

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

January 6, 2011 – 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, 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 Recording Secretary Liz Bermudez.

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

Mayor Dickey advised the Council that Pastor Vassar lines everyone up for the invocations for their Council Meetings. Mayor Dickey said he really appreciates Pastor Vassar doing that and he thanked him.

APPROVAL OF AGENDA:

City Manager Boyer asked that Council remove Items 7.2 and 9.3 from the Agenda. Council Member McCullen moved to approve the Agenda without Items 7.2 and 9.3. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

PRESENTATION:

Item 5.1 - PRESENTATION OF RETIREMENT PLAQUE AND GIFT CHECK TO THE CITY OF COLUMBIA PARKS AND RECREATION DEPARTMENT EMPLOYEE RONALD BROWN – PERSONNEL DEPARTMENT. Mayor Dickey asked Mr. Brown, Parks and Recreation Director Brian Borden and Program Coordinator Merilee Meschefske to join him at the front of the room. Mayor Dickey thanked Mr. Brown for his thirty-two years of service to the City of Columbia. Mayor Dickey spoke of the knowledge Mr. Brown gained and said he would carry it with him when he leaves. Mayor Dickey read Mr. Brown's retirement plaque and presented him with a gift check. Director Borden thanked Mr. Brown for his years of service, his hard work, and dedication to the community. Director Borden advised Mr. Brown will be greatly missed. Program Coordinator Meschefske also thanked Mr. Brown and said he is a "living treasure for the City". Mr. Brown thanked everyone. Council Member Martin said the kids, parents and family members that have played

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around the Macedonia Center appreciate Mr. Brown. Council Member Martin said everyone knows Mr. Brown and this City is a great place because of what he has done in the recreation department. Council Member Martin thanked Mr. Brown.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 16, 2010.** Council Member Martin moved to approve the December 16, 2010 City Council Meeting Minutes. Council Member Matthews seconded the motion. All Council Members present voted aye.

Item 6.2 – **APPROVAL OF MAYOR’S APPOINTMENT OF CITY OF COLUMBIA COUNCIL MEMBER MIKE GREENE TO THE MAURY ALLIANCE BOARD OF DIRECTORS, EXPIRING DECEMBER 31, 2011.** Mayor Dickey moved to appoint Council Member Mike Greene to the Maury Alliance Board of Directors with the term expiring on December 31, 2011. Council Member Matthews seconded the motion. All Council Members present voted aye with the exception of Council Member Greene who passed on the vote.

CONSENT AGENDA:

Council Member Stephenson asked to remove Item 7.1 from the Consent Agenda. Council Member Matthews moved to approve the Consent Agenda (Items 7.3, 7.4 and 7.5). Council Member Martin seconded the motion. All Council Members present voted aye and the following items were approved:

3. Authorize Mayor to execute service agreement with Aramark – Finance Department.
4. Authorize disposal of surplus City property – Finance Department.
5. Authorize Mayor to execute contract with Tennessee Emergency Management Agency Grant Funds – Finance Department.

Item 7.1 – **REQUEST AUTHORIZATION TO REVISE THE CONTRACT FOR FARMERS MARKET PROJECT WITH GEORGE NUBER ARCHITECTURE – WARD 5- ENGINEERING**

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DEPARTMENT. Council Member Stephenson moved to defer Item 7.1. Council Member McCullen seconded the motion. Council Member Stephenson advised that Mr. Nuber was present tonight. City Manager Boyer advised that Mr. Nuber cannot speak on the item if Council is deferring the item. City Attorney Tisher said they can only speak on the deferral. Council Member Stephenson said they could discuss the item if she withdrew the motion to defer. City Attorney Tisher advised that is correct, the item would be back on the floor for discussion. Council Member Stephenson withdrew her motion to defer. City Attorney Tisher advised they still need a motion on the item because it is still not on the floor. Council Member Matthews moved to approve Item 7.1. Council Member Stephenson seconded the motion. Council Member Stephenson asked if Mr. Nuber could come up and speak on the item. Mr. George Nuber said this was a process that took place at the end of November and middle of December. Mr. Nuber advised at the permission of the owner's representatives they entered into a value engineer phase with the apparent low bidder for the project. The bid price was \$268,275 for the Farmers Market Project. With the alternate items included, it came to \$278,274. Mr. Nuber said to their surprise, they were well over budget and they felt it necessary to see if there was a way to reduce the cost of the project without hurting the aesthetic integrity of the project itself. Mr. Nuber spoke of having good materials so that the life cycle costs are cut to a minimum. Mr. Nuber gave the example of a shingle roof versus a metal roof. Mr. Nuber said they went through every possible aspect of the building with ways to reduce the project. Mr. Nuber went over Option 1 on the handout that was given to Council. Mr. Nuber said Option 1 brought them down to \$215,300.97. Mr. Nuber advised that this option allowed them to change materials to the point that the life cycle cost of the building was not hurt, but they were able to find money savings in numerous ways. Mr. Nuber continued by saying if Council accepted that option, which is admittedly still over the grant funding amount, they would have a building that would maintain the present design which is the I-formation, I-footprint facility with premium finishes, but they would have an opportunity to experience savings over the life of the building. Mr. Nuber said as Council contemplates budget and changes to the building he would like them to pay attention to Line Item 4, which is not staining any portion of the wood structure. Mr. Nuber advised if they decide not to do that when they walk under the structure they will see exposed lumber, it will not hurt anything to

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have the lumber exposed. Mr. Nuber said it is just an aesthetic concern versus having it stained where it will have more of a preservation approach. Mr. Nuber spoke about Item 11, which is substituting LED lighting for a fluorescent-type lighting that could handle low temperatures and has an acrylic shield for vandalism purposes. Mr. Nuber advised that substitution is an \$8,000 savings. Mr. Nuber said Item 13 goes from sixteen quad outlets to four outlets. Mr. Nuber advised it was their thinking that the building would be a multi-purpose use building and he gave the example of having a band use the facility. Mr. Nuber again spoke about metal roofing and changing it to shingles. Mr. Nuber spoke about Item 20 on the handout, which is removing ceiling fans from the facility. Mr. Nuber said the rest of the items are “no brainers”, but he would like Council to think about the items that he mentioned. Mr. Nuber advised there is a budget to consider and that they are down to \$184,000 to make this work. Mr. Nuber said the value engineering was for the I-footprint, not the T-footprint. Mr. Nuber said by removing more spaces, they would potentially reduce the building cost and they may be able to add some alternate items that would provide Council with some choices. City Manager Boyer pointed out to Council as they are considering the budget that the City Attorney, the Purchasing Agent and his own experience indicate that it is not legal for them to do Items 6, 7 or 9 because it is an avoidance of paying the sales tax and it is probably a felony violation of state law. City Manager Boyer advised he does not recommend the City pursue that route; he said if the City had bid the project with the City purchasing all material, it would be different, but they did not. City Manager Boyer said to cut a deal like this with the low bidder gives that person an advantage no one else had and likely from his experience violates state law due to avoidance of paying the sales tax. City Manager Boyer advised that is \$4,100 they would be better off paying and not having to worry about any potential legal issues. Mr. Nuber spoke about being able to do this with County projects and not realizing the different rules with the County and City government. Vice Mayor Kennedy asked how the City and County differ. City Manager Boyer advised he cannot speak about the County, but the City can buy material to do a project if it is advertised up front that is how the City is going to do it. City Manager Boyer said the City needs to be cautious about doing that because if it appears to the State that the City is doing that to avoid paying sales tax, then the State will pursue action against the City for avoiding paying the sales tax. City Manager Boyer advised when a contractor buys materials they have to pay

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use tax which is basically the sales tax. City Manager Boyer said there is also a problem with the capacity of the City's staff to handle the purchase of materials for contractors. City Manager Boyer advised the City does not have the capacity to begin to approach being the general contractor for the projects we do. City Manager Boyer said the City's purchasing staff is one partial person and he believes the County's is three full-time people and that is a significant difference. City Manager Boyer advised from what he understands if they would have advertised the bids that way they could have possibly done it, but they should make sure they follow the rules and not get crosswise with the State. City Manager Boyer said the State has gotten aggressive with pursuing these types of collections because of the economic times. Vice Mayor Kennedy advised he would like to see them keep Items 13 and 20 because the ceiling fans play a big part with the food in the summertime. Vice Mayor Kennedy said with Item 13, he would like to keep 16 outlets. City Manager Boyer said in May and June of every year they go through a process of setting a budget. City Manager Boyer said Council wants to reduce the property tax and they scrape and cut every penny. Employees have not gotten raises for two years and their health insurance has gone up for two years. City Manager Boyer said nine months later, they are trying to spend money that has not been budgeted and that they have not set a tax rate to support. City Manager Boyer advised he is reluctant to say any of this, he is tired of being the "bad guy" but they go through a protracted exercise that lasts over two months to set a tax rate because they do not want to put burdens on the citizens of the community they cannot afford. City Manager Boyer continued by saying if they do not raise the money through the tax rate, then nine months later they do not have the money to spend. City Manager Boyer advised this project was budgeted with no local money. It was budgeted that way in May and June and it was budgeted that way when they applied for the grants. City Manager Boyer said he does not want to be the "bad guy" or seem like he does not want the Farmers Market or the enhanced version. City Manager Boyer said the Council needs to be careful about making commitments to putting money into capital projects that they were not interested in budgeting a year ago because it could have had an upward influence on the property tax rate. City Manager Boyer said Mr. Nuber and the committee have done a great job on the design. City Manager Boyer said the remaining grant funding is around \$184,000. Council Member Matthews said they have to rebid this, so why not rebid it with the specs that were spoken about with the City

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notifying everyone in the bids process up front, so they can have the savings. City Manager Boyer said they can look into that. Council Member Matthews advised she agrees with Vice Mayor Kennedy on Items 13 and 20 and those items should be in the standards that they put out to bid and if it comes in over budget then deduct them at that time. Council Member Matthews asked about the cost difference between a metal roof and shingles. Mr. Nuber advised they would save \$18,500 if they eliminate the metal roof and go with the 30-year shingles. Council Member Matthews said some of this could be done at a later time with future grants. Council Member Matthews continued to say that there are some things like ceiling fans and electrical that if they are able to do Items 6, 7 and 9 that would offset those two things because it is \$4,000 versus \$2,900. Council Member Matthews asked if tonight they are requesting a rebid with these parameters. Mr. Nuber spoke about add alternates with the electrical and ceiling fans. City Manager Boyer said his understanding from the brief conversations with Mr. Nuber is that Mr. Nuber intended to create a bid package that had a base building with a number of alternates. Because of the price changes in the market, it is unclear what they can and cannot get. City Manager Boyer advised they have another opportunity down the road after the bid process to add or subtract things and know the real cost and bringing it into line in the budget. City Manager Boyer reiterated his concern on Items 6, 7 and 9 and the ability to handle the bidding work for construction projects because the City is not staffed to do it and has never done it. City Manager Boyer said if they are told to do it, they will figure out a way to do it, but he does not want it to become routine because the City has too many projects going on and, again, we are not staffed to do it. Council Member Matthews asked if the cost savings from the City buying it is just \$4,000. City Manager Boyer said he thinks that is what they have estimated as the savings. Mr. Nuber advised on Item 6, it shows \$9,375 and the City would take \$3,906 off that; if the City were to purchase it directly and provide it to the job site. Council Member Matthews said the farmers will need to have movement of the air, especially in July and August to make it more comfortable. City Manager Boyer advised he will do as Council directs. Council Member Greene advised there are three things facing Council tonight, one is the life cycle or quality of materials, which means building a facility with the longest quality of life, meaning metal roof. Council Member Greene said the second thing is the maintenance; they do not need to build a building knowing in a short amount of time they are going spend additional money

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on maintenance. Council Member Greene said to maintain a quality long cycle facility with little to no maintenance they should build the best building possible staying within the \$184,000 and by no means exceeding the amount. Council Member Greene advised that it is not budgeted and it is not fair to ask for additional funds for every project. Council Member Greene said to maintain the quality they need, they should reduce the size or whatever it takes to live within their means. Council Member Stephenson thanked Mr. Nuber. Council Member Stephenson said they are not asking the City for any additional money and she wanted Council to see this because it is more than eliminating a few vendor spaces. Council Member Stephenson said she agrees with what Council Member Greene said about life cycle, quality of life and maintenance. Council Member Stephenson said they have \$184,000 left of grant funding for this project. Council Member Stephenson said they would like to try to maintain the I-formation and the LED lighting and some other things. Council Member Stephenson advised they are probably looking at somewhere around \$30,000 or \$40,000. Council Member Stephenson said in addition to having to rebid this, they also have to submit the plans to USDA for their approval. Council Member Stephenson advised the best case scenario with that is another four to six weeks for that to be approved and the bids have to be out an additional two weeks after that, so they could be talking about another 30 to 60 days. Council Member Stephenson said they are not asking Council to consider any additional money from the City. Council Member Stephenson said she is trying to find out, in the meantime, if they submit the plans as they are and let the process go through the USDA for the approval of plans, initiate the bidding process and in the meantime there are those including herself that would like to “pound the pavement” to see if they can get the additional \$30,000 or \$40,000 difference so they can maintain the structure that they need to have. Council Member Stephenson said once you shift from I-formation to T-formation and LED lighting to fluorescent lighting you cannot go back, you are committed to that. Council Member Stephenson said she appreciates the Vice Mayor’s comments and they all know that ceiling fans can be added at anytime and that is a minimal cost. Council Member Stephenson advised she did not ask Mr. Nuber to share the information this evening to see if they could add on additional items, per se, in particular. Council Member Stephenson said she is asking Council to vote the motion down, so they can go through the process of having the plans approved, go through the rebid process and in the meantime give

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herself, the committee and others the opportunity to try to raise the additional \$30,000/\$40,000. Council Member Stephenson said that is what she is asking for Council's support on. They are not asking for any additional money from the City. Council Member McCullen asked how many vendors the facility will hold. Mr. Nuber advised right now there are 24 full size vendor spots. Mr. Nuber advised that Mrs. Kristi Martin mentioned to him that she will probably halve vendor spaces, so she can double up and create more vendors. Council Member McCullen said he is in favor on longevity. Council Member Martin said they want the Farmers Market Pavilion built and she is getting confused as to what they need to do tonight to do this. Council Member Martin asked if they need to go out to bid and get options for the prices so Council can make a decision. City Manager Boyer said that from his perspective, they need to procure the services of Mr. Nuber and his associates to move forward. City Manager Boyer said they have only been asked to amend Mr. Nuber's contract, so if Council does not approve that tonight, then they are "dead in the water" because there is no professional support to work on it. City Manager Boyer said there is a grant deadline with the USDA of June 30, 2011. Mr. Nuber said the deadline has been extended. City Manager Boyer said it has not been extended but they have requested an extension. City Manager Boyer advised the City has a grant deadline of June 30, 2011 with the Tennessee Department of Agriculture and they have agreed to extend the deadline, that contract amendment will be on the agenda at the next meeting. City Manager Boyer said they have not had a reply from the USDA yet. City Manager Boyer advised they do not need to put the money at risk by taking time waiting for things to happen. City Manager Boyer said he appreciates what Council Member Stephenson is suggesting with trying to raise other money, but sitting "dead in the water" is putting the grants at risk, which means that they will not be able to build anything if the City loses the grant. City Manager Boyer asked that Council approve the amendment to Mr. Nuber's contract, the City does not use his services unless they need him. City Manager Boyer advised Mr. Nuber is a responsible person who lives in the community and he does not waste the City's time or money. City Manager Boyer said the City gets more out of him than it ever pays. City Manager Boyer said the City needs the contract approved so we can keep working on the things that need to be worked on, so they can get plans together and get them to the USDA for approval. City Manager Boyer said then they will be able to enter the bid process. City Manager Boyer said he

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thinks the timeline Council Member Stephenson gave is pretty accurate, but he would hope the USDA would be a little faster than that. City Manager Boyer advised there is some time if people in the community are interested in doing fundraising and then they will know as they enter the bid process if they have more money to work with. City Manager Boyer advised Mr. Nuber is not asking for additional compensation for Nuber Architecture; it is for subcontractors' compensation. Council Member Stephenson said if they approve the additional \$2,825 to bring on the subconsultants then they are bringing them on to change the structure and design and to change the electrical and they are trying to avoid that. Council Member Stephenson said if they are going to try to maintain the structure, electrical, and design the way it is then they would not be paying the additional \$2,825 to the subconsultants. City Manager Boyer said he agrees with that but if they wait three or four months for the fundraising to take place and if it does not raise enough money, they are in May with a June deadline and plans have not been submitted. Council Member Stephenson asked what if they raised \$35,000 and Council approves this agreement tonight and the plans are changed then what will they have to be paid for additional time to put things back in. Mr. Nuber advised when Council approves this, they will make changes to the building in hopes of bringing it in within budget, they will simplify the design considerably. Mr. Nuber went over other changes to the building and said they will do a new design with the intention of reducing the square footage of the building by 700 sq. ft. Mr. Nuber said if the additional funds are raised, the City is paying for a design that will never be used. City Manager Boyer advised he is concerned about the grant deadline because if it is not met then the project is done. Assistant City Manager Jennifer Moody advised the City is fine with the USDA. City Manager Boyer said Mr. Nuber was right and we are okay until the end of the year. Mr. Nuber said if they wait and the fundraising is successful then there is the potential of moving forward with the original design. City Manager Boyer withdrew what he said, he said he misunderstood where they were. Council Member Stephenson advised they have the extension on both grants until the end of the year. Vice Mayor Kennedy asked if doing what they are talking about tonight will take off the things they want to have there. Mr. Nuber said it takes everything off and reduces the size of the facility. Vice Mayor Kennedy asked if when they get the lowest bid, can they add some of the items back. Mr. Nuber said their goal is if they tell him the fundraising effort did not work then what they need to do is make the project work with

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the \$184,000. At that point, he is back to changing the design, reducing the size and simplifying some of the structural elements. Mr. Nuber said if they undershoot the \$184,000 it will hopefully give them some wiggle room. Mr. Nuber advised he is at the mercy of a bidder and bids can vary. Mr. Nuber said the first bid gave them valuable information that made them smarter as to what things cost. Vice Mayor Kennedy said they could go to the lower bid and they can get some of the things they want if they get private donations. Mr. Nuber said items could be added but they would lose the I-footprint and have a smaller building. Council Member Matthews asked why they had to change from an I-formation to a T-formation. Mr. Nuber said adding legs to the “T” adds some complexity to the design. Council Member Matthews said why not just reduce the I-formation. Mr. Nuber said one big cost in the project was asphalt, and they felt if they could design the I-formation to the T-formation, they would be able to pull in the amount of asphalt area that would be needed, simplify the parking design making it more efficient and use some of the savings from the site in conjunction with building design as a package. Council Member Matthews advised fuel has gone up and is expected to increase more. Council Member Stephenson said they could go either way. If they approve it and are successful in the fundraising, then they are out \$2,825. Council Member Stephenson advised they do have a considerable amount of extra time that everyone was aware of and she could go either way, but she does not necessarily want to blow \$2,825. City Manager Boyer said given the discussion, he recommends Council withdraw the motion and move on and if they want to go into fundraising then they go into fundraising. City Manager Boyer said they will sit where they are and hope the money can be raised to build what has been designed. Council Member Stephenson said she does not want to sit too long on this. City Manager Boyer advised Council Member Stephenson that she made the offer to do the fundraising, staff will not engage in fundraising. City Manager Boyer said he wants everyone to know that they do not do fundraising because it is not ethical. Council Member Stephenson said she has not requested that. Vice Mayor Kennedy asked how much fundraising will have to be done. City Manager Boyer said it depends on what is going to be built. City Manager Boyer said if the City has \$184,000 and Council Member Stephenson and whoever she is working with raises \$40,000 then they have \$224,000 to work with and there would still need to be some changes, but they could make them by using the deduct list as opposed to redesigning the footprint of the building.

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Council Member Stephenson advised they would be able to keep the integrity of the structure, design and the electrical. Council Member Stephenson said they are subject to the bidding process as well. City Manager Boyer said he is not opposed to that and if that is what Council wants to do then he recommends the motioner and seconder withdraw their motion because the amendment is not needed if that is the road they are going to take. Council Member Matthews advised she does not want to go into a fundraising scenario without a deadline for them to make a decision for this amendment because she would like to see most of this taken care of by June 1, 2011. Council Member Matthews said they should know in the next month about the fundraising efforts. Council Member Matthews spoke about how people get stuck on one idea of something and they can always be better or improved. Council Member Matthews said they are stuck on this, but they do need the essentials to have a premier Farmers Market, even if it is a smaller one. Council Member Matthews withdrew her motion with the understanding that this has to be moved on a timeframe at some point. Council Member Stephenson withdrew her second and said she agrees with Council Member Matthews on the deadline idea. City Manager Boyer said the way he understands this is that the item fails, the City will continue to work with the original design and get it ready for submittal to the USDA for approval while fundraising is being done. City Manager Boyer said in four to six weeks they will have some idea on how far they have gotten, and at that point, they will need to know if they need to amend Mr. Nuber's contract or not. Council Member Stephenson said they would also still be waiting to hear back from the USDA. Mayor Dickey said having a fundraiser by the City of Columbia makes him sick to his stomach, and he does not believe they can have a fundraiser for the private sector. Council Member Stephenson advised they are not asking the City to do the fundraising. Vice Mayor Kennedy said he thought they were asking individuals. Mayor Dickey said it is still not what it should be, and he would like to see them vote on this item as written. Council Member Matthews asked if there are City projects that occurred in the past where there have been public and private partnerships to help do a better thing like ball fields. Mayor Dickey said it is his opinion that they are not named fundraisers. Council Member Matthews said she understands how the Mayor feels about this and it does not sit well, but maybe they should think of this as a public private partnership and not as a fundraiser. Mayor Dickey advised he thinks they should go with the item as it is written for the

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sake of time because if they sit on it they will lose the grant money they already have. Mayor Dickey moved to approve Item 7.1. Council Member Greene seconded the motion. Council Member Martin advised she wants the Farmers Market Pavilion built; they are moving a piece of the community that is on the square down to a pavilion which will give it more interest and more people to be a part of it. Council Member Martin said she is still concerned about the project overall. Council Member Martin advised there are fountains in front of City Hall that came from people saying they were going to give money for the fountains. Council Member Martin said they have a grant/partnership process where they allowed people to build a pavilion at one of the parks from where people have given money to build the pavilion. Council Member Martin said there are real examples in the community, in the park and on the square. Council Member Martin said they need good information, and if they did those partnerships and it is an option, then get it and have good information to make a decision with. Council Member Martin asked if they can defer this for one meeting, bring it back to Council with what some of the options are and then look at the Mayor's concern about time. Council Member McCullen seconded the deferral. Council Member McCullen advised he remembers when the fountains were done and the City did participate. Mayor Dickey said he thought the fountains were mainly a community project. Vice Mayor Kennedy advised the City put in \$15,000. Council Member Matthews reminded everyone that the City did a contribution to the Bell Tower, which was also a community, public, and private partnership. Council Member Matthews said she would like for them not to defer this tonight, but to remove it which she thought was already done. City Attorney Tisher advised it was not done; the item was never declared by the Chairman of the meeting. City Manager Boyer said he is was not here for the fountains, but Council did eliminate the matching grants to lower the tax rate last year. City Manager Boyer advised there have been service clubs that have done 100% of the fundraising to build pavilions. City Attorney Tisher advised the City has had contributions and every now and then there are contributions on the Agenda from various entities for specific things, and there is not a problem with that. City Attorney Tisher advised he is not aware of an organized fundraising effort initiated by Council and he does not think that is appropriate. Mayor Dickey said that is what he was thinking. Vice Mayor Kennedy said that is not exactly what they are doing now. City Attorney Tisher said he does not think that is what was intended

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but he thought that is what the Mayor was talking about that was inappropriate, which is the governing body to initiating the fundraising effort. City Attorney Tisher advised he does think that is inappropriate. Vice Mayor Kennedy said he agrees with the City Attorney. Council Member Matthews said this is an agricultural stronghold and there is the headquarters of Farm Bureau here and she would think they would want to be involved in the project. Council Member Stephenson reminded Council that this will be a multi-use facility that will generate revenue. Council Member McCullen asked what would a deferral do to this issue. City Attorney Tisher said if there is a deferral it would move it to the next meeting and it would come back exactly as it is. City Manager Boyer said that is why he recommended the original motion be removed from the floor rather than deferred. Council Member Matthews advised Council Member Martin asked for a deferral and Council Member McCullen seconded it, so they have a deferral. Council Member McCullen said he did not second it. Council Member Martin said the conversation took place and she will withdraw her motion to defer. Council Member Matthews called for question. Council Member McCullen asked what motion they are voting on. Mayor Dickey advised the motion is for approval as the item is written. Vice Mayor Kennedy moved to defer. Council Member Matthews seconded the motion to hear the discussion. Vice Mayor Kennedy said he does not want to pass it as it is tonight. Council Member Martin advised it would come back just like it is tonight at the next meeting. Vice Mayor Kennedy withdrew his motion to defer. Council Member Matthews withdrew her second. City Attorney Tisher advised there is a motion on the floor to approve the agenda item. Council Member Matthews said that means they adjust everything and give no time to fundraising. City Manager Boyer said he would take that option of the motion to mean that they work with Mr. Nuber on a reduced scope for submittal to the USDA for approval at the budget that is available to build the project. Council Member Matthews called for question. Council Member Stephenson advised there has to be a second for the call for the question and then they would have to vote on it. Mayor Dickey asked if there was a second to the call for the question. Mayor Dickey advised the call for the question fails due to a lack of a second. Council then voted on the motion to approve Item 7.1. All Council Members present voted aye with the exception of Council Members Martin, Matthews, McCullen and Vice Mayor Kennedy who voted no. The motion failed. City Manager Boyer said direction is needed before they move on.

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There was discussion on what the motion should be to have a deadline to have the item back on the agenda before Council. Council Member Matthews moved to have this subject reevaluated on the first meeting in March, on the funding status. Council Member McCullen seconded the motion. All Council Members present voted aye.

ADMINISTRATION:

Item 8.1 – **AUTHORIZE MAYOR TO EXECUTE CONTRACT FOR BID AWARD TO CURL CONSTRUCTION & EXCAVATING, LLC. FOR THE DUCK RIVER BANK STABILIZATION PROJECT – WARD 5 – ENGINEERING DEPARTMENT.** Council Member Stephenson moved to approve the Mayor to execute the contract for bid award to Curl Construction & Excavating, LLC for the Duck River Bank Stabilization Project. Council member McCullen seconded the motion. All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 11-02 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 11-02. Council Member McCullen seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 11-03 – REQUESTING COUNCIL TO ACCEPT A FRED’S DEPARTMENT STORE DONATION IN THE AMOUNT OF \$1,277.38 TO BE USED FOR FIRE DEPARTMENT PUBLIC EDUCATION AND POLICE DEPARTMENT ADVERTISEMENTS OF COLD CASE INVESTIGATIONS – FIRE AND POLICE DEPARTMENT.

Council Member Martin moved to approve Resolution No. 11-03. Vice Mayor Kennedy seconded the motion. Mayor Dickey said Mr. Thomas

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Schull the local manager of Fred's, Fire Chief Bergeron and Assistant Police Chief Tim Potts are present for a check presentation and picture, which will take place after the vote. Council Member Martin said the amount is \$1,277.38 and it is listed for two purposes. Council Member Martin asked if that is something the City Manager and staff figure out when the award is made. City Manager Boyer advised the business tells the City how much is for each purpose and it has traditionally been done as two donations. City Manager Boyer said this is the first time it is being made as one donation. Mr. Schull advised he has a separate check for each of them. The check presentation was made. All Council Members present voted aye.

RESOLUTION NO. 11-05 - TO ACCEPT OWNERSHIP AND MAINTENANCE OF THE STREETS AND DRAINAGE IN WILLOW LAKE SUBDIVISION, SECTIONS 6B, 6C AND 6D IN THE CITY OF COLUMBIA, TENNESSEE – WARD 1 – ENGINEERING DEPARTMENT.

Council Member McCullen moved to approve Resolution No. 11-05. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCES:

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

THIRD CONSIDERATION

Council Member Stephenson moved to approve Ordinance No. 3872 on third consideration. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3873 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2009 DELINQUENT PROPERTY TAXES – CITY

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THIRD CONSIDERATION RECORDER’S OFFICE.

Council Member Martin moved to approve Ordinance No. 3873 on third consideration. Vice Mayor Kennedy 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
THIRD CONSIDERATION RECORDER’S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3874 on third consideration. Council Member McCullen seconded the motion. All Council Members present voted aye.

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

Council Member Martin moved to approve Ordinance No. 3875 on third consideration. Council Member McCullen 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
SECOND CONSIDERATION DEPARTMENT.

Council Member McCullen moved to approve Ordinance No. 3871 on second consideration. Vice Mayor Kennedy seconded the motion. Council Member Stephenson spoke about the memo from Assistant Chief Potts and Chief Bishop regarding the concerns she voiced and information she asked for about the intersection of Industrial Park Road and Highway 43. Council Member Stephenson said the memo shows 33 motor vehicle accidents, but

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only one was a failure to yield at the ramp and the rest were for various other reasons. Council Member Stephenson advised she appreciates the information. All Council Members present voted aye.

ORDINANCE NO. 3877 - 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 ATTORNEY.

Council Member Matthews moved to approve Ordinance No. 3877 on first consideration. Council Member Greene seconded the motion. All Council Members present voted aye.

OTHER BUSINESS:

City Manager Boyer said Council has at the dais a copy of the letter that was provided to Barbara Cheek for the process of rezoning the property at West 7th Street. City Manager Boyer advised they also have a copy of the press release announcing the strategic planning sessions with Lyle Sumek.

Mayor Dickey advised he handed out a sheet of some of the projects in the past year that they have been involved in. Mayor Dickey asked Council to let him know if there were any accomplishments that were left off that should be added to the list. Mayor Dickey went over the list, which included accomplishments such as 18 grants, the completion of Fire Station #2, Crime rate reduction, the purchase of building for City Hall, adoption of a General Plan, property tax decrease, etc. Mayor Dickey thanked Mr.

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Boyer and his Management Team for what has happened this year. Mayor Dickey said 2011/2012 will be one of the most challenging years for the budget that they have seen and that is due to needing more jobs. Other accomplishments that were not on the list but were mentioned to be added to the list were Ridley Park nearing completion and opening in the Spring and the approval of the James Campbell Boulevard overview and plan. Mayor Dickey thanked Council and said it is a list of items they can be proud of, and it has made the City more successful and they have improved the quality of life and safety that goes with this kind of work.

There being no further business Vice Mayor Kennedy moved to adjourn the meeting. Council Member Stephenson seconded the motion. The meeting adjourned at 8:03 p.m.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER