

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

March 19, 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, and Dean Dickey; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; City Recorder Betty Modrall; and Liz Bermudez, Recording Secretary. Council Member Susan Stephenson was absent.

Council Member McCullen offered the invocation followed by the Pledge of Allegiance led by Vice Mayor Kennedy.

APPROVAL OF AGENDA:

Council Member Matthews moved to approve the Agenda. Council Member McCullen seconded the motion. All Council Members present voted aye.

PRESENTATIONS:

Item 5.1 – **PRESENTATION BY JAN MCKEEL ON THE 2009 BIG READ PROGRAM AND THE SUMMER YOUTH EMPLOYMENT PROGRAM.** Mrs. Sheila Hickman began the presentation by giving Council a short quiz on last year's Big Read book *The Great Gatsby*. Mrs. Hickman advised this year's Big Read book would be Mark Twain's *The Adventures of Tom Sawyer*. Mrs. Hickman spoke about some of the events that would take place this year for the Big Read. Ms. Jan McKeel advised if they are successful with getting the grant for the Big Read again, next year's book would be *The Short Stories of Edgar Allen Poe*. A copy of *The Adventures of Tom Sawyer* was handed out to all of the Members of City Council. Ms. McKeel then spoke about the benefits that the South Central Tennessee Workforce Alliance would be receiving this year from the stimulus package. Ms. McKeel advised that there will be about three million dollars available to go toward funds for their programs, which serves eight counties including Maury County. Ms. McKeel spoke about the Summer Youth Program, which is one of the programs that will be funded with the money received from the stimulus package. Ms. McKeel spoke about the eligible age range, the wage range and where youth would be able to work. Mayor Gentner asked if the private or public agencies that

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participate in the program have to match the wages earned. Ms. McKeel advised there is no cost to the agencies that participate. Council Member Martin said that she is glad this program is back and she would like to know how the community will be notified of the program. Ms. McKeel advised they are working with the media on getting the word out on the program. Council Member Dickey asked about worker's compensation. Ms. McKeel advised there will be no expense to the employers and that the youth will not even be on the employer's payroll; they will actually be on the Workforce's payroll. Ms. McKeel shared that eligibility for the program is based on income.

Item 5.2 – PRESENTATION BY KATHY HAYES OF SOUTH CENTRAL HUMAN RESOURCE AGENCY CONCERNING THE UTILITY ASSISTANCE PROGRAM. Ms. Hayes advised that Maury County gets the largest portion of the funds received by the South Central Human Resource Agency from the State Allocation. Ms. Hayes advised that one program they offer helps pay energy bills for income-eligible citizens. Ms. Hayes went over some statistics with the Council about their program and funding for the program. Ms. Hayes spoke about “leveraging dollars” which are funds that require a local match for the dollars to be used. Ms. Hayes advised she spoke with Columbia Power and Water Systems (CPWS) about making a donation so that the “leveraging dollars” could be used. Ms. Hayes said that Duck River Electric did donate to the agency, but CPWS said they were unable to make a donation. Ms. Hayes advised some of the money that could have been used for Maury County citizens had to be moved to other counties due to not getting matching funds from agencies in within this county. Ms. Hayes advised that there is still some money left for citizens that need help with energy bills. She asked that Council help get the word out about the funds that are available to the citizens and said that citizens can go to the South Central Human Resource Agency to fill out applications. Mayor Gentner asked what CPWS's position was on donating money to the program. Ms. Hayes said she was told that contractually CPWS could not make a donation for this. Ms. Hayes advised that she has had other utilities and agencies donate to the program. Ms. Hayes said she is not criticizing CPWS, but it is hard when a program is only getting money from small agencies and churches that cannot afford to give a large amount of money. Ms. Hayes advised the agency can only pay a citizen's bill once a year. Council Member Matthews thanked Ms. Hayes for speaking to

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Council. Council Member Matthews said CPWS had been before Council and there was a conversation about ways to help citizens who need aid. Council Member Matthews reiterated that the money that was supposed to go to citizens in Maury County went to other counties because there were no matching funds. Council Member Matthews said she spoke to Ms. Hayes and they talked about Duck River Electric's willingness to increase their donation if CPWS would donate funds. Council Member Matthews said that due to CPWS not donating, there were more funds that the citizens of Maury County missed. Ms. Hayes said the donations from utilities worked in other counties and she was disappointed it did not work in Maury County. Council Member Matthews asked if there is the possibility that Maury County could lose the stimulus funding due to the lack of donations. Ms. Hayes said she was not sure but that could be a possibility. Council Member Matthews asked that Ms. Hayes come before Council again in either August or July of this year so she may speak about what is coming up for the year. Mayor Gentner thanked Ms. Hayes for her presentation.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 5, 2009.** Mayor Gentner moved to approve the Minutes as amended. Council Member Martin seconded the motion. Mayor Gentner advised that Council Member Stephenson had asked for some changes to the Minutes and those changes are on pages 9 and 12. All Council Members present voted aye with the exception of Vice Mayor Kennedy who was absent for the vote.

Item 6.2 – **CONSIDERATION OF RETIREMENT BENEFITS FOR MICHAEL JOHNSON, NARCOTICS & VICE OFFICER, POLICE DEPARTMENT.** Council Member Martin moved to approve the retirement benefits for Michael Johnson, Narcotics and Vice Officer in the Police Department. Council Member Matthews seconded the motion. All Council Members present voted aye with the exception of Vice Mayor Kennedy who was absent for the vote.

Item 6.3 – **APPOINTMENT OF MR. RICHARD THOMPSON TO THE STORMWATER ADVISORY COMMITTEE TO REPRESENT CITYWIDE; NOMINATED BY VICE MAYOR WAYNE KENNEDY.**

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Council Member McCullen moved to approve the appointment of Mr. Richard Thompson to the Stormwater Advisory Committee. Council Member Matthews seconded the motion. All Council Members present voted aye with the exception of Vice Mayor Kennedy who was absent for the vote.

Item 6.4 – ENDORSEMENT OF GOAL, OBJECTIVE AND TIME LINE TO IMPLEMENT A TRAINING PROGRAM BASED ON THE AUGUST 2008 MAURY ALLIANCE “ECONOMIC ASSESSMENT OF MAURY COUNTY” STUDY PREPARED BY DR. DAVID PENN OF MTSU. Mayor Gentner moved to approve the endorsement. Council Member Matthews seconded the motion. Council Member Martin asked that Council consider having Objectives 1-10 be the actual objectives for this document. Council Member Martin asked that they look at Objectives 11-15 as listed in the Mayor’s document and that they include them as the Mayor has referenced as “actions items” under the said Objectives under which they are referenced. Council Member Martin gave an example of Objective 11: “Develop a report on lessons learned from Objective 10 and recommended changes needed to meet goal”. She suggested that Objective 11 is an action item under Objective 10 and that Council use those and use the Mayor’s time reference here. Mayor Gentner advised a motion for an amendment was needed to discuss the changes. Council Member Martin made a motion to amend. Mayor Gentner seconded the motion. Council Member Martin advised that Objective 12 is an action item under Objective 2; Objective 13 is an action item under Objective 12; Objective 14 is an action item under Objective 13 and Objective 15 is an action item under Objective 14. All Council Members present voted aye on the motion to amend. Council then voted on the motion as amended. All Council Members present voted aye on the motion as amended.

CONSENT AGENDA:

Mayor Gentner removed Items 7.4, “Authorization for the Mayor to sign the Non-Exclusive Use and Occupancy Permit between the City of Columbia and the Columbia Babe Ruth League for the 2009 Season – Parks and Recreation Department”, and Item 7.5, “Authorization for the Mayor to sign the Non-Exclusive Use and Occupancy Permit between the City of Columbia and the Columbia National Little League for the 2009 Season –

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Parks and Recreation Department”, for clarification purposes. Council Member Dickey moved to approve the Consent Agenda with the exception of Items 7.4 and 7.5. Council Member Matthews seconded the motion. All Council Members present voted aye and the following items were approved:

1. Disbursements for the month of February 2009 in the amount of \$3,136,322.99.
2. Authorization to dispose of surplus City property – Finance Department.
3. Authorization for sole source procurement for software support – Police Department.

Item 7.4 – AUTHORIZATION FOR THE MAYOR TO SIGN THE NON-EXCLUSIVE USE AND OCCUPANCY PERMIT BETWEEN THE CITY OF COLUMBIA AND THE COLUMBIA BABE RUTH LEAGUE FOR THE 2009 SEASON – PARKS AND RECREATION DEPARTMENT. Vice Mayor Kennedy moved to approve Item 7.4 Council Member Matthews seconded the motion. Mayor Gentner advised his only concern is with the Paragraph 2 – Term – which begins on March 20, 2009 and ends March 19, 2010. Mayor Gentner advised that the insurance certificate on which Council is basing their approval only goes to February 2010. Mayor Gentner asked the City Manager what kind of permitting would be allowed to the league if there were no Certificate of Liability Insurance. City Manager Boyer advised if they do not have liability insurance they have no right to use the field and that is stated in Paragraph 16 of the agreement. City Manager Boyer added that the leagues do understand that provision. All Council Members present voted aye.

Item 7.5 – AUTHORIZATION FOR THE MAYOR TO SIGN THE NON-EXCLUSIVE USE AND OCCUPANCY PERMIT BETWEEN THE CITY OF COLUMBIA AND THE COLUMBIA NATIONAL LITTLE LEAGUE FOR THE 2009 SEASON – PARKS AND RECREATION DEPARTMENT. Vice Mayor Kennedy moved to approve Item 7.5. Council Member Martin seconded the motion. Mayor Gentner posed the same question about the Certificate of Liability on this agreement as he did in Item 7.4. City Manager Boyer advised his answer is the same as the previous item. All Council Members present voted aye.

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ADMINISTRATION:

Item 8.1 – **CONSIDER APPROVAL OF THE COUNCIL PROTOCOLS.** Council Member Matthews moved to defer Item 8.1 until the next Council Meeting. Council Member Martin seconded the motion. All Council Members present voted aye to defer the item.

RESOLUTIONS:

RESOLUTION NO. 09-11 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Dickey moved to approve Resolution No. 09-11. Council Member Martin seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-12 - REQUESTING COUNCIL TO ACCEPT A WAL-MART FOUNDATION DONATION IN THE AMOUNT OF \$1,000.00 TO BE USED FOR THE PUBLIC EDUCATION PROGRAM – FIRE DEPARTMENT.

Council Member McCullen moved to approve Resolution No. 09-12. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3795 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, REGARDING NON PAVED STORAGE AREAS – GRANTS AND PLANNING SECOND CONSIDERATION DEPARTMENT.

Vice Mayor Kennedy moved to approve Ordinance No. 3795 on second consideration. Council Member Martin seconded the motion. City

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Manager Boyer advised he had a conversation with Council Member Stephenson about the language in Exhibit A of this Ordinance and he agrees that the language needs to be changed. City Manager Boyer advised in subparagraph 4 in the second sentence the word “should” needed to be changed to “shall”. The sentence would read as follows: Landscaping material shall attain a height in excess of five (5) feet and be able to block visibility of the storage area. City Manager Boyer advised the word “should” doesn’t give the authority to require someone to do what is stated while the word “shall” does give the City the authority to require someone to do what is needed to be done. Council Member Matthews moved to make the amendment to change the word from “should” to “shall”. Council Member McCullen seconded the motion. All Council Members present voted aye on the amendment. Council proceeded to vote on Ordinance No. 3795 on second consideration as amended. All Council Members present voted aye on the Ordinance as amended.

ORDINANCE NO. 3800 - AN ORDINANCE TO AMEND THE
DECLARATION OF TRUST CREATED
ON JUNE 19, 2008 BY ORDINANCE
NUMBER 3752- CITY RECORDER’S
SECOND CONSIDERATION OFFICE.

Council Member Martin moved to approve Ordinance No. 3800 on second consideration. Council Member Matthews seconded the motion. All Council Members voted aye.

ORDINANCE NO. 3801 - AN ORDINANCE TO AMEND TITLE 15,
CHAPTER 6, SECTION 613 OF THE
COLUMBIA MUNICIPAL CODE
CONCERNING PARKING
RESTRICTIONS WITHIN BLOCK
PARKING ZONES – CITY MANAGER’S
SECOND CONSIDERATION OFFICE.

Council Member Dickey moved to approve Ordinance No. 3801 on second consideration. Council Member Matthews seconded the motion. Mayor Gentner asked the City Manager how the three-hour parking in downtown was working. City Manager Boyer advised he has not received any

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complaints and that a lot of merchants have been thanking him for the three-hour parking All Council Members present voted aye.

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 APRIL 16, 2009 AS THE DATE OF THE PUBLIC HEARING ON THE ANNEXATION AND PLAN OF SERVICES – GRANTS AND FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member Matthews moved to defer Ordinance No. 3721 on first consideration. Council Member McCullen seconded the motion. All Council Members present voted aye to defer the Ordinance until the next 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 APRIL 16, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member Matthews made a motion to defer Ordinance No. 3722 on first consideration. Council Member Dickey seconded the motion. All Council Members present voted aye to defer the Ordinance until the next Council Meeting.

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ORDINANCE NO. 3796 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, REGARDING SOCIAL SERVICE INSTITUTIONS AND ESTABLISH THE DATE OF APRIL 16, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.

FIRST CONSIDERATION

Council Member Matthews moved to defer Ordinance No. 3796 on first consideration. Council Member Martin seconded the motion. Council Member Matthews spoke about the last Council Meeting where there was a discussion on a Homeless Shelter Provision within the Ordinance. During the meeting, she passed out information from Nashville where an in-depth study was done. Council Member Matthews said that since we don't have an idea what we have in the community, how much of a need there is, and where it is coming from, a study should be done before Council goes further with this Ordinance. Council Member Matthews advised she is starting a Task Force to look at what is going on in the City. Council Member Matthews advised the Task Force's first meeting will be Wednesday, March 25th. Mayor Gentner asked Council Member Matthews how long she believes it would take to get the information from the study. Council Member Matthews advised it could take a couple of months. Council Member McCullen advised that some years ago the Ministerial Association would pay for lodging for people who had come across hard times. Mayor Gentner asked if it would be better to table the Ordinance due to the amount of time needed for a study. Council Member Matthews withdrew her motion to defer and then made a motion to table Ordinance No. 3796. Mayor Gentner seconded the motion. All Council Members present voted aye to table the Ordinance. Mayor Gentner advised everyone that tabling the item meant that it will be removed from the Agenda and will be reintroduced once the study is complete.

ORDINANCE NO. 3804 - AN ORDINANCE TO AMEND TITLE 3, CHAPTER 1, OF THE COLUMBIA MUNICIPAL CODE BY ADDING A

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LOCAL LITIGATION TAX TO THE
COURT COST FOR THE CITY COURT
OF THE CITY OF COLUMBIA,
TENNESSEE – CITY RECORDER'S
OFFICE.
FIRST CONSIDERATION

Council Member Dickey moved to approve Ordinance No. 3804 on first consideration. Council Member Martin seconded the motion. City Manager Boyer advised that the credit for this Ordinance goes to the City Attorney. Mr. Boyer advised that the City Attorney learned about a city litigation tax that could be charged through a conference that he attended. City Manager Boyer advised staff is recommending approval of the maximum charge of \$13.75. City Manager Boyer advised the costs that have been established for court costs are sufficient, but this litigation tax will be another source of revenue that will offset costs of enforcement across the City. Council Member Matthews said the cost would occur on judgments. Council Member Matthews asked if Council could earmark the revenues from this tax to the Police Department. City Manager Boyer advised that earmarking the revenue to the Police Department cannot be done under generally accepted accounting practices for government entities. All Council Members present voted aye.

PUBLIC COMMENTS:

Mrs. Candace Wade advised the work that has been done around the Square with the new traffic lights looks very nice. Mrs. Wade said the people who give Council information about the Southern Urban Growth Area are people who do research and are qualified to put the information together. Mrs. Wade asked that Council realize that the information has been compiled in earnest and the goal is to help Council with their decisions. Mrs. Wade said everyone's goal is to make the community better.

Mr. Bill Wade asked that Council or Mr. Boyer ask the City Attorney to write a memo to clarify the law to the Planning Commission about Planning and Zoning. Mr. Wade said there are some Planning Commission members who cannot do their job with confidence due to not knowing the laws of Planning and Zoning. Mayor Gentner told Mr. Wade that the matter would be taken under advisement.

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OTHER BUSINESS:

Vice Mayor Kennedy advised there are new City and County maps and there are free maps at City Hall and the Courthouse for those who would like a copy. Vice Mayor Kennedy handed out maps to the Members of Council.

Council Member Martin said she was thankful for the City Council Calendar placed in their packet. Council Member Martin said the City of Columbia missed an opportunity to renovate fifteen homes with the 2009 Home Program. Council Member Martin advised the City needed to take action on trying to get the \$500,000.00 grant for the program. Council Member Martin said she did get the memo from Mayor Gentner, which said the application for the program did not arrive in his office until March 9, 2009 and it was due March 13, 2009. Council Member Martin said Council needs to figure out how to address late arrivals because the grant money for this program was definitely needed. Council Member Martin asked the City Manager for an update on the Neighborhood Stabilization Grant. She said that since the City no longer has an individual who works on grants, the City is missing vital grants. Council Member Martin said she is concerned that the City may miss more opportunities and she offered her own time to assist in working on grants for the City of Columbia. Mayor Gentner advised there was not anyone in the City that knew about the grant application until it arrived on Tuesday. By the time staff got involved and found out the deadline was the 13th, there was no opportunity to get Council involved. Mayor Gentner advised that he is going to meet with the agency to make sure this kind of issue does not happen again.

Council Member Matthews said there are individuals in town that want to open a homeless shelter. Council Member Matthews said she wants the City to get proactive. She said with businesses there are some things that come at you quickly and required the business has to move quickly. Council Member Matthews said she would have liked a call to see if a Special Called Meeting could have been set to resolve the matter. Council Member Matthews advised everyone that Mrs. Wade has been working on a program called “Got to Spay to Play” and it is a program that spays/neuters animals for citizens who are unable to pay for those services. Council Member Matthews thanked Mrs. Wade for her services. Council Member

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Matthews spoke about a pilot program called the Muletown Family Network, which works with children and their families and the Police Department and Social Services to help get children out of troubled situations. She advised they are having their Federal Audit on Monday, March 30, 2009 at Columbia State Community College. She asked that everyone show his or her support by going to the meeting. Council Member Matthews said there were three trees that cut down in the City of Columbia that were considered Heritage Trees, which are protected by Ordinance. She asked everyone to call the City to see if trees may be removed. Council Member Matthews advised she is concerned about the upcoming contract to sell water to Spring Hill.

Council Member McCullen advised there will be a Special Called Meeting on Wednesday, April 8th at 3:00 p.m. to discuss the water sale.

City Manager Boyer said suggestions to improve the Council Calendars are welcome. He advised the first budget meeting was scheduled for April 25th, but there is a Council Member who will be unable to attend that day. Mr. Boyer asked Council to look at their calendars and see if April 21st and April 23rd from 5:30-8:00 p.m. were available for budget meetings. Mayor Gentner said that those dates will be established for the meetings.

There being no further business, the meeting adjourned at 7:57 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER