

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

March 5, 2009 – 6:30 p.m.

PUBLIC HEARING - ON ORDINANCE NO. 3792 – AN ORDINANCE TO AMEND THE FY 2008-09 BUDGET ORDINANCE NO. 3753 AS PREVIOUSLY AMENDED, PROVIDING FOR REVISIONS TO THE GENERAL FUND – FINANCE DEPARTMENT.

Mayor William E. Gentner called the Public Hearing to order, pursuant to proper public notice having been given. 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; City Recorder Betty Modrall; and Wendy Crumley, Recording Secretary. No one in the audience requested to make a presentation on Ordinance No. 3792.

Vice Mayor Kennedy moved to close the Public Hearing. Council Member Martin seconded the motion. All Council Members present voted aye.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY R. MODRALL, CITY RECORDER

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PUBLIC HEARING - ON ORDINANCE NO. 3798 – AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY AMENDING THE PUD MASTER PLAN AT 2536 NASHVILLE HIGHWAY IN NEAPOLIS AT DAILY’S MARKET TO INCREASE THE SIZE OF THE BUILDING – GRANTS AND PLANNING DEPARTMENT – WARD 5.

Mayor William E. Gentner called the Public Hearing to order, pursuant to proper public notice having been given. 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; City Recorder Betty Modrall; and Wendy Crumley, Recording Secretary. No one in the audience requested to make a presentation on Ordinance No. 3798.

Council Member Stephenson moved to close the Public Hearing. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY R. MODRALL, CITY RECORDER

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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; City Recorder Betty Modrall; and Wendy Crumley, Recording Secretary.

Reverend Bill Williamson offered the invocation followed by the Pledge of Allegiance led by Council Member Matthews.

APPROVAL OF AGENDA:

Council Member Dickey made a motion to approve the agenda. Council Member McCullen seconded the motion. All Council Members present voted aye.

PRESENTATIONS:

Item 5.1 – **PRESENTATION OF A PROCLAMATION TO TONY SOWELL AND DARYL THRASHER FOR EARNING A TOP-10 FINISH IN SENIOR TIE-DOWN ROPING, RIDING ON TURKEY CREEK PETE, A BAY AMERICAN QUARTER HORSE.** Mayor Gentner presented Mr. Sowell and Mr. Thrasher with the proclamation. There was a brief presentation of pictures shown before the proclamation was presented. Mayor Gentner stated this honor was earned at the Fed-Ex Open Competitive of the American Quarter Horse Association held in mid-November 2008 in Oklahoma City, Oklahoma. Mayor Gentner mentioned this is the largest single-breed World Championship Show in existence. Mr. Thrasher stated the horse belongs to Mr. Sowell, but he broke and trained the horse to ride and rope off. Turkey Creek Pete is an exceptional horse. Mr. Sowell shared that there are several young people in our community involved in the All Star Jr. Rodeo Association, which is for kids 18 and under. There are currently 140 members. The show is held in Spring Hill off Petty Lane. Mr. Sowell stated that it would be great if there was a covered arena at Maury County Park to hold this show, and suggested the City and County could work together to achieve this.

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Item 5.2 – PRESENTATION OF RETIREMENT PLAQUE AND GIFT CHECK TO POLICE DEPARTMENT EMPLOYEE BOBBY JOE HAYWOOD. Mayor Gentner, together with Chief Joey Bishop, Assistant Chief Tim Potts and Captain George Hanvy, presented the plaque and check to Lieutenant Haywood. Chief Bishop stated in the short time he has been here, he has seen Lt. Haywood do exceptional work as the detail commander on the midnight shift. Assistant Chief Potts and Captain Hanvy also commented on what an excellent police officer, friend and asset Lt. Haywood has been over the past 26 years. Mayor Gentner stated that Lt. Haywood has displayed excellent leadership qualities during the past 18 years during which he has had the honor of knowing him. Mr. Haywood thanked everyone for this honor and stated it has been his honor and privilege to work for the Columbia Police Department and to serve the residents of the City of Columbia.

ORGANIZATIONAL BUSINESS:

Item 6.1 – MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 19, 2009. Council Member Stephenson made a motion to approve the Minutes of the February 19, 2009 City Council Meeting with the amended correction of City Attorney Tim Tisher being present at that meeting, not Assistant City Attorney Cara Lynn. Council Member McCullen seconded the motion. All Council Members present voted aye.

Item 6.2 – APPOINTMENT OF MR. GARLAND BROWN TO THE STORMWATER ADVISORY COMMITTEE; NOMINATED BY COUNCIL MEMBER CHRISTA MARTIN, WARD 3. Council Member Martin moved to approve the appointment of Mr. Garland Brown to the Stormwater Advisory Committee. Council Member Stephenson seconded the motion. Council Member Martin stated that Mr. Brown has been a long-standing member of our community. He has been a long-term employee with the school system in Columbia. She is looking forward to his service on this board. Council Member Stephenson stated that she has also had the privilege of working with Mr. Brown, who is a great man and employee. She thanked Council Member Martin for this nomination. All Council Members present voted aye.

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Item 6.3 – APPOINTMENT OF EDDIE VAUGHN TO THE STORMWATER ADVISORY COMMITTEE REPRESENTING THE CITY AT LARGE; NOMINATED BY VICE MAYOR KENNEDY.

Vice Mayor Kennedy made a motion to approve the appointment of Mr. Eddie Vaughn to the Stormwater Advisory Committee. Council Member Matthews seconded the motion. Vice Mayor Kennedy stated Mr. Vaughn has been in Columbia all of his life and has been a builder for the last 31 years. He will be a great asset to this board. All Council Members present voted aye.

CONSENT AGENDA:

Council Member Dickey moved to approve the Consent Agenda. Council Member Martin seconded the motion. All council members present voted aye and the following items were approved:

1. Authorization to dispose of surplus City Property – Finance Department.
2. Authorize transfer of funds from General Government – Reserves for maintenance of radio repeater building – General Government.
3. Bid Award for replacement vehicles – Wastewater Department.
4. Bid Award for trailer mounted sewer jet – Wastewater Department.
5. Bid Award for compact backhoe loader – Wastewater Department.
6. Authorization for the Mayor to sign the Non-Exclusive Use and Occupancy Permit between the City of Columbia and the Columbia Girls Fast Pitch Association for the 2009 Season – Parks and Recreation Department.

ADMINISTRATION:

8.1 – CONSIDER APPROVAL OF THE COUNCIL PROTOCOLS.

Mayor Gentner made a motion to defer the Council Protocols until the March 19, 2009 meeting. Council Member Martin seconded the deferral motion. Mayor Gentner stated that his reason for deferring this item for one meeting is that there was some additional information that Council Member Stephenson brought forward and he feels that this discussion should be held at a work-study session. Mayor Gentner asked Council Member Stephenson

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if she agreed with the deferral. Council Member Stephenson agreed and all Council Members present voted aye.

RESOLUTIONS:

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

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

ORDINANCES:

ORDINANCE NO. 3792 - AN ORDINANCE TO AMEND THE FY 2008-2009 BUDGET ORDINANCE NO. 3753 AS PREVIOUSLY AMENDED PROVIDING FOR REVISIONS TO THE GENERAL FUND – FINANCE DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3792 on third consideration. Council Member Dickey seconded the motion. Council Member Stephenson stated she would be abstaining from voting due to the fact she does not agree with having to pay the Howell Group. Mayor Gentner asked for any public comments on this item, since the public hearing was held at the beginning of the meeting. Hearing no comments, roll call was taken. All Council Members present voted aye, with the exception of Council Member Stephenson who abstained.

ORDINANCE NO. 3798 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING ARTICLE XI (PUD DEVELOPMENT REGULATIONS) OF THE FORMER ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY AMENDING THE PUD MASTER PLAN AT 2536 NASHVILLE HIGHWAY IN

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NEAPOLIS AT DAILY’S MARKET TO INCREASE THE SIZE OF THE BUILDING – WARD 5 – GRANTS AND PLANNING DEPARTMENT.
THIRD CONSIDERATION

Council Member Stephenson moved to approve Ordinance No. 3798 on third consideration. Vice Mayor Kennedy seconded the motion. Council Member Matthews stated she was excited to see a Dunkin Donuts coming to Neapolis. All Council Members present voted aye.

ORDINANCE NO. 3799 - AN ORDINANCE TO AMEND THE CITY OF COLUMBIA, TENNESSEE EMPLOYEES’ RETIREMENT PLAN – CITY RECORDER’S OFFICE.
THIRD CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3799 on third consideration. Council Member McCullen seconded the motion. All Council Members 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 2, 2009 AS THE DATE OF THE PUBLIC HEARING ON THE ANNEXATION AND PLAN OF SERVICES – GRANTS AND PLANNING DEPARTMENT.
FIRST CONSIDERATION

Vice Mayor Kennedy moved to defer Ordinance No. 3721 on first consideration. Council Member McCullen seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3722 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TO ZONE

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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 2, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.

FIRST CONSIDERATION

Vice Mayor Kennedy made a motion to defer Ordinance No. 3722 on first consideration. Council Member Matthews seconded the motion. All Council members present voted aye.

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 AND ESTABLISH THE DATE OF APRIL 2, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.

FIRST CONSIDERATION

Council Member Stephenson made a motion to approve Ordinance No. 3795 on first consideration with amendments to # 4 as follows: change the four foot to five foot and add the word “permanently” in front of maintain. Council Member McCullen seconded the motion. All Council members present voted aye, with the exception of Vice Mayor Kennedy who voted no.

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 2,

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2009 AS THE DATE OF THE PUBLIC
HEARING – GRANTS AND PLANNING
FIRST CONSIDERATION DEPARTMENT.

Council Member Matthews made a motion to defer Ordinance No. 3796 on first consideration. Council Member Stephenson seconded the motion. Council Member Matthews stated the current Zoning Ordinance has no parameters for a homeless shelter. At the Study Session, she suggested a study group be formed to talk about this situation and come up with some statistics and facts regarding homeless shelters and the changes they bring to a community. During the Study Session meeting Tuesday night, she heard there had been a celebration for the opening of a homeless shelter. A homeless shelter, at this time, would be completely detrimental to our community. Council Member Matthews stated that Ms. Addie Floyd is someone in the community who has asked for this provision, but she has no game plan. There are so many unanswered questions, such as, where homeless shelters would be allowed, how many would be allowed, what the additional cost on infrastructure and the police department would be, etc. Mr. Boyer recommended if Council has the intent of creating a study group, then they should deny this Ordinance instead of deferring it. His reasoning was that information from the study group would not be ready by the next Council meeting in two weeks. This would prevent Council from deferring this Ordinance repeatedly. The material from the study group and an ordinance could be brought back together before Council when the study group has completed their study. Council Member Stephenson agreed with Mr. Boyer. There are many unknowns and more time and effort is needed before a decision is made. Maybe Ms. Addie Floyd could give more clarity on this situation. Vice Mayor Kennedy asked if the Zoning Ordinance prevents one from being built and, if we have no provisions to guide us, whether or not one can still be built. Mr. Tisher stated there is no specific category right now that authorizes this use. Council Member Stephenson said so in other words until we have something documented that authorizes it, it cannot be done. Council Member Stephenson asked if that statement is correct. Mr. Tisher said he was not sure what would happen if someone were to challenge the City on this; but as of right now, we do not have anything that establishes and regulates this particular use. Council Member Matthews said that the rule of law in our Zoning Ordinance needs to be followed. If something is not a part of our law, then she does not believe it

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can be done at this point. Council Member Martin stated this is an area of concern in our community. Several people are working in our community to help this situation. This situation needs to be addressed as quickly as possible but we need to do it after obtaining information and statistics to do it the right way so all citizens will be served. Council Member McCullen asked for a point of clarity as to whether a homeless shelter had already been opened. Council Member Matthews stated that all of Council was invited to the opening. The effects of a homeless shelter on our community will have real ramifications. We need to have an end goal. There are other solutions. Vice Mayor Kennedy asked Mr. Boyer what his recommendation is on this situation. Mr. Boyer stated that if Council is going to create a study group, then they could defeat the ordinance this time so it will not keep coming back and being deferred. Mayor Gentner asked that the motion and second to defer be withdrawn and made into a motion to defeat, with the understanding that Council can bring this item back after the results of a study group are ready. Council Member McCullen asked if there is any idea of what the group will be about and who will be asked to participate. Council Member Matthews stated that she thought the group could consist of people that currently deal with the homeless situation; maybe two representatives from Council, representatives from a couple of local churches, Hope House, social workers...etc. Council Member Matthews stated there has not been a request made by a social worker and that all the requests for this type of home have been made by a couple of property owners and Ms. Addie Floyd. Council Member Matthews stated that Maury County has more Section 8 housing than any other county and that residents from surrounding counties come to Maury County for this type of housing. If a homeless shelter is built in our community, people from surrounding communities will come to utilize the shelter. Maury County does not have the means to take care of the issues that plague it now. Mayor Gentner asked for more discussion to defer. Hearing none, a vote was taken. All Council members present voted aye to defer, with the exception of Vice Mayor Kennedy who voted nay.

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

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Council Member Martin moved to approve Ordinance No. 3800 on first consideration. Council Member Dickey 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 OFFICE.
FIRST CONSIDERATION

Council Member McCullen moved to approve Ordinance No. 3801 on first consideration. Vice Mayor Kennedy seconded the motion. Mr. Boyer stated there have been continuous complaints regarding downtown parking. This ordinance eliminates the rule that a car that moved from one parking spot to the other is on the continuous time. With this ordinance, a car may be moved to a different parking spot, with the parking time starting over with each move. This ordinance also extends the hourly parking limit from two to three hours. The Downtown Business Association and Columbia Main Street have requested this increase for over a year. Council Member Martin stated that Mr. Boyer’s response is appreciated and that she has also received numerous questions and complaints in the past regarding the parking situation downtown. Council Member Matthews stated that she is thrilled about the change but wanted to know if a restriction should be placed on employees who work downtown to prevent them from using parking spaces and from moving their cars throughout the day. Mr. Boyer stated that the City couldn’t implement regulations that treat some classes of individuals differently from other classes of individuals. There is nothing we can do within the law to prevent them from moving their cars throughout the day. However, during the Downtown Business Association meeting this morning, the group decided they would create a brochure and go around to each business to emphasize the revenues and customers lost when parking spaces are used by employees. This sensitive issue will be handled by the Downtown Business Association.

All Council Members voted aye.

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PUBLIC COMMENTS:

Ms. Linda Pillow, 905 Hannaway Road, stated she is concerned that several residents in her area are receiving letters from the inspector asking the property owners to clean up their property within 10 days or face fines. She said that it seems the majority of these letters are being sent to the East Side and asked if other parts of Columbia are receiving letters as well. Mr. Boyer stated that the Codes Department has a schedule and that all sections of town are on a two-month schedule. The inspectors try to maintain the schedule as best they can, but all parts of Columbia receive letters if their property is in violation of the codes. Ms. Pillow stated she is concerned with only a certain ethnicity receiving letters. Mr. Boyer assured Ms. Pillow that the inspectors do not know who owns or lives at a house unless someone comes to the door. They are not allowed to go onto the property without the owners' permission and can only survey the property from the sidewalks and the streets. Council Member Matthews and Stephenson both stated they have areas of concern in their wards and that they send requests in to the Codes Department so that those locations are addressed. The cleanup effort will increase property values and make our community cleaner. Council Member Stephenson assured Ms. Pillow that the letters are going out to citizens all over the City and she encouraged Ms. Pillow to contact her Council Member if there are properties that concern her and need to be addressed because as a citizen she can turn in a complaint for the City to follow-up on. Member Martin suggested that a public service announcement be done since some residents do not know what they can do and what procedures should be followed. This effort is made to enhance the quality of life. Mayor Gentner stated there is an annual publication that is sent out to every resident; perhaps in the next issue, a section can be devoted to explaining what the Codes Department is doing and how the community can help with the effort. Mr. Boyer encouraged citizens who receive a notice and have questions to contact the inspector whose name is on the letter along with his phone number. The inspectors have been instructed to work with property owners. All you need to have is a plan in place and show progress. The City is not interested in fining and bringing people into court. We all want to accomplish our ultimate goal, which is improving the quality of life. Council Member Dickey stated that when prospective businesses come into Columbia, they look at the entire community, and everyone needs to be involved in the effort of keeping our community clean.

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OTHER BUSINESS:

Council Member Dickey stated in the weekly report it was mentioned by Jim Fuller, City Engineer, that the subdivision regulations were finished at the last meeting. He asked how the changes would be passed onto the Planning Commission and Planning Commission. Mr. Boyer stated that the subdivision regulations were not finished. MACTEC is putting the changes together and a chapter or two at a time will be brought before each Commission. We are about six weeks away before the first changes are brought before the Planning Commission.

Council Member Matthews reminded everyone there will be a presentation on the Comprehensive Plan at the Memorial Building on March 9, 2009 at 6:00 p.m. In addition, to reiterate the discussion from Mr. Boyer at Tuesday night's Study Session, the Humane Society will be doing an evaluation of the Animal Shelter and the Maury County Animal Shelter Association will pay for the cost of this study. Council Member Matthews also asked for an update on the situation of CPWS selling water to Spring Hill. Council Member McCullen stated that there will be a meeting in two weeks to discuss the water situation.

Council Member Stephenson reiterated that at the last subdivision meeting it was agreed that the chapters would be brought forth one or two at a time. Mr. Campbell, Chairman of Planning Commission, was present at the meeting and agreed to that process.

There being no further business the meeting adjourned at 7:43 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

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BETTY MODRALL, CITY RECORDER