

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

May 20, 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, 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.

Pastor Buddy Roberts of Westminster Presbyterian Church offered the invocation followed by the Pledge of Allegiance led by Council Member Greene.

APPROVAL OF AGENDA:

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

PRESENTATIONS:

Emergency Management Director Mark Blackwood updated Council on the flood. Director Blackwood said FEMA has established their disaster recovery center, which is located in Maury County Park, 1018 Maury County Park Dr. The hours of the center are 7:00 a.m. until 7:00 p.m. Director Blackwood encouraged anyone who needs assistance to go to the park and talk with the FEMA people. Director Blackwood went over the damage figures and advised they expect some of the numbers to go up. Director Blackwood said on May 6th the County was declared a disaster for categories A and B. Director Blackwood said on Tuesday there was a meeting to continue the declaration for categories C through G. Director Blackwood said we still have not been officially declared for categories C through G but the numbers far exceed the requirements needed to make that declaration. Director Blackwood advised categories C through G are for infrastructure, roadways etc. Director Blackwood said earlier this afternoon he was asked to find a suitable location to conduct the next round of meetings. Vice Mayor Kennedy asked if there is any danger with the soil containing anything that might harm the crops. Director Blackwood said they do not expect that to be a problem but there has been over five million

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dollars of crops already damaged. Director Blackwood advised there were some isolated areas that had problems with hazards but they were not widespread. Director Blackwood said the more water the areas got, the more it helped to dilute some of the hazards/problems. Mayor Dickey said he appreciates the update.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING OF MAY 6, 2010.** Council Member Martin moved to approve the May 6, 2010 City Council Meeting Minutes. Council Member Matthews seconded the motion. All Council Members present voted aye.

Item 6.2 – **RATIFICATION OF MAYOR’S REAPPOINTMENT OF MS. JOAN JACKSON TO THE COLUMBIA BEER BOARD FOR A ONE-YEAR TERM, EXPIRING MAY 20, 2011.** Mayor Dickey moved to approve Ms. Jackson’s appointment to the Columbia Beer Board for a one-year term. Vice Mayor Kennedy seconded the motion. Council Member Stephenson asked how many years Ms. Jackson has served on the board. Mayor Dickey advised she has served one, one-year term. All Council Members present voted aye.

Item 6.3 – **CONSIDERATION OF RETIREMENT BENEFITS FOR JAMES HANVY, CAPTAIN, POLICE DEPARTMENT – PERSONNEL DEPARTMENT.** Council Member Martin moved to approve the retirement benefits for Captain Hanvy. Council Member Matthews seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

Vice Mayor Kennedy moved to approve the Consent Agenda. Council Member Greene seconded the motion. All Council Members present voted aye and the following items were approved:

1. Disbursements for the month of April 2010 in the amount of \$13,025,735.51.
2. Approval to submit application to the Federal Assistance for Firefighters Grant Program 2010 – Fire Department.

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3. Approval of Change Order Numbers 2, 3, 4 and 5 with George A. Clanton Construction for Fire Station 2 located at 711 Lion Parkway – Ward 1 – Fire Department.
4. Approval for purchase of the Captain Public Safety Assessment Center System and the Written Test and Selection Process for Lieutenant and Sergeant Promotions from International Public Management Association for Human Resources (IPMA-HR) – Police Department.
5. Authorization to dispose of surplus city property – Finance Department.
6. Bid award for light duty truck for Parks & Recreation Department and compact sports utility vehicle for Engineering Department – Finance Department.
7. Appointment of Agent of Record – Personnel Department.
8. Consider authorization of application to the U.S. Department of Justice, Office of Justice Programs, for the FY 2010 Bulletproof Vest Program – Police Department.
9. Bid award for dump truck with snowplow – Public Works Department.
10. Approve the proposal from Lyle Sumek Associates, Inc. for the development of a Strategic Plan and authorize related transfer of funds – City Manager’s Office.

ORDINANCES:

ORDINANCE NO. 3847 - AN ORDINANCE AMENDING TITLE 18, CHAPTER 3, SECTION 18-303, OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA BY REPLACING IN ITS ENTIRETY PRESENT SCHEDULES A, B, C AND D AND ADOPTING AND APPROVING THE FOLLOWING

SECOND CONSIDERATION SCHEDULES A, B, C AND D.

Vice Mayor Kennedy moved to approve Ordinance No. 3847 on second consideration. Council Member McCullen seconded the motion. Council Member Matthews asked if this is the new Ordinance that they discussed Tuesday night. City Attorney Tisher advised it is the new Ordinance but

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Council will need to move to amend Schedule A to reflect the new numbers. Council Member McCullen moved to approve the amendment. Vice Mayor Kennedy seconded the motion. Council Member Martin asked if she could make a motion to defer due to needing some additional information. City Attorney Tisher advised the motion to defer takes precedence. Council Member Martin asked if a deferral would cause problems for the time period with which the Ordinance is suppose to be enacted. City Attorney Tisher advised if the Ordinance is deferred, it would go to the next agenda and from a legal standpoint, it would not cause a problem, but he does not know about Mr. Clark's standpoint. Council Member Martin moved to defer Ordinance No. 3847 on second consideration. Council Member Greene seconded the motion. All Council Members present voted aye with the exception of Vice Mayor Kennedy and Council Member McCullen. Motion to defer passed.

ORDINANCE NO. 3854 - AN ORDINANCE FIXING THE TAX RATE FOR THE CITY OF COLUMBIA FOR THE YEAR 2010 ON ALL TAXABLE PROPERTY AT THE RATE OF \$1.30 PER \$100.00 – CITY FIRST CONSIDERATION RECORDER'S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3854 on first consideration. Council Member Matthews seconded the motion. City Manager Boyer said part of the proposed budget is \$8.8 million in property tax revenue and the budget recommends a reduction in the tax rate from \$1.38 to \$1.35. City Manager Boyer said this is the year Mr. Dooley conducts countywide reassessments, which occurs every four years in Tennessee. City Manager Boyer advised the preliminary data, that has not been approved by the State but both Mr. Dooley and Mrs. Modrall are confident will be approved by the State, indicates that the new assessments that Mr. Dooley has formulated create a certified tax rate of 1.3358 cents. City Manager Boyer said that is the tax rate at which we would generate the same amount of revenue with the new assessment that we would have generated with the old assessment. City Manager Boyer said Council must adopt a certified tax rate or one that is less than the certified tax rate. City Manager Boyer advised if a tax rate that is higher than the certified tax rate is needed, then first the certified rate would be adopted and then it would

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have to be amended to reflect the increase. City Manager Boyer said the certified tax rate for the coming year is 1.3358 and the original proposed budget recommended a tax rate of \$1.35. City Manager Boyer advised they have taken the certified tax rate and the assessments that have been forwarded by Mr. Dooley to the State for approval, and have determined the tax rate that will still generate the \$8.8 million that is part of the original proposed budget; and that is the tax rate that is in this Ordinance, which is \$1.30 per \$100.00 of taxable value. The lowering of the tax rate of three cents remains in affect through the mathematical calculations of taking the new assessment data and determining what tax rate will produce \$8.8 million. City Manager Boyer advised the Tax Ordinance establishes a rate of \$1.30 which is three and a half cents below the certified rate; and eight cents below the current rate, but that is not a comparable number because it is based on the old assessment. Council Member Stephenson said they have an opportunity to reduce the property tax by three cents from this current fiscal year. All Council Members present voted aye.

ORDINANCE NO. 3848 - APPROPRIATION ORDINANCE FOR FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011 AND ESTABLISH THE DATE OF JUNE 17, 2010 AS THE DATE OF PUBLIC HEARING – FINANCE DEPARTMENT.
FIRST CONSIDERATION

Council Member Stephenson moved to approve Ordinance No. 3848 on first consideration and establish the date of June 17, 2010 as the date of the Public Hearing. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3852 - AN ORDINANCE TO AMEND THE FY 2009-10 BUDGET ORDINANCE NO. 3806 – AS PREVIOUSLY AMENDED, PROVIDING FOR REVISIONS TO THE GENERAL AND CAPITAL PROJECTS FUNDS AND ESTABLISH THE DATE OF JUNE 17, 2010 AS THE DATE OF THE PUBLIC HEARING – FINANCE DEPARTMENT.
FIRST CONSIDERATION

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Council Member Martin moved to approve Ordinance No. 3852 on first consideration and to establish the date of June 17, 2010 as the date of the Public Hearing. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3851 - AN ORDINANCE TO AMEND THE
COLUMBIA MUNICIPAL CODE BY
ADDING A NEW TITLE 16, CHAPTER 6,
ENTITLED MASS
GATHERING/SPECIAL EVENTS –
EMERGENCY MANAGEMENT
FIRST CONSIDERATION DEPARTMENT.

Vice Mayor Kennedy moved to approve Ordinance No. 3851 on first consideration. Council Member Stephenson seconded the motion. Council Member Martin said a concern was the permit fee. Council Member Martin asked what the fee would be used for. City Manager Boyer advised the fee is a meager attempt to offset the permit processing cost, but it will not offset that cost. City Manager Boyer advised the fee will be accounted for as General Fund revenue; it cannot be earmarked for any other purpose. Council Member Martin asked Mark Blackwood if the City has anything like this on the books currently. Director Blackwood advised the City only has the parade permit and it only deals with parades, which leaves a vast gap in adequate protection and preparedness. Council Member Martin asked how much time would the person asking for the event have to get their plan together. Director Blackwood said they ask for sixty days so that the agencies have time to get their part of the plan done and get the requirements back to the event organizer so they have time to comply with the requirements. Council Member Martin asked how this will be publicized for those that may need to know about the permit. Director Blackwood said they will work through the news media and city website to educate the public and also work with the City Recorder's Office to send letters to those that typically do events within the City. Director Blackwood advised getting the message out to the public will be a challenge that they will have to work to overcome. Council Member Matthews spoke about large gatherings and problems with illegal parking and emergency situations. Council Member Matthews asked if this Ordinance tells

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organizations if they have a gathering of 600 people or more then they need to come to the City and apply for a permit, which starts an action from the City to get with the organizers and have a safety plan for the event. Director Blackwood advised that is correct, all the City agencies will help with the plan and complete their section and if it requires a certain number of law enforcement or other agencies then the legislation allows for the event organizer to have it contracted or work with the City to provide those services. Council Member Matthews asked Director Blackwood to go over some of the incidents where this has occurred and which made him feel compelled to bring this before Council. Director Blackwood said there have been incidents where the promoter of an event refused to work with the City and it created several situations where the City had to react to the situation. Director Blackwood advised there are events that the City finds out about at the last minute, which are challenging to try to provide adequate service levels. Director Blackwood said in a neighboring county a violent group came in to protest during an event and their intent was to create damage and cause problems. Director Blackwood advised right now there is nothing to stop a group from coming in and this is an attempt to deal with those issues but also deal with safety in general. Council Member Matthews asked Director Blackwood to talk about the tornado during the Mule Day events and an incident with an ambulance. Director Blackwood said a couple years ago, Mule Day was gearing up at the park and there were some storms that were being tracked. Director Blackwood said Mule Day has worked with them very closely for a number of years and they had a plan in place. Director Blackwood advised Mule Day has done the plan that this legislation requires without being required to. Director Blackwood said they evacuated over three hundred people into the schools from the park and put others in other brick structures. Director Blackwood said there was a lot of damage at the park, but no one was injured. Director Blackwood said this past year, there was another round of storms and they did not have to go around asking people to come to the school because they were already at the school waiting to get in. Director Blackwood said some time ago, there was an event organizer that refused to work with him and they were not going to do any planning. Director Blackwood advised they caused tremendous traffic problems; they blocked the entire road and emergency vehicles could not get down there. Council Member Matthews said they respect everyone's right to have a gathering. Council Member Matthews said a concern for her is when there is a big event and if something were to happen

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that the emergency services were out taking care of the event and the other citizens in town are left without anything. Council Member Matthews advised she does not like to pass legislation for legislation's sake and it just sits. Council Member Matthews asked Director Blackwood to go over what is in the legislation to shut down those that do not work with us. Director Blackwood said those who do not work with the City can be fined in a court of law and it grants the City Manager the authority through Emergency Management, Police Department or Fire Chief to alter, terminate or suspend an event. Director Blackwood spoke of making things safer, while still encouraging events. Council Member Matthews asked about an event that plans for 400 people but the event becomes larger. Director Blackwood said that would be part of the enforcement side and they would have to try to adjust to the situation. Director Blackwood said the intent is to try to get a handle on some of the large events that could cause a tremendous impact to the City services. City Manager Boyer said Director Blackwood is the project manager for this at his request. City Manager Boyer advised it is not the intent to regulate the type of activity that occurs as long as they do not propose violating the law; the City will not try to influence what the event is or who the organizer is. City Manager Boyer said the City is trying to properly plan for the number of people on the site and the impact it has throughout the City. City Manager Boyer said part of the plan is to make sure there are enough employees on duty to cover the event and the rest of the community. City Manager Boyer advised this is to make sure the entire public is safe. City Manager Boyer thanked Director Blackwood for being the team leader on this item. City Manager Boyer said the agencies Director Blackwood has been working with on this legislation have been working on this for over a year. City Manager Boyer advised it was an objective to get the County and City to adopt similar legislation so if someone has an event idea we can be customer friendly and the advice will be applicable whether the event is in the City or not. City Manager Boyer said he has had a number of people tell him that Mule Day went better this year than it has ever gone. City Manager Boyer said he thinks one of the reasons it went better is because Director Blackwood encouraged Mule Day to start doing advance safety planning and they have admitted in the process of doing that that they have done a lot of planning for Mule Day that they have never done before. Council Member Stephenson said it is important that everyone understand that the motivation here is to protect the public safety and she thinks it is a great idea to coordinate it with the County so there is not any

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confusion. Council Member Stephenson advised the \$25 permit application fee seems minimal to her and she understands there is also the bond. Council Member Stephenson said with what the City Manager said when the City knows in advance that there is going to be a large gathering, then the City goes ahead in the planning and hires fill-ins and extra staff, so the \$25 permit fee does not come near absorbing what the initial cost is to the City. Council Member Stephenson said the average fee in other cities is between \$100 and \$150. Council Member Stephenson asked Director Blackwood why the number 600 was chosen for this Ordinance. Director Blackwood said many organizations and agencies worked together as a committee to put this legislation together and they originally proposed 500 people but there has to be a balance. Director Blackwood said they tried to come up with a number that would overwhelm the City and the statistics show that an incident at a large scale event could cause ten to twelve percent of the attendees to be injured. Director Blackwood said sixty injured people would overwhelm the City, however it is much better than what the City has now. Director Blackwood said the number had to be agreeable to the committee and the public. Director Blackwood advised depending on the type of event, for example if it is a known violent group, then the City Manager can lower the required number based on input from staff. Council Member Stephenson asked if licensed security would be required. Director Blackwood said it is listed in the legislation and they will try to meet the basic federal standards. Director Blackwood said the type of group and the intel the Police Department has received about the event will factor into how much security the Police Department will tell the event organizer they need to make the event safe. Council Member Stephenson said she received a number of complaints from a couple of events last year where damage occurred. Council Member Stephenson said she thinks this is important if for no other reason than public safety. Council Member Stephenson thanked Director Blackwood for the work he has done on this. All Council Members present voted aye with the exception of Council Member Greene and Vice Mayor Kennedy who voted no. Motion passed.

ORDINANCE NO. 3853 - AN ORDINANCE TO APPROVE THE CLASSIFICATION AND COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF

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COLUMBIA FOR THE 2010-2011
FISCAL YEAR – PERSONNEL
FIRST CONSIDERATION DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3853 on first consideration. Council Member McCullen seconded the motion. All Council Members present voted aye.

OTHER BUSINESS:

City Manager Boyer said at 4:00 p.m. tomorrow there will be a budget workshop to discuss the general fund budget and to discuss the reductions to the wastewater budget. City Manager Boyer said the meeting will go until they are ready to stop. City Manager Boyer reminded Council about the City Picnic, which will be held on Saturday at Woodland Park. City Manager Boyer said the picnic will begin at 11:00 a.m.

Council Member Martin said today in Nashville at the Tennessee Preservation Trust 2010 Ten Most Endangered Historic Sites in Tennessee announcement, Mr. Dan Brown, Executive Director, did announce that the Mrs. A.J. Morton and Son Funeral Home has been designated as one of this year's ten most endangered sites. Council Member Martin said she hopes everyone will get together to restore the building in its rightful place. Council Member Martin advised the events that occurred in 1946 are sometimes troublesome for people to talk about, but it is part of our history and the building should be preserved because it was in the middle of those events. Council Member Martin thanked Mr. Brown, Brianne Huitt and others who have helped with this. Council Member Martin said they will be working with Dr. West, Director of MTSU's Center for Historic Preservation, and others to help preserve the building.

Council Member Stephenson asked if on Item 10.3 if there was a problem with her not including establishing the date of the public hearing in her motion. City Attorney Tisher advised there is not a problem because it was read.

Council Member Matthews advised there has been an increase in the sales tax revenue from last month.

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Mayor Dickey said the sales tax collections for the month of April was up around \$19,000 and that is the first time in about twenty-two months that there has been an increase in the sales tax.

Council Member Martin moved to adjourn the meeting. Council Member Matthews seconded the motion. There being no further business the meeting adjourned at 7:22 p.m.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER