

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

January 8, 2009 – 6:30 p.m.

Mayor William E. Gentner called the Regular Meeting to order, pursuant to proper notice having been given. City Recorder Betty Modrall called the roll. Present were Mayor William E. Gentner, Vice Mayor Wayne Kennedy Council Members Carl McCullen, Debbie Matthews, Christa Martin, Dean Dickey and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; Betty Modrall, City Recorder; and Wendy Crumley, Recording Secretary.

Reverend Bob Vassar of Pleasant Heights Baptist Church offered the invocation followed by the Pledge of Allegiance led by Council Member Carl McCullen.

APPROVAL OF AGENDA:

Council Member Stephenson made a motion to approve the Agenda, with a second from Council Member Matthews. All Council Members present voted aye.

PRESENTATIONS:

Item 5.1 – Mayor Gentner and Fire Chief Don Martin presented a retirement plaque and gift check to Shift Commander Kenneth Compton of the Fire Department in honor of his retirement and thirty-three years of service to the City of Columbia. Mayor Gentner and Chief Martin thanked Mr. Compton for his friendship and dedication to his job over the past thirty-three years. Mr. Compton graciously accepted the plaque and thanked the City of Columbia and his family for supporting his career as a firefighter.

Item 5.2 – Jan McKeel, Executive Director of South Central Tennessee Workforce Alliance, made a presentation on STEM camps. STEM (Science, Technology, Engineering, Math) is a program that introduces high school students to these fields through their vocational programs at school. There are seven counties participating from the Middle Tennessee area, including Maury County. Council Member Matthews asked if Columbia Central High School was a participant in the program. Ms. McKeel stated they were not active in the program yet; but she encouraged all City Council members to be active in informing the school of the benefits this program would bring to them and to our community. Council Member Dickey

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pointed out that this program has helped Huntsville grow by leaps and bounds. Ms. McKeel stated that Huntsville will be receiving at least 10,000 jobs by the year 2012. Council Member Stephenson stated that she had several questions and would like to make an appointment to discuss them in detail. Ms. McKeel stated that would be great.

ORGANIZATIONAL BUSINESS:

Item 6.1 – Council Member Stephenson moved to approve the Minutes of the December 18, 2008 City Council Meeting, as amended. Vice Mayor Kennedy seconded the motion. Council Member Stephenson requested her comments on “Other Business” be amended as follows: Council Member Stephenson stated she attended a Retail Committee Meeting at Maury Alliance. North Columbia needs more rooftops. There are several areas of large acreage that could be developed into retail. Council Member Stephenson stated the following: “I just want to make sure that we set aside some land for retail so that when we successfully recruit prospects, we can get them in here. I stated at the Alliance that convenience and proximity do matter in terms of shopping, and north Columbia needs to be a priority. Spring Hill already has a foothold with the Crossings, and this revenue benefits Spring Hill and Maury County, but not the City of Columbia. I’m afraid if we don’t start working more aggressively to draw some of that growth further south into Columbia, we are going to miss the boat and lose it all to Spring Hill”.

Item 6.2 – Mayor Gentner moved to appoint Chet Rhodes to the Storm Water Advisory Committee. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

Item 6.3 – Council Member Dickey moved to appoint Tommy Yokley to the Storm Water Advisory Committee. Council Member Matthews seconded the motion. All Council Members present voted aye.

Item 6.4 – Mayor Gentner moved to accept the City Manager’s 2008 Performance Evaluation as part of record. Council Member Dickey seconded the motion. All Council Members present voted aye.

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RESOLUTIONS:

RESOLUTION NO. 09-02 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Vice Mayor Kennedy moved to approve Resolution No. 09-02. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3782 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING PROPERTY LOCATED ON THE NORTHEAST CORNER OF WEST 8TH AND HASTINGS STREETS FROM MCD (MIXED USE COMMERCIAL SERVICE) DISTRICT TO RM-2 (HIGH DENSITY RESIDENTIAL) DISTRICT PUD (PLANNED UNIT DEVELOPMENT) – GRANTS AND PLANNING

SECOND CONSIDERATION DEPARTMENT.

Council Member Matthews moved to approve Ordinance No. 3782 on second consideration. Council Member Dickey seconded the motion. All Council Members present voted aye with the exception of Council Member Stephenson who abstained from the vote.

ORDINANCE NO. 3721 - AN ORDINANCE TO ANNEX PROPERTY KNOWN AS WINDY HILL FARM LOCATED ON THE SOUTH SIDE OF CAMPBELLSVILLE PIKE CONTAINING 131.89 ACRES AND ESTABLISH THE DATE OF FEBRUARY

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5, 2009 AS THE DATE OF THE PUBLIC HEARING ON THE ANNEXATION AND PLAN OF SERVICES – GRANTS AND FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member Dickey moved to defer Ordinance No. 3721 on first consideration to the next meeting, January 15, 2009. Council Member Matthews seconded the motion. All Council Members present voted aye to defer until the January 15, 2009 City Council Meeting.

ORDINANCE NO. 3722 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TO ZONE PROPERTY BEING ANNEXED BY ORDINANCE NO. 3721 KNOWN AS WINDY HILL FARM LOCATED ON THE SOUTH SIDE OF CAMPBELLSVILLE PIKE CONTAINING 131.89 ACRES TO R-10 PLANNED UNIT DEVELOPMENT AND ESTABLISH THE DATE OF FEBRUARY 5, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member McCullen moved to defer Ordinance No. 3722 on first consideration to the next meeting, January 15, 2009. Council Member Matthews seconded the motion. All Council Members present voted aye to defer until the January 15, 2009 City Council Meeting. Council Member Matthews asked to be informed of what happened at the Planning Commission on January 7, 2009 as it pertained to a public hearing for the Comprehensive Plan, which involves this ordinance and Ordinance 3721. Mayor Gentner stated that the Planning Commission members voted to establish a public hearing date for February 11, 2009, which is their next regular meeting as well.

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ORDINANCE NO. 3781- AN ORDINANCE AMENDING ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TENNESSEE BY AMENDING THE ZONING TEXT AND ESTABLISH THE DATE OF FEBRUARY 5, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.
FIRST CONSIDERATION

Council Member Stephenson moved to remove Ordinance No. 3783 from the agenda. Council Member McCullen seconded the motion. All Council Members present voted aye. Council Member Stephenson stated that the City Manager’s recommendation is to defer. There are several zoning amendments in this ordinance and some of them can be brought back individually while others will take more time to study. Mr. Tisher stated because the agenda was already approved, it would take a 2/3 vote to remove this ordinance. Council cannot remove an item once it has already been considered; this item has not been considered. Council Member Kennedy asked what the difference is between removing an item and deferring an item. Mr. Tisher stated that if an item has previously been considered by the Council, the item can only be deferred. Since this item has not been considered (meaning it has never been approved on first consideration), the item can be removed and placed back on the agenda at a later date. Mayor Gentner stated there are several items in this ordinance that need to be addressed. The major reason for removing this item is because of the proposed amendment relating to group homes. Mr. Boyer stated that the text amendments will be brought as individual items before the Council the first meeting in February and that the amendment relating to group homes will not be brought back at this time.

ORDINANCE NO. 3783 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 2013 AND 2015 SOUTH MAIN STREET FROM MCD (MIXED

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COMMERCIAL SERVICES DISTRICT)
TO RS-6 (MEDIUM DENSITY
RESIDENTIAL DISTRICT) AND
ESTABLISH THE DATE OF FEBRUARY
5, 2009 AS THE DATE OF THE PUBLIC
HEARING – GRANTS AND PLANNING
FIRST CONSIDERATION DEPARTMENT.

Vice Mayor Kennedy moved to defer Ordinance No. 3783 on first consideration. Council Member McCullen seconded the motion. Vice Mayor Kennedy stated that he visited some of the neighbors in the vicinity of the subject property. While they are not opposed, he needs time to study and gather more information before he feels comfortable making a final decision. Council Member Matthews stated that she needs time to think and study as well and that she found the discussion held at the Study Session interesting. This area was originally zoned as a commercial district and she felt that MCD might not be the proper zoning for this area and that a mixed commercial/residential zone might fit better. She would like more time to consider this item. All Council Members present voted aye to defer.

ORDINANCE NO. 3784 - AN ORDINANCE PROVIDING FOR THE
COLLECTION OF 2007 DELINQUENT
PROPERTY TAXES – CITY
FIRST CONSIDERATION RECORDER’S OFFICE.

Council Member Dickey moved to approve Ordinance No. 3784 on first consideration. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3785 - AN ORDINANCE PROVIDING FOR THE
COLLECTION OF 2007 DELINQUENT
PERSONAL PROPERTY TAXES – CITY
FIRST CONSIDERATION RECORDER’S OFFICE.

Council Member Martin moved to approve Ordinance No. 3785 on first consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

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ORDINANCE NO. 3786 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2007 DELINQUENT SPECIAL ASSESSMENTS – CITY RECORDER’S OFFICE.
FIRST CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3786 on first consideration. Council Member Stephenson seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3787- AN ORDINANCE AMENDING ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TENNESSEE TO INCLUDE PROVISIONS FOR TENTS AND ESTABLISH THE DATE OF FEBRUARY 5, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.
FIRST CONSIDERATION

Council Member Stephenson moved to deny Ordinance No. 3787 on first consideration. Vice Mayor Kennedy seconded the motion. Council Member Matthews stated this item was discussed some at the Study Session and that she would like to clearly understand why this item was brought before Council. She asked if complaints had been received regarding tents within the City of Columbia. Mr. Boyer stated there have been no problems reported. It is illegal for someone to place a tent on property they do not own, which keeps tents from becoming a problem. Council Member Stephenson stated that to avoid confusion, she would like to clarify that the motion made was to deny and if Council Members agree with the motion to deny, they should vote aye. All Council Members voted aye to deny Ordinance No. 3787.

ORDINANCE NO. 3789 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 211 DEPOT STREET FROM I-G (INDUSTRIAL GENERAL) TO MRC

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(MIXED RESIDENTIAL COMMERCIAL)
AND ESTABLISH THE DATE OF
FEBRUARY 5, 2009 AS THE DATE OF
THE PUBLIC HEARING – GRANTS AND
FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member Matthews moved to approve Ordinance No. 3789 on first consideration and establish the date of February 5, 2009 as the date of the Public Hearing. Council Member Dickey seconded the motion. Council Member Stephenson stated she would abstain from voting for the same reasons as with Ordinance 3782. She has no objection to the project and looks forward to seeing it completed; however, in the Zoning Ordinance Section 3.18.2, she believes there is a technicality because it states, “All petitions for rezoning shall be consistent with the Comprehensive Plan and any applicable local plans. A petition for rezoning shall not be approved by the City Council when there is a significant conflict with the Comprehensive Plan or applicable local plans, as determined by the Planning Commission ...”. Vice Mayor Kennedy stated that he was going to make a motion to defer this Ordinance until January 15, 2009. He believes that within the same area, Council is deferring another rezoning request but approving this one. Council Member McCullen seconded the deferral motion. Vice Mayor Kennedy and Mayor Gentner voted aye, all other Council Members voted no on the deferral of Ordinance No. 3789. Mayor Gentner asked in regards to the right-of-way of High Street being rezoned, whether it was just the right-of-way or if the rezoning affects the actual properties along that stretch of road. Mr. Boyer stated it is just the right-of-way. Mayor Gentner asked Council to vote on the motion to approve. All Council Members present voted aye, with the exception of Vice Mayor Kennedy, who voted no.

ORDINANCE NO. 3790 - AN ORDINANCE TO AMEND
ORDINANCE NO. 3638, THE SAME
BEING THE ZONING ORDINANCE OF
THE CITY OF COLUMBIA, BY
REZONING APPROXIMATELY 2.48
ACRES ON BEAR CREEK PIKE BEING
TAX MAP 92 PARCEL 24.22 FROM RS-
40 (RESIDENTIAL) TO P.U.D.-I

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(PLANNED UNIT DEVELOPMENT – INDUSTRIAL) AND ESTABLISH THE DATE OF FEBRUARY 5, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING

FIRST CONSIDERATION DEPARTMENT.

Council Member Stephenson moved to deny Ordinance No. 3790 on first consideration. Council Member Matthews seconded the motion. Council Member Stephenson stated this was also the recommendation of the Planning Commission and the City Manager. There have been a multitude of phone calls received by Council Member Stephenson concerning this project and all calls have been in opposition. Several of these citizens are in the audience and she requested that Mayor Gentner and Council give them time to speak. Michael Sams, who lives across Bear Creek Pike from the area, stated he is opposed to this project. Mr. Sams asked if the rezoning request could go any further if it is denied. Mayor Gentner stated that it could not. Council Member Stephenson stated this property is located on a major thoroughfare into Columbia, Bear Creek Pike. In addition, there are large estate homes surrounding the property. Council Member Stephenson also clarified that the motion is to deny and that Council should vote aye if they agree with the motion to deny. Mayor Gentner asked Mr. Boyer to clarify what the recommended use for this land is in the Bear Creek Pike Land Use Plan. Mr. Boyer turned the question over to Mr. Holderfield, Director of Planning. Mr. Holderfield stated that the recommended use is residential. Mr. John Andrews stated he was present at the auction when the land was sold and that it was sold as residential/farm use. His son purchased 31 acres and has spent over \$500,000 building a home and he would be able to see these storage buildings from his front porch. Mr. Ronnie Grant stated that he is also opposed to the proposed storage units. Bear Creek Pike is a main access to Interstate 65. All Council Members voted aye to deny Ordinance No. 3790.

ORDINANCE NO. 3791 - AN ORDINANCE AMENDING ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TENNESSEE BY ALLOWING DAY CARE FACILITIES

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IN R/RS-10 (RESIDENTIAL) DISTRICTS
AND ESTABLISH THE DATE OF
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THE PUBLIC HEARING – GRANTS AND
FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member Stephenson moved to deny Ordinance No. 3790 on first consideration. Council Member Dickey seconded the motion. Council Member Stephenson stated this request was prompted by one property owner, with whom she had spoken at length explaining that amendments to the Zoning Ordinance are not made to benefit one person. Any zoning amendment affects the entire City. Council Member Stephenson stated that an R-10 zone was too dense for this type of use and the Planning Commission and City Manager both recommended denial. All Council Members present voted aye.

OTHER BUSINESS:

Council Member McCullen informed all Council members that Jim Clark, the General Manager for Columbia Power & Water Systems, will be present at the January 13, 2009 Study Session to answer questions and discuss the rate increase on electric and other services.

Council Member Matthews asked that a calendar of events be created for City Council members. She said that she had missed a TML conference on Tuesday because her invitation never made it to her. She also expressed concern for electric rates and the possibility that they may rise even more as a result of the spill and possible lawsuits in East Tennessee. She asked if there was a possibility that the vote from the fall, passed by Council to increase rates, could be retracted to help the citizens out.

Council Member Martin stated she has received several phone calls from citizens concerned about possible electric rate increases. She searched the internet for possible programs that might be of service to the citizens within the area. She had printed out information related to the Allied Heat Program to hand out to Council. The ITC Committee, on which Council Member Martin serves at the National level, has been working on gathering information for Technology and Economic Stimulus package to be put

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together and to be in place for the next administration to look at. Several letters from elected officials were sent out asking to keep federally-funded programs such as street infrastructure, STP, and others in place.

Council Member Dickey stated during the last meeting of 2008, Mayor Gentner mentioned all the items that Council had achieved for that year. When he studied the list, he asked if that is all that Council had accomplished and what things did not get accomplished. As we move into 2009, Council Member Dickey asked the Council members to use the 16 Rules on being positive and moving forward.

Council Member Stephenson also expressed concern regarding the electrical rate increase. She also spoke at length to CPWS regarding the rate increases. She asked for emails with data on this subject and any programs that might be available to the public. She will bring copies of all this information to the next Study Session. Also, the proclamation that was passed out at the Study Session by the Mayor is something that the Council should participate in. Mayor Gentner stated that the proclamation will be on Council's agenda for January 15, 2009.

Mr. Boyer stated that the first meeting for the Animal Shelter Advisory Committee will be Friday, January 9, 2009, at 10:00 A.M. in the County Mayor's Conference Room at the Court House. The representatives from Council are Council Member Matthews, Mayor Gentner and Mr. Boyer.

There being no further business the meeting adjourned at 7:30 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER