

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

December 16, 2010 – 6:30 p.m.

PUBLIC HEARING - ON ORDINANCE NO. 3869 – AN ORDINANCE AMENDING ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TENNESSEE REGARDING SWIMMING POOLS – 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, Vice Mayor Wayne Kennedy, Council Members Carl McCullen, Debbie Matthews, Christa Martin, Mike Greene and Susan Stephenson, City Manager Paul C. Boyer, Jr., City Attorney Tim Tisher, Assistant City Recorder Sue York, and Recording Secretary Liz Bermudez. City Recorder Betty Modrall was absent.

There being no one present in connection with the Public Hearing for Ordinance No. 3869, Vice Mayor Kennedy 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. 3868 – AN ORDINANCE TO AMEND THE FY 2010-11 BUDGET ORDINANCE NO. 3848 AS AMENDED, PROVIDING FOR REVISIONS TO THE GENERAL, STATE STREET AID AND CAPITAL PROJECTS FUNDS – FINANCE DEPARTMENT.

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

There being no one present in connection with the Public Hearing for Ordinance No. 3868, Vice Mayor Kennedy 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. Assistant City Recorder Sue York called the roll. Present were Mayor Dean Dickey, Vice Mayor Wayne Kennedy, Council Members Carl McCullen, Debbie Matthews, Christa Martin, Mike Greene and Susan Stephenson, City Manager Paul C. Boyer, Jr., City Attorney Tim Tisher, Assistant City Recorder Sue York, and Recording Secretary Liz Bermudez. City Recorder Betty Modrall was absent.

Minister Ward Jones offered the invocation followed by the Pledge of Allegiance led by Mayor Dickey.

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 DECEMBER 2, 2010.** Vice Mayor Kennedy moved to approve the December 2, 2010 City Council Meeting Minutes. Council Member Matthews seconded the motion. All Council Members present voted aye.

Item 6.2 – **CONSIDERATION OF RETIREMENT BENEFITS FOR RONALD BROWN, COMMUNITY CENTER SUPERVISOR, PARKS AND RECREATION DEPARTMENT – PERSONNEL DEPARTMENT.** Council Member Martin moved to approve the retirement benefits for Mr. Brown. Council Member McCullen seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

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

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1. Disbursements for the month of November 2010 in the amount of \$3,950,818.37.
2. Approve and authorize the Mayor to sign a contract with Wilbur Smith Associates for Professional Services to assist the City of Columbia in a traffic evaluation along the US 31 Corridor from Burt Drive to Riverside Drive – Ward 5 – Engineering Department.

ADMINISTRATION:

Item 8.1 – **BID AWARD AND AUTHORIZATION FOR MAYOR TO SIGN AGREEMENT WITH INSITUFORM TECHNOLOGIES, INC. FOR THE JAMES CAMPBELL BOULEVARD EXISTING SEWER REHABILITATION PROJECT AND AUTHORIZE RELATED TRANSFER OF FUNDS – WASTEWATER DEPARTMENT.** Council Member McCullen moved to approve. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

Item 8.2 – **APPROVE AND AUTHORIZE THE MAYOR TO SIGN A CONTRACT AMENDMENT WITH WASTE MANAGEMENT FOR SLUDGE DISPOSAL AT THE WEST CAMDEN LANDFILL LOCATED IN BENTON COUNTY – WASTEWATER DEPARTMENT.** Vice Mayor Kennedy moved to approve and authorize the Mayor to sign a contract amendment with Waste Management for sludge disposal at the West Camden Landfill located in Benton County. Council Member Martin seconded the motion. Council Member Matthews advised they have received calls on this matter and she would like the City Manager to comment about this topic. City Manager Boyer advised Marshall County and Waste Management have had an application under consideration by the Tennessee Department of Environment and Conservation (TDEC) for expansion of the landfill for years and the department has chosen not to act on the application so the landfill cannot be expanded. City Manager Boyer said the cell that accepts materials, such as sludge, is at capacity and the City received notice that the Marshall County landfill will no longer accept sludge after December 31, 2010. City Manager Boyer said they had to come up with an alternate place to take sludge and we create 25 tons of sludge a day. City Manager Boyer advised Wastewater Director Mike Anderson was made aware that this may be problem well over a year ago and he has been searching for alternatives. City Manager Boyer advised the only alternate

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that is available to the City is a landfill located in Camden, Tennessee. City Manager Boyer continued to say that Waste Management manages both the Marshall County landfill and the landfill in Camden. City Manager Boyer said this agenda item is an amendment to the contract with Waste Management for where the sludge is being taken to; there is no cost involved in this particular item. City Manager Boyer advised they do not know when TDEC will decide to consider and finally approve or disapprove the permit application from Marshall County. City Manager Boyer said if TDEC approves the permit application, Waste Management has informed the City it would take approximately 6 months upon approval of the permit for them to construct a new cell that could accept sludge. City Manager Boyer said County Mayor Bailey has been working diligently to try to keep up with this and the City's Public Works Director is Chairman of the State Solid Waste Board, which is one of the groups that reviews the permits. City Manager Boyer said we kind of know what is going on, but we do not know why the Commissioner has chosen not to act. Council Member Martin said she also had a phone call and she appreciates the City Manager commenting on this and she thanked Director Anderson for keeping them informed about this throughout the time frame he has been aware of the issue. Council Member Martin advised on Friday when she received her packet, this was not an agenda item, and she told the lady who called that it was not on the agenda and she would let her know what she found out. Council Member Martin advised she could not find where she placed the caller's name and number, but when speaking with the caller she did find out that the lady was a resident of Ward 1 and recommended or suggested she should try to contact her Council Member, Carl McCullen. Council Member Martin said she appreciates the information that was given tonight and they have to act on this, because it is a law that they have to dispose of the sludge. Council Member McCullen said he did receive a call about this issue and he asked if it will cost more to transport. City Manager Boyer advised it will cost more because it is three times as far and he did not address the issue, because it is not germane to the item on the floor. Vice Mayor Kennedy advised this is a mandatory item that they have to do, it has to be done. Council Member Stephenson said she has not seen a copy of the attachment. City Manager Boyer advised the attachment was distributed Tuesday and it was in the packet he received. Council Member Martin said the only reason she has a comment tonight is because she did have a citizen call her for an explanation. Council Member McCullen appreciates Council

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Member Martin referring the citizen to him. There was further discussion on the attachment that was passed out on Tuesday night regarding this item. City Manager Boyer advised the proposal for Robinette Trucking was not received until Monday and that is why it was not in Council's packet on Friday. City Manager Boyer advised they decided to present it to Council on Tuesday night, rather than declare an emergency and present it to Council for confirmation at a different date. City Manager Boyer said they gave it to Council as soon as it was available. All Council Members present voted aye.

Item 8.3 – APPROVE THE USE OF ROBINETTE TRUCKING FOR THE TRANSPORT OF WASTEWATER SOLIDS – WASTEWATER DEPARTMENT. Council Member Greene moved to approve the use of Robinette Trucking for the transport of Wastewater Solids. Council Member Martin seconded the motion. Council Member Matthews said currently the City has an employee in the budget that is carrying the sludge to Lewisburg and on Tuesday she asked why they are not using an already budgeted person to drive. Council Member Matthews said she was told that they could not get to Camden twice in a day, which is what we would have to do to use our current truck. Council Member Matthews said it is her understanding that if we took everything down and left one truck behind, we would need a bigger truck or a semi. Council Member Matthews asked about the cost. City Manager Boyer advised it is \$13.50 a ton times 25 tons per load with a load four days a week. Council Member Matthews asked why it is not five days a week. Director Anderson advised the dewatering equipment is operated four days a week. Director Anderson spoke about the fuel surcharge, which is currently 15¢ per mile, and it is roughly 200 miles to Camden. Director Anderson advised there will be additional costs, but there will not be wear and tear on the vehicle or the fuel for the vehicle. Director Anderson advised they did evaluate the cost of using the City truck and Robinette Trucking. Director Anderson said the reason they recommend going with Robinette Trucking is because of the constraints of our storage facility and the turnaround time. Council Member Matthews told Director Anderson she appreciates the work on this. Council Member Matthews said there are many sewer projects going on and if this is the best way to go, then she will be happy to approve it because her personal opinion is that this is going back to Marshall County anyway. Council Member

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Matthews said she is interested in the cost and what is best. All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 10-65 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 10-65. Council Member McCullen seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 10-66 – A RESOLUTION IN SUPPORT OF AN APPLICATION FOR THE SMARTER CITIES CHALLENGE GRANT PROGRAM FOR IBM PROVIDED TECHNOLOGY AND PROFESSIONAL SERVICES – CITY MANAGER’S OFFICE.

Council Member Martin moved to approve Resolution No. 10-66. Council Member Stephenson seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3868 - AN ORDINANCE TO AMEND THE FY 2010-11 BUDGET ORDINANCE NO. 3848, AS AMENDED, PROVIDING FOR REVISIONS TO THE GENERAL, STATE STREET AID AND CAPITAL PROJECTS FUNDS – FINANCE DEPARTMENT.
THIRD CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3868 on third consideration. Council Member Matthews seconded the motion. City Manager Boyer asked that Council make an amendment to the Ordinance tonight. City Manager Boyer said the amendment is to provide funding for the stabilization of the Duck River bank that failed during the flood in May,

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which impedes the City’s ability to complete the River walk Project until the bank is restored. Finance Director Patti Baltzer advised they are requesting amendment to the Ordinance on third consideration to increase the Ordinance by \$240,000 from what it was at second consideration. Director Baltzer advised \$120,000 of the \$240,000 is budget allocation within General Fund from the fund balance, transfer to the Capital Projects Fund. Director Baltzer advised there is a similar allocation in the Capital Projects Fund, which is where the projects are being paid from. Director Baltzer said it is the same \$120,000, but it has to be put in both places. Council Member Stephenson moved to amend the Ordinance as amended. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye on the amendment. All Council Members present voted aye on the Ordinance as amended.

ORDINANCE NO. 3869 - AN ORDINANCE AMENDING
ORDINANCE NO. 3638, THE SAME
BEING THE ZONING ORDINANCE OF
THE CITY OF COLUMBIA, TENNESSEE
REGARDING SWIMMING POOLS –
GRANTS AND PLANNING
THIRD CONSIDERATION DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3869 on third consideration. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3872 - AN ORDINANCE TO CHANGE THE
INTERSECTION OF SECOND AVENUE
AND STEWART STREET TO A FOUR-
WAY STOP – WARD 5 – PUBLIC
SECOND CONSIDERATION WORKS DEPARTMENT.

Council Member Stephenson moved to approve Ordinance No. 3872 on second consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

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ORDINANCE NO. 3873 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2009 DELINQUENT PROPERTY TAXES – CITY
SECOND CONSIDERATION RECORDER’S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3873 on second consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3874 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2009 DELINQUENT PERSONAL PROPERTY TAXES – CITY
SECOND CONSIDERATION RECORDER’S OFFICE.

Council Member McCullen moved to approve Ordinance No. 3874 on second consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3875 – AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2009 DELINQUENT SPECIAL ASSESSMENTS – CITY
SECOND CONSIDERATION RECORDER’S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3875 on second consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3871 – AN ORDINANCE TO ESTABLISH THE SPEED LIMIT ON INDUSTRIAL PARK ROAD AT FORTY-FIVE MILES PER HOUR FROM JAMES M. CAMPBELL BOULEVARD TO SANTA FE PIKE – WARD 1 – PUBLIC WORKS
FIRST CONSIDERATION DEPARTMENT.

Council Member McCullen moved to approve Ordinance No. 3871 on first consideration. Council Member Martin seconded the motion. All Council

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Members present voted aye with the exception of Council Member Stephenson who voted no.

OTHER BUSINESS:

Council Member Matthews corrected her math in regards to the cost of taking sludge to Camden. City Manager Boyer advised to stay in compliance with Federal and State Law they have to go to Camden; there is no other place to go. Council Member Matthews asked about buying a truck and having the employee drive it. City Manager Boyer advised he does not know if the employee is licensed to drive a semi-truck. Council Member Matthews said Sgt. Rick Miller will be promoted and he will no longer be there to protect Council. Council Member Matthews said she thinks every City Council person, School Board Member, and County Commissioner, after watching the news the last couple of days with what went on in Florida, it actually makes you appreciate those guarding them. Council Member Matthews spoke of her gratefulness to Sgt. Miller for protecting them. Council Member Matthews said the City is honored to have him and he is one of our greatest assets.

Council Member McCullen said he wants to copy Matthews' comments and he passed out documents from the NLC (National League of Cities) trip he took. Council Member McCullen said he enjoyed the trip and it was a worthwhile trip.

Council Member Greene motioned for reconsideration of changing the zoning on 709 West 7th Street. Council Member McCullen seconded the motion. Vice Mayor Kennedy said they made a mistake and they got information that was hearsay and they do not have the public record to back it up. Vice Mayor Kennedy said he thinks Council Member Greene did a justice to everyone by offering the reconsideration. Vice Mayor Kennedy said he thinks they owe it to Ms. Cheek to reconsider this because two weeks ago it was just hearsay. Council Member Martin said if the Vice Mayor wants to say for the record that he made a mistake, then she is not sure that he can add "we" to that. Vice Mayor Kennedy advised he did not add her to his comment. Council Member Martin said she thought he said "we". Vice Mayor Kennedy advised in saying "we" he was speaking of himself. Vice Mayor Kennedy said he did not make a mistake, he voted for

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it. Council Member Martin advised with the information that came before Council she feels strongly that they responded to it and she does not have a problem with any reconsideration, but she does not believe she made a mistake two weeks ago. Vice Mayor Kennedy said he thought he said the mistake was the information that was given to Council. Council Member Matthews asked where it has been retracted that City staff went to the business and said they were conducting business; it is not hearsay, it is the staff and City Manager saying that. Council Member Matthews said this is not about The Pink Porch, it is about protecting the historic neighborhood around them and it is about the City not being able to uphold its Ordinances and make sure that everything is followed to the letter. Council Member Matthews asked the City Manager when he retracted this, that staff was wrong because it sounds like people already decided that this would be re-voted on tonight and how that happened without the rest of them involved in that. City Manager Boyer advised staff did not retract anything, staff was hearing reports and staff responded and believed they saw violations in progress. City Manager Boyer said he never said they had a written complaint, never implied it and never said they had anything in writing. Council Member Matthews asked if staff sent/mailed the cease and desist they issued. City Manager Boyer advised that was given/hand-delivered to them. Council Member Matthews advised that is a public record. Vice Mayor Kennedy asked they show it to him. City Manager Boyer said Ms. Cheek's public records request does not request those records; it requests written records of complaints made, it does not request field notes or the stop work order. City Manager Boyer said he would guess that is because she already had the stop work order. Vice Mayor Kennedy asked to read the following, several departments "have received your request to access our public records, we regret to inform you that we do not possess any such records." City Manager Boyer advised that is correct and that includes a memo from him that says that he does not possess any written records of this action, but that does not mean what they observed does not exist and it does not mean they did not issue a stop work order. City Manager Boyer advised what Vice Mayor read specifically responds to specifically what Ms. Cheek asked for, which is specifically the way you have to handle open records. Vice Mayor Kennedy asked if the City has a copy of the public records, of what the City did. City Manager Boyer asked Grants and Planning Director Norman Wright if he had a copy of the stop work order. Director Wright said he can check with Code Administration Director

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Johnny McClanahan because that originates from their office. City Manager Boyer requested that Council not turn this into the staff doing a lot wrong; the staff did not do anything wrong, they handled it in a way they handle many code complaints including the way they handle complaints from Council. City Manager Boyer said this is not about the staff, it is about if Council should reconsider their decision. Council Member Matthews said she voted for this twice out of three times, because she was believing in the zoning and the Planning Department that they could protect the rest of the historic neighborhood. Council Member Matthews said the day they found out that business had been going on, per the stop order, not only had business been going on, but the driveway was not wide enough, there was no buffering put in and the other code ordinance followings for parking had not been addressed. Council Member Matthews advised through the six weeks or so they dealt with this issue, Ms. Cheek was told this was just one hurdle; there are fifteen other things before the business can open that they have to do, one of which was a sign ordinance. Council Member Matthews said a sign had gone up the day the stop work order had been issued. Council Member Matthews said it is not the City's fault that this fell through; there are certain things and parameters that a business for rezoning has to go through. Council Member Matthews said she was the only person that was asked for the documents on the open records request and she expected the stop work order to be a part of the open records request, but she guesses Ms. Cheek already had the document. Council Member Matthews said she wants to make sure we always have those documents. Council Member Matthews said she asked City Manager Boyer if the City can protect and make sure that the Zoning Ordinance and planning can be done on the site, because the City is not holding up its end to be able to enforce its zoning documents. City Manager Boyer replied he does not think so. Council Member Matthews said there are several different things, parking, buffering, sign ordinance, etc before the business can open. Vice Mayor Kennedy said they are just approving the zoning of the property. City Manager Boyer advised Council Member Greene's motion was to allow reconsideration of the zoning action. Vice Mayor Kennedy said the buffering is up to the Codes Department. City Manager Boyer advised that is up to the property owner. Vice Mayor Kennedy said he is trying to say it is not Council's responsibility to enforce it, it is the Department Heads, the Departments and the City Manager's responsibility. Vice Mayor Kennedy said Council just voted on the zoning that night. City

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Attorney Tisher said the Zoning Ordinance says an item cannot be brought back up by the applicant who was denied within one year, except by the Planning Commission or Council. City Attorney Tisher said he thinks Council Member Greene's motion is to bring it back up again and his interpretation is to bring it back up at first consideration. City Attorney Tisher asked Council Member Greene if that is his motion. Council Member Greene said that is the only thing they can do. Council Member Stephenson asked if the item had failed on second or third consideration. She was advised it failed on third consideration. Council Member Stephenson said from her understanding there was a sign posted to advertise the business, but asked if they had obtained a business permit before that. City Manager Boyer said that is the one piece of bad information that was given to Council; The Pink Porch did have a business license, but they had not transferred it to that address as of that day. City Manager Boyer said the license was for where their existing business is on Bear Creek Pike. Council Member Stephenson said The Pink Porch did not change the address to pursue that. City Manager Boyer said it is his understanding that they did not do that because they knew the zoning was not appropriate. City Manager Boyer said the City could not have approved it until the Ordinance passed third consideration. Council Member Stephenson said even if third consideration of the rezoning passes there are still a number of variances that would need to be requested prior to opening the business. City Manager Boyer advised Ms. Cheek was given a three-page letter that outlined nine steps that had to be accomplished before the business could be open. City Manager Boyer said one of the things that concerned staff was that it was their understanding that even if business was not being conducted that day, it was going to be advertised and the opening of the business would be the next day. City Manager Boyer added that could not have occurred either, because there are several issues that need to be taken care of before a business can be opened on that property. Council Member Stephenson asked for a copy of that letter. Council Member Stephenson said if they put a sign out front, in her interpretation, you are advertising for business. City Manager Boyer said the sign was put up without the proper permits. Council Member Stephenson said even after the sign permit it would have to be reviewed by the Historic Commission. City Manager Boyer said in this case, the Historic Commission would have to review the sign because it is in a historic district. Council Member Matthews advised there are steps that had to be completed for the business to open. Council

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Member Matthews said the Sunday following the Thursday night it was voted down, there was an ad in the paper about the opening of The Pink Porch, which means the steps were ignored. Council Member Matthews said the ad is a public record. Vice Mayor Kennedy asked if the ad gave a date. Council Member Matthews said she does not remember, but she does not think so, she thinks it just said “grand opening”. Vice Mayor Kennedy said but it did not give a date. Council Member Matthews said so you are going to advertise on a business that has many more steps to go with buffering, parking etc. Vice Mayor Kennedy advised he has been in business all his life and he has not put a date on a grand opening. Council Member Matthews and Vice Mayor Kennedy continued to talk about the ad for the business. Council Member Matthews said they have to protect residents that are there in the historic neighborhood and she is fine with that if the City can defend our planning and Zoning Ordinance, but right now they cannot. Council Member Matthews said she wants the business to have a great location and make lots of money, but she is responsible to the rest of the neighborhood and there are other steps and a sign has already been hung. All Council Members present voted aye with the exception of Council Members Matthews and Stephenson who voted no. The motion for reconsideration passed. City Manager Boyer advised this is uncharted territory and he cannot assure Council that this would be on the next meeting; it may be the second meeting in January before it is on the agenda. Council Member Martin asked when the Public Hearing for this item would be. City Manager Boyer said based on what they previously discussed, new Ordinances that require Public Hearing starting January 1, 2011 will be on second consideration, rather than third consideration. City Manager Boyer advised it will be advertised that way.

Council Member Stephenson and Vice Mayor Kennedy thanked Sgt. Rick Miller.

City Manager Boyer advised there will be a Special Study Session on the City’s Health Insurance Program on January 25, 2011 at 5:30 p.m. and it should last about two hours. City Manager Boyer wished everyone a Merry Christmas.

Mayor Dickey reminded Council that the evaluation forms are due tonight. Mayor Dickey said Central High School celebrations for the football team

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for winning the Class 5A State Championship will be tomorrow at 5:30 p.m. in the gym. Mayor Dickey asked Sgt. Miller to come to the podium. Mayor Dickey said Officer Jamie Reed will be taking Sgt. Miller's place. Mayor Dickey recognized Officer Mike Johns. Sgt. Rick Miller said he cannot think of a finer bunch of people that he would be more proud to serve in this capacity. Sgt. Miller thanked Officer Johns and advised he will be taking command of the evening shift at the first of the year. Sgt. Miller advised he would miss everyone and it has been an honor. Mayor Dickey thanked Sgt. Miller for what he does every day for them.

PUBLIC COMMENTS:

Mrs. Mary Martin, owner of The Pink Porch, said she had not been attending the other considerations on this, but she wanted to come give her opinion on what went wrong. Mrs. Martin said Council was supposed to vote on zoning, not whether they were open or not. Mrs. Martin said she decided she wanted to move her business closer to town, downsize it and upgrade it. Mrs. Martin said when the person came from Codes, they were doing their job and she did put up a sign; but not one person from the City had contacted her as a business owner since she had moved her merchandise in the store in September. Mrs. Martin said Ms. Cheek had misunderstood some of the things from the beginning and Ms. Cheek did get the letter and saw the letter. Mrs. Martin said when Planning met it was passed and they understood there was not a review so they thought those things would not be a big deal and that they would have variances whenever she got ready to get her license. Mrs. Martin said Tuesday night her husband hung the sign up because she thought they were going to open on December 3rd after the third vote. Mrs. Martin said she never broke the law and she would not have put her sign up if she thought she was doing anything wrong; she did not sell any merchandise out of there besides on the three dates she had yard sales. Mrs. Martin said she was made out like a criminal and that is not a good thing; and the City needs to help people. Mrs. Martin said the City has not helped her and she hopes this can get passed. Mrs. Martin advised she appreciates them bringing it back up and reconsidering it. Mrs. Martin said no one has done anything wrong, it was just a misunderstanding and it got out of hand.

Ms. Barbara Cheek said she did not say anything at the last meeting when it was said that the store was operating because she is not part of the store, but

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if Mrs. Martin said it was not operating then it was not operating. Ms. Cheek said there have been many unfortunate things and a lot of it was her coming in and working on this project and being very uneducated in it. Ms. Cheek said she felt like she did not have very much help; she did not know the questions to ask. Ms. Cheek said she had resistance and she did not get help. Ms. Cheek said she should have read more and she thought when she went into Planning she was having pre-screening. Ms. Cheek said on the day of pre-screening, she called to check about the time of the meeting and she was told that the meeting was called off because there was no reason to have it. Ms. Cheek continued by saying she was told that the department heads have signed off and that was good. Ms. Cheek advised it has been very unfortunate and she does not think Planning was out to get her but she does not think they did not help enough. Ms. Cheek said if there were signs of a business operating weeks before, then why not walk into the door and ask if the business is operating. Ms. Cheek said there needs to be consideration for people not used to doing this. Ms. Cheek said Mrs. Martin did not know anything about the Sign Ordinance; she told her what size the sign had to be, but Mrs. Martin did not need a permit for her sign at her other business, so why would she think she needed one for this one. Ms. Cheek said small businesses need lots of help.

Mayor Dickey advised Council will adjourning and then going into Executive Session. There being no further business Council Member Martin moved to adjourn the meeting. Vice Mayor Kennedy seconded the motion. The meeting adjourned at 7:44 p.m.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER