

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

November 5, 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, Christa Martin, Dean Dickey and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; City Recorder Betty Modrall; and Liz Bermudez, Recording Secretary. Council Member Debbie Matthews was absent.

Reverend Trent Ogilvie offered the invocation followed by the Pledge of Allegiance led by Council Member Dickey.

**APPROVAL OF AGENDA:**

City Manager Boyer asked that Item 9.3, Resolution No. 09-55 – to accept ownership and maintenance of the street and drainage in Delaware Hills Subdivision in the City of Columbia, Tennessee, be removed from the Agenda. Vice Mayor Kennedy moved to approve the agenda as amended. Mayor Gentner seconded the motion. All Council Members present voted aye.

**PRESENTATIONS:**

Item 5.1 – **PRESENTATION OF A PROCLAMATION HONORING MRS. TINY JONES.** Mayor Gentner said he is amazed by the people in our community who truly distinguish themselves in their profession. Mayor Gentner advised tonight they are going to recognize Mrs. Tiny Jones. Mayor Gentner read the proclamation for Mrs. Jones and proclaimed November 5, 2009 as Tiny Jones Day in Columbia, Tennessee. Mrs. Jones said in 1968 her husband and she moved to Columbia and she wasn't sure if she wanted to live in a little town. Mrs. Jones said that Columbia actually isn't a little town and all the citizens of the area have been welcoming to them. Mrs. Jones said she is amazed at all the things the City Council does for the community and she congratulated them for their service to the community. Mrs. Jones congratulated Mr. Kenny Lovett on his retirement.

Item 5.2 – **PRESENTATION OF RETIREMENT PLAQUE AND GIFT CHECK TO POLICE DEPARTMENT EMPLOYEE KENNETH LOVETT.** Mayor Gentner along with Assistant Police Chief Potts presented Officer Kenneth Lovett with a retirement plaque and gift check in

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honor of his retirement and twenty-eight years of service. Assistant Chief Potts said this is a bittersweet moment in the Police Department, Assistant Chief Potts advised Officer Lovett has been a tremendous asset to the Department and the City. Assistant Chief Potts said that Officer Lovett has always been their “go-to guy” on traffic issues. Assistant Chief Potts said Officer Lovett has always been a good friend and that he is always there when you need. Assistant Chief Potts advised Officer Lovett will be missed and he wished him well. Assistant Chief Potts said even with Officer Lovett retiring, the tradition still lives on with his wife, who is still employed with the City and with his stepson, who is in the Police Academy right now. Assistant Chief Potts thanked Officer Lovett for his service. Mayor Gentner said he has had the privilege of knowing Officer Lovett for almost twenty years. Mayor Gentner said when he first came to the City he recognized the quality of service Officer Lovett was providing and the professionalism he was providing the City. Mayor Gentner advised the Police Department wouldn't be as proficient as it is today if it wasn't for Officer Lovett. Mayor Gentner said Officer Lovett made sure the officers were well trained, took care of the court and slowed down those that needed to be slowed down. Mayor Gentner said Officer Lovett is proficient in the field of armory and that has allowed men and women to go to work knowing their weapon will do what it is supposed to do. Mayor Gentner informed everyone that Officer Lovett is leaving a true legacy, not only in the Police Department but also in the community. Mayor Gentner said Officer Lovett will be remembered for the work he has done and for his great passion as a police officer in this community. Officer Lovett advised he appreciates everyone who is here tonight. Officer Lovett said a lot of his time has been spent in the chambers because it is also the courtroom. Officer Lovett said he loved his job working for the City and he already misses it. Officer Lovett said he has many friends that came up tonight to support him and he appreciates them and working with them and he loves them because they are his brothers and sisters.

### ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 15, 2009.** Council Member Martin moved to approve the October 15, 2009 Minutes. Council Member Dickey seconded the motion. All Council Members present voted aye.

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**Item 6.2 – MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING OF OCTOBER 19, 2009.** Vice Mayor Kennedy moved to approve the October 19, 2009 Minutes. Council Member McCullen seconded the motion. All Council Members present voted aye.

**Item 6.3 – MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING OF OCTOBER 26, 2009.** Vice Mayor Kennedy moved to approve the October 26, 2009 Minutes. Council Member Dickey seconded the motion. All Council Members present voted aye.

**Item 6.4 – RATIFICATION OF MAYOR’S REAPPOINTMENT OF MR. DANNY KING TO THE CITY OF COLUMBIA HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING ON NOVEMBER 5, 2014.** Mayor Gentner moved to approve Mr. King’s reappointment to the Columbia Housing Authority Board for a five-year term. Council Member Martin seconded the motion. All Council Members present voted aye.

**Item 6.5 – RATIFICATION OF MAYOR’S APPOINTMENT OF MR. KEN YORK TO THE CITY OF COLUMBIA CIVIL SERVICE BOARD FOR A SIX-YEAR TERM EXPIRING ON NOVEMBER 5, 2015.** Mayor Gentner moved to approve the appointment of Mr. York to the Civil Service Board for a six-year term. Council Member Stephenson seconded the motion. Council Member Martin said Council has a memo from Mayor Gentner to Council regarding Mr. York’s appointment to the Board and attached with it is Mr. York’s biographical information. Council Member Martin asked if Mr. York is married to the City’s Assistant City Recorder. Mayor Gentner answered yes. Council Member Martin registered a concern with appointing Mr. York to the Civil Service Board if Mrs. York’s position is under the Civil Service Board. Mayor Gentner said a member can excuse themselves from dealing with matters that would relate to a relative. Mayor Gentner said Council Member Martin’s concern is duly noted. All Council Members present voted aye.

**CONSENT AGENDA:**

Council Member McCullen moved to approve the Consent Agenda. Vice Mayor Kennedy seconded the motion. City Manager Boyer said additional survey data is needed along Hampshire Pike in order to complete the design

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of the sidewalk system. Mayor Gentner asked if the design is in relationship to the sidewalks to the YMCA. City Manager Boyer said they happen to hit that route but it is in relation to building sidewalks along Hampshire Pike and Oak Springs Drive to serve as pedestrian areas for the school students. All Council Members present voted aye and the following item was approved:

1. Consider an addendum to the Professional Services Agreement with Barge Waggoner Sumner & Cannon, Inc. for additional surveying for the Safe Routes to School Grant on Hampshire Pike – Ward 1 – Engineering Department.

RESOLUTIONS:

RESOLUTION NO. 09-53 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Dickey moved to approve Resolution No. 09-53. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-54 - A RESOLUTION ACCEPTING THE U.S. DEPARTMENT OF JUSTICE-OFFICE OF JUSTICE PROGRAMS, FY2009 BULLETPROOF VEST GRANT AND AUTHORIZE RELATED TRANSFER OF FUNDS – POLICE DEPARTMENT.

Council Member Stephenson moved to approve Resolution No. 09-54. Council Member Dickey seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-56 - A RESOLUTION ACCEPTING MICROSOFT WINDOWS 2003 SERVER ENTERPRISE EDITION LICENSE FROM MANAGEMENT INFORMATION SYSTEMS (MIS) DIRECTOR RICK HARRISON TO BE USED FOR MIS OPERATIONS-MANAGEMENT INFORMATION SYSTEMS DEPARTMENT.

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Council Member Martin moved to approve Resolution No. 09-56. Council Member Stephenson seconded the motion. Mayor Gentner asked that a letter be sent to Mr. Harrison thanking him for his contribution. Mayor Gentner said this is very unusual and it speaks very highly of Mr. Harrison and what he is attempting to do for the City. Mayor Gentner said that the City really appreciates the donation. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3825 - AN ORDINANCE TO AMEND ORDINANCE NO. 3811 BY AMENDING THE CLASSIFICATION AND COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF COLUMBIA FOR THE 2009-2010 FISCAL YEAR – PERSONNEL

SECOND CONSIDERATION DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3825 on second consideration. Council Member McCullen seconded the motion. All Council Members present voted aye.

PUBLIC COMMENTS:

Mr. Pete Frierson said this is a sad night for citizens of the City and County when they will hear of some occurrences that have taken place. Mr. Frierson advised he is not surprised about the “Good Ole Boy attitude” that still exists. Mr. Frierson advised some people believe that women can’t be in the forefront of City government or running for public office, but they are defending the United States of America in war. Mr. Frierson said something is wrong with that picture. Mr. Frierson spoke about the “Obama Factor” and in Maury County it is the fear factor of women outdoing men but a sad day in America for them. Mr. Frierson asked that the Mayor take seriously what he will hear tonight from one of his own who firmly and truly believes that a hostile work environment has been created by some of his fellow council people. Mr. Frierson said he hopes that the Mayor will investigate how Council Members Stephenson and Matthews were also treated during the campaign season. Mr. Frierson said it is a sad day when a

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candidate is placed in a race and possibly paid to derail other candidates' chances of winning, yet that candidate has civil judgments against them that amount to thousands. Mr. Frierson said it is a sad day when attempts are made to make a mockery out of a political process. Mr. Frierson said he hopes those who encouraged that candidate to run be there to help the candidate out of their legal woes. Mr. Frierson read a quote from Max De Pree.

Mr. Kenny Solomon congratulated those who won the election and congratulated those who ran for office. Mr. Solomon said he is here tonight on behalf of the Martin Luther King Committee and that they have a bus tour coming up, their third annual bus tour. Mr. Solomon advised the date of the tour has been changed so that Council will be able to make it because previously it had been on dates when Council had meetings to attend. Mr. Solomon advised the bus tour will be on Monday, November 16<sup>th</sup> at 5:30 p.m. Mr. Solomon said he has been pleased with response they have gotten back from the Police Department and Sheriff's Department. Mr. Solomon advised so far they have up to thirty-three teachers that will be on the bus. Mr. Solomon said it is very important that Council show up for the bus tour. Mr. Solomon said he would appreciate all of Council coming on the bus tour. Mr. Solomon said they will be meeting at Central High School at 5:00 p.m. and the bus will leave at 5:30 p.m. Mr. Solomon advised they should be done with the tour around 7:00 p.m. Mr. Solomon said what really sold a lot of the teachers is that they were told that entire City Council would be on the bus tour this year. Mr. Solomon advised there would be a survey for everyone to fill out to find ways to improve the tour. Mr. Solomon advised there would be another tour at a different date to go up to Spring Hill. Vice Mayor Kennedy asked if there is a cost for a tour. Mr. Solomon advised the only cost is Council's time, patience and understanding. Several Members of Council advised they would attend the bus tour.

### OTHER BUSINESS:

Mayor Gentner introduced Jed Draper, of Boy Scout Troop 825, who is working on earning his communication badge for Eagle Scout. Mayor Gentner advised they are looking forward to when he gets his Eagle Scout award. Mayor Gentner wished him the best.

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Council Member Martin said on Wednesday night she presented some materials verbally to Council and wants to make the same presentation tonight for the record. Council Member Martin said yesterday evening she again congratulated Mr. Dickey for being elected as the new Mayor of Columbia. Council Member Martin advised she reminded everyone that she had met Mr. Dickey at the radio station Tuesday evening as he was finishing his speech to the City of Columbia. Council Member Martin said she congratulated him at that time. Council Member Martin advised when she arrived at the radio station Vice Mayor Kennedy, newly elected Vice Mayor Kennedy, had already left so she didn't personally get to say congratulations to him, but she did say it in her interview. Council Member Martin reiterated that she wants to present what she presented last night. Council Member Martin said she has concerns for what is the appropriate behavior of seated, elected, sworn-in Council Members during an active City election. Council Member Martin said she has received knowledge that the City employees were communicated with on multiple occasions that led up to early voting, during early voting and all the way up to election day on November 3, 2009. Council Member Martin advised she said last night that she would not release names because the employees are afraid of retaliation by people that assume supervision or authority over them, whether real or implied. Council Member Martin said she is still trying to figure out what to do with that because they are concerned that they will be retaliated against. Council Member Martin said it is not okay for Council Members or Department Heads of the City to communicate to City employees that they need to do a particular thing in an election, i.e.: keep the men in control, don't elect women, if you elect women we have to leave, if women are electing then things will do..... Council Member Martin advised that she was paraphrasing. Council Member Martin said she wants to know from the City Attorney and the City Manager in writing the following things: She would like to know what the policy or guidelines are that direct the acceptable behaviors of the described Council Members and Department Heads that is listed in the City Charter, which they have sworn to adhere to and T.C.A and also Federal Laws. Council Member Martin said the City is an equal opportunity employer and there are certain things that must be done. Council Member Martin asked if any City employee needs to be concerned because she is making the statement tonight about retaliation. Council Member Martin said her third item is she would like to know if anyone, especially a City Council Member, requested a list of names of all employees and their addresses and telephone numbers or some

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part thereof. Council Member Martin said if that was requested, she would like to know if someone did that in order to get a way to communicate with employees beyond standing in their faces or on the floor in the workplace. She also wants to know if any Council Member or Department Head communicated in a manner that they were directing, encouraging, suggesting or any form of communication as to how an employee should vote. Council Member Martin said she wants to know from the City Manager if he can assure her that the rest of this time that these people are employed that they will not be retaliated against because she is sharing this information. Council Member Martin said it is a major concern for her that Council act appropriately, respecting each other and they govern themselves according to what they have agreed to do. Council Member Martin said she is concerned about activities that have occurred. Council Member Martin reiterated that she wants the responses back in writing. Council Member Martin reminded Council that she did address an article in *The Daily Herald* in which Vice Mayor Kennedy indicated that he would be working to implement term limits for Council Members. Council Member Martin said she asked the Vice Mayor if he had done any research on term limits for a City the size of Columbia or with the actual population that the City has and if he had, she would like him to give Council copies of that. Council Member Martin advised she also asked if there was going to be a particular time that this would be presented. Council Member Martin said her final question to Vice Mayor Kennedy was whether that statement in the paper was directed to anyone in particular that is sitting on Council. Council Member Martin said she is asking that question because she is the longest sitting Member of Council with seventeen years on Council. Council Member Martin said Vice Mayor Kennedy made an attempt to respond to her questions and she won't attempt to repeat what he said but she would appreciate him responding again tonight for the record. Mayor Gentner said he wants to try and capture what Council Member Martin is asking for. Mayor Gentner said Council Member Martin would like the City Attorney to do some legal research relative to the points that she has raised and she is asking the City Manager to give some type of assurance that if names of individuals are made public that are involved that those individuals will not be harassed etc. Council Member Martin agreed with what Mayor Gentner said. Mayor Gentner said this afternoon, he took the privilege of attempting to figure out who Council Member Martin should talk to in order to file an official complaint. Mayor Gentner advised it appears to him that there are forms that need to be completed and then the State's Division of Elections

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in conjunction with our local Election Commission would do their research to determine if there are violations and what consequences of those will be. Vice Mayor Kennedy said he would like to respond to two of the questions. Vice Mayor Kennedy advised he campaigned 24/7, he asked everyone he saw to go vote and please vote for him. Vice Mayor Kennedy said he didn't tell anyone that they had to vote for him, he just asked that they vote for him. Vice Mayor Kennedy said at the Senior Citizen Center they had a question asked to all candidates if they believe in having term limits. Vice Mayor Kennedy said they all got a chance to answer that question. Vice Mayor Kennedy said he has been thinking about this for two years and how it would help the community if they did have terms. Vice Mayor Kennedy said he wasn't indicating anyone and he wasn't directing the question to anyone but directing the question at himself also. Vice Mayor Kennedy advised it has only been two days since the elections, that he hasn't done any research as far as being able to give a report, and that he hasn't thought anything about it except he would like to see if it is possible. Vice Mayor Kennedy said he did ask if it is possible and what would have to be done to get it done, but that is as far as it went.

There being no further business, the meeting adjourned at 7:12 p.m.

APPROVED:

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WILLIAM E. GENTNER, MAYOR

ATTEST:

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BETTY MODRALL, CITY RECORDER