

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

February 4, 2010 – 6:30 p.m.

Mayor Dickey called the regular meeting to order, pursuant to proper notice having been given. City Recorder Betty Modrall called the roll. Present were Mayor Dean Dickey, Vice Mayor Wayne Kennedy and Council Members Carl McCullen, Christa Martin, Mike Greene and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; Betty Modrall, City Recorder, and Liz Bermudez, Recording Secretary. Council Member Matthews was absent.

Reverend David McGregor offered the invocation followed by the Pledge of Allegiance led by Boy Scout Troop 103.

APPROVAL OF AGENDA:

Council Member McCullen moved to approve the Agenda. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

PRESENTATIONS:

Item 5.1 – **PRESENTATION OF RETIREMENT PLAQUE AND GIFT CHECK TO PUBLIC WORKS DEPARTMENT EMPLOYEE WAYNE FITZGERALD.** Mayor Dickey presented a retirement plaque and gift check to Wayne Fitzgerald. Mayor Dickey said twenty-eight years is a great work record and everyone appreciates the service he has provided for so many people. Public Works Director Ken Donaldson said Wayne was a good worker and he was a person one could talk with to let off stress or get advice. Director Donaldson advised Wayne has a lot of working knowledge but he also brought a lot of wisdom and maturity to the department. Director Donaldson said job well done. Mr. Fitzgerald thanked everyone.

Council Member Matthews arrived to the meeting at 6:37 p.m.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR COUNCIL MEETING OF JANUARY 21, 2010.** Council Member Martin moved to approve the Minutes of January 21, 2010 City Council Meeting. Council Member Stephenson seconded the motion. All Council Members present voted aye.

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**Item 6.2 – RATIFICATION OF MAYOR’S APPOINTMENT OF MR. PATRICK J. HARLAN TO THE CITY OF COLUMBIA REGIONAL PLANNING COMMISSION FOR THE REMAINDER OF MR. MIKE GREENE’S TERM EXPIRING ON NOVEMBER 19, 2012.** Council Member Stephenson moved to approve the appointment of Patrick Harlan to the Columbia Regional Planning Commission for a term expiring on November 19, 2012. Council Member Matthews seconded the motion. All Council Members present voted aye.

**Item 6.3 – RATIFICATION OF MAYOR’S APPOINTMENT OF MR. WALTER H. KELLER TO THE CITY OF COLUMBIA HOUSING BOARD OF ADJUSTMENTS/APPEALS FOR A THREE YEAR TERM EXPIRING ON FEBRUARY 4, 2013.** Council Member McCullen moved to approve the appointment of Mr. Keller to the City of Columbia Housing Board of Adjustments/Appeals for a term expiring on February 4, 2013. Council Member Matthews seconded the motion. All Council Members present voted aye.

**CONSENT AGENDA:**

Council Member Stephenson moved to approve the Consent Agenda. Council Member McCullen seconded the motion. All Council Members present voted aye and the following items were approved:

1. Consider authorizing and entering into a contact with George Nuber Architecture for Professional Services on Farmer’s Market Design Services – Ward 1 – Engineering Department.
2. Consider annual renewal of liability and auto insurance with the TML Risk Management Pool – Finance Department.
3. Authorization for the Mayor to sign the Non-Exclusive Use and Occupancy Permit between the City of Columbia and the Columbia Soccer Association – Parks and Recreation Department.
4. Execution of an Interlocal Agreement between the City of Columbia and Columbia Power and Water Systems for updating the base orthographic data for the City – Grants and Planning Department.

**RESOLUTIONS:**

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RESOLUTION NO. 10-06 – A RESOLUTION ACCEPTING A RURAL BUSINESS ENTERPRISE GRANT FOR A FARMER’S MARKET PAVILION FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT OFFICE- WARD 5- FINANCE DEPARTMENT.

Council Member Stephenson moved to approve Resolution No. 10-06. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 10-07 – TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 10-07. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3835 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 2.5 ACRES OFF HIGHWAY 31 SOUTH BEING A PORTION OF TAX MAP 113 PARCEL 80.00 FROM RS-40 (RESIDENTIAL) TO GCS (GENERAL COMMERCIAL SERVICE) – WARD 4 – GRANTS AND

SECOND CONSIDERATION PLANNING DEPARTMENT.

Vice Mayor Kennedy moved to approve Ordinance No. 3835 on second consideration. Council Member Greene seconded the motion. All Council Members present voted aye with the exception of Council Member Stephenson who abstained.

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ORDINANCE NO. 3833 - AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2, OF THE COLUMBIA MUNICIPAL CODE BY DELETING SECTION 8-212(1)(h) AND REPLACING SAID SECTION WITH A NEW SECTION REGARDING PERMITS AND FOR THE SALE OF BEER FOR ON-PREMISES CONSUMPTION AND FOR OFF-PREMISES CONSUMPTION – CITY  
FIRST CONSIDERATION MANAGER’S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3833 on first consideration. Council Member Matthews seconded the motion. Council Member Martin asked if this is something that the City has to do, what is the liability to the City when we do this, and will there be two permit costs for a person that has both of these type sales in their business? City Attorney Tisher advised there should be no liability from this Ordinance or the next Ordinance to the City. City Attorney Tisher said this Ordinance is not something they have to do; it is a request from the Beer Board. City Attorney Tisher said the Beer Board is reluctant to give an on- and off-premises permit as one permit. City Attorney Tisher said this Ordinance clarifies the permit and removes the confusing language. Council Member Martin asked if a person wants to do this then they go before the City and do they submit two permits and pay twice. City Attorney Tisher advised they would have to file for two permits and pay two fees. City Attorney Tisher advised the Beer Board does not want to grant one permit that allows a facility, like a club, which has on-site consumption, to be able to also have late night, carry-out sales on that premises. City Attorney Tisher said there are situations with a store or restaurant where two permits could be applicable. Council Member Martin asked if a person has these two type sales on the premise and something happens and they void one of the permits what happens to the other one, could they still keep it? City Attorney Tisher advised it is up to the Beer Board; it depends on what the violation is. Council Member Matthews asked if current stores have to retroactively apply for two or are they going to be grandfathered in? City Attorney Tisher advised there is only one that holds the permit now and they would not have to reapply, in the future there will be two separate permits. All Council Members present voted aye.

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ORDINANCE NO. 3834 - AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2, OF THE COLUMBIA MUNICIPAL CODE BY DELETING SECTION 8-216 AND REPLACING SAID SECTION WITH A NEW SECTION REGARDING RESTRICTIONS ON BEER PERMITS BASED ON PROXIMITY TO SCHOOLS, CHURCHES, PUBLIC PARKS OR OTHER PLACES OF PUBLIC GATHERING AND RESTRICTIONS ON PERMITS THAT WOULD CAUSE CONGESTION OF TRAFFIC OR INTERFERE WITH PUBLIC HEALTH, SAFETY AND MORALS – CITY  
FIRST CONSIDERATION MANAGER’S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3834 on first consideration. Council Member Martin seconded the motion and said she does have some discussion. Council Member Martin said on this change the State Law has a particular language and date of less than six months and the City had ninety days. Council Member Martin asked which date is better for the City. City Manager Boyer said the shorter period is better for the City. Council Member Martin asked why the City is changing this if the ninety days is better than six months. City Attorney Tisher advised there have been cases and the courts have not upheld the shorter periods. Council Member Martin asked if the City has had any situation with this. City Attorney Tisher said no and everyone that has applied has been over the six-month period so the City has not had anyone that has been adversely affected by this change. Council Member Matthews commented that the City Attorney had answered her question with his response to Council Member Martin. Vice Mayor Kennedy asked if the State requirement was six months. City Manager Boyer said the City Attorney advised him that the State said the City could not have a period shorter than the six months. Vice Mayor Kennedy said they supersede what the City does. Council Member Stephenson spoke about a store moving from a location on Carmack. City Manager Boyer advised that situation is about liquor permits

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and the City only regulates beer permits; the State regulates liquor permits. All Council Members present voted aye.

### PUBLIC COMMENTS:

Linda Smith said she is a graduate student and she is working on her graduate course work. Ms. Smith said she will be a familiar face at the Council Meetings and she is looking forward to hearing from the distinguished people and the public related to her course of study and her observations.

### OTHER BUSINESS:

Council Member Martin said on Tuesday night she had a few questions she wanted to ask about the snowstorm and the City's response to the needs of the citizens of Columbia. Council Member Martin said she appreciates the efforts that were made on Friday, Saturday, Sunday and Monday. Council Member Martin said her question is related to the procedure and what the process and priorities are. Council Member Martin asked in the future to get something in writing on how the City handles certain situations. Council Member Martin said she knows the City was working as hard as they could and some streets are State Routes, but she would just like some details for the future.

Council Member Stephenson welcomed Ms. Smith. Council Member Stephenson thanked the Scouts for coming and encouraged them to stay active in their local government. Council Member Stephenson commended all the City departments for the great job they did on Friday. Council Member Stephenson said the City should feel secure in knowing that we have departments and personnel that can well address and attend any emergency that comes up. Council Member Stephenson reminded everyone that tomorrow February 5<sup>th</sup> is National Wear Red Day; heart disease is the number one killer of women. Council Member Stephenson asked that everyone please wear red tomorrow to fight against heart disease.

Council Member Matthews apologized for being late. Council Member Matthews reminded everyone there are forms available at City Hall for a prescription program that the City of Columbia participates in where one

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can get a percentage off at certain pharmacies. Council Member Matthews asked that citizens use the program and get the deduction. Council Member Matthews asked that people tell their neighborhoods and let them know about the program. Council Member Matthews said she spoke with Sonja Rines, who is the head of Pet Pals. Council Member Matthews said she wanted to remind seniors if you have a pet and are financially strapped they can get a voucher for pet food at the Senior Center. Council Member Matthews said the voucher is for \$10 per month, per pet and all they have to do is take the voucher to Piggly Wiggly to get food for their pet.

City Manager Boyer said the City received notice from Moody's Investors Services which is the credit rating agency that reviews every organization's credit worthiness. City Manager Boyer said the City has been rated A1 stable for some time and there was a little concern earlier on about a change in the rating due to the unemployment rate in Columbia, but the City still has an A1 rating. City Manager Boyer said it was done with high complements to Council's and Patti Baltzer's financial management abilities in the sense that the City tends to bring the budget in with the review expenditure balance in favor of a positive balance every year and that the City sustains a healthy fund balance every year. City Manager Boyer said the financial management of the City that causes really hard decision making two, three times a month has paid off because a change in the rating could have cost the City from a tenth to three quarters of a percent in the next bond sale. City Manager Boyer said he is very proud of Patti and she has worked her fingers to the bone to make sure the City maintained its bond rating. City Manager Boyer advised the City was assisted by Tom Brewer, the new Executive Director of the Northfield training center . City Manager Boyer advised Mr. Brewer discussed with the credit analyst from Moody's about all the things the City is trying to do to place the displaced workers from the closure of the production line at the GM Plant in Spring Hill. City Manager Boyer advised the analyst made a point of saying on the phone that the City is one of the few trying to solve the problem instead of just sitting around saying there is nothing the city can do. City Manager Boyer advised there are a lot of partners with Columbia State Community College being part of the team. City Manager Boyer said he does have sad news to report. City Manager Boyer advised that Chief Warrant Officer Clayton Hickman of Columbia, Tennessee was killed in a helicopter crash on February 3<sup>rd</sup> in Germany. City Manager Boyer said Mr. Hickman is the

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son of Columbia Fire Department Driver/Engineer Lloyd “Butch” Hickman and Nikki Hickman; their family has been part of our family for over thirty-five years. City Manager Boyer said it is a sad day for the Hickman’s and our hearts go out to them and it is a sad day for our Fire Department because Butch and his son are well known to the long time fire service employees. City Manager Boyer said on behalf of the staff he expresses our condolences to the Hickman family; it is a loss to our community because he grew up here and it is a loss to our employee family.

Mayor Dickey thanked everyone who was involved in making the weekend a safe one. Mayor Dickey said he would like to start with Mr. Boyer and the leadership he provides and it filters down to department heads. Mayor Dickey spoke about Ken Donaldson motivating the employees. Mayor Dickey spoke about the employees still working on Sunday and how it shows loyalty and dedication. Mayor Dickey said they really appreciate all the work. Mayor Dickey said on the bond rating they are very appreciative of the rating that was given to the City. Mayor Dickey thanked Patti and her department and the citizens that committed to helping the City. Mayor Dickey said to the Hickman family we offer our sympathy. Mayor Dickey spoke of taking the appropriate action and recognizing the family at the appropriate time.

There being no further business the meeting adjourned at 7:08 p.m.

APPROVED:

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DEAN DICKEY, MAYOR

ATTEST:

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BETTY MODRALL, CITY RECORDER