

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

October 7, 2010 – 6:30 p.m.

PUBLIC HEARING - ON ORDINANCE NO. 3857 – AN ORDINANCE AMENDING ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TENNESSEE REGARDING SOCIAL SERVICE INSTITUTIONS – GRANTS AND PLANNING DEPARTMENT.

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

Angela Slack, Director of Hope House, said she had several concerns regarding the proposed Ordinance. Mrs. Slack spoke of the limitations that the Ordinance puts on organizations such as Hope House and many more in the community and how they will be able to move forward in the future with possible expansions and new projects. Mrs. Slack advised much of the land that is in the Ordinance are pieces of property that most of the organizations will not be able to afford or do anything with. Mrs. Slack said the types of area that this zoning puts in place make it impossible for them to move forward and expand. Mrs. Slack said it is her understanding that many of the properties listed are already taken and are being utilized by various businesses. Mrs. Slack said the list indicates 28 properties are available, but there are fewer properties available due to some of the properties on the list already being utilized. Mrs. Slack advised there are even fewer properties that would be available for the numerous social service organizations in the community to be able to expand or do anything with in the near future. Mrs. Slack said she has an issue with some of the language used. Mrs. Slack advised that the Staff Report speaks of addressing the needs of social service institutions throughout the community and there is a list of some of the needs. Mrs. Slack said she needs to spend more time to figure out what those needs mean, how they play out, and what conversations were had with social service institutions to address how these needs came about being their needs. Mrs. Slack advised the next issue she has is at the second to last

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paragraph of the Staff Report where it says that all other zones and properties under those zones were considered on a whole to be insufficient. Mrs. Slack asked why they are insufficient, because in the community, there are non-profits that exist in properties that are outside what they are currently zoned for. Mrs. Slack said she understands the need for zoning in the community, but many of the places the organizations reside at are not having problems. Mrs. Slack advised the Staff Report also spoke of preventing negative impacts and her issue is what research was obtained to address what the negative impacts are and are they real impacts or perceived impacts? Mrs. Slack said she has an issue with some the language that is being used in the document. Mrs. Slack spoke about the Hope House history. Mrs. Slack asked about the standards that can be readily enforced that was mentioned in the document. Mrs. Slack said she read one of the standards is to have some sort of security which is another cost that is going to be detrimental to most non-profit organizations especially when there are non-profit organizations that can prove their history of not needing security. Mrs. Slack said she hopes Council will take a step back from this and review it and look at a better way for the zoning. Mrs. Slack said there is a better way to mesh this so that it does not put a significant burden on nonprofits. Mrs. Lolly Watson, of the Family Center, said she is coming at this with a humanitarian heart. Mrs. Watson said she spoke with Planning Director Norman Wright to ask him some questions about the Ordinance. Mrs. Watson advised if the Family Center tried to enlarge on their property they would run the risk of losing their “grandfathered in” status. Mrs. Watson advised she asked Mr. Wright about the soup kitchens, specifically the People’s Table, which are twelve churches that meet twice a week at First Methodist Church. Mrs. Watson said if they move from the location then they would lose their “grandfather” status. Mrs. Watson advised if one of the twelve churches decided to open a secondary kitchen, they would not be able to do so. Mrs. Watson said she feels the Ordinance stymies the humanitarian effort. Mrs. Watson said she hopes there is further consideration on this Ordinance. Mr. David Craig, of King’s Daughters’ School, advised he shares the same concerns that were spoken about earlier. Mr. Craig said he does recognize the need to control what needs to go where, and there are certain social service agencies that would not be compatible with various locations in the community. Mr. Craig said he echoes the concerns of the Hope House and the Family Center in that in trying to do one thing there may be collateral effects that may not have been

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the original intention. Mr. Craig listed various agencies that could fall under the definition of social service institutions. Mr. Craig advised almost every non-profit organization that helps the community seems to fall under the category and he knows that was not the intention of the Ordinance. Mr. Craig reiterated that he shares the concerns of the others and an unintentional consequence might be to limit the ability of the longstanding organizations in the community to be able to function in the future. Mr. Jimmy Campbell said he had some general comments. Mr. Campbell advised there are two proposed zonings and when Hatcher Lane was eliminated, they eliminated OCL Zoning. Mr. Campbell said there is only a small portion of OCL Zoning in Columbia and that is on Hatcher Lane. Mr. Campbell advised out of the 28 properties none of the eligible are zoned OCL. Mr. Campbell advised of the 28 eligible properties there are 19 properties that are already occupied and unavailable. Mr. Campbell said that leaves 9 possibilities. Mr. Campbell said every service organization in Columbia would be affected in the future if not now. Mr. Campbell advised some of the organizations need to be secluded and on a side street. Mr. Campbell spoke about the restrictions and the opening for legal ramifications. Mr. Campbell said there are not just one or two organizations being affected. Mr. Campbell spoke about a different zoning category. Mr. Campbell said he thinks they need to rethink this. Council Member Martin moved to close the Public Hearing on Ordinance No. 3857. Council Member Stephenson 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. 3863 – AN ORDINANCE TO AMEND THE FY 2009-10 BUDGET ORDINANCE NO. 3806 AS PREVIOUSLY AMENDED, PROVIDING FOR REVISION TO THE NARCOTICS & VICE FUND – FINANCE DEPARTMENT.

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

There being no one present in connection with the Public Hearing for Ordinance No. 3863, Council Member Matthews moved to close the Public Hearing. Council Member Stephenson 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, Council Members Carl McCullen, Debbie Matthews, Christa Martin and Susan Stephenson, City Manager Paul C. Boyer, Jr., Attorney Cara Lynn, Betty Modrall, City Recorder, and Liz Bermudez, Recording Secretary. Vice Mayor Kennedy, Council Member Mike Greene and City Attorney Tim Tisher were absent.

Pastor Bob Vassar offered the invocation followed by the Pledge of Allegiance led by Council Member McCullen.

APPROVAL OF AGENDA:

Council Member McCullen moved to approve the agenda. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 16, 2010.** Council Member Martin moved to approve the September 16, 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 MR. BARRY WOOD TO THE CITY OF COLUMBIA WASTEWATER APPEALS BOARD FOR A THREE YEAR TERM EXPIRING ON OCTOBER 7, 2013.** Mayor Dickey moved to approve the reappointment of Mr. Wood to the City of Columbia Wastewater Appeals Board for a three-year term expiring on October 7, 2013. Council Member Matthews seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

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

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1. Consider authorization of proposal from Fisher & Arnold, Inc. for professional services for the Duck River Bank failure repair and stabilization project and authorize related transfer of funds – Ward 5 – Engineering Department.
2. Consider authorization to execute and award bid to API Sheet Metal, LLC. For the re-roof modifications to the Macedonia Community Facility – Ward 3 – Engineering Department.
3. Approval of payment for City of Columbia portion of Interlocal Agreement between City of Columbia and Columbia Power and Water Systems (CPWS) for joint ESRI Software Maintenance for fiscal year 2011 – MIS Department.
4. Bid award and authorization of contract execution for mowing & ground maintenance of abandoned and neglected property – Code Administration.
5. Authorization to dispose of surplus city property – Finance Department.
6. Bid award for mid-size vehicles – Police Department.
7. Ratification of emergency expenditures with crosspoint Cummins for repairs at the Carters Creek Pump Station associated with May 2010 flood event and authorize related transfer of funds – Ward 5 – Wastewater Department.

ADMINISTRATION:

Item 8.1 – **SELECT OPTION FOR RENOVATION OF CITY HALL BUILDING – CITY MANAGER’S OFFICE.** Council Member Matthews moved to defer Item 8.1 due to the absence of two Council Members. Council Member Martin seconded the motion. All Council Members present voted aye to defer.

RESOLUTIONS:

RESOLUTION NO. 10-53 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 10-51. Council Member Matthews seconded the motion. All Council Members present voted aye.

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RESOLUTION NO. 10-54 - A RESOLUTION TO APPLY FOR THE FY 2011 TENNESSEE DEPARTMENT OF TRANSPORTATION ENHANCEMENT GRANT PROGRAM FOR LANDSCAPING AND OTHER SCENIC BEAUTIFICATION – WARDS 1, 2, 3, 4 AND 5 – CITY MANAGER’S OFFICE.

Council Member Stephenson moved to approve Resolution No. 10-54. Council Member Martin seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 10-55 - A RESOLUTION TO ACCEPT OWNERSHIP AND MAINTENANCE OF THE STREET AND DRAINAGE OF RANKIN’S RIDGE IN THE CITY OF COLUMBIA, TENNESSEE – WARD 4 – ENGINEERING DEPARTMENT.

Council Member McCullen moved to approve Resolution No. 10-55. Council Member Martin seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 10-56 - A RESOLUTION ACCEPTING A 2008 FORD F250 PICKUP TRUCK FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO BE USED BY THE COLUMBIA POLICE DEPARTMENT FOR DRUG ENFORCEMENT – POLICE DEPARTMENT.

Council Member Martin moved to approve Resolution No. 10-56. Council Member Matthews seconded the motion. Council Member Stephenson asked if the City will follow-up with a written thank-you correspondence. City Manager Boyer said a thank-you letter can be sent. All Council Members present voted aye.

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RESOLUTION NO. 10-57 - A RESOLUTION AUTHORIZING A PAYMENT IN LIEU OF TAX AGREEMENT FOR GLOBAL MANUFACTURING SERVICES INCORPORATED – WARD 1 – CITY MANAGER’S OFFICE.

Council Member McCullen moved to approve Resolution No. 10-57. Council Member Martin seconded the motion. Council Member Stephenson advised Mr. Hardison is in the audience. Council Member Stephenson asked if Mr. Owens is in the audience. Mr. Haridson advised that Mr. Owens is not in the audience. Council Member Stephenson thanked Mr. Owens for his investment in the community and she looks forward to meeting him. Council Member Stephenson advised Mr. Owens is making an investment in the community, he is not leasing the structure, he has purchased it. Council Member Stephenson asked Mr. Hardison to convey her appreciation to Mr. Owens. Council Member McCullen echoed Council Member Stephenson’s thank-you. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3857 - AN ORDINANCE AMENDING ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TENNESSEE REGARDING SOCIAL SERVICE INSTITUTIONS - GRANTS AND THIRD CONSIDERATION PLANNING DEPARTMENT.

City Manager Boyer said as a result of a meeting held on Friday, staff is recommending Council table the Ordinance to give them a chance to research to see how they can refine the Ordinance to deal with these issues. Council Member Matthews moved to table Ordinance No. 3857 on third consideration. Council Member Martin seconded the motion. Council Member Stephenson acknowledged the people that spoke tonight, she has and other Council Members have voiced their concern about some of the definitions and what is outlined in the Ordinance. Council Member

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Stephenson said she is making notes of some of their concerns. All Council Members present voted aye.

ORDINANCE NO. 3863 - AN ORDINANCE TO AMENDS THE FY 2009-10 BUDGET ORDINANCE NO. 3806 AS PREVIOUSLY AMENDED, PROVIDING FOR REVISION TO THE NARCOTICS & VICE FUND – FINANCE DEPARTMENT.
THIRD CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3863 on third consideration. Council Member McCullen seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3864 - AN ORDINANCE TO PROHIBIT PARKING ON BOTH SIDES OF BAILEY STREET FOR 125 FEET NORTH OF ITS INTERSECTION WITH EAST 16TH STREET – WARD 3 – PUBLIC WORKS DEPARTMENT.
SECOND CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3864 on second consideration. Council Member McCullen seconded the motion. All Council Members present voted aye.

OTHER BUSINESS:

Council Member Matthews said she had three things. Council Member Matthews said she wanted for the record to state tonight that there is a huge problem with trashcans being left out in the middle of the streets ward wide. Council Member Matthews advised she has had at least thirty calls about trashcans being left out in Ward 2. Council Member Matthews said she has asked for the Public Works Director to come up with a plan by the next meeting if possible. City Manager Boyer said it will not be the next meeting it may be the first meeting in November. Council Member Matthews asked about the timeline about the A.J. Morton Funeral Home. Council Member Matthews said the third thing is in the paper there was an article about a group trying to seek ownership of the Polk Theatre building. Council

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Member Matthews asked if the City could somehow help the organization because she believes a performing arts center is needed in downtown. Council Member Matthews said maybe Assistant City Manager Jennifer Moody can be looking at grants and things to help. City Manager Boyer said Council Members should not be assigning work to the staff. Council Member Matthews apologized and said she was being overzealous. City Manager Boyer advised her that her guess as to who would be searching for the grants is correct. Council Member Matthews asked the City Manager to pass her request on. Council Member Matthews said if the City could help this organization it would be wonderful.

Council Member Martin said she appreciates some efforts in response to additional calls and concerns in the 3rd Ward. Council Member Martin thanked Public Works for their response to some eroding drainage ways and some clearing of some congested/overgrown areas. Council Member Martin advised they do have some forward movement and additional support was sent to her in forms of emails from Washington D.C. and Murfreesboro in regards to the A.J. Morton & Sons Funeral Home. Council Member Martin said there is a young lady who has agreed to work the project and they need to do additional work before they release a timeline. Council Member Martin advised the young lady is an author from the community who has done some very extensive research on cemeteries in the area and she has published a book. Council Member Martin advised she has a major love of the community and definitely older historic buildings. Council Member Martin advised she has some ideas that may transcross Spring Hill, Columbia and Mt. Pleasant. Council Member Martin advised she is looking forward to working with her and she will bring her to City Council shortly.

Council Member McCullen asked for an update on safe routes to school. City Manager Boyer said there has been considerable problems navigating TDOT bureaucracy. City Manager Boyer advised on Friday they met the new staff of the Local Programs Office. City Manager Boyer advised all three people are new. City Manager Boyer said they are trying to deal with all the cities in the State and they may be somewhat overwhelmed. City Manager Boyer advised they have worked with Representative Cobb to try to stimulate the process in Nashville. City Manager Boyer said Engineering spends hours on this every week. City Engineer Jim Fuller said the latest on

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the project is dealing with TDOT. Mr. Fuller advised the City had to acquire a right-of-way around the sidewalk that was on the county property because the grant was made out to the City. Mr. Fuller advised it has been approved by the school board. Mr. Fuller said they found out they have to do a license agreement with TDOT that goes to a community that meets a couple times a year and it has to go through a series of signatures. Mr. Fuller said both have held them up so the delay may be to sometime next year. City Manager Boyer advised TDOT has gone through tremendous budget reductions over the last couple of years, and they have positions frozen. City Manager Boyer said the people at TDOT are working hard, but there are far fewer of them there than before. City Manager Boyer said he wants to be careful to not sound like they are criticizing TDOT staff. City Manager Boyer advised the City understands the situation TDOT finds itself in, but that does not mean the City is not pushing them every day to get this done. City Manager Boyer said the City ran into some things that it had no knowledge of in the beginning of the process. Council Member McCullen asked for an update on Fire Hall No. 2. City Manager Boyer said the City has received the Certificate of Occupancy on the station on Tuesday. City Manager Boyer advised the City has the keys and has started moving equipment yesterday. City Manager Boyer advised the computers and radios are not installed, and the radios have to be installed before they can move in. City Manager Boyer advised the radios are scheduled for next week. City Manager Boyer said they will slowly move things to the station. City Manager Boyer advised the Chief and he would like to recommend November 4th at 4:30 for a dedication of the Fire Station. City Manager Boyer asked Council to let Liz Bermudez know if that works for them in the next couple of days.

There being no further business Council Member Matthews moved to adjourn the meeting. Council Member Martin seconded the motion. The meeting adjourned at 7:14 p.m.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

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BETTY MODRALL, CITY RECORDER