

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

February 18, 2010 – 6:30 p.m.

PUBLIC HEARING - ON 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 SERVICES).

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

There being no one present in connection with the Public Hearing for Ordinance No. 3835, Council Member Stephenson moved to close the Public Hearing. Council Member Martin seconded the motion. All Council Members present voted aye.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

BETTY R. MODRALL, CITY RECORDER

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PUBLIC HEARING - ON ORDINANCE NO. 3840 – AN ORDINANCE TO ADOPT A GENERAL PLAN FOR MAURY COUNTY THAT INCLUDES THE CITY LIMITS, PLANNING REGION AND URBAN GROWTH BOUNDARIES OF COLUMBIA, TENNESSEE.

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

Mrs. Martha Warren thanked the Planning Commission and the City Council for allowing MACTEC to gather input from the citizens and to prepare the comprehensive plan to guide future planning and development decisions for the City and its urban growth area. Mrs. Warren said she feels she can speak on behalf of the residents in the southern urban growth area who supported the preparation for the plan and they encouraged Council's vote for a speedy adoption. Council Member McCullen moved to close the Public Hearing for Ordinance No. 3840. Council Member Matthews seconded the motion. All Council Members present voted aye.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

BETTY R. MODRALL, CITY RECORDER

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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, Debbie Matthews, 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.

Reverend Stan Breeden of First Baptist Church offered the invocation followed by the Pledge of Allegiance led by Council Member Greene.

APPROVAL OF AGENDA:

Council Member Martin moved to approve the Agenda. Council Member Greene seconded the motion. All Council Members present voted aye.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 4, 2010.** Council Member Stephenson moved to approve the February 4, 2010 City Council Meeting Minutes. Council Member McCullen seconded the motion. All Council Members present voted aye.

Item 6.2 – **RATIFICATION OF MAYOR’S APPOINTMENT OF MR. TOMMY LOGUE TO THE CIVIL SERVICE BOARD FOR A SIX YEAR TERM, EXPIRING FEBRUARY 18, 2016.** Council Member Stephenson moved to object to consideration of a question. Council Member Stephenson said this does not require a second, it is not debatable, it is not amendable, but it does require a two-thirds vote. Council Member Stephenson advised the purpose of an objection to consideration of a question is to enable the assembly to avoid a particular main motion altogether, when it believes it will be strongly undesirable for the motion to come before the assembly at the time. City Attorney Tisher advised Council would need to vote on that motion which requires a two-thirds majority vote. If the motion passed, Council would then go on to the next agenda item. Council Member Matthews asked if Council could have discussion on the motion. Council Member Matthews was informed that the motion is not

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debatable. Council Member McCullen asked for some clarification. City Attorney Tisher advised the motion would be to avoid the question and not have the item brought to the floor tonight. City Attorney Tisher reiterated that for the motion to be granted it would take a two-thirds vote. City Attorney Tisher went on to clarify that an “aye” vote would be a vote in favor of the motion, which would be taking it off the agenda and a “no” vote would be against the motion, which would be leaving it on the agenda, and then there may be a motion to consider the item. Council Member Matthews said it is important for clarification as to why this motion has been brought forth. Council Member Matthews said she feels this motion has come about because this item was voted upon at the end of December and was voted down by Council and now it has been brought back before Council. Council Member Stephenson said that was not her intent, it is regarding other information. Council Member Stephenson voted aye with all other Members of Council voting no. Motion to object to consideration of the question failed. Vice Mayor Kennedy moved to approve the ratification of Mr. Tommy Logue to the Civil Service Board for a six-year term, expiring on February 18, 2016. Council Member McCullen seconded the motion. Council Member Martin said on Tuesday night there was a lot of discussion on this motion and she did give Council a handout that night. Council Member Martin read information from the 2000 U.S. Census for the City of Columbia. Council Member Martin advised the City of Columbia’s population was 33,055 and within the population, males made up 47%, and females 52%. Council Member Martin also said within the population, under race/ethnicity, there were 74.6% whites, 21.1% black/African Americans and then it goes into the smaller point percentages with Hispanic/Latino having 4.7% as a part of the population. Council Member Martin said she brought those numbers forward because she is concerned tonight and has been concerned that the Council needs to look at the boards and committees to make sure they represent the City of Columbia. Council Member Martin said they could not have everyone represented if a board only has five people on it, but every effort could be made to make sure the boards and committees represent the population of the City of Columbia. Council Member Martin said in 2009 the Civil Service Board consisted of two white females, one black/African-American male, one white male, and one black female. Council Member Martin advised during the 2009 timeframe, the black female’s six-year term ended. Council Member Martin said in June the member sent a letter to the Mayor and copied the Personnel

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Director and maybe one other person requesting that she be reappointed to the Civil Service Board. She did not get any response regarding that memo until later in the year around October. Council Member Martin advised at that time Council looked at a gentleman who was recommended for the board. Council Member Martin advised she expressed her concerns about a conflict of interest because the gentleman worked for a staffing agency in town. Council Member Martin said she felt like it was a conflict because he would be in his day job selling positions and then coming to the City and looking at our positions and possibly having a conflict with that. Council Member Martin advised the record shows that he was voted onto the board and the next day he resigned from the board. Council Member Martin advised after that there was another recommendation for the board and that member is now serving, Mr. Ken York. Council Member Martin said she wants Council to look at the fact that all the citizens of Columbia pay taxes and are due to be represented on our boards and committees. Council Member Martin said she does not have anything negative in regards to Mr. Logue's nomination to the Civil Service Board. Council Member Martin said her concern is that the board does not represent the people of the City of Columbia and she feels like it is a discrimination not to have an African-American female on a very important board, as the board is the "gatekeeper" to employment with the City of Columbia. Council Member Matthews said as Council Member Martin has suggested they have gone through some changes all of a sudden with the Civil Service Board. Council Member Matthews advised that while she has been a Member of Council she has not heard a complaint about the board, it was one of the best run boards the City has, it was well-balanced and thoughtful in its process. Council Member Matthews said at the end of the last Mayor's term, the African-American female was taken off the board, which was a big concern of hers because she had heard from other board members about the fantastic work the board member had done for the community. Council Member Matthews advised not a month later there was another replacement on the board. Council Member Matthews said these appointments came from a Mayor who was making appointments for people to serve for several terms, but the female on the Civil Service Board had only served one term. Council Member Matthews advised the gentleman on the Civil Service Board, Mr. Potts, a retired fireman, stays late for all the meetings and diligently works. At no time has he said he did not want to serve. Council Member Matthews said at the end of December the Mayor put forth Mr. Logue for the Civil Service

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Board. Council Member Matthews advised she thinks very highly of Mr. Logue and she does business with Mr. Logue's mother at Lively Florist. Council Member Matthews said what she is talking about tonight is not necessarily about Mr. Logue, it is about the turnover on the board. Council Member Matthews again said at the end of December Mr. Logue was put forth for appointment onto the Civil Service Board. Council Member Matthews advised Mayor Dickey was at his granddaughter's graduation and Council voted 3-3, resulting in Mr. Logue's nomination being voted down. Council Member Matthews asked Mayor Dickey why Mr. Logue is being voted on again when he was voted down by Council. Council Member Matthews asked if there are any other Police Officers serving on the board. City Attorney Tisher advised there are no Police Officers represented on the board. Mayor Dickey advised it is the Mayor's prerogative to make nominations to Council to fill board positions. Mayor Dickey advised that in the past two years when board positions come up, there has been discussion on how long board members have served. Mayor Dickey said he is trying to get new members on the City boards and even though a member on the Civil Service Board may have only served two terms that is twelve years. Council Member Matthews said her main concern is that this is the most important committee because it is dealing with labor and employees and this committee needs to be level and without prejudice. Council Member Matthews said she does not want any appointments to this committee to become a political football for any reason because the committee is too important. Council Member Matthews asked the Mayor why he resubmitted Mr. Logue for the Civil Service Board. Mayor Dickey advised he has worked with Mr. Logue and he serves on the County's Civil Service Board. Mayor Dickey said if Mr. Logue is nominated tonight then he would resign from the County's Civil Service Board. Mayor Dickey advised he believes Mr. Logue is qualified to serve the City well. Council Member Stephenson said this is the Civil Service Board and not the Planning Commission, whose nominations are at the discretion of the Mayor. Council Member Stephenson said Article 6 of the Charter regarding the Civil Service Board indicates that any Council Member can make a nomination to the Civil Service Board. It does not stipulate that nominations can only be made by the Mayor. Council Member Stephenson said she expressed to the City Manager and City Attorney her concern before the Study Session that Council is opening a "Pandora's Box" and if they set this precedent it could get out of hand. Council Member Stephenson advised

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there is nothing to stop any Council Member in the future from coming back to the board and saying they are not happy with a vote on an item and asking that the item be voted on again. Council Member Stephenson said if Council does this tonight and sets this precedent there is nothing to prevent that from happening. Council Member Stephenson advised she thinks Council is opening up themselves to trouble. Council Member Stephenson read Section 6.03 of the Charter regarding the Civil Service Board. Council Member Stephenson said it is not only the duty of the Mayor but also the Council. Council Member Stephenson advised she does not know Mr. Logue and she does not want this to be interpreted as a personal attack against him. Council Member Stephenson said she is concerned about the Civil Service Board given the information that has been disclosed to Council. Council Member Stephenson said she made the motion she made earlier because she felt it would be prudent for Council to reserve action in this regard on the Civil Service Board and pause and review the Charter and really take a look at what has happened. Council Member Stephenson said she is hesitant to take action tonight and she thinks Council needs to be careful. Council Member Martin said they keep hearing that they are looking at terms served, years served and there seems to be confusion because she asked for a report of all the appointments to boards/committees for the last two years. Council Member Martin said the report she has is from 2007 through October 2009. Council Member Martin said during that timeframe Council has reappointed and reappointed members. Council Member Martin said Council needs to decide whether they are going to reappoint people or not reappoint. Council Member Martin advised there is a difference if Council reappoints someone who has served on a board for twenty-one years and they happen to be a white male, and Council does not reappoint an African-American male that serves on a board for twenty-years. Council Member Martin said she has a problem with that. Council Member Martin advised Ms. English served on the Civil Service Board for one term. Council Member Martin said it is not Ms. English's fault that one term is six-years on the Civil Service Board. Council Member Martin said if Council is not going to reappoint then Council needs to stop reappointing people, because there is a major problem with some reappointments and some not being reappointed. Council Member Martin said there was an African-American male who was not reappointed and had been sick in the hospital, no one had checked on him and when she asked why he was not being reappointed the statement was made from the previous Mayor's chair

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that he had not been attending meetings. Council Member Martin said Council needs to decide what they are going to do. All Council Members present voted aye with the exception of Council Members Martin, Matthews and Stephenson who voted no. Motion passes.

Item 6.3 – RATIFICATION OF MAYOR’S APPOINTMENT OF MR. ERIC W. COX TO THE COLUMBIA HOUSING BOARD OF ADJUSTMENTS/APPEALS FOR A THREE YEAR TERM, EXPIRING FEBRUARY 18, 2013. Council Member McCullen moved to approve the appointment of Mr. Cox to the Columbia Housing Board of Adjustments/Appeals for a three-year term. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

Item 6.4 – RATIFICATION OF MAYOR’S APPOINTMENT OF MR. ROBERT W. MARTIN, TO THE COLUMBIA BOARD OF PUBLIC UTILITIES, FOR A FOUR YEAR TERM BEGINNING FEBRUARY 23, 2010, DUE TO EXISTING BUSINESS THAT NEEDS TO BE APPROVED AT THE NEXT BOARD MEETING, TERM EXPIRING FEBRUARY 23, 2014. Vice Mayor Kennedy moved to approve the appointment of Mr. Martin to the Columbia Board of Public Utilities for a four-year term beginning February 23, 2010 and expiring February 23, 2014. Council Member McCullen seconded the motion. Council Member Stephenson asked if this name had been brought up before for the Power Board and what happened. Council Member Matthews said she thinks he was an option because there was not a vote up or down for him previously. All Council Members present voted aye.

CONSENT AGENDA:

Vice Mayor Kennedy moved to approve the Consent Agenda. Council Member Matthews seconded the motion. Council Member Stephenson advised she had some discussion. City Attorney Tisher advised items would have to be removed for discussion. Council Member Stephenson advised she would like Items 7.3, 7.7 and 7.9 removed from the Agenda. City Attorney Tisher advised the motion would have to be withdrawn. Vice Mayor Kennedy advised he does not have a problem withdrawing his motion. Vice Mayor Kennedy moved to approve the Consent Agenda with the exceptions of Items 7.3, 7.7 and 7.9. Council Member Matthews

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seconded the motion. All Council Members present voted aye and the following items were approved:

1. Disbursements for the month of January 2010 in the amount of \$4,645,621.05.
2. Authorize Mayor to execute agreement for bid award for electronic payment processing – City Recorder’s Office
4. Authorization for the Mayor to sign the Non-exclusive Use and Occupancy Permit between the City of Columbia and the Maury County School Board of Education – Parks and Recreation Department.
5. Consider authorizing payment to Maury County to provide funding for the Maury County/City of Columbia Animal Services Facility for the second quarter of FY 2009-10 – Finance Department.
6. Authorization to dispose of surplus City property – Finance Department.
8. Authorize Mayor to execute contract and bid award for front loading refuse containers – Public Works Department.

Item 7.3 – CONSIDER AMENDING THE CURRENT CONTRACT WITH FISHER AND ARNOLD, INC. FOR ADDITIONAL PROFESSIONAL SERVICES RELATED TO RIGHT OF WAY AND RESTROOM DESIGN FOR THE RIVER WALK PROJECT – WARD 5 – ENGINEERING DEPARTMENT. Vice Mayor Kennedy moved to approve amending the current contract with Fisher and Arnold, Inc. for additional professional services related to right of way and restroom design for the River Walk Project. Council Member Matthews seconded the motion. Council Member Stephenson thanked the Engineering Department for their hard work. Council Member Stephenson recognized Mr. Fuller and Chuck for keeping the cost of the amendment at a minimum. All Council Members present voted aye.

Item 7.7 – APPROVAL FOR THE PURCHASE OF A USED STEP VAN FROM GOLDEN CIRCLE FORD – POLICE DEPARTMENT. Council Member Stephenson moved to approve the purchase of a used step van from Golden Circle Ford. Vice Mayor Kennedy seconded the motion. Council Member Stephenson thanked Mr. Danny King for the additional information on this subject. All Council Members present voted aye.

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Item 7.9 – CONSIDER AUTHORIZING AND ENTERING INTO A CONTRACT WITH PICTOMETRY INCORPORATED FOR PROFESSIONAL SERVICES ON PROVIDING NEW ORTHOGRAPHIC DATA WITH OBLIQUES – GRANTS AND PLANNING DEPARTMENT. Council Member Matthews moved to approve authorizing and entering into a contract with Pictometry Incorporated for professional services on providing new orthographic data with obliques. Council Member Martin seconded the motion. Council Member Stephenson thanked the Engineering Department and said she was thrilled to hear that the City is going to get updated data because she uses them all the time. Council Member Stephenson said she thinks the most updated data was from 2003. City Manager Boyer advised it was actually the Grants and Planning Department’s project. Council Member Stephenson thanked Director Wright. All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 10-08 - REQUESTING COUNCIL TO ACCEPT A FRED’S DEPARTMENT STORE DONATION IN THE AMOUNT OF \$334.19 TO BE USED FOR ADVERTISEMENTS IN COLD CASE INVESTIGATIONS – POLICE DEPARTMENT.

Council Member Martin moved to approve Resolution No. 10-08. Council Member Stephenson seconded the motion. Council Member Martin thanked Fred’s Department Store because there are several cold cases in the City. Council Member Martin said the cases can be opened up to try to find out what happened to the residents. All Council Members present voted aye.

RESOLUTION NO. 10-09 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

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Vice Mayor Kennedy moved to approve Resolution No. 10-09. Council Member McCullen seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 10-10 - A RESOLUTION ACCEPTING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND DEPARTMENT OF HOMELAND SECURITY (DHS) GRANT NO. EMW-2009-FO-00070 IN THE AMOUNT OF \$257,991 TO REPLACE FIREFIGHTERS' SELF-CONTAINED BREATHING APPARATUS (SCBA'S) UNITS AND STATIONARY ELECTRIC COMPRESSOR AND AUTHORIZE RELATED TRANSFER OF FUNDS – FIRE DEPARTMENT.

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

RESOLUTION NO. 10-12 - A RESOLUTION REQUESTING THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO UPGRADE THE INTERCHANGE AT EXIT 46 & FOUR-LANE THE 7.3 MILE SECTION OF HIGHWAY 412 BETWEEN HIGHWAY 31 AND EXIT 46 OF INTERSTATE 65 – CITY MANAGER'S OFFICE.

Council Member McCullen moved to approve Resolution No. 10-12. Council Member Stephenson seconded the motion. Council Member Martin said she agrees that this part of the City's infrastructure does need to be upgraded and a four-lane would be a prime upgrade to take place. Council Member Martin said she is concerned that they revisit their transportation concerns for the City to figure out priorities in regards to the streets/roads. Council Member Martin said if Council processes this Resolution and the State agrees to allocate money to it, the City will have a

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four-lane with a left turn lane to Tom Hitch, which is two-lanes, leading to Highway 50, which is four-lane. Council Member Martin said the City needs to look at its infrastructure to make sure we are sending to the State our priorities so we are not piece milling what we want them to do. Council Member Matthews said she is thrilled they are sending the Resolution because you do not get what you do not ask for. Council Member Matthews said she has two concerns. Council Member Matthews first concern is being more proactive instead of letting the County put something forward and the City following. Council Member Matthews said she wished the City would have done this several years ago. Council Member Matthews second concern is if this is the City's number priority. City Manager Boyer said a year ago Council and County Commission with separate actions agreed that this was the number one transportation priority. City Manager Boyer advised a delegation representing both the City and County went to Nashville, met with the Governor, Deputy Governor and Transportation Commissioner and his staff to impress upon them that this was the City's and County's number one transportation priority. City Manager Boyer advised this was not done without Council's knowledge and the lead on this came from Maury Alliance due to the development potential at the interchange if the interchange is improved. City Manager Boyer advised the Comprehensive Plan encourages business development around the interchange. City Manager Boyer said Tom Hitch Parkway for the most part is a county road with 80% being in the county and 20% being a City street. City Manager Boyer said the State will not put a county/city road on their funding priority list. City Manager Boyer said this is not a competition between Tom Hitch Parkway and Bear Creek Pike. City Manager Boyer advised TDOT will not pay for local roads when they do not have the funding to take care of State roads. City Manager Boyer said he does agree with creating a transportation priority list for our own funding and for grants. Council Member Matthews said there has not been a strategic plan or a study presented to Council about the priorities for transportation needs in the City i.e. James Campbell Blvd., Highway 31 North, and the Bear Creek Pike Intersection. Council Member Matthews said Council talked on Tuesday night about those being a priority in the past with some other things having "bumped" those with Council not knowing why they were "bumped" or that they were "bumped". Council Member Matthews said every year there is legislation of what the needs of the City are. Council Member Matthews said it is frustrating to her that they never went to

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Nashville to tell the State exactly what the City wanted. Council Member Matthews said she is thrilled that they are doing that now with the Maury Alliance and she hopes during the strategic plan they can have discussions on what the next most important transportation things are for the City. Council Member Martin said she is asking the City Manager for the infrastructure plan to look at Tom Hitch Road. Council Member Stephenson thanked MIS and Mrs. Bermudez for taping the Study Session and she did hear the discussion on this agenda item. Council Member Stephenson said soon the Nashville Highway/US 31 Traffic Study will be coming before Council. Council Member Stephenson said Wilbur Smith has done a fantastic job. Mayor Dickey asked that they stay close to the Agenda Item. Council Member Stephenson said they are halfway through the project on Highway 31, which is also a priority. 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 PLANNING

THIRD CONSIDERATION DEPARTMENT.

Vice Mayor Kennedy moved to approve Ordinance No. 3835 on first consideration. Council Member Greene seconded the motion. Council Member Stephenson advised she will again be abstaining on this tonight because there are requirements of rezoning in the current Zoning Ordinance that are not in place that have to be in place for rezoning to take place. Council Member Stephenson advised that is why she consistently abstains when there is a rezoning vote. All Council Members present voted aye.

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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(l)(h) AND REPLACING SAID SECTION WITH A NEW SECTION REGARDING PERMITS FOR THE SALE OF BEER FOR ON-PREMISES CONSUMPTION AND FOR OFF-PREMISES CONSUMPTION – CITY
SECOND CONSIDERATION MANAGER’S OFFICE.

Council Member Martin moved to approve Ordinance No. 3833 on second consideration. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

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
SECOND CONSIDERATION MANAGER’S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3834 on second consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3836 - AN ORDINANCE TO AMEND THE FY 2009-10 BUDGET ORDINANCE NO. 3806 AS PREVIOUSLY AMENDED,

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PROVIDING FOR REVISIONS TO THE GENERAL, SANITATION AND CAPITAL PROJECTS FUNDS AND ESTABLISH THE DATE OF MARCH 18, 2010 AS THE DATE OF PUBLIC HEARING – FINANCE DEPARTMENT.

FIRST CONSIDERATION

Council Member Stephenson moved to approve Ordinance No. 3836 on first consideration and establish the date of March 18, 2010 as the date of the Public Hearing. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3837 - AN ORDINANCE TO PROHIBIT PARKING ON BOTH SIDES OF SUNSET LANE FROM ITS INTERSECTION WITH SANTA FE PIKE WEST TO THE CITY LIMITS AT 205 SUNSET LANE – WARD 3 – PUBLIC WORKS DEPARTMENT.

FIRST CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3837 on first consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3838 - AN ORDINANCE TO PROHIBIT PARKING ON THE SOUTH SIDE OF WEST 8TH STREET FROM ITS INTERSECTION WITH BECKETT STREET EAST FOR A DISTANCE OF 565 FEET – WARD 2 – PUBLIC WORKS DEPARTMENT.

FIRST CONSIDERATION

Council Member Matthews moved to approve Ordinance No. 3838. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3839 - AN ORDINANCE TO PROHIBIT THROUGH TRUCK TRAFFIC RATED OVER 16,000 GROSS VEHICLE WEIGHT

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(GVW) ON THE FOLLOWING STREETS
IN WARD 2 – PUBLIC WORKS

FIRST CONSIDERATION DEPARTMENT.

- 1) WEST 8TH STREET FROM 565 FEET EAST OF BECKETT STREET TO SOUTH HIGH STREET;
- 2) ATHENAEUM STREET FROM WEST 7TH STREET TO WEST 8TH STREET;
- 3) SCHOOL STREET FROM WEST 7TH STREET TO WEST 10TH STREET.

Council Member Matthews moved to approve Ordinance No. 3839 on first consideration. Council Member Stephenson seconded the motion. Vice Mayor Kennedy said he is going to vote on this since it is on first consideration but he does have some inquiries about this. Council Member Matthews thanked Council for their consideration on this and the previous Ward 2 Council Member, Milton Hay. Council Member Matthews said the Postal Service has been causing some issues. Council Member Matthews thanked Public Works Director Ken Donaldson for his thoroughness because there are laws that restrict truck traffic through neighborhoods. Council Member Matthews said this will probably be the first of many votes all over town. Council Member Matthews advised this is primarily for extremely large trucks going at high rates of speed through neighborhoods when there is a commercial route for them to exit at a different place. Council Member Matthews said the Postal Service has not had any pressure to go an adjusted way, so the City is setting their parameters to protect the neighborhoods especially for safety issues at School Street and 8th Street. All Council Members present voted aye.

ORDINANCE NO. 3840 - AN ORDINANCE TO ADOPT A
GENERAL PLAN FOR MAURY
COUNTY THAT INCLUDES THE CITY
LIMITS, PLANNING REGION AND
URBAN GROWTH BOUNDARIES OF
COLUMBIA, TENNESSEE – GRANTS
FIRST CONSIDERATION AND PLANNING DEPARTMENT.

Council Member McCullen moved to approve Ordinance No. 3840 on first consideration. Council Member Matthews seconded the motion. City

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Manager Boyer advised Tuesday night he told Council that they would go through this item and clean up the “generals”, but the City Attorney has informed him that they cannot amend out the term “general plan” because of the statute that the City has proceeded with the whole process under. City Manager Boyer said there are two different statutes dealing with comprehensive planning. City Manager Boyer said one statute refers to comprehensive plans as general plans and never uses the term comprehensive plans, and that is the statute the City cites in the Ordinance. City Manager Boyer advised the other statute has to do with the growth committee and the urban growth boundary and that is where they use the term “comprehensive plan” and this whole process has never been done under that statute. City Attorney Tisher advised if Council was adopting the plan under the second statute Council would have to go back through the committee like they did when the boundaries were set. Council Member Matthews said the main objective is that the old plan is gone and this will be the new plan. Council Member Matthews said she would like this to be called the “York Plan” because Jim York put this together for the County and it would be a beautiful way to acknowledge his work before he passed away. Council Member Stephenson asked if this creates a problem because when it was on the Planning Commissions Agenda it was on there with the words “comprehensive plan” and the term “general plan” was not in there. City Attorney Tisher advised it does not cause a problem because the Resolution uses the term “general plan” and it cites the statute. City Attorney Tisher advised which Titles use what terms. City Attorney Tisher advised Council can adopt the plan both ways if they decided that is what they wanted to do. All Council Members present voted aye.

ORDINANCE NO. 3841 - AN ORDINANCE TO AMEND
ORDINANCE NO. 3832 BY AMENDING
THE CLASSIFICATION AND
COMPENSATION PLAN FOR THE
EMPLOYEES OF THE CITY OF
COLUMBIA FOR THE 2009-2010
FISCAL YEAR – CITY MANAGER’S
FIRST CONSIDERATION OFFICE.

Council Member Matthews moved to approve Ordinance No. 3841 on first consideration. Council Member Martin seconded the motion. Vice Mayor

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Kennedy asked if the Ordinance was taking existing employees and putting them in a different classification and higher pay scale. City Manager Boyer advised there are two actions in this Ordinance. City Manager Boyer said the first action is the reclassification of the receptionist position in the City Manager's Office to an executive secretary position. City Manager Boyer advised the second action is changing the position of the Deputy Director of Parks and Recreation to Assistant City Manager. Vice Mayor Kennedy verified that the Ordinance would not affect the City's tax rate. City Manager Boyer advised he did say that Tuesday night. Council Member Martin said she appreciates the detailed presentation that Council received about this on Tuesday night. Council Member Martin said one of her concerns is usually with hard economic times the City will leave positions that are open unfilled in order to help with the budget and in some instances we cut position that are not filled and do not envision refilling them. Council Member Martin advised she had a concern of additional positions being added to the budget causing additional costs. Council Member Martin said Mr. Boyer explained to Council that there is a position in the Parks and Recreation Department that is not filled and that is the money source that will be used for this position. Council Member Martin advised the positive things with looking at this position are that the City needs to be communicating more with residents and Council on some issues. Council Member Martin said last year there were several grants that were awarded to the City of Columbia with one grant being the Stabilization Grant, which allows the City to tear down houses in disrepair. Council Member Martin advised the City missed a grant to rehab houses because the South Central Tennessee Development District alerted the City on a Monday and the grant was due on a Friday. Council Member Martin advised the City Mayor at that time decided there was not time to process the grant. Council Member Martin said if Council approves this position she hopes the person would have time allocated to grants. Council Member Martin asked what the FTE allocation would be, how much would they be working on grants, research and other things. City Manager Boyer advised he will try to have that information ready for second consideration. Council Member Martin spoke about public service announcements being place in *the Daily Herald* and how staff has been extremely busy providing services. Council Member Martin said she hopes Council will give strong consideration to this position because the City really needs it. Council Member Martin said she is glad that the City has made business with what was going on with the two people

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that serve City Council, the City Manager and the Mayor's Office by having a study done and getting those positions in sync. Council Member Martin said she appreciates what Lynn and Liz do for them. Council Member Stephenson said she also spoke about press releases with the City Manager. Council Member Stephenson asked if the individual will also be writing the proposals for the grants. City Manager Boyer advised in some cases the individual would write the proposals. City Manager Boyer said the City does have a lot of success when we are in specific subject matters. City Manager Boyer advised Congressman Davis' grant person told Mr. Boyer that the Columbia Fire Department does the best job of any fire department in the district with the grant applications. City Manager Boyer said the City has expertise; we need someone looking at the big picture grants. City Manager Boyer spoke about grants that the City may have not found last year. All Council Members present voted aye.

PUBLIC COMMENTS:

Mr. Terry Britt advised he attended many of the Maury County Comprehensive Growth Plan meetings. Mr. Britt spoke about clarity with legal questions about public notice for a public meeting. Mr. Britt asked why more people were not present tonight. Mr. Britt suggested that they refer to the general plan as the Maury County Comprehensive Growth Plan.

Elder Ray Thomas said he heard on the radio about the Mayor getting a neighborhood watch, security- type of committee together. Mr. Thomas said he was here to find out more about the committee. Mayor Dickey advised that was discussed about four weeks ago but they have not gotten very far on it yet. Mr. Thomas asked how they are going to track or keep up with this. Mayor Dickey advised it will be up to the committee and Council Member Greene will be heading up the committee. Mayor Dickey advised Council has been asked to recommend someone from each Ward to be a representative on the committee. Council Member Greene advised they are waiting on the names from Council before they can get started. Mr. Thomas asked if there was a time limit as to when the names need to be turned in. Council Member Greene said it will depend on Council to get the names back to him. Council Member Matthews said she needs more clarification on the direction that the safety committee is going to take. Council Member

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Matthews said she needs a mission statement before she can give a good choice.

Mr. Kenney Solomon spoke about consideration for the safety committee. Mr. Solomon asked if Council put the money back in the budget for the neighborhood watch signs. Mayor Dickey advised Council has not done anything to the FY 2010-11 budget yet. Mr. Solomon asked if he will have to ask Council to again buy signs. City Manager Boyer advised Mr. Solomon's request was discussed during the last budget cycle and the City did not fund his request. Mr. Solomon advised a donation is not the same as the money being in the budget. Council Member Matthews said this is very important because statistically when a sign is up it does curtail crime especially in high areas. Council Member Matthews said hopefully the City will be able to find grant money to fund this.

Mrs. Gale Moore, Chairman of the Civil Service Board, thanked Council Members Martin, Matthews and Stephenson for caring about those that serve the City, for reacting to problems and making themselves aware of issues that will affect the employees and citizens of Columbia. Mrs. Moore said she has sent Mayor Dickey four emails, called him at home and at City Hall. Mayor Dickey advised he has not received any emails and he returned her phone call today. Mrs. Moore advised she has been requesting help so the Civil Service Board could function as it should. Mrs. Moore said she agrees with Council Member Martin that the racial imbalance is impeding them. Mrs. Moore advised when Ms. English was not reappointed or it was in the air she asked Council to consider the imbalance but that was ignored. Mrs. Moore said Mr. Potts has served the City unbelievable well, and he is needed desperately. Mrs. Moore said since June the Civil Service Board has been a "political football" and the new appointee has caused a lot of disruptions and as a result there is now a complaint against the City because of some his remarks made during an interview. Mrs. Moore said she agrees with Council Member Stephenson about when a vote comes before Council and they vote to bring it back up is a terrible precedent and it will be something that will impede the City. Mrs. Moore advised she will get the Mayor's proper email but would like them to be aware of what is going on with the Civil Service Board. Mrs. Moore thanked Council for their hard work and asked for their help because they will have a hard time with the complaint. Vice Mayor Kennedy asked for clarification with the 3 to 3 vote

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on Mr. Logue. Mrs. Moore advised she did not speak about Mr. Logue. Vice Mayor Kennedy advised Council did not elect Mr. Logue that night and they did not defeat him. Vice Mayor Kennedy said Council did not have enough votes to get either one done. Council Member Matthews said per *Robert's Rule of Order* when a vote is taken if it is 3 to 3 it is voted down and per *Robert's Rule of Order*, which were violated tonight, it has to be someone in the losing side of the vote to ask for the vote to be brought back up to the Council. City Attorney Tisher advised that is not correct. City Attorney Tisher said he spoke with other municipalities and there are no restrictions about bringing an issue back to the floor. City Attorney Tisher said you cannot bring the issue back to the floor during the same meeting. City Attorney Tisher said if it is a motion for reconsideration then it has to be made by someone who voted in the negative; this is not a motion for reconsideration within the same meeting. City Attorney Tisher advised a motion for reconsideration would be within the same meeting. City Attorney Tisher said if there is a particular item, like an Ordinance that the City has, that says it cannot be brought back up within one year unless Council itself brings it back up. City Attorney Tisher advised there are specific rules when there are motions for reconsideration. Council Member Matthews asked if what she is talking about had to be done during the meeting or if it were in the Planning Commission within one year. City Attorney Tisher said what he said is under the City's Zoning Ordinance if there is a Zoning Ordinance amendment and it is voted down it cannot be brought up for a period of one year. City Attorney Tisher said an applicant cannot request the change for a period of one year but Council can initiate it again. Council Member Matthews said that is what she is speaking about, that anytime a vote is negated a member of Council can ask for the vote to be brought back up in front of Council but they have to be someone that voted in the majority when it failed the first time. City Attorney Tisher said there is no limit on the motion. Council Member Matthews said anytime there is a vote that has failed by the body if there is a vote that has failed and someone thinks they can get the vote it can be brought back up. City Attorney Tisher said it cannot be brought back during the same meeting unless someone who voted in the negative brings it back up under a motion to reconsider. City Attorney Tisher said in a separate session under *Robert's Rule of Order* motions can be brought back up again. Council Member Martin said she needs clarification. Council Member Martin said when Council voted on this named person the first time, it was a 3 to 3 vote.

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Council Member Martin asked the City Attorney if a 3 to 3 vote is a failure on the motion. City Attorney Tisher advised that is correct.

Patricia Bowman spoke to Council Member Greene about the neighborhood watch. Ms. Bowman said Council Member Martin gave statistics from the 2000 Census and since then Columbia has grown tremendously. Ms. Bowman said the City has many diverse races. Ms. Bowman asked Council Member Greene if he was willing to make his committee diverse. Ms. Bowman said the meeting tonight has really upset some people and she is disappointed that they think it is okay to have an all male board, or an all female board or an all African-American Board. Council Member Greene said he is fair and the makeup of the committee will come from Council. Ms. Bowman asked Council Member Greene if the Council gives him people that will not make the board diverse will he try to make it diverse. Council Member Greene said they will make her happy.

There being no further business, the meeting adjourned at 8:03 p.m.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER