

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

November 17, 2011 – 6:30 p.m.

Mayor Dickey advised there will be a Public Hearing for Columbia Affordable Housing, LLC. City Attorney Tisher advised the Public Hearing will be conducted tonight and that in two weeks an item will come before Council for them to vote on the item to execute the certificate that is needed. City Attorney Tisher called the Public Hearing to order and asked if there was anyone that would like to comment on the item. City Attorney Tisher advised that representatives are present to address any comments or questions. There being no one present to speak about the Public Hearing, City Attorney Tisher asked if there was a motion to close the Public Hearing. Council Member Martin moved to close the Public Hearing. Council Member McCullen seconded the motion. All Council Members present voted aye to close the Public Hearing.

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, Council Member 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. Vice Mayor Kennedy and City Recorder Betty Modrall were absent.

Reverend Kenny Anderson offered the invocation followed by the Pledge of Allegiance led Council Member Matthews.

APPROVAL OF AGENDA:

Council Member Stephenson moved to approve the Agenda. Council Member Martin seconded the motion. Vice Mayor Kennedy arrived to the meeting at 6:32 p.m. All Council Members present voted aye.

PRESENTATIONS:

Item 5.1 PRESENTATION OF THE TENNESSEE CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION'S SCHOLARSHIP TO MISS CAREY COLLIER.

AND

Item 5.2 - PRESENTATION OF THE TENNESSEE CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION'S PROJECT OF

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THE YEAR AWARD TO CITY OF COLUMBIA PARKS AND RECREATION DIRECTOR BRIAN BORDEN.

City Manager Boyer advised Public Works Director Ken Donaldson is a member of the Board of this association (TCAPWA) and this year he is serving as the Middle Tennessee President of the TCAPWA. Director Donaldson advised each year an organization within APWA nominate people within their organization for this scholarship and once the nomination process is complete, those nominated write an essay. Director Donaldson said the person chosen to receive the \$1,000 scholarship is Carey Collier, who works for our Public Works Department. Director Donaldson advised that Carey is both an outstanding employee and student. Carey thanked everyone. City Manager Boyer said that they are proud of Carey and for her to keep up the good work.

Director Donaldson spoke about Ridley Park being a wonderful complex. Director Donaldson recognized the firm of Barge Waggoner Sumner. City Manager Boyer introduced Buddy Petty, Vice President, and Ron Harrison, Project Manager from Barge Waggoner Sumner and Cannon, Inc. Director Donaldson presented Parks and Recreation Director Brian Borden with the TCAPWA Project of the Year plaque. Director Donaldson advised the project is now entered into the running for a national award. City Manager Boyer advised that Engineering Department Director Jim Fuller also needs to be recognized for his efforts with this project. City Manager Boyer said they are very proud of the project. City Manager Boyer said the award goes to the Parks and Recreation Department, but it really is an award to the City for all the work that has been put into making sure the project moved forward. Mayor Dickey thanked Carey and Brian for all they do.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 3, 2011.** Council Member Martin moved to approve the November 3, 2011 Regular City Council Meeting Minutes. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

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Item 6.2 - **APPROVE RETIREMENT BENEFITS FOR JON INMAN, (FORMER) FIRE FIGHTER, FIRE DEPARTMENT – PERSONNEL DEPARTMENT.** Council Member Martin moved to approve Item 6.2. Council Member McCullen seconded the motion. All Council Members present voted aye.

Item 6.3 - **APPROVAL OF WARD 5 COUNCIL MEMBER SUE STEPHENSON’S NOMINATION OF BUFORD MOSS TO BE REAPPOINTED TO THE CITY OF COLUMBIA PARKS AND RECREATION COMMISSION FOR A THREE YEAR TERM EXPIRING ON NOVEMBER 17, 2014.** Council Member Stephenson moved to approve Item 6.3. Vice Mayor Kennedy seconded the motion. Council Member Matthews said last year, Mayor Dickey said there were appointments expiring that needed to be filled and it is important to have new people filling the terms. Council Member Matthews advised that she has replaced both representatives for Ward 2 on the Parks and Recreation Commission with new people. Council Member Matthews asked Council Member Stephenson why she was asking to put Mr. Moss back on the Board when he has been serving since at least 2001. Council Member Matthews also asked why Council Member Stephenson was choosing to make these appointments now, because they have been needed for some time. Council Member Stephenson advised in regards to the appointment of Mr. Delk, his name was referred to her five or six weeks ago and she contacted him and he agreed to serve on the Board. Council Member Stephenson said the administration has spoke about ways of bringing in new people and keeping those with experience as well. Council Member Stephenson advised what she is doing here is not different from what has happened in the past few months with other boards. Council Member Matthews said this will be Mr. Moss’s fourth or fifth term. 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:

1. Disbursements for the month of October 2011 in the amount of \$3,970,275.02.

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2. Authorization to dispose of surplus city property – Finance Department.
3. Award bid for repair to a blower motor- Wastewater Department.
4. Award bid for radio repair and maintenance – Citywide.

ADMINISTRATION:

Item 8.1 - **APPROVAL OF PLAN DESIGN CHANGES TO THE CITY OF COLUMBIA WELFARE PLAN EFFECTIVE JANUARY 1, 2012 – PERSONNEL DEPARTMENT.** City Manager Boyer advised three recommendations were received from the City's health insurance consultant. The first recommendation is a spouse eligibility requirement, which has changed to where it would be effective as a spouse's employer conducts their open season. The second recommendation is an increase in copays for the buy-up plan with the third recommendation being to implement a high cost drug cap. City Manager Boyer advised that the original recommendations for the high cost drug cap changed, because there was a member currently exceeding the recommended limit, so they increased the limit to avoid a discrimination claim against that member. Council Member Matthews moved to table Item 8.1. Council Member McCullen seconded the motion. Council Member Matthews said the consultant will save the City a lot of money and the changes they have made in the current insurance structure for the City will be fabulous. Council Member Matthews said there are a couple of the recommendations that she disagrees with, but she does understand the reasoning for the changes. Council Member Matthews advised the Consultant spoke about not having hard, fast statistics yet for the City because it has only been about a quarter. Council Member Matthews spoke of tabling the item until there are statistics for the City available, which may be around March. City Manager Boyer advised if Council tables the item tonight, it will be tabled for a year. City Manager Boyer explained that the City's open season is in two weeks and that cannot be delayed by contract; the policy year is January 1st through December 31st. City Manager Boyer said the City cannot table this item and then change benefits in March after the policy year has begun. Council Member Matthews said she understands and respects what the City Manager is saying, but they are asking employees who took a hit on insurance last year, to pay more on their copays etc. Council Member Matthews reiterated the need for hard facts to say what adjustments need to be made. Council

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Member McCullen said he feels the same as Council Member Matthews and he has had several calls from employees. Council Member McCullen advised that they need to look at this a little longer. Council Member Stephenson said there is a timeline and one of the three changes is to increase the maximums, which benefits the employees, it does not penalize them. Council Member Stephenson went over the other two recommendations. Council Member Martin asked the City Manager how much information the City has about its insurance. City Manager Boyer advised the information was from the first quarter, but there is information through the end of October. City Manager Boyer explained that the City changed its plan in July so there was a claims lag in July and August, so there is really only three to four months of data. Council Member Martin asked about the open enrollment season and when that is for the City. City Manager Boyer said he believes the meetings are starting on December 6th. City Manager Boyer advised if Council wants to table this for a year they can, but they also delay the potential cost savings, which is shared by the City and employees. Council Member Martin said this is a difficult situation. City Manager Boyer advised he was not sure how much waiting for more data would affect the recommendations; if they reduce the number of people in the group, then they reduce the cost. City Manager Boyer said the spousal eligibility affects the most people, but it is the most common change being put in place by employers nationwide. City Manager Boyer said there is not a question that there is a negative impact on the employees. Council Member Matthews again asked that they wait until they receive more data. Council Member Matthews said they are asking employees to have their spouses switch to their employers plan, which may cost more than the City's. Council Member Matthews spoke about giving the employees time to find other insurance for their spouses, if their employers insurance costs too much. City Attorney Tisher said it is not necessary for Council to table the item. City Attorney Tisher went over procedures Council could or could not take on this item. There was discussion about tabling the item and the procedures on removing the table. Council Member Matthews said she likes the notion of tabling an item because it stays on their minds. City Attorney Tisher advised that the problem with tabling this item is when they bring it back next year the numbers dealing with this item will be different. Council Member Matthews moved to remove the tabling motion. Mayor Dickey said the City hired Sherrill Morgan to represent the City and to get the best deal for the employees and the City; and they have

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done that. Mayor Dickey said Sherrill Morgan made the three proposals because they also have experience with many other cities and plans. Council Member Matthews again spoke about waiting to make a decision until the data is received. City Manager Boyer said he will not recommend changing the policy in the middle of a policy year, because it would not be fair to the employees. City Manager Boyer explained that the employees would not be able to choose to enroll if the plan was changed in the middle of a policy year. City Manager Boyer said this will not come back before Council until late October or November of 2012. City Manager Boyer advised he does understand Council's concerns. Council Member Matthews spoke of the lack of notice for families in regard to spouses having to change over to their employer's plan, if there is one provided. City Attorney Tisher went over the options Council could take on the item. Council Member Matthews removed her motion to table and Council Member McCullen removed his second. Mayor Dickey asked for a motion on Item 8.1. There being no motion, Item 8.1 failed due to a lack of a motion.

Item 8.2 APPROVAL OF HEAVY MANUFACTURING PERMIT FOR CENTRAL RECYCLING OF TENNESSEE, LLC, 608 WEST 11TH STREET TO OPERATE A METAL RECYCLING CENTER – WARD 2 – GRANTS AND PLANNING DEPARTMENT. Council Member Matthews moved to approve Item 8.2. Council Member McCullen seconded the motion. Vice Mayor Kennedy said he has had several phone calls about this item and he would like to make a motion to defer this to the next meeting. Council Member Matthews seconded the motion to defer. Council Member Martin asked if zoning is already in place for this business. City Manager Boyer advised it is zoned IS and it is a permitted use for the business. City Manager Boyer said the Zoning Ordinance further requires Council to issue a heavy manufacturing permit. Vice Mayor Kennedy said there are a lot of questions about this and that is why he is asking for a deferral tonight. All Council Members present voted aye on the deferral with the exception of Council Members Greene, Martin, Stephenson and Mayor Dickey who all voted no. The motion to defer failed. City Manager Boyer advised that the property has been unused for about three years. City Manager Boyer said it is the City's understanding that TDEC is of the opinion that the property is contaminated and it can be reused for a metal recycling facility because that is what caused the original contamination.

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City Manager Boyer advised the property cannot be used for anything else without remediation, which would be digging out feet of soil and replacing it with fill materials. City Manager Boyer said he understands that the business plans to clean up the site and use the buildings on the site. City Manager Boyer said if the business is not approved for this use, the property will lay this way for a while until another recycler proposes to use it for this purpose; it cannot be used for anything else in TDEC's opinion. Vice Mayor Kennedy asked if the business would have to clean up the property according to State regulations. City Manager Boyer said the business would not have to do any remediation, but under the City's Zoning Ordinance they would have to put in a paved parking area, put rock down to operate the yard and add buffering. Council Member Stephenson asked if the business is looking to lease or purchase this. A representative from the audience said it would be a lease/purchase. Council Member Stephenson advised five letters were sent to adjacent property owners and they (the Planning department) did not get responses back about the letters. Council Member Stephenson said she did visit the property and she does not see any issues. Council Member McCullen asked about the buffers. City Manager Boyer said the City requires a 100-foot buffer and the group has stated their intention to request a variance for a 50-foot buffer, which will have to be approved by the BZA (Board of Zoning Appeals). All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 11-74 - TAX CORRECTIONS – CITY RECORDER'S OFFICE.

Council Member McCullen moved to approve Resolution No. 11-74. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3896 - ORDINANCE TO APPROVE THE BOULEVARD 2050 & TOMORROW, JAMES CAMPBELL BOULEVARD STRATEGIC CORRIDOR MASTER

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PLAN AND ESTABLISH THE DATE OF
DECEMBER 15, 2011 AS THE DATE OF
THE PUBLIC HEARING – WARDS 1, 2, 3
AND 4 – GRANTS AND PLANNING
DEPARTMENT.
FIRST CONSIDERATION

Council Member Matthews moved to approve Ordinance No. 3896 on first consideration and to establish the date of December 15, 2011 as the date of Public Hearing. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3897 - ORDINANCE TO REVISE THE FIVE
WARDS OF THE CITY OF COLUMBIA,
TENNESSEE, BASED ON THE 2010
CENSUS AND ESTABLISH THE DATE
OF DECEMBER 15, 2011 AS THE DATE
OF THE PUBLIC HEARING – WARD 1,
2, 3, 4, AND 5 – GRANTS AND
PLANNING DEPARTMENT.
FIRST CONSIDERATION

Council Member Stephenson moved to approve Ordinance No. 3897 on first consideration and to establish the date of December 15, 2011 as the date of Public Hearing. Council Member Martin seconded the motion. Council Member McCullen moved to make an amendment on Ward 1. Council Member Matthews seconded the motion for an amendment. City Manager Boyer advised McCullen and Martin expressed concerns about their Ward lines. City Manager Boyer said the change in Council Member McCullen's Ward will come through the Hilltop area and pick up the streets in the Hilltop area, following Pleasant View Drive and Meadow View Drive from the East. Then over on the western part of the map to make up for the population loss, Ward 4 will be extended up Cayce Lane and Rutherford Lane to pick up the areas of Winning Drive, Worthington Road, some area east of Cayce Lane and the Pleasant Heights area behind Station 4. City Manager spoke of what happens to the population distribution with Amendment 1. City Manager Boyer said it is his understanding that Council Member McCullen supports the changes. Council Member McCullen advised that he does support the changes. City Manager Boyer was asked to repeat what he just said, which he did. All Council Members present voted

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aye on Amendment 1. Council Member Martin moved to amend Ward 3. Council Member Mathews seconded the motion. City Manager Boyer said for Ward 3, they looked at alternate solutions due to Ward 3 having the lowest population. City Manager Boyer advised the solution they came up with is to move a group of people (122) to Ward 3; this group is the group that was caught up in the mapping dispute a couple years ago, as to if they were in Ward 2 or Ward 3. City Manager Boyer advised it was resolved that they were in Ward 2 and that is why originally staff did not want to move them, but the easiest solution is to move that group to Ward 3. City Manager Boyer said this adds 122 people to Ward 3 and removes 122 from Ward 2. Council Member Martin said she is in support of the change. City Manager Boyer said the City is in compliance with the directions from the State Comptroller's Office. Council Member Martin spoke about why boundary lines for the Wards are redrawn and the 10% variance. Council Member Martin thanked the City Manager for the conversations she has had with him allowing her to share her concerns. Council Member Martin said the City was not out of compliance, it was within the 10% variance, but this brings them even closer. Council Member Matthews said Ward 2 will be adjusted with the boundary line being moved from Carmack to South Main Street, so any East Street that she had will now be with the other East Streets in the City. Council Member Matthews said the other adjustment for her Ward is adding a portion from Mitchell Avenue down to James Campbell Boulevard. All Council Members present voted aye on the amendment. City Manager Boyer recognized Paul Keltner for all his work on this, and said that he did a great job. Council prepared to vote on the motion as amended. All Council Members present voted aye on the Ordinance as amended.

OTHER BUSINESS:

Council Member McCullen advised he was ill and unable to attend the last meeting, but he wanted to thank those who supported him in his election campaign.

Council Member Matthews asked for a general reminder about possible Charter changes and having a Council Member on the Board of Zoning Appeals. City Manager Boyer said the Charter changes will not be ready for this Legislative Session. City Manager Boyer said he has mentioned to the

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Mayor about forming a committee to work on reviewing the Charter, from top to bottom.

Council Member Martin thanked the City Manager and Department Heads for allowing City employees to participate in the Youth Leadership Institute at Columbia State Community College. Council Member Martin recognized Police Department employees Lt. Andre Martin and Sgt. Orlando Cox for participating in the Youth Leadership Institute. Council Member Martin also recognized Lt. Robin Howell, also from the Columbia Police Department, for his participation in the South Central Tennessee Council of Children and Youth to speak about human trafficking. Council Member Martin said the project they spoke about in the Public Hearing earlier tonight, in her opinion is a positive for Columbia. Council Member Martin advised the project is looking at upgrading and modifying Columbia Meadows in Ward 3. Council Member Martin spoke about the types of modifications planned for the residences.

PUBLIC COMMENTS:

No public comments.

Council Member McCullen moved to adjourn the meeting. There being no further business the meeting adjourned at 7:43 p.m.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER