5 Highway & Arterial Commercial District to R-1 Single Family Residential District
2. **ORDINANCE 43-1998-99** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Tucker Corporation for zone change from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District
3. **ORDINANCE 45-1998-99** (Second Reading, Amended) Amending the Official Code of the City of Clarksville relative to open burning
4. **ORDINANCE 46-1998-99** (Second Reading) Limiting length of service on appointed boards and commissions
5. **ORDINANCE 50-1998-99** (First Reading) Amending the Official Code of the City of Clarksville relative to "Pennies for Parks"
6. **RESOLUTION 69-1998-99** Adopting the 1999-00 through 2003-04 Capital Projects Budget
7. **RESOLUTION 70-1998-99** Authorizing contracts for placement of signs on CTS vehicles
8. **RESOLUTION 71-1998-99** Authorizing a contract with Mossland, I.I.C, for installation of a sewer line in Mossland Subdivision
9. **RESOLUTION 72-1998-99** Authorizing a contract with Eddie Burchett Construction Co. for installation of a sewer line in Woodlawn Estates Subdivision
10. Authorizing a grant agreement with Tennessee Emergency Management for costs incurred as a result of flooding, January 17 through February 1, 1999
11. Approval of 1999 Riverfest budget (\$150,000)
12. Approval of amendment to McGregor Park Facility Use & Rental Policy relative to rental fees
13. Approval of purchase (ball field) and lease (parking lot) of property at Heritage Park from the Clarksville-Montgomery County School system

14. Approval of positions of Program Specialist and Operations Supervisor for the Clarksville Transit System
15. Authorization of lease agreement with Clarksville Housing Authority for property on Lincoln Drive for the Police Department
16. Appointments to River District Commission: Bruce Wilson, Donita Piper, Anderson Grant – April 1999 through March 2001
17. Appointments to Board of Adjustments & Appeals: Lane Lyle, Larry McMillan, Ben Shepard – April 1999 through March 2003
18. Appointments to Tree Board: Laurina Lyle – April 1999 through June 1999 (fill unexpired term of Jim Gary)
19. Appointments to Senior Citizens Board: Zoot Parker, Betty Cheatham, Ruby Cox – May 1999 through April 2001
20. Adoption of Minutes: Special Session January 1, 1999, and Regular Session March 4, 1999

**Exhibit :**  
4199-17

*End of Consent Agenda*

Councilman Alexander made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Redd. A voice vote was taken; the motion unanimously passed.

COMMUNITY PLANNING & ENVIRONMENTAL ENHANCEMENT COMMITTEE  
*Mark Holleman, Chairman*

No report.

FINANCE & ADMINISTRATION COMMITTEE (Finance, Human Resources)  
*Ron Edmondson, Chairman*

**ORDINANCE 40-1998-99** (Second Reading) Amending the Official Code of the City of Clarksville relative to establishment of code of ethics for elected officials and members of boards and commissions

Re-implementation of Personnel Policy 99-1 relative to establishment of code of ethics for city employees

Councilman Edmondson made a motion to postpone action one month on both issues regarding codes of ethics. The motion was seconded by Councilman Shelby. A voice vote was taken; the motion unanimously passed.

Authorization of Sister City agreement with Kun-po, Korea

Councilman Edmondson made a motion to approve this agreement. The motion was seconded by Councilman Bourne. A voice vote was taken; the motion unanimously passed.

Mayor Piper introduced newly hired Chief Administrative Officer Brett Scotto.

GAS & WATER COMMITTEE

*Mike Alexander, Chairman*

Councilman Alexander referred the Council to the attached Gas-Water-Sewer department report.

INTERNAL SERVICES COMMITTEE (Garage, Building Maintenance, Cemetery)

*Wallace Redd, Chairman*

Councilman Redd referred the Council to the attached Garage, Building Maintenance, and Cemetery department reports.

PARKS, RECREATION & GOLF COMMITTEE

*Morrell Boyd, Chairman*

Councilman Boyd referred the Council to the attached Recreation and Golf Course department reports.

Councilman Boyd reported on the first annual Heritage Softball Tournament held the previous weekend. Approximately 500 players and visitors attended.

Councilman Boyd announced that Flo Morgan won first runner-up and the talent competition in the Ms. Senior Tennessee pageant.

Councilman Boyd announced that local Senior Games would be held the week of April 5<sup>th</sup>. The Queen City Road Race was scheduled for May 2<sup>nd</sup>.

PUBLIC SAFETY COMMITTEE (Fire, Police)

*Tad Bourne, Chairman*

Councilman Bourne stated that the Police Department would establish a "substation" in the Lincoln Homes housing area.

PUBLIC WORKS COMMITTEE (Streets, Transportation, Building & Codes)

*John Aldridge, Chairman*

Authorization of grant agreement with Tennessee Department of Transportation for installation of temporary and permanent signals in downtown Clarksville

Councilman Aldridge made a motion to approve the grant agreement. The motion was seconded by Councilman Bourne. A voice vote was taken; the motion unanimously passed.

Mayor Piper introduced his daughter, Heather, visiting from college.

The meeting adjourned at 8:43 p.m.

*ADOPTED: May 6, 1999*



**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
JANUARY 6, 2005**

**MINUTES**

Prior to the meeting, Nancy Telford asked the Council to reconsider the mandatory sidewalk ordinance amendment. John Aldridge asked that closer attention be paid to zone classifications when issuing property taxes after rezoning.

The regular session of the Clarksville City Council was called to order by Mayor Donald W. Trotter on Thursday, January 6, 2005, at 7:30 p.m. in City Council Chambers, 108 Public Square, Clarksville, Tennessee.

A prayer was offered by Rev. Claude Weatherford; the Pledge of Allegiance was led by Councilman Jim Doyle.

Roll Call registered all members present:

**PRESENT:** Barbara Johnson (1), Ken Takasaki (2), Gabriel Segovia (3), Wallace Redd (4), Diana Ward (5), Ann Henderson (6), Mary Nell Wooten (7), Jim Doyle (8), Richard Swift (9), A. D. Caldwell (10), Morrell Boyd (11), Wayne Harrison (12)

Mayor Trotter presented a Certificate of Retirement to Linda Williams for 34 years of service with the City of Clarksville, and a Mayor's Certificate of Appreciation to Richard Molar, Clarksville Fire Department, for rescuing the victim of a vehicle accident on December 9, 2004.

**PUBLIC HEARING**

Councilman Boyd made a motion to conduct a public hearing. The motion was seconded by Councilman Redd. A voice vote was taken; the motion unanimously passed.

**RESOLUTION 25-2004-05** Approving issuance of \$20,000,000 revenue bonds by Nashville-Davidson County Metropolitan Government for Vanderbilt University LifeFlight helicopter at Gateway Medical Center

John Callison, Vanderbilt Medical Center, said local government support of the issue is required when medical services are provided for the city. There were no public comments.

**ORDINANCE 38-2004-05** (Postponed December 2<sup>nd</sup>) Amending the Zoning Ordinance and Map of the City of Clarksville, application of WLW Realty for zone change from R-4 Multiple Family Residential District to C-2 General Commercial District (Madison & Seventh)

There were no comments for or against this request.

Councilman Segovia made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilwoman Johnson. Councilman Redd and Councilman Takasaki registered a "no" vote on Item #3 (**ORDINANCE 37-2004-05**). The vote was recorded as follows:

AYE: Johnson, Takasaki, Segovia, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell, Boyd, Harrison

The motion to adopt the consent agenda passed.

**BUILDING & CODES COMMITTEE**

*Ann Henderson, Chair*

No report.

**FINANCE & ADMINISTRATION COMMITTEE**

*Gabriel Segovia, Chair*

**ORDINANCE 43-2004-05** (First Reading; Postponed December 2<sup>nd</sup>)  
Establishing a budget for the 2005 Extraordinary Emergency Fund

Without objection, first reading on this ordinance was postponed to the February regular session.

**ORDINANCE 47-2004-05** (First Reading) Amending the *Official Code* relative to process for City Council agendas

Councilman Segovia made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The vote was recorded as follows:

AYE: Johnson, Takasaki, Segovia, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell, Boyd

NAY: Harrison

The motion to adopt this ordinance on first reading passed.

**RESOLUTION 26-2004-05** Honoring Rev. Lester Claude Weatherford

This resolution was read in its entirety by the City Clerk. Councilman Segovia made a motion to adopt this resolution. The motion was seconded by Councilwoman Johnson. The vote was recorded as follows:

AYE: Johnson, Takasaki, Segovia, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell, Boyd, Harrison

The motion to adopt this resolution unanimously passed.

**GAS & WATER COMMITTEE**

*Morrell Boyd, Chair*

No report.

**GENERAL SERVICES**

*Wayne Harrison, Chair*

No report.

**PARKS & RECREATION COMMITTEE**

*Mary Nell Wooten, Chair*

ORDINANCE 43-2004-05

AN ORDINANCE ESTABLISHING THE 2004-05 BUDGET FOR THE EXTRAORDINARY/EMERGENCY FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the total authorized expenditures of the extraordinary/emergency fund shall be \$152,000.

BE IT FURTHER ORDAINED that the source of funding shall be from the fund balance of the extraordinary/emergency fund.

Exhibit #  
3-03-05

|                   |                                   |
|-------------------|-----------------------------------|
| POSTPONED:        | December 2, 2004; January 6, 2005 |
| FIRST READING:    | February 3, 2005                  |
| SECOND READING:   | March 3, 2004                     |
| PUBLICATION DATE: | March 6, 2005                     |

Fed.



**Exhibit #**  
2-3-05

**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
FEBRUARY 3, 2005**

**MINUTES**

Prior to the meeting, Shirley Tomasi gave a brief presentation on the Clarksville Youth Chorus as well as other Arts & Heritage Development Council programs.

Jeff Burkhart, Todd Harvey, Jim Maynard, and Jerry Drum urged the Council to deny a proposal for mandatory sidewalks.

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The regular session of the Clarksville City Council was called to order by Mayor Donald W. Trotter on Thursday, February 3, 2005, at 7:30 p.m. in City Council Chambers, 108 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilwoman Barbara Johnson; the Pledge of Allegiance was led by Councilman Jim Doyle.

Roll call registered all members present:

PRESENT: Barbara Johnson (1), Ken Takasaki (2), Gabriel Segovia (3), Wallace Redd (4), Diana Ward (5), Ann Henderson (6), Mary Nell Wooten (7), Jim Doyle (8), Richard Swift (9), A. D. Caldwell (10), Morrell Boyd (11), Wayne Harrison (12)

Mayor Trotter presented a Mayor's Certificate of Appreciation to Cpt. Tony Taylor and Sgt. Lucas Resnic, U. S. Army, for their assistance in apprehending an armed robbery suspect at a local auto parts business on January 20, 2005.

Councilwoman Wooten recognized Nick Riley who was observing the proceedings in an effort to earn his Eagle Scout badge.

**REAPPLICATION FOR ZONE CHANGE**

**RESOLUTION 31-2004-05** Authorizing reapplication for disapproved zone change within twelve months; request of Jeff Long

Councilman Boyd made a motion to adopt this resolution. The motion was seconded by Councilman Redd. Mr. Long had purchased adjacent C-2 property to be combined with the property to be rezoned to provide for both sufficient square footage and road frontage. The vote was recorded as follows:

AYE: Johnson, Takasaki, Segovia, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell, Boyd, Harrison

The motion to adopt this resolution unanimously passed.



5. **ORDINANCE 48-2004-05** (Second Reading) Amending the ORDINANCE 65-2003-04 relative to effective date of storm water management regulations
6. **ORDINANCE 54-2004-05** (First Reading) Amending the 2005 Operating and Capital Projects Budget for Wilma Rudolph Pavillion roof replacement (\$11,295)
7. **ORDINANCE 55-2004-05** (First Reading) Amending the 2005 Capital Projects Budget to combine funds for traffic signalization (\$23,305)
8. **ORDINANCE 56-2004-05** (First Reading) Amending the 2005 Operating Budget to accept a donation for Street Department American Flag replacement and/or other roadway standards (\$1,000)
9. **ORDINANCE 57-2004-05** (First Reading) Amending the *Official Code* relative to adoption of the Standard Property Maintenance Code
10. **RESOLUTION 28-2004-05** Requesting the Tennessee General Assembly amend the *Official Charter* relative to weed control
11. Authorization for fireworks display at China King Restaurant, 2088 Lowe's Drive, February 9, 2005
12. Approval of appointments to Parking Authority: Jane Olson - February 2005 through December 2008; Evans Peay (fill unexpired term of Larry McMillan) and Richard Swift - February 2005 through December 2005
13. Approval of appointments to Power Board: Nancy Telford and Ronnie Hunter: March 2005 through February 2008
14. Approval of appointments to River District Commission: Jeff Robinson - April 2005 through March 2008; Susan Turner (fill unexpired term of Ed Stiener) - February 2005 through March 2007
15. Adoption of Minutes: January 1, January 4, January 6, 2005

Councilman Boyd said the applicant had requested a one-month postponement for second reading on **ORDINANCE 23-2004-05**. There was no objection. Councilman Segovia made a motion to adopt the Consent Agenda with the exception of Item #1. The motion was seconded by Councilman Takasaki. The vote was recorded as follows:

AYE: Johnson, Takasaki, Segovia, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell, Boyd, Harrison

The motion to adopt the Consent Agenda unanimously passed.

#### BUILDING & CODES COMMITTEE

*Wayne Harrison, Chair*

No report.

#### FINANCE & ADMINISTRATION COMMITTEE

*Morrell Boyd, Chair*

**ORDINANCE 43-2004-05** (First Reading; Postponed January 6<sup>th</sup>) Establishing a budget for the 2005 Extraordinary Emergency Fund

Councilman Boyd made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. John Brannon, attorney for Herb Patrick, said the amount appropriated by this ordinance would be a full settlement for Mr. Patrick's claims on his 111 South Third Street property. Councilman Redd called for the question. The motion was seconded by Councilman Takasaki. The vote was recorded as follows:

AYE: Johnson, Takasaki, Segovia, Redd, Ward, Henderson, Wooten,  
Doyle, Swift, Caldwell, Boyd

**Exhibit 1**  
**2-3-05**

NAY: Harrison

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

AYE: Johnson, Takasaki, Segovia, Redd, Ward, Henderson, Wooten,  
Doyle, Caldwell, Boyd

NAY: Swift, Harrison

The motion to adopt this ordinance on first reading passed.

**RESOLUTION 33-2004-05** Approving an Interlocal Agreement between the City of Clarksville, Montgomery County, and the Tourist Commission for the City of Clarksville and Montgomery County

Councilman Boyd made a motion to adopt this resolution. The motion was seconded by Councilman Redd. Councilman Takasaki and Councilwoman Henderson did not support the additional funding for the Tourist Commission and felt any such requests should be submitted during the normal budget process. Councilman Doyle and Councilman Boyd praised Tourist Commission Director Theresa Harrington for her dedication to promoting tourism. Councilman Boyd called for the question. The motion was seconded by Councilman Redd. The vote was recorded as follows:

AYE: Johnson, Redd, Ward, Caldwell, Boyd, Harrison

NAY: Takasaki, Segovia, Henderson, Wooten, Doyle, Swift

Mayor Trotter voted "yes." The motion to cease discussion passed. The vote on the original motion was recorded as follows:

AYE: Johnson, Segovia, Redd, Ward, Wooten, Doyle, Swift, Caldwell,  
Boyd

NAY: Takasaki, Henderson, Harrison

The motion to adopt the resolution passed.

Councilman Boyd made a motion to approve conveyance of a portion of the Franklin Street parking lot and a lot on South Second Street to Downtown District Partnership. The motion was seconded by Councilwoman Johnson. Councilman Takasaki make a motion to postpone action one month on this request and asked the Community Revolving Investment Board to report how transactions would occur, how commissions and/or profits will be accounted for, and to clarify any perceived conflicts of interest. The motion was seconded by Councilman Harrison. The vote was recorded as follows:

AYE: Johnson, Takasaki, Segovia, Redd, Wooten, Doyle, Caldwell,  
Boyd, Harrison

NAY: Ward, Henderson

ABSTAIN: Swift

The motion to postpone action passed.



**Exhibit #**  
3-03-05

**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
MARCH 3, 2005**

**MINUTES**

The regular session of the Clarksville City Council was called to order by Mayor Pro Tem Morrell Boyd on Thursday, March 3, 2005, at 7:30 p.m. in City Council Chambers, 108 Public Square, Clarksville, Tennessee.

Joe Pitts informed the Council that Mayor Donald W. Trotter had been hospitalized following severe stomach pains.

A prayer was offered by Councilman Wayne Harrison; the Pledge of Allegiance was led by Councilman Ken Takasaki.

Attendance was recorded as follows:

**PRESENT:** Barbara Johnson (1), Ken Takasaki (2), Wallace Redd (4), Diana Ward (5), Ann Henderson (6), Mary Nell Wooten (7), Jim Doyle (8), Richard Swift (9), A. D. Caldwell (10), Morrell Boyd (11), Wayne Harrison (12)

**ABSENT:** Mayor Don Trotter

**NOTE:** Councilman Gabriel Segovia, Ward 3, resigned from the City Council effective March 1, 2005

**ZONING**

Councilman Caldwell made a motion to conduct a public hearing to consider requests for zone change and code amendments. The motion was seconded by Councilwoman Wooten. A voice vote was taken; the motion unanimously passed.

**ORDINANCE 58-2004-05** Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eddie Burchett for zone change from AG Agricultural District to R-4 Multiple Family Residential District (North Ford Street & Shortridge Drive)

Eddie Burchett offered to answer questions. There was no expressed opposition.

**ORDINANCE 59-2004-05** Amending the Zoning Ordinance and Map of the City of Clarksville, application of Frederick L. Clark, Edgar E. Fulcher-Agent, for zone change from R-1 Single Family Residential District to C-2 General Commercial District (Ft. Campbell Boulevard & Maple Street)

David Smith, DBS & Associates, said the zone change was necessary to reposition the proposed building because of drastic slopes on the property. There was no expressed opposition.

AYE: Johnson, Takasaki, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell, Harrison

The motion to adopt the Consent Agenda as amended unanimously passed.

**BUILDING & CODES COMMITTEE**

*Ann Henderson, Chair*

No report.

**FINANCE & ADMINISTRATION COMMITTEE**

*Mary Nell Wooten*

**ORDINANCE 43-2004-05** (Second Reading) Establishing a budget for the 2005 Extraordinary Emergency Fund

This item was removed from the original Consent Agenda. Councilwoman Wooten made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Johnson. Responding to Councilman Doyle, City Attorney David Haines said this ordinance would appropriate funds for payment of a settlement with Attorney Herbert Patrick (111 South Third Street). In response to Councilman Takasaki's question, Mr. Haines said only owners whose property was demolished following the January 1999 tornado signed hold-harmless agreements. Responding to Councilwoman Ward's question, Mr. Haines said an agreement had not been finalized with adjacent property owner Gary Hodges. Mr. Haines said whether Mr. Patrick had property insurance was not relevant, and said the City was still responsible for some unfinished work on Mr. Patrick's building. Councilwoman Johnson called for the question. The motion was seconded by Councilwoman Wooten. The vote was recorded as follows:

**Exhibit #**  
3-03-05

AYE: Johnson, Takasaki, Wooten, Doyle, Swift, Caldwell

NAY: Redd, Ward, Henderson, Harrison

The motion to cease discussion passed. The vote on the main motion was recorded as follows:

AYE: Johnson, Takasaki, Ward, Henderson, Wooten, Swift, Caldwell

NAY: Redd, Doyle, Harrison

The motion to adopt this ordinance on second reading passed.

**RESOLUTION 35-2004-05** Implementing provisions of RESOLUTION 37-2003-04

This item was removed from the original Consent Agenda. Councilwoman Wooten made a motion to adopt this resolution (appropriation for the Emergency Vehicle Trust Fund). The motion was seconded by Councilwoman Henderson. The vote was recorded as follows:

AYE: Johnson, Takasaki, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell, Harrison

The motion to adopt this resolution unanimously passed.

Councilwoman Wooten made a motion to convey a portion of the Franklin Street parking lot and a lot on South Second Street to the Downtown District Partnership (postponed February 3<sup>rd</sup>). The motion was seconded by Councilman Swift. Councilman Takasaki made a motion to postpone action until the DDP can establish policies and procedures for sale and purchase of property in the downtown area. The motion was seconded by Councilman Harrison. Councilman Swift said these lots will be sold, improved, and become tax-producing properties. In response to Councilwoman Henderson's question, City Attorney David Haines said her husband's (Alan Henderson) membership on the DDP Board did not present a conflict of interest. Councilman Takasaki said the relationship between the real estate company (CMH Commercial Properties), the Downtown District Partnership, The Economic Development Council, and the City Council could be perceived as a conflict of interest. The vote was recorded as follows:

AYE: Takasaki, Harrison

NAY: Johnson, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell

The motion to postpone action failed. The vote on the main motion was recorded as follows:

AYE: Johnson, Redd, Ward, Henderson, Wooten, Doyle, Swift, Caldwell

NAY: Takasaki, Harrison

The motion to convey said properties passed.

**ORDINANCE 47-2004-05** (Second Reading) Amending the *Official Code* relative to general rules of order pertaining to establishment of the agenda for regular sessions of the City Council

Councilwoman Wooten made a motion to adopt this ordinance on second reading. The motion was seconded by Councilwoman Johnson. Councilwoman Wooten noted an amendment that would exclude the Regional Planning Commission from the provisions of this ordinance. There was no objection to the amendment. Following discussion regarding "new business" agenda items, Councilman Redd made a motion to send this ordinance back to the Finance & Administration Committee. The motion was seconded by Councilman Takasaki. The vote was recorded as follows:

AYE: Johnson, Takasaki, Redd, Ward, Henderson, Wooten, Doyle, Swift, Harrison

NAY: Caldwell

**ORDINANCE 65-2004-05** (First Reading) Amending the 2005 Operating and Capital Projects budgets for a courtesy boat dock in McGregor Park (\$100,000)

**ORDINANCE 66-2004-05** (First Reading) Amending the 2005 Operating and Capital Projects budgets for the Fort Defiance Interpretive Park (\$265,000)

Since the Finance Committee did not have a recommendation for action on these budget amendments, Councilwoman asked that these ordinances be discussed under the Parks & Recreation Committee call. There was no objection.

Exhibit #  
303-05

8. **ORDINANCE 54-2004-05** (Second Reading) Amending the 2005 Operating and Capital Projects Budget for Wilma Rudolph Pavilion roof replacement (\$11,295)
9. **ORDINANCE 55-2004-05** (Second Reading) Amending the 2005 Capital Projects Budget to combine funds for traffic signalization (\$23,305)
10. **ORDINANCE 56-2004-05** (Second Reading) Amending the 2005 Operating Budget to accept a donation for Street Department American Flag replacement and/or other roadway standards (\$1,000)
11. **ORDINANCE 57-2004-05** (Second Reading) Amending the *Official Code* relative to adoption of the Standard Property Maintenance Code
12. **ORDINANCE 64-2004-05** (First Reading) Authorizing exercise of right of eminent domain to obtain easements and/or right-of-way for Peachers Mill Road Improvements Phase II
13. **ORDINANCE 67-2004-05** (First Reading) Amending the 2005 Operating Budget for City Hall water line repair (\$10,032)
14. **ORDINANCE 68-2004-05** (First Reading) Amending the Official Code relative to relative to compensation of an acting city judge and ordinance violations
15. **RESOLUTION 35-2004-05** Implementing provisions of RESOLUTION 37-2003-04 [*Removed; See Finance Committee*]
16. Approving conveyance of a portion of the Franklin Street parking lot and a lot on South Second Street to the Downtown District Partnership (postponed February 3<sup>rd</sup>) [*Removed; See Finance Committee*]
17. Approval of Certificate of Compliance: Katherine Beach (Riverside Package Store, 1058 S. Riverside Drive)
18. Approval of Certificate of Compliance: James Horace Heggie, Jr. (Pal's Package Store, 1810 Madison Street)
19. Renewal of Certificate of Compliance: Lovisia Harris (University Package Store, 303 College Street)
20. Appointments to Audit Committee: Gil Bowers, Lawrence Baggett, Joyce Norris, Bob Yates, A. D. Caldwell - March 2005 through December 2005
21. Appointment to Beer Board: Tommie Graves - April 2005 through March 2007
22. Appointment to E-911 Board: Jim Doyle (fill unexpired term of Joe Couch) - March 2005 through November 2005
23. Adoption of Minutes: Regular Session - February 3<sup>rd</sup>

Councilman Harrison requested Item #1 be removed for discussion; Councilwoman Henderson requested Item #15 be removed for discussion; Councilman Takasaki requested Item #16 be removed for discussion. Councilwoman Johnson made a motion to adopt the Consent Agenda ad amended. The motion was seconded by Councilman Redd. The vote was recorded as follows:

ORDINANCE 113-2005-06

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CITY OF CLARKSVILLE FOR ZONE CHANGE FROM M-1 LIGHT INDUSTRIAL DISTRICT, C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, C-2 GENERAL COMMERCIAL DISTRICT, R-3 TWO & THREE FAMILY RESIDENTIAL DISTRICT, AND R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT TO CBD CENTRAL BUSINESS DISTRICT

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the zone classification of the properties on the attached list and as shown on Exhibit A is hereby designated as CBD Central Business District.

*PUBLIC HEARING:* June 1, 2006

*FIRST READING:* June 1, 2006

*SECOND READING:*

*EFFECTIVE DATE:*

**Exhibit #**6106

| PROPERTY ADDRESS   | MAP  | GROUP | PARCEL |
|--------------------|------|-------|--------|
| MCCLURE ST         | 066G | A     | 001.01 |
| MCCLURE ST         | 066G | A     | 001.00 |
| RIVERSIDE DR/N 505 | 066G | A     | 018.00 |
| SECOND ST/N 404    | 066G | B     | 015.00 |
| COLLEGE ST 722     | 066F | B     | 008.00 |
| SEVENTH ST 108     | 066F | J     | 011.00 |
| COMMERCE ST 741    | 066F | K     | 036.00 |
| RIVERSIDE DR/N 211 | 066G | F     | 032.00 |
| SEVENTH ST 114     | 066F | J     | 012.00 |
| COMMERCE ST        | 066F | K     | 037.00 |
| COMMERCE ST 719    | 066F | K     | 038.00 |
| COMMERCE ST        | 066F | K     | 042.00 |
| SEVENTH ST 118     | 066F | J     | 013.00 |
| SEVENTH ST         | 066F | K     | 041.00 |
| JEFFERSON ST 25    | 066G | A     | 004.00 |
| FRANKLIN ST 715    | 066F | E     | 025.00 |
| RIVERSIDE DR/N 419 | 066G | A     | 017.00 |
| JEFFERSON ST 103   | 066G | B     | 023.01 |
| RIVERSIDE DR/N     | 066G | A     | 016.01 |
| MAIN ST            | 066F | B     | 013.00 |
| MAIN ST            | 066F | B     | 014.00 |
| MAIN ST 747        | 066F | B     | 015.00 |
| RIVERSIDE DR/N 411 | 066G | A     | 016.00 |
| SECOND ST 330      | 066G | B     | 017.00 |
| MAIN ST 733        | 066F | B     | 020.00 |
| MAIN ST            | 066F | B     | 023.00 |
| SPRING ST          | 066G | A     | 014.00 |
| JEFFERSON ST       | 066G | B     | 022.00 |
| MAIN ST            | 066F | B     | 024.00 |
| RIVERSIDE DR/N 405 | 066G | A     | 015.00 |
| SECOND ST          | 066G | B     | 018.00 |
| SECOND ST 314      | 066G | B     | 019.00 |
| MAIN ST 746        | 066F | E     | 018.00 |
| FIRST ST           | 066G | B     | 019.01 |
| MAIN ST 736        | 066F | E     | 017.00 |
| MAIN ST 732        | 066F | E     | 016.00 |
| RIVERSIDE DR/N 323 | 066G | A     | 012.00 |
| MAIN ST            | 066F | E     | 015.00 |
| MAIN ST            | 066F | E     | 014.00 |
| SECOND ST 304      | 066G | B     | 020.00 |
| RIVERSIDE DR/N 319 | 066G | A     | 011.00 |
| MAIN ST 636        | 066F | E     | 008.00 |
| MAIN ST 630        | 066F | E     | 007.00 |
| FRANKLIN ST 735    | 066F | E     | 022.00 |
| RIVERSIDE DR/N 313 | 066G | A     | 010.00 |
| FRANKLIN ST 723    | 066F | E     | 024.00 |
| FRANKLIN ST 711    | 066F | E     | 026.00 |
| FRANKLIN ST 709    | 066F | E     | 027.00 |
| RIVERSIDE DR/N     | 066G | A     | 009.00 |
| SEVENTH ST         | 066F | E     | 029.00 |
| FRANKLIN ST 631    | 066F | E     | 030.00 |
| FRANKLIN ST 623    | 066F | E     | 031.00 |
| FRANKLIN ST 744    | 066F | K     | 004.00 |
| FRANKLIN ST 740    | 066F | K     | 003.00 |
| FRANKLIN ST        | 066F | K     | 002.00 |
| FRANKLIN ST        | 066F | K     | 001.00 |
| FRANKLIN ST 634    | 066F | J     | 009.00 |
| SEVENTH ST 106     | 066F | J     | 010.00 |
| SEVENTH ST/S 122   | 066F | J     | 014.00 |
| COMMERCE ST 717    | 066F | K     | 039.00 |
| SEVENTH ST         | 066F | K     | 040.00 |
| SEVENTH ST 126     | 066F | J     | 015.00 |
| MADISON ST 625     | 066K | B     | 016.00 |
| SEVENTH ST/S 218   | 066K | B     | 013.00 |
| MADISON ST 617     | 066K | B     | 009.00 |



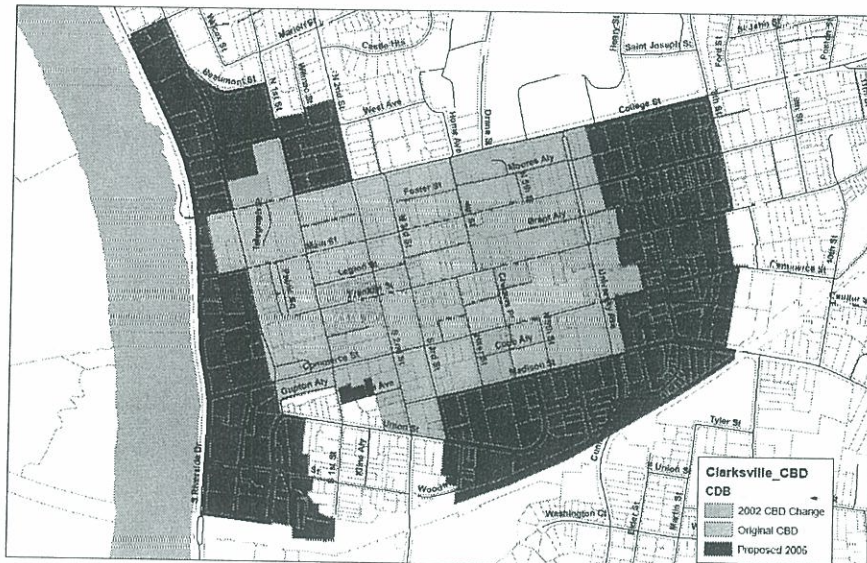
|                     |      |   |        |
|---------------------|------|---|--------|
| COMMERCE ST 732     | 066F | L | 004.00 |
| COMMERCE ST 726     | 066F | L | 003.00 |
| SEVENTH ST 128      | 066F | J | 016.00 |
| MAIN ST             | 066G | F | 035.00 |
| COMMERCE ST 724     | 066F | L | 002.01 |
| COMMERCE ST 631     | 066F | J | 017.00 |
| COMMERCE ST 720-722 | 066F | L | 002.00 |
| MAIN ST 10          | 066G | F | 030.00 |
| COMMERCE ST 629     | 066F | J | 018.00 |
| SEVENTH ST 203      | 066F | L | 001.00 |
| RIVERSIDE DR/N 125  | 066G | F | 029.00 |
| SEVENTH ST 207      | 066F | L | 030.00 |
| SEVENTH ST/S 202    | 066K | B | 010.00 |
| COMMERCE ST 610     | 066K | B | 008.00 |
| MADISON ST 611      | 066K | B | 007.00 |
| SEVENTH ST 215      | 066F | L | 029.00 |
| SEVENTH ST          | 066K | B | 012.00 |
| RIVERSIDE DR/N      | 066G | F | 027.00 |
| RIVERSIDE DR/N 111  | 066G | F | 028.00 |
| MADISON ST 703      | 066F | L | 025.00 |
| MADISON ST 631      | 066K | B | 015.00 |
| RIVERSIDE DR/S 111  | 066J | A | 001.00 |
| MADISON ST 710      | 066K | C | 024.00 |
| SPRING ST           | 066J | A | 003.00 |
| MADISON ST 728      | 066K | C | 027.00 |
| MADISON ST 732      | 066K | C | 028.00 |
| COMMERCE ST 65      | 066J | A | 005.00 |
| SEVENTH ST/S 317    | 066K | C | 021.00 |
| RIVERSIDE DR/S 131  | 066J | A | 018.00 |
| SEVENTH ST/S 319    | 066K | C | 020.00 |
| SEVENTH ST 321      | 066K | C | 019.00 |
| MADISON ST 428      | 066K | E | 010.00 |
| THIRD ST/S 409      | 066K | D | 011.00 |
| SEVENTH ST/S        | 066K | C | 018.00 |
| SEVENTH ST          | 066K | C | 017.00 |
| SEVENTH ST/S 327    | 066K | C | 016.00 |
| UNION ST 345        | 066K | E | 010.01 |
| MADISON ST 312      | 066K | E | 005.00 |
| MADISON ST 306      | 066K | E | 004.00 |
| UNION ST 341        | 066K | E | 011.00 |
| ACADEMY AVE 324     | 066K | D | 004.00 |
| ACADEMY AVE 330     | 066K | D | 005.00 |
| UNION ST 329-331    | 066K | E | 012.00 |
| UNION ST 309        | 066K | E | 018.01 |
| THIRD ST 319        | 066K | E | 018.00 |
| UNION ST 324        | 066K | D | 007.00 |
| UNION ST 224        | 066K | D | 024.00 |
| WASHINGTON ST/W     | 066J | E | 013.00 |
| UNION ST 300        | 066K | D | 025.00 |
| UNION ST            | 066K | D | 026.00 |
| UNION ST 314        | 066K | D | 027.00 |
| RIVERSIDE DR/S      | 066J | A | 015.00 |
| THIRD ST/S 411      | 066K | D | 010.00 |
| THIRD ST/S 417      | 066K | D | 009.00 |
| THIRD ST            | 066K | D | 012.00 |
| SPRING ST           | 066J | F | 003.00 |
| THIRD ST/S 421      | 066K | D | 008.00 |
| SULLIVAN ST         | 066J | A | 013.00 |
| SPRING ST           | 066J | F | 002.00 |
| RIVERSIDE DR/S      | 066J | A | 014.00 |
| SPRING ST 520       | 066J | A | 012.00 |
| FIRST ST            | 066J | F | 011.01 |
| SPRING ST/S 519     | 066J | F | 001.00 |
| WASHINGTON ST       | 066J | F | 005.00 |
| SPRING ST 400       | 066J | A | 010.00 |
| SPRING ST           | 066J | A | 011.00 |
| MADISON ST 512      | 066K | D | 002.00 |

|                           |      |   |        |
|---------------------------|------|---|--------|
| MADISON ST 502            | 066K | D | 001.00 |
| MADISON ST 516            | 066K | D | 003.00 |
| ACADEMY AVE 334           | 066K | D | 006.00 |
| COOPER PLACE 100          | 066K | D | 029.00 |
| UNION ST                  | 066K | D | 028.00 |
| UNIVERSITY AVE            | 066F | E | 001.00 |
| SULLIVAN ST               | 066J | A | 009.00 |
| COMMERCE ST               | 066J | A | 007.00 |
| SULLIVAN ST 221           | 066J | A | 008.00 |
| FRANKLIN ST 745           | 066F | E | 021.00 |
| MAIN ST 748               | 066F | E | 019.00 |
| COLLEGE ST                | 066F | B | 005.00 |
| COLLEGE ST 624            | 066F | B | 004.00 |
| SEVENTH ST                | 066F | B | 027.00 |
| MAIN ST 714               | 066F | B | 028.00 |
| MAIN ST 613               | 066F | B | 030.00 |
| SPRING ST 321             | 066G | A | 005.00 |
| MADISON ST 612 UNIT 4     | 066K | N | 006.00 |
| MADISON ST 612 UNIT 3     | 066K | N | 005.00 |
| MADISON ST 612 UNIT 7     | 066K | N | 004.00 |
| MADISON ST 612 UNIT 2     | 066K | N | 003.00 |
| MADISON ST 612 UNIT 1     | 066K | N | 002.00 |
| MADISON ST 612 UNIT 8     | 066K | N | 001.00 |
| COMMERCE ST               | 066J | A | 006.00 |
| COLLEGE ST                | 066F | B | 012.01 |
| EIGHTH ST                 | 066F | B | 012.00 |
| RIVERSIDE DR/N 261        | 066G | F | 001.00 |
| RIVERSIDE DR/N 511        | 066G | A | 019.00 |
| MADISON ST                | 066F | L | 024.00 |
| WASHINGTON ST/W 60        | 066J | F | 004.00 |
| MADISON ST 612 UNIT 6     | 066K | N | 008.00 |
| MADISON ST 612 UNIT<br>11 | 066K | N | 009.00 |
| MADISON ST 612 UNIT<br>12 | 066K | N | 010.00 |
| MADISON ST 612 UNIT<br>13 | 066K | N | 011.00 |
| MADISON ST 612            | 066K | N | 012.00 |
| MADISON ST 612 UNIT<br>15 | 066K | N | 013.00 |
| MADISON ST 612 UNIT<br>16 | 066K | N | 014.00 |
| MADISON ST 612 UNIT<br>17 | 066K | N | 015.00 |
| MADISON ST 612 UNIT<br>18 | 066K | N | 016.00 |
| MADISON ST 612 UNIT<br>21 | 066K | N | 017.00 |
| MADISON ST 612 UNIT<br>22 | 066K | N | 018.00 |
| MADISON ST 612 UNIT<br>23 | 066K | N | 019.00 |
| MADISON ST 612 UNIT<br>24 | 066K | N | 020.00 |
| MADISON ST 612 UNIT<br>25 | 066K | N | 021.00 |
| MADISON ST 612 UNIT<br>26 | 066K | N | 022.00 |
| MADISON ST 612 UNIT<br>27 | 066K | N | 023.00 |
| MADISON ST 612 UNIT<br>28 | 066K | N | 024.00 |
| MADISON ST 612 UNIT 5     | 066K | N | 007.00 |
| COLLEGE ST                | 066G | B | 021.00 |
| MAIN ST 726               | 066F | E | 013.00 |
| MAIN ST 722               | 066F | E | 012.00 |
| MAIN ST 718               | 066F | E | 011.00 |
| MAIN ST 710               | 066F | E | 009.00 |
| MAIN ST 710               | 066F | E | 010.00 |
| MAIN ST 714               | 066F | E | 010.01 |

**Exhibit #**  
606

|                    |      |   |        |
|--------------------|------|---|--------|
| ACADEMY AVE 335    | 066K | C | 030.00 |
| ACADEMY AVE 337    | 066K | C | 029.01 |
| ACADEMY AVE        | 066K | C | 029.00 |
| MADISON ST 518     | 066K | C | 001.00 |
| ACADEMY AVE 325    | 066K | C | 033.00 |
| ACADEMY AVE 329    | 066K | C | 032.00 |
| ACADEMY AVE 331    | 066K | C | 031.00 |
| UNION ST 46        | 066J | E | 001.00 |
| SPRING ST 801      | 066J | A | 008.01 |
| SECOND ST/ W OF    | 066J | C | 006.00 |
| FIRST ST           | 066J | C | 008.00 |
| ACADEMY AVE 319    | 066K | C | 034.00 |
| MADISON ST 534     | 066K | C | 002.00 |
| MADISON ST         | 066K | C | 003.00 |
| MADISON ST 725     | 066F | L | 021.00 |
| RIVERSIDE DR/N 101 | 066G | F | 026.00 |
| RIVERSIDE DR/E OF  | 066G | F | 025.00 |
| FRANKLIN ST        | 066J | A | 003.01 |
| FRANKLIN ST        | 066J | A | 002.00 |
| CROSSLAND AVE      | 066J | G | 004.01 |
| COMMERCE ST 740    | 066F | L | 006.00 |
| RIVERSIDE DR/S 201 | 066J | A | 017.00 |
| RIVERSIDE DR/S     | 066J | A | 016.00 |
| MADISON ST 634     | 066K | C | 008.01 |
| MADISON ST 638     | 066K | C | 009.00 |
| SEVENTH ST 310     | 066K | C | 010.00 |
| SEVENTH ST 312     | 066K | C | 011.00 |
| SEVENTH ST 316     | 066K | C | 012.00 |
| MADISON ST 622     | 066K | C | 006.00 |
| SEVENTH ST 320     | 066K | C | 013.00 |
| SEVENTH ST/S 326   | 066K | C | 014.00 |
| SEVENTH ST/S 315   | 066K | C | 023.00 |
| MADISON ST 714     | 066K | C | 025.00 |
| MADISON ST 724     | 066K | C | 026.00 |
| COLLEGE ST 742     | 066F | B | 010.00 |
| MAIN ST 741        | 066F | B | 018.00 |
| MAIN ST 737        | 066F | B | 019.00 |
| MADISON ST 420     | 066K | E | 009.00 |
| MADISON ST 316-324 | 066K | E | 006.00 |
| MADISON ST 400-408 | 066K | E | 007.00 |
| MADISON ST 400-408 | 066K | E | 008.00 |

EXHIBIT A





:BD

Commerce St

Washington St

R-4

CBD

CBD

R-4

R-4

R-4

R-4

Kline Aly

R-4

Municipal Ave

CBD

R-4

R-3

Washington St

S 2nd St

CBD

S 3rd St

R-4

M-1

R-3

Washington St

R-4

Union St

CBD

Madison St

CBD

CBD

Union St