

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

April 16, 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 Sue Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; Assistant City Recorder Sue York; and Liz Bermudez, Recording Secretary. City Recorder Betty Modrall was absent.

Pastor Buddy Roberts of Westminster Presbyterian Church offered the invocation followed by the Pledge of Allegiance led by Council Member Dickey.

APPROVAL OF AGENDA:

Council Member McCullen moved to approve the Agenda. Council Member Stephenson seconded the motion. Mayor Gentner asked the City Manager to go over the additional items that are before Council before they approve the Agenda. City Manager Boyer advised that in Item 8.4 he previously said the Neighborhood Stabilization Grant would only apply to Ward 2 and that it actually would be Wards 2 and 3. City Manager Boyer said the change is reflected in the title of Item 8.4. City Manager Boyer stated that in Item 10.2, the Ordinance changing the method by which the City sets Sanitation Fees, the staff recommendation had been changed from “approve” to “disapprove”. City Manager Boyer advised he distributed a memo to Council that needs to be added to Other Business. The memo is regarding scheduling consideration of the Southern Urban Growth Area (SUGA) Comprehensive Plan. All Council Members present voted aye.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 2, 2009.** Council Member McCullen moved to approve the April 2, 2009 City Council Meeting Minutes. Council Member Martin seconded the motion. All Council Members present voted aye.

Item 6.2 – **RE-APPOINTMENT OF PREVIOUS MEMBER MR. JOHN CHAPPELL TO THE COLUMBIA HOUSING AUTHORITY BOARD; THE TERM WILL EXPIRE JULY 1, 2011.** Mayor Gentner

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moved to approve the re-appointment of Mr. John Chappell to the Columbia Housing Authority Board with the term to expire on July 1, 2011. Council Member Martin seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

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

1. Disbursements for the month of March 2009 in the amount of \$6,793,641.93.
2. Authorization the purchase of network switches – MIS Department.

ADMINISTRATION:

Item 8.1 – AUTHORIZE EXECUTION OF AMENDMENT NUMBER 1 TO TENNESSEE DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 20002161 (PROJECT IDENTIFICATION NUMBER 101743.000) – INDUSTRIAL PARK BRIDGE REPLACEMENT – FINANCE DEPARTMENT. Council Member McCullen made a motion to approve Amendment Number 1 to Tennessee Department of Transportation Contract Number 20002161. Council Member Matthews seconded the motion. Mayor Gentner asked the City Manager to explain the amendment to the contract. City Manager Boyer advised that the City has been under contract with the Tennessee Department of Transportation (TDOT) for reconstruction of the Industrial Park Bridge. The contract required \$482,000 in City matching funds for construction of the bridge. City Manager Boyer said with the arrival of the American Recovery and Reinvestment Act of 2009 (ARRA) transportation funds, TDOT determined that the bridge construction would be fully funded under that program and no local match would be required. This amendment accomplishes that. Mayor Gentner asked if he was correct that the money sent for the deposit would go back into the State Street Aid Fund as opposed to the General Fund. City Manager Boyer advised that is correct. All Council Members present voted aye.

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Item 8.2 – TRANSFER OF FUNDS FROM GENERAL GOVERNMENT – RESERVES FOR REFUND OF PROPERTY TAXES PAID – FINANCE DEPARTMENT. Council Member Dickey moved to approve the transfer of funds. Council Member Martin seconded the motion. Council Member Stephenson advised she has received two copies of the transfer and would like to know if there were any changes. City Manager Boyer advised there was a date on the first transfer form that was removed. All Council Members present voted aye.

Item 8.3 - CONSIDER AUTHORIZING A GRANT APPLICATION TO THE DEPARTMENT OF AGRICULTURE FOR A RURAL DEVELOPMENT GRANT TO BUILD A FARMER’S MARKET – WARD 5 – GRANTS AND PLANNING DEPARTMENT. Vice Mayor Kennedy moved to approve authorizing the grant application to the Department of Agriculture for a Rural Development Grant to build a Farmer’s Market. Council Member Stephenson seconded the motion. Mayor Gentner asked where the Farmer’s Market would be located if the City is awarded the grant. City Manager Boyer advised that part of Riverwalk Park east of Riverside Drive (where the existing picnic pavilion and parking lot are) and north of the parking lot has been identified as appropriate for a Farmer’s Market. All Council Members present voted aye.

Item 8.4 CONSIDER AUTHORIZING A GRANT APPLICATION TO TENNESSEE HOUSING DEVELOPMENT AGENCY FOR A NEIGHBORHOOD STABILIZATION PROGRAM GRANT – WARD 2 & 3 – GRANTS AND PLANNING DEPARTMENT. Council Member Martin moved to approve authorizing the grant application to Tennessee Housing Development Agency for a Neighborhood Stabilization Program Grant. Council Member Matthews seconded the motion. Mayor Gentner asked the City Manager for a brief explanation on this item. City Manager Boyer informed everyone that this is the first round of Neighborhood Stabilization Program Grants, which are actually part of the stimulus package approved by the previous Congress and Administration back in August of 2007. He advised that Maury County and its municipalities have been identified as direct recipients. The idea of the program is to mitigate the blight that is occurring in cities throughout the United States as a result of the current economic conditions. City Manager Boyer said the City is

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submitting an application that would allow us to deal with abandoned and dilapidated structures within these two wards. Wards 2 and 3 have been chosen because the grant money must be expended in areas where the average income meets the low-to-moderate income category as established by the Department of Housing and Urban Development. Both areas have already met that requirement. Council Member Dickey asked if the map that Council has represents both Ward 2 and Ward 3. City Manager Boyer advised the map does reflect both wards. All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 09-16 - A RESOLUTION AUTHORIZING THE CITY OF COLUMBIA TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL AND AUTHORIZE EXECUTION OF THE INTERLOCAL COOPERATION AGREEMENT – CITY MANAGER’S OFFICE.

Council Member Dickey moved to approve Resolution No. 09-16. Council Member Martin seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-17 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 09-17. Council Member Stephenson seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3804 - AN ORDINANCE TO AMEND TITLE 3, CHAPTER 1, OF THE COLUMBIA MUNICIPAL CODE BY ADDING A LOCAL LITIGATION TAX TO THE COURT COST FOR THE CITY COURT

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OF THE CITY OF COLUMBIA,
TENNESSEE – CITY RECORDER’S
THIRD CONSIDERATION OFFICE.

Council Member Stephenson moved to approve Ordinance No. 3804 on third consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3802 - AN ORDINANCE TO AMEND ORDINANCE NO. 3448, THE SAME BEING THE ORDINANCE ADOPTING A NEW PROCEDURE AND SANITATION FEE SCHEDULE, BY DELETING THE FEE SCHEDULE FOR THE COLLECTION OF REFUSE WITHIN THE CORPORATE LIMITS OF THE CITY OF COLUMBIA, TENNESSEE – PUBLIC

SECOND CONSIDERATION WORKS DEPARTMENT.

Mayor Gentner moved to disapprove Ordinance No. 3802 on second consideration. Council Member Dickey seconded the motion. City Manager Boyer advised after the Study Session, Ken Donaldson, City Attorney Tisher and he discussed Council’s concern about the proper public notice of any proposed rate changes. City Manager Boyer said the recommendation was amended to allow adequate time to let the public know about rate changes. City Manager Boyer also stated that legislation had been introduced via House Bill 2139 and Senate Bill 2156 that would require fees, taxes and fines to be approved by ordinance. City Attorney Tisher advised Council if they are in favor of disapproving Ordinance 3802, then they would need to vote in the affirmative. All Council Members present voted aye. Ordinance No. 3802 died on second consideration.

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 MAY 21,

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

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

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-0 PLANNED UNIT DEVELOPMENT AND ESTABLISH THE DATE OF MAY 21, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.

FIRST CONSIDERATION

Council Member Matthews moved to defer Ordinance No. 3722 on first consideration until the next Regular City Council Meeting. Council Member McCullen seconded the motion. All Council Members present voted aye to defer Ordinance No. 3722 on first consideration.

ORDINANCE NO. 3805 - AN ORDINANCE TO AMEND TITLE 18, CHAPTER 1, SECTION 18-103 OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA WITH REFERENCE TO SEWER SERVICE CHARGES – WASTEWATER DEPARTMENT.

FIRST CONSIDERATION

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Council Member Dickey moved to approve Ordinance No. 3805 on first consideration. Council Member Matthews seconded the motion. Mayor Gentner asked the City Manager if the increase is for two years. City Manager Boyer advised the Ordinance calls for an increase in sewer rates of 14% on July 1, 2009 and then another 14% increase on July 1, 2010. Mayor Gentner asked what the average resident would have to pay with the increase. City Manager Boyer advised that the way the system is billed we can't distinguish commercial customers from residential, but that most of the City's customers are residential. Residents could expect a \$3.61 increase in 2009 and a \$4.11 increase in 2010. Mayor Gentner advised that the matter was deferred at the last Council Meeting so Vice Mayor Kennedy could get some information together. Vice Mayor Kennedy advised he is still getting the information together. Council Member Matthews asked the City Manager to discuss the Ordinance more for the public. City Manager Boyer advised the Wastewater rate has not had a rate increase since 1997. Since 1997, there have been several increases and the cost of operations has gone up forty percent nationwide. The City has been able to absorb the cost over time due to expansion of the system with new customers and careful budgeting. The system is probably fifty plus years old now and is requiring maintenance that it didn't require in the past. City Manager Boyer advised the system is well operated and to keep it operating at a high level, a rate increase is needed. Council Member Matthews asked that the public be provided with access to the rate study via the website. City Manager Boyer advised it will be placed on the website for the public to view. Vice Mayor Kennedy asked Wastewater Director Mike Anderson if Wastewater has eleven million dollars in reserve. Director Anderson said the fund does have several million dollars in reserve, but he isn't sure how much. Vice Mayor Kennedy asked why there has not been a rate increase since 1997 and did we not see this future coming that we need to raise it during a time when everyone is in distress. Director Anderson replied this is the first year where the anticipated revenues will not meet ongoing recurring expenses. Vice Mayor Kennedy asked what projects were going to be paid out of the reserves this year. Director Anderson named several projects listed in the budget. Vice Mayor Kennedy asked about the profit/loss for this year. Director Anderson advised hopefully there would be some money left to put back. Vice Mayor Kennedy said if things turn around next year, maybe the 14% increase would not be required. Director Anderson said the system is getting old and there are lines that need to be repaired. Vice Mayor

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Kennedy rephrased his question to ask “if revenues pick up is there a possibility of not having to have the 14% increase next year?” Director Anderson said there is always that possibility, it would have to be evaluated at that budget time. City Manager Boyer advised the budget does not forecast that scenario, it forecasts declining revenue and an increase in expenditures. Mayor Gentner asked where the increases put us in relationship to our competition in terms of costs. Director Anderson advised the first rate increase would have the City at the lower to middle range and the second increase would have the City in the middle. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no.

OTHER BUSINESS:

Item 11.1 RECEIPT OF THE PROPOSED FISCAL YEAR 2009-10 ANNUAL BUDGET FOR THE CITY OF COLUMBIA. Council Member Martin moved to acknowledge receipt of the Proposed Fiscal Year 2009-10 Annual Budget for the City of Columbia. Council Member Stephenson seconded the motion. City Manager Boyer advised this has been the most difficult budget for staff to work on. The budget keeps the same tax rate and does not eliminate any positions. The budget does leave out many projects and doesn't fund everything funded last year at the amount at which it was previously funded. The City will not be doing any grand things next year with the way the budget is presented. City Manager Boyer advised that staff agrees with Council on not having a tax increase for the taxpayers this year and that he appreciates the difficult decision that Council has to make with this budget process. City Manager Boyer asked that Council focus on the Budget Message if they do not have time to go through everything because it focuses on some of the main issues. City Manager Boyer advised he is pleased the way the budget turned out, but it is not what he hoped it would be. All Council Members present voted aye.

Item 11.2 CALLING SPECIAL COUNCIL WORKSHOPS FOR THE REVIEW OF THE PROPOSED FY 2009-10 ANNUAL BUDGET AND STRATEGIC PLAN. Council Member Martin moved to approve the calling of the Special Council Workshops on Tuesday, April 21st and Thursday, April 23rd from 5:30 – 8:00 p.m. in Conference Room 200 of City Hall. City Manager Boyer advised he is sure there will be more budget

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workshops scheduled later. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

Item 11.3 SCHEDULING CONSIDERATION OF THE SOUTHERN URBAN GROWTH AREA (SUGA) COMPREHENSIVE PLAN.

Council Member Dickey moved to approve the scheduling of the SUGA Comprehensive Plan. Vice Mayor Kennedy seconded the motion. City Manager Boyer advised the consideration of adoption of this plan would be in line with the budget process. He and the City Attorney left previous meetings with the feeling that the Council did not want to have the budget and Comprehensive Plan on the same agendas due to the possibility of the meetings running long. City Manager Boyer recommended a Special Called Meeting on June 11th and to have a Public Hearing and first consideration of the SUGA on that date. City Manager Boyer advised that the reason the Public Hearing is being requested at first consideration is so the public can comment on the matter before the last consideration. City Manager Boyer also advised this would create a “date certain” for the Public Hearing rather than trying to set it for third consideration when deferrals could occur. City Manager Boyer said if the Council does not adopt what the Planning Commission has certified to them, then the Planning Commission and City Council have to sit down and resolve the issues before they go forward. City Manager Boyer said second consideration of the plan would be held on Council’s Regular Meeting on June 18th and the third consideration would be held on the Regular Meeting on July 2nd. City Manager Boyer advised there is not undue delay with this schedule. Both Council Member Dickey and Vice Mayor Kennedy agreed to meeting times of 6:30 p.m. on those dates. Council Member Stephenson said her understanding of the new law is that if Council does makes a change to the plan then it goes back to the Planning Commission for them to vote on the change. Council Member Stephenson then said if the Planning Commission does not agree on the change, the Planning Commission would submit in writing why they don’t agree with the changes and City Council would then take a vote. City Attorney Tisher advised that process would only be for the amendment of the plan, not for the original plan itself. City Attorney Tisher said on the original plan Council can send it back to the Planning Commission if they have a change, but it would be more expeditious to sit down and have a meeting to discuss the issues and try to work out the differences. Council Member Stephenson said she has read the new law and has consulted with

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attorneys about the law and what she has said is their understanding of the law. Council Member Stephenson said the memo makes it seem like Council only has one option in dealing with changes to the plan. Council Member Stephenson said she would like to amend this to say that the Council has the option of either stopping after the June 11th meeting and having a meeting with the Planning Commission or the City Council can send any amendments back to the Planning Commission. City Attorney Tisher advised that Council can run into some time constraints if they follow the latter option. Vice Mayor Kennedy said his concern is whether Council Member Stephenson checked with the City Attorney before asking another attorney about the law. Council Member Stephenson advised she did not check with the City Attorney. Vice Mayor Kennedy asked if members of Council should not rely on our City Attorney. Council Member Stephenson said she believes they can rely on the City Attorney but they can rely on others as well. Council Member Matthews said Vice Mayor Kennedy relied on others outside the City with regard to the wastewater topic on the agenda. Vice Mayor Kennedy advised he did not go to an attorney, though. Council Member Matthews asked for a copy of the new law and she said she would like to second Council Member Stephenson's amendment to have more than one option to deal with amendments to the plan. City Manager Boyer advised his intent was not to force Council into anything and that the purpose of the memo was to present a meeting schedule. Council Member Matthews asked if they would be voting on SUGA only on the indicated dates. Mayor Gentner said that the motion is to have a Special Called Meeting at 6:30 p.m. in the Chambers on June 11th followed by the Regular Meetings for second and third consideration. City Attorney Tisher said neither body can force the plan down the other body's throat. Council Member Stephenson stated this is not the only option that they have in terms of how they handle this and that they can do it a different way than what is stated in the memo. Mayor Gentner asked Assistant City Recorder Sue York to read the motion. Assistant City Recorder York advised that the motion is to schedule the meetings for the consideration of the Southern Urban Growth Area (SUGA) Comprehensive Plan, and a Special Called Meeting on June 11, 2009 at 6:30 p.m. Council Member Stephenson asked for clarification on the vote, making sure it is just for the meeting dates and times. Mayor Gentner said that is correct. All Council Members present voted aye.

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Council Member McCullen asked about the progress on Hampshire/Williamsport Pike. City Manager Boyer advised the College Park Drive part of the project ran into a problem with the existing design conflicting with a gas line. City Manager Boyer said that City Engineer Jim Fuller is working with the gas company on some ideas to reroute the road to avoid the expense of dealing with the gas company. City Manager Boyer said he was not particularly pleased with the performance of the consulting engineer and he has written a letter to Barge, Waggoner, Sumner and Cannon stating his expectations that the redesign be done at no cost. In regards to the Hampshire Pike sidewalk, City Engineer Jim Fuller said the City has the environmental approval and is waiting on the preliminary engineering step. City Manager Boyer said this is federal money and there are many hurdles to overcome before the project can start and the City is about halfway through the hurdles. Council Member McCullen asked if it would be started right after school lets out. Mr. Fuller said he hopes they can start the alignment right after school is out. City Manager Boyer said Mr. Fuller does a pretty good job on reporting and all the information that has been said about the project has been reported in the Weekly Report. Mr. Fuller said he left the information in the Weekly Report two weeks in a row in case anyone missed it the first time.

Council Member Matthews said it is nice to have all the Department Heads at the Council Meeting. She said we have a great group of people that take care of the City. Council Member Matthews said she is happy to see that Ken Donaldson has listened to people screaming and taken the opportunity to have a State Arborist come down and train seven of his Public Works employees on how to properly trim trees. Council Member Matthews said it is making a huge difference and she would like to see Columbia Power and Water System employees get the same training. Council Member Matthews said there were some “heritage trees” cut down on Highland Avenue and there was one cut down on West 6th Street. Council Member Matthews said that there are citizens who do not know there is an Ordinance to protect the trees from being cut down. Council Member Matthews said if she was dealing with a twenty-four inch diameter tree in her yard, she would hire a professional service to help cut down the tree. Council Member Matthews asked that a letter go out to businesses that provide this service to make sure they are aware of the ordinance. Council Member Matthews said the bridge on Trotwood is looking real good and she would like the sidewalks to

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continue a little further on both sides. Council Member Matthews thanked the Mayor publicly for sending a letter to Jim Clark, Director of Columbia Power and Water Systems, requesting him to come in front of Council on May 5th. Council Member Matthews advised she did ask to change that date to May 7th so that Mr. Clark's comments on the sale of water to Spring Hill can be televised. Council Member Matthews asked if that schedule was able to be adjusted. City Manager Boyer advised it was. Council Member Matthews asked for an update on the Riverwalk. City Manager Boyer said the City is still in the process of acquiring right-of-way and easements necessary to go forward with the project. The construction plans are essentially complete but there are federal regulations that the City has to follow and the City needs to finish acquiring the rights-of-way before the City can submit the plans. City Manager Boyer said the engineers think bids will be ready by late May or June.

Council Member Martin thanked everyone in the City who participated in the outpouring of love they showed for Relland Stovall by participating in the meeting, vigil and funeral. Council Member Martin asked that everyone keep Roland Stovall and his family in mind during this difficult time. Council Member Martin asked for a report on overtime incurred during the Mule Day activity. Council Member Martin said there is a deficit in what the public knows in regards to Code Enforcement and asked for the public service announcements being worked on to be expedited. Council Member Martin sent Mr. Boyer information about grants because she wants the City to find all the grants possible for which the City can apply. Council Member Martin said this Saturday, the HO Porter Scholarship Banquet will be held at the Memorial Building. Council Member Martin said that last year the organization gave nine thousand dollars to students to help them go to college. Council Member Martin also spoke about the Maury County Clean-up, which is also Saturday, April 18th.

Council Member Dickey said that supplies for the Maury County Clean-up can be picked up at 8:00 a.m. Saturday at the Memorial Building and that people may register at that time. Council Member Dickey asked that citizens of Ward 4 participate in this event to make the City a cleaner and greater City.

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Council Member Stephenson said it is not too late for those who want to participate in the Maury County Clean-up. She said there will be staff at the Memorial Building from 8:00 a.m. until Noon for those who would like to register for the event. Council Member Stephenson complimented the City staff for all their hard work during Mule Day and for making it a great event. Council Member Stephenson spoke about the Golf Scramble that would benefit the Tennessee Rehabilitation Center on Saturday, April 25th. Council Member Stephenson said the Tennessee Rehabilitation Center does not get money from the State and there are many people in the community that the center helps. Council Member Stephenson asked for the public to help out by participating in the Golf Scramble. Council Member Stephenson spoke about the loss of Lindsay Sale-Tinney and Brandi Barfield-White, two of the finest, most gifted and accomplished women she has ever known. Council Member Stephenson also spoke about how much everyone has learned from Relland Stovall in terms of how we should live our lives and how we should treat other human beings. Council Member Stephenson asked for a moment of silence in honor of Lindsay Sale-Tinney, Brandi Barfield-White and Relland Stovall.

Vice Mayor Kennedy thanked all the Department Heads and especially Ken Donaldson for all successful Mule Day. Vice Mayor Kennedy asked for an update on Ridley Park. City Manager Boyer said the City is finishing the construction drawings and hopes to bid the project in May or early June. City Manager Boyer said the Park will be open next spring. Vice Mayor Kennedy asked that everyone keep Joe and Betty Modrall in their prayers.

City Manager Boyer said there will be a column on Code Enforcement in the paper tomorrow.

Mayor Gentner asked for an Ordinance to address downtown facades at the July 2nd meeting. Mayor Gentner said there are two facades that have been removed from downtown buildings and it is a detriment to the area. Mayor Gentner asked the Ordinance be written in such a way that a performance bond be required.

There being no further business, the meeting adjourned at 7:51 p.m.

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APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER