

SPECIAL CALLED COUNCIL MEETING – COLUMBIA, TENNESSEE

June 11, 2009 – 6:30 p.m.

Mayor Gentner read the notice of the Special Called Meeting.

Vice Mayor Kennedy moved to spread the Special Called Meeting upon the Minutes. Council Member Martin seconded the motion. All Council Members present voted aye.

PUBLIC HEARING - ON ORDINANCE NO. 3812 - AN ORDINANCE TO ADOPT A GENERAL PLAN FOR THE SOUTHERN URBAN GROWTH AREA WITHIN THE URBAN GROWTH BOUNDARIES OF COLUMBIA, TENNESSEE.

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 Kennedy, Council Members Carl McCullen, Debbie Matthews, Christa Martin, Dean Dickey and Susan Stephenson; Acting City Manager David Holderfield; City Attorney Tim Tisher; Assistant City Recorder Sue York; and Liz Bermudez, Recording Secretary. City Recorder Betty Modrall and City Manager Paul C. Boyer, Jr., were absent.

Mr. Jim Kitchen, a real estate broker in Maury County since 1985, said the Plan that the Planning Commission is submitting to the City Council was needed two years ago. He advised only in 1998 did they have fewer residential sales than this year and there have been forty-eight realtors that have left the business this year. Mr. Kitchen said property rights were granted by the U.S. Constitution and citizens are beginning to lose those rights. He said zoning is the beginning of losing property rights. Mr. Kitchen mentioned how Houston, Texas does not have zoning. Mr. Kitchen said density is another way property rights are being taken away. He said sewer is one of the largest development costs and the City has already spent money on sewer to handle the growth in the area. Mr. Kitchen spoke about how the opposition has been saying over and over that we should listen and follow the advice of the experts (MACTEC). Mr. Kitchen advised he has a problem with that because in the eighty-three page report MACTEC claims that Columbia is rural, while the State of Tennessee has designated Columbia as micropolitan. Mr. Kitchen said MACTEC's creditability is taken away in his opinion due to them mislabeling the Columbia area. Mr. Kitchen also said that MACTEC said Columbia has a low crime rate, which

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is not right. He went on record saying that he does not believe that MACTEC are experts and the whole process has been destructive. Mr. Kitchen asked that Council accept the Planning Commission's version of the Comprehensive Plan.

Mrs. Martha Warren presented a powerpoint slide on her opposition to some of the amendments adopted by the Planning Commission. Mrs. Warren said the Comprehensive Plan (Plan) that was adopted by the Planning Commission and the Zoning Ordinance enacted by City Council are closely related and both are intended to be parts of a single integrated procedure for land use control. Mrs. Warren said the Zoning Ordinance gets its direction and authority from the Plan and provides detailed means of giving effect to those principles. Mrs. Warren informed Council that the Zoning Ordinance would not be consistent if it represents a different approach to managing growth than what was called for in the Plan. Mrs. Warren advised that the Plan is the "back bone" for the zoning laws and insurance that the Zoning Ordinance is reasonable. Mrs. Warren spoke about TCA 13-3-302. She also spoke of the Zoning Ordinance being consistent with the Plan. Mrs. Warren pointed out Sections 1.8, 3.17.2, 3.18.2, 3.20.2 and 3.19 of the Zoning Ordinance, which all refer to consistency with the Comprehensive Plan. Mrs. Warren advised she is opposing the words "protect", "preserve", "require" and "ensure" with the words "promote", "encourage", "consider" and "minimize". Mrs. Warren spoke about how many times the word "protect" and the word "preserve" were used in documents like the City of Gallatin Comprehensive Plan, the Zoning Ordinance and the Cumberland Region Tomorrow Toolbox. Mrs. Warren went over some of the amendments to the Plan. Mrs. Warren said Article 11 of the Zoning Ordinance, deals with landscaping, buffering, and tree protection including required buffers. She said Article 11 of the Zoning Ordinance consists of thirteen pages of requirements. Mrs. Warren continued to go over more amendments that were made to the Plan in reference to the words "protect" and "preserve". Mrs. Warren said the SUGA (Southern Urban Growth Area) Plan is a component of the joint Comprehensive Plan between Maury County and three municipalities and it should be consistent with the overall Plan. She said the Plan is not a "Cafeteria Plan", meaning you cannot pick and chose what you want. Mrs. Warren advised the Plan is the voice of the citizens. Mrs. Warren said the three highest priorities of the residents of the

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SUGA are to preserve the Duck River, preserve agricultural land and preserve the rural character of Maury County.

Mr. Jim Springer said the comments made by Mrs. Warren and others are going to give reasons why the Plan should be accept as originally proposed by MACTEC. Mr. Springer advised this is not the time for compromise. Mr. Springer advised the change of one unit per acre to two units per acre in the SUGA will result in significant damage to the character of that area. He said some things are beyond compromise and this one of them. Mr. Springer said MACTEC concluded that one unit per acre was best for the plan after they analyzed the terrain, infrastructure, existing developments, ecology and input from citizens of the area. Mr. Springer said today's circumstances justifies one unit per acre. He advised several months ago Council turned down a Plan that was approved by the Planning Commission. Mr. Springer said Council turned that Plan down due to the public not having input into the Plan. Mr. Springer said to correct the Plan professionals were hired to objectively analyze and evaluate various data and trends along with obtain public participation in the development of the Plan. Mr. Springer stated the Planning Commission seeks to nullify public input and professional advice by making unwarranted changes to the Plan. Mr. Springer asked what the basis is for the Planning Commission to change what MACTEC recommended. He advised the Council's decision on the Plan will have consequences as to how the community develops. He asked if the Council's decision will reflect the values and vision of the citizens. Mr. Springer asked a string of questions with each question asking if the Council will chose to either protect/preserve the area or if they will consider doing so. Mr. Springer said the Plan recommended by MACTEC is the right Plan at the right time. He said the Plan by MACTEC is in the best interest of the area, of the public and of the future. Mr. Springer asked that Council vote accordingly.

Ms. CJ Satterwhite said the words "protect", "preserve", "ensure" and "require" in the Comprehensive Plan protect the entire community and her family. Ms. Satterwhite went over how many times the words "protect" and "preserve" were used in several Comprehensive Plans from other cities in Tennessee. Ms. Satterwhite advised changing the above referenced words to "promote", "encourage", "consider" and "minimize" does not protect the community and her family. She said changing the words does not make

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good sense. Ms. Satterwhite advised changing the unit per acre from one to two will cause traffic issues and will be too many houses for that area. Ms. Satterwhite asked that Council approve the original language and the original Plan developed by MACTEC.

Mrs. Candace Wade advised in the past couple weeks she attended a couple of meetings that really made her understand and get more excited about the MACTEC Plan as originally submitted. Mrs. Wade said the meetings that she attended were the East Hill Charette and Grant Plan Open House where she saw people there with dreams for their neighborhood and “real heart” of a neighborhood. She said they were concerned about preservation and revitalization. Mrs. Wade informed everyone that the other meeting she attended was the Power of 10 in Nashville. She said the meeting involved groups of communities that were enthusiastic about their Comprehensive Plans and how public transportation was coming about. Mrs. Wade stated that all of the community has a dream. She said new growth seems to end at Maury County which she believes is because of the lack of planning and zoning that has gone crazy. Mrs. Wade said the things getting away in the design of the Comprehensive Plan is the arguments against the MACTEC Phase I Plan (SUGA Plan). She said she has been hearing from a couple of Council Members and the Mayor that we owe the developers, we are taking away property rights and something about letting the market dictate the land use. She asked what do we owe the developers? Mrs. Wade spoke about the decline in the real estate market and how it may not recover for a couple of years. Mrs. Wade mentioned the Spring Hill General Motors Plant and what may happen if the plant closes. She advised Spring Hill real estate values has already dropped and the most growth they had was in 2005. Mrs. Wade informed everyone that we are not seeing the building that we were previously seeing. Mrs. Wade advised with the property values in Spring Hill going down it may encourage more people to move there, which takes away from us. She asked why we need all the houses. Mrs. Wade showed pictures of what children wanted their community to look like. She stressed that we need consistency in the Plan. Mrs. Wade advised that Williamson County is promoting themselves to citizens by speaking of rolling hills and rural areas. She said we need to stick together as a community to create unity so that an environment can be created for people to want to move to the area and buy houses.

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Pastor Buddy Roberts said he wants to focus on the word “Plan” as being a goal/something we are aiming for. He said this has been a long process and they have been accused of being against everything. Pastor Roberts advised that is not true and he is here to advocate the MACTEC Plan to Council. He thinks MACTEC knows what they are doing and there are other cities that have adopted their Plans. Pastor Roberts encouraged Council to adopt MACTEC’s Plan. He said he is here to rise to argue against the amendments, the changes that Council has already heard. Pastor Roberts said taking out the wordage that MACTEC had in place makes the Plan no longer a Plan. Pastor Roberts encouraged Council to go with the density of one unit per acre as MACTEC recommended. He spoke about Columbia’s website mentioning the rural aspects of the area. Pastor Roberts spoke about wanting to keep the rural aspect. Pastor Roberts said he lived in Houston and yes, they do not have zoning, but it is chaos. He said Council has a chance with a good Plan and he advocates Council to approve the Plan tonight.

Mr. Bill Wade said he is a professional economist who works on land use things around the country. Mr. Wade said he has heard nothing but “malarkey” from the Planning Commission and their constituents, the developer group who want to dismantle the Comprehensive Planning Process. Mr. Wade urged Council to find the personal courage to follow the will of the citizens and recommendations of the experts for the good of the City. Mr. Wade asked that Council reject the Planning Commission’s changes to the experts’ Plan. Mr. Wade spoke of the money that was spent on the Comprehensive Plan being thrown away if Council’s vote is based on trying to make it up to Mr. Gronow and Mr. Heller for their investment “blunders”. Mr. Wade said Mr. Gronow and Mr. Heller’s bad investment is already lost. Mr. Wade asked what buyers would drive south of Columbia for the typical high-density subdivisions when they can buy better-located identical products north of town closer to amenities and work. Mr. Wade continued by speaking of Mr. Eddie Campbell’s father “Jeep” Campbell. Mr. Wade said he ended planning and zoning forty-one years ago and Mr. Eddie Campbell is intent on keeping it that way. Mr. Wade said Mr. Campbell will continue to hold the County back if he and his developer friends are allowed to “strangle” progressive planning. Mr. Wade went on to speak of the proof of the failed planning policy and how it can be seen around town. He advised change is needed and asked Council to embrace

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new ideas, which they paid for. Mr. Wade said the citizens supported the planning process and taxpayers paid for the SUGA Plan. Mr. Wade said changing the expert's results because of developer friends in the professional world is unheard of. Mr. Wade informed Council that at a conference two weeks ago the Mayor of Gallatin praised MACTEC's Plan. He said that in Columbia, non-experts feel they can "fiddle" with the Plan to please their friends. Mr. Wade said it is not right to spend voters' money, raise their hopes that something good might come out of this and then go back to the status quo based on "malarkey". Mr. Wade advised there can only be one consistent County-wide Comprehensive Plan and the draft of that Plan ignores Mr. Campbell's removal of protection language from the SUGA part of the Plan. Mr. Wade stressed that the Plan must be consistent for the entire County and City. He said they could not strip all protections from SUGA and protect the rest of the County with standard planning language. Mr. Wade said if Council accepts the changes, the Planning Commission made then enforceability would be a nightmare, besides being unfair. Mr. Wade advised he has a solution and recommendation for this process. Mr. Wade said the expedited approval scheme is based on the faulty premise that Planning Commission and Council must jointly approve the Plan. Mr. Wade advised that is nonsense and it is an insult to the citizens to give the Plan "the bum's rush". He asked that Council reject the amended Plan. Mr. Wade advised there is no rush for the Plan with the current economic conditions, which has, worsened by the uncertainty of General Motors. Mr. Wade said four new Planning Commissioners are needed on July 1, 2009, who can assess the Plan for the good of the entire community. Mr. Wade asked that time be taken to find new Planning Commissioners with an interest in the community at large and some vision of a better future. He further asked that the SUGA element be placed back inside the overall Plan so that a consistent Plan that everyone can be proud of is adopted. Mr. Wade's last remark was to resist the "malarkey" even what he heard tonight.

Mr. Ed Honicker said it has been two years since the Planning Commission received the original request to change the zoning and the annexation in the SUGA. He said it took almost twelve months for the Planning Commission and the City Council to realize the need for developing a Comprehensive Plan for all of Maury County. Mr. Honicker advised that MACTEC with the assistance of the Steering Committee took on the task of developing the

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Plan. Mr. Honicker advised the Planning Commission voted to amend the Plan and forwarded the amended Plan to Council. Mr. Honicker said the amended Plan does not represent the SUGA stakeholders' input that was obtained during the charette process. He said the amended Plan does not protect the investments of the surrounding property owners and the amended Plan does not protect the character of the SUGA. Mr. Honicker asked what the past two years accomplished. He said the amended Plan favors one party while disregarding the interests of the adjacent property owners. He said the amended Plans' density does not exist anywhere in the SUGA. He continued by saying the amended Plan is detrimental to the area and owners. Mr. Honicker said the amended Plan sounds like "spot zoning". He advised the Plan sounds like a personal stimulus package that benefits one or two parties who made a bad business decision at the expense of the adjacent property owners. Mr. Honicker informed everyone that the amended Plan will set the stage for the additional 1200 similar homes on the remaining 600 acres of the SUGA. He asked if Council considers the amended Plan fair to their concerns and is the plan an example of responsible land planning. Mr. Honicker asked if Council does not think the Plan is fair to the citizens' concerns and is an example of responsible land use planning then they should send the Plan back to the Planning Commission for further consideration.

Mr. Jeff O'Brien said he supports the MACTEC Plan and it is hard to say anything good about the amended Plan that the Planning Commission passed. Mr. O'Brien said the Plan missed a lot. Mr. O'Brien spoke about the transportation aspect having been left out of the Plan. Mr. O'Brien gave examples of other cities and their Comprehensive Plans that include transportation. Mr. O'Brien said in the Maury County Draft Plan under Primary Issues it says the multiple roadways throughout the County experience safety issues that include substandard lane widths, lack of shoulders and lack of sight distance. Mr. O'Brien said the people that attended the SUGA charatte when asked about transportation said their biggest concern was the dangerous road conditions and their third biggest concern was TDOT has jurisdiction of the road and they do not plan to do anything about it. Mr. O'Brien went over some of the dangers on Campbellsville Pike, which includes no shoulders, narrow lanes etc. He went over some of the vehicle accidents that have occurred on the road since the beginning of the Comprehensive Plan process two years ago. Mr.

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O'Brien said USDT said the Campbellsville Pike is the most dangerous road in the County. Mr. O'Brien advised that he was told TDOT does not have money to improve Campbellsville Pike. Mr. O'Brien spoke about false hope with the State possibly fixing one of the bridges on Campbellsville Pike with bond money. Mr. O'Brien advised that the people in Sunnyside, Sheegog and the Southern Bypass would all be affected by traffic. Mr. O'Brien said they are looking to Council to protect the people that live the area. He said so far there is no Plan and we deserve a Plan that is as good as other cities.

Mr. Gene Heller said he came to Tennessee because he was invited by Governor Buford Ellington. He has a great deal invested in Tennessee and has built many houses all in Maury County. Mr. Heller said when he sold his business to the Gerber Company they received most of the money in cash and he put a lot of that money back into the county. Mr. Heller said he went into building houses because that is what he enjoys. Mr. Heller said Mr. Wade has characterized his houses as "cookie cutter" houses as if there is some stigma attached to an affordable house. Mr. Heller advised he is happy when a person buys a house they can afford and gets to sleep at night in it. He said he does not know of any of his houses that have been foreclosed on. Mr. Heller asked who invited Mr. Wade to Maury County to "save their lives". He said he was the largest employer in Maury County for a number of years. Mr. Heller said he was accused of wanting to make money but he asked who doesn't want to make money. Mr. Heller said he wants to produce something, make money, provide jobs and produce a good product. Mr. Heller said he does not believe that any of them have been to one of his subdivisions where they go to great lengths to maintain the trees with the exception of the first subdivisions they built twenty years ago. Mr. Heller said is it better to be developing a Plan if you are being paid without responsibility or if someone is more responsible if they have their life savings tied up in it.

Mr. Bruce Peden, a lawyer, said he does not have any clients here. Mr. Peden advised he has been to court against the City before about the experts they hire. Mr. Peden said after the matter was said and done it would turn out that the experts weren't really that expert at what they were dealing with. Mr. Peden gave the example of impact fees. Mr. Peden said he has heard personal attacks on the Planning Commission and he does not

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represent anyone on the Planning Commission but he has never had any reason to question any of their integrity or to “impugn” their character. He said that is uncalled for. Mr. Peden said he knows Eddie and Jimmy Campbell and there is not anyone who has given more service to the City than Eddie Campbell for nothing.

Clare Keller, 309 West 6th Street, said she was excited about the MACTEC plan. She said she personally likes and has respect for Eddie Campbell and his willingness to serve on the Planning Commission because it is a “thankless job”. Ms. Keller advised she does disagree a little with the amended Plan and some of the wordage. Ms. Keller went on to speak about view sheds.

Mr. Eddie Campbell advised the SUGA Plan was developed by the Planning Commission as it is their function and duty as prescribed by the TCA. He said he has not seen a County-wide Plan from MACTEC at this point. Mr. Campbell advised he spoke to Lee Walton and was told that MACTEC is working on a number of changes to the preliminary draft. Mr. Campbell advised the SUGA Plan is a forty-eight page document and he only recommended changes to four words in the document. Mr. Campbell said the four words are redundant which resulted in a total of twenty-six changes. Mr. Campbell said the main reason for the changes was to avoid potential litigation when development takes place. He said many of the original phrases were too subjective. He said “preserve rural character” can be construed in a lot of ways by a lot of people and it appears on pages 4, 11, 12, 13, 15, 19 and 35. Mr. Campbell suggested changing the word to “promote” and that resulted in seven of the changes. Mr. Campbell said MACTEC helped write Gallatin’s Plan which they have been hearing a lot about even tonight. He said in the Gallatin Plan “preserve rural character” only appears four times in the 224 pages of the Plan and it is always followed by the phrase “in rural areas”. Mr. Campbell said rural areas are further defined as an area around the periphery of the urban growth boundary and areas beyond not areas next to the City limits. Mr. Campbell said Williamson County’s Plan references the phrase “preserve rural character” only three times and it always refers to rural areas outside the urban growth boundaries. He said the word “protect open space” appears four times in the SUGA Plan on pages 11, 13, 14 and 19. He suggested the word be changed to “promote open space” because he thinks that is what

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they want to do. Mr. Campbell said it is not referenced at all in Gallatin's Plan without a qualifier. He said in all the occurrences the phrase always refers to areas where there is rural areas on the urban growth boundaries, parks, historic downtown and conservation subdivisions. Mr. Campbell continued by saying in Williamson County's Plan "protect open space" is not referred to at all, they use the term "preserve open space" but it is also referred to only in rural areas again defined outside the urban growth boundary. Mayor Gentner advised Mr. Campbell that he has thirty seconds left for his comments. Mr. Campbell asked for a point of order, he asked for a couple more minutes since the item is coming from the Planning Commission and if Council has questions about the changes then he would like to go over them for Council. Mayor Gentner advised Council will allow him to speak since he is the Chairman of the Planning Commission when Council discusses the actual Plan. Mr. Campbell advised he will save his remarks for that time.

Brad Lewis wanted to appeal emotionally to Council. Mr. Lewis said Council has chosen wisely the last two years by sending back items to the Planning Commission and then by getting an expert to come up with a Plan. He asked that Council chose wisely tonight because it will have an impact for many years to come. Mr. Lewis advised he supports the SUGA Plan and asked the Council adopt it according to the original content.

Mr. Jim Webb said it has been two years of disagreements and it is time to move on and make a decision on which way to go. He said he is on the Steering Committee and sees one strong thing on the Plan that tells him it can't be completely right. Mr. Webb said with looking at the possibility of one unit per acre which he is opposed to, soil won't support the one unit per acre sewer will have to be done. Mr. Webb said if the larger landowners are not allowed to do something decent as far as density then they would devalue the value of the property greatly. Mr. Webb said it is not fair and not right. Mr. Webb advised the neighbors have their place on an acre or half-acre lot and the others should be able to develop their lot they way the want to. Mr. Webb asked that the City get on with their decision.

Michael Bennett said he is here as a concerned citizen. He advised community planning has always been a democratic process involving dialogue of an interchange, citizen's ideas, community needs and leadership

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insight. Mr. Bennett said there is something illogical about adopting a Comprehensive Plan that could place over half of Maury County property in no growth zones, diminish future democratic process and leadership judgment and limit residential development to one-acre lots. He advised America's great cities were not built by professional planners and Comprehensive Plans. Mr. Bennett said it was the vision and character of community leaders and involved citizens acting as such that built the social character, economic specialties and architectural attributes of the cities long before zoning or smart codes ever existed. He said the difference between successful cities and dying cities have been the caliber of community leadership involved and the politically unification of the social and economic priorities of the community at any given time in history. He spoke about what the area looked like in the 1850's and how the arrival of the railroads to Columbia brought prosperity. He said after the Civil War all that changed and cities were reshaped everywhere. He spoke about the Industrial Revolution, which attracted more people from the rural areas into the cities for work. Mr. Bennett advised plantations gave way to development. He gave examples of the process. Mr. Bennett continued to go over the history of change the City went through in regards to development. Mr. Bennett advised all the changes in history were accomplished with no Comprehensive Plan or professional planners. He said Maury County, Columbia citizens and leaders up until 1985 consistently linked community progress with Columbia growth and development unlike today's segmented and politically divided community. Mr. Bennett continued by saying the Maury County/Columbia development process has worked for over one hundred-fifty years. He said it is provided to be beneficial to our community development and it has worked for the common good of the community. He said it can accomplish that all again.

Dr. Jim Fitts said the Campbellsville Pike was a deer trail, Indian trail and then a cow path it doesn't have engineering and is not recommended as a road. Dr. Fitts said there is nothing to recommend that on the north side you can put four lots per acre and on his side only two, it is unfair and feels picked upon because with forty acres he is the only person that doesn't plan on developing anything, but his grandchildren may want to develop something on his land in the future. Dr. Fitts advised when we codify something and make a rule it stays with it and makes it hard to change things later. Dr. Fitts advised we need to be careful about making rules that

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are difficult to change. Dr. Fitts told a joke that involved a farmer and a land use planner.

Terry Britt said he had some facts that he wanted to go over. He said fact one is over 200 years every president has used the following words as part of the Oath of Office “to the best of my ability preserve and protect”. Mr. Britt said nineteen days from tomorrow the term of office for Mr. Campbell and three other members of the Planning Commission will expire. Mr. Britt said another fact is word on the street is that the Mayor is leaning towards reappointing the four on some kind interim basis of undefined length, which in his opinion is a mistake. Mr. Britt mentioned another one of his facts is that the word on the street is Mr. Eddie Campbell will be running for the Office of Mayor. Mr. Britt said he hopes the Council will vote down the additional words to the Plan. He asked that Council vote to let the wisdom of “preserve”, “protect”, “require” and “ensure” stand as presented in original Plan and then at the end of the meeting all people can wish the members of the Planning Commission and the Mayor a happy retirement.

Tom Grosko said the traffic safety issue is unresolved on Campbellsville Pie and he asked Council to make it a key ingredient for the Plan.

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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Council took a break at 7:58 p.m. and planned to resume the meeting at 8:05 p.m.

The Council Meeting resumed at 8:08 p.m.

Mayor William E. Gentner called the Special Called Council Meeting to order, pursuant to proper notice having been given. Assistant City Recorder Sue York 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; Acting City Manager David Holderfield; City Attorney Tim Tisher; Assistant City Recorder Sue York; and Liz Bermudez, Recording Secretary. City Recorder Betty Modrall and City Manager Paul C. Boyer, Jr., were absent.

Council Member Dickey asked for a moment of silence to honor City Recorder Betty Modrall's, husband Joe Modrall, who passed away on June 9, 2009.

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

ORDINANCES:

ORDINANCE NO. 3812 - AN ORDINANCE TO ADOPT A
GENERAL PLAN FOR THE SOUTHERN
URBAN GROWTH AREA WITHIN THE
URBAN GROWTH BOUNDARIES OF
FIRST CONSIDERATION COLUMBIA, TENNESSEE.

Vice Mayor Kennedy moved to approve Ordinance No. 3812 on first consideration. Council Member Dickey seconded the motion. Mayor Gentner recognized Mr. Eddie Campbell. Mr. Campbell said he feels the words the Planning Commission changed are similar to the original ones, but the changed words may keep them out of litigation. He said neither "preserve" nor "protect historical resources" is in the Gallatin Plan, which people are saying is a good Plan. Mr. Campbell said their emphasis is on creating and identifying historical resources, which he thinks is important. He advised the Williamson County Plan says that historical resources will

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be protected through enhanced zoning laws. Mr. Campbell said the required conservation subdivisions has not been talked about a lot because we do not know the details yet of a conservation subdivisions. He advised he suggested the word “encourage” which is the same as the word in Williamson County Plan. He said the Gallatin Plan does not require conservation subdivisions. Mr. Campbell spoke about requiring buffers; in MACTEC’s Plan if there is a subdivision and you want to develop another one next to it you must put a buffer between them. Mr. Campbell advised that goes against Cumberland Region’s Tomorrow Interconnectivity Theory. That is why he thought they could “encourage” it and where applicable require it in the Zoning Ordinance. He said Gallatin’s Plan does not require buffers and Williamson County’s Plan only requires it between residential and commercial areas, which are what Columbia currently requires in its Zoning Ordinance. Mr. Campbell said “protect existing trees” is a very dangerous sentence. He advised the present Zoning Ordinance has a landscaping section. “Protect scenic views” was changed to say “consider scenic views” because the previous language was asking for a lawsuit. He spoke about “ensure” new development does not impact existing infrastructure negatively changing to “minimize the effect”. Mr. Campbell said the word “density” gets thrown around a lot. He said according to the Columbia Zoning Ordinance one to four units per acre is considered low density. He advised this is all the Planning Commission is recommending (low density). Mr. Campbell said there have been people saying Mr. Lee Walton ignored the Planning Commissions suggestion of word changes but that is not the case. Mr. Campbell said he spoke to Mr. Walton and Mr. Walton advised him since a Plan has not been adopted to date then they continue to use the same words they originally placed in the Plan. Mr. Campbell reminded Council that there is a Comprehensive Plan now and according to the Judge, the City approved it in 1995 and the Plan was amended in 2005. He said that Plan remains in effect. Mr. Campbell said it may not a great Plan, but the City does have one. He advised they want a better Plan than what the City has now; this Plan is a living document. Mr. Campbell said the Plan wasn’t prepared by one group and then just handed off to Council. He advised several groups looked over the Plan and put effort into it. He urged Council to pass the Plan and correct any minor things at another time. Mr. Campbell informed everyone that the Plan can be changed or added to at any time; it is just a guideline or blueprint of where the City is going. Mr. Campbell advised during the

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Implementation Phase language can be added to the Zoning Ordinance and Subdivision Regulations (subregs) that will place necessary restrictions on future developments. He stressed that now is the time for the City to move forward after two years of hard work.

Council Member Matthews said she was talking with Alice Algood about before Saturn came and how the City of Columbia and Maury County needed a Comprehensive Plan then. Council Member Matthews said the most important thing is the Plan. She said she is appreciative of MACTEC and all their hard work. Council Member Matthews advised she is thrilled with the living document and the Smart Growth Plan. Council Member Matthews said we need to “measure twice and cut once”. She gave the example of having a fourteen year old daughter and using the words “promoting” versus “preserving” in reference to the daughter. She said as a City they have a decision on whether to “promote” the City or “preserve” the City. Council Member Matthews advised heritage trees make the City different from other cities in the State so when discussing buffers those things are of value. Council Member Matthews said their decision tonight is a daunting task because their decision can change the way the valley on Campbellsville Pike looks forever. Council Member Matthews spoke about a statement she heard from one of her professors, she said the professor said mankind will be jack hammering concrete to get back to land. Council Member Matthews said that statement has stuck with her throughout the years. Council Member Matthews said the words that have been changed do carry a lot of weight and she is not opposed to “promoting” and “preserving natural resources” because they are two different ideas. She said maybe they can look at having both words in the text. Council Member Matthews spoke about words being cut out of the Plan like making “consider” take the place of “ensure”. Council Member Matthews gave the example of the fourteen year old daughter being told to “consider” being home at a certain time or “ensure” being home at a certain time. Council Member Matthews said she would like to get back to the weight of the words because they have paved for the words to be carefully dug. She advised this is the people’s document and unfortunately at this time the people that said “protect”, “preserve”, “ensure”, “maintain” etc. their words have been substituted with seven people’s choices who are on the Planning Commission to “consider”, “promote” etc. Council Member Matthews informed everyone that she never attended a charatte where she heard those

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words. She advised she takes these changes with great severity. Council Member Matthews said with the rest of the Plan, they need to ensure buffer zones, but that can be worked out in the Zoning Ordinance and the complete Comprehensive Plan. She spoke again about the importance of Heritage Trees.

Council Member Stephenson thanked everyone for coming to the meeting tonight. She said she has a number of concerns and mixed feelings. She said Mr. Campbell spoke about how important it is for everyone to understand where the Planning Commission was coming from when they proposed the amendments that they proposed. She questioned why there was no discussion at the Planning Commission Meeting when the amendments were proposed. She said she would have liked to have known at the Planning Commission Meeting their reasoning for changing the wording of the Plan. Council Member Stephenson advised when she proposes to amend something she gives depth and detail as to why she is proposing a change. She said just tonight they are given an idea as where the amendments are coming from; she said she would have liked that information a lot sooner. Council Member Stephenson continued by saying there are those that they think this is a policy document and not an enforcement document, but the Plan is referenced in the Zoning Ordinance. Council Member Stephenson advised on the bottom of Planning Commission calendar there is a notation that says, “they strongly recommend the developers contact and have discussion with the homeowners that live contiguous to a proposed development”. She advised she doesn’t see that has ever been done (for the most part). Council Member Stephenson said there have been times when there have been projects proposed near her property and no one had ever contacted her. She said there are people who say enforcement words don’t belong in the Plan. Council Member Stephenson said if they had enforcement documents that were not so inadequate and substandard then she would feel much more comfortable about the Comprehensive Plan. She went on to say if the City had a Planning Department and Planning Commission she could count on then she would feel much better. Council Member Stephenson spoke about how she has gone before the Planning Commission with an appeal and received no feedback and had her comments ignored. Vice Mayor Kennedy said they have heard from the Planning Commission and he has the greatest confidence in what the Planning Commission does. Vice Mayor said

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Council can amend the document at any time because it is a living document. Vice Mayor Kennedy said if they cannot trust the Planning Commission then what does the City need them for. He said they study the plan and are supposed to know what is good for Columbia. Vice Mayor Kennedy advised development is important for the City, we need the revenue and we need the money. Vice Mayor Kennedy gave the advice of looking at the document hard and long. Council Member Matthews said the main issue is the definition changes. She asked Council Member Dickey and Mayor Gentner why they wanted the changes and since they voted on the amendments has it bothered them or what are their thoughts about this. Council Member Dickey said in trying to put together a Plan that will control growth for the future is not an easy task, there are people with different ideas which is okay because that is the way it should be. He said it all starts with the landowners because they have owned their land for years and then they decide they want to sell their land and get as much return on their investment as they possibly can. Council Member Dickey said when they sell their land the developers buy the land and they market it so that they can make a profit but also have affordable homes for those that want to buy them. Council Member Dickey spoke about the free enterprise system kicking in there and how it doesn't need to be overlooked. He spoke about what is happening now and how it happened in 1983 and how in 1985 they were on their way to recovery. He said it will happen again. Council Member Dickey spoke about the Spring Hill facility. Council Member Dickey advised when serving on the Planning Commission you have to comprehend the big picture if not then miss a lot. Council Member Matthews asked why the words were changed. Council Member Dickey advised it gives more room for development to put a product out that people will purchase and be able to enjoy the quality of life. Mayor Gentner said he was following the Plan as a living document and he was comfortable with the words Mr. Campbell came up with. Mayor Gentner said he can see why the residents feel threatened by the words but he feels there is more similarity to the words than people are saying. Council Member Stephenson spoke about the SUGA Conceptual Future Land Use Map and how she is concerned about the map due to the color being the same as some of the other areas that have large lots. Council Member Stephenson said she thought there was going to be a distinction on the map, but doesn't see the distinction on this map. She was wondering if the map needed to be corrected. Mayor Gentner advised he agrees with Council Member

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Stephenson about the map and depending on the motion and passage Council can ask for the change so they get it back by second consideration. There was clarification of what the last bullet on page 12 of the Plan said. In addition, there was clarification on page 28 regarding lot sizes. Council Member Stephenson said she didn't see the change she just mentioned among the amendments that the Planning Commission voted on. Planning Director Holderfield advised by making a change on page 12 the table automatically changes. Council Member Stephenson said there are changes in the paragraph she didn't see on the proposed amendments that they were given to Council from the night the Planning Commission voted on the Resolution, the changes that say "encourage the use by" and "should not be mandatory" and "should be incorporated into a PUD". Council Member Stephenson said the amendments were not presented to the Planning Commission the night they voted on the amendments. She said she is concerned about these two amendments being made after the vote had taken place. Planning Director Holderfield advised they are changes ten and eleven on the amendment list, but he will double check on the amendments. Mr. Eddie Campbell came to the podium to clarify the two amendments that Council Member Stephenson had questions on. Mr. Campbell said it came from in an item that was voted on, it said all references to conservation subdivisions should be preceded with the word "encourage" and it should not be mandatory and in order to do that they had to change the paragraph because it led one to believe it was mandatory. Council Member Stephenson asked Mr. Campbell where he is seeing that on the amendment list that Council was given. Mr. Campbell advised it is number three on the first page of the list. Council Member Stephenson said that helps but it doesn't include the last sentence that was added nor the change right above that. City Attorney Tisher advised the charts are modified to reflect whatever textural amendments were made, so there is not a problem with the chart. City Attorney Tisher advised with the textural amendment the Planning Commission would have to vote on the amendments. Mayor Gentner asked the City Attorney if he is interpreting the document as being correct. City Attorney Tisher advised it is correct. Council Member Martin said the information that she needs tonight and whenever it can be made available is the exposure to anybody whether a property owner or developer or just a regular taxpaying citizens with the changes of these words. She advised she has read the document and made numerous notes on it. Council Member Martin said she would like to know for clarification what the

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exposure is if a phrase begins with “require” as opposed to the change word or “protect”, “preserve” or “ensure”. She said she has read the document but doesn’t know what the exposure is with the changing of those words. Council Member Martin advised she does understand the definition of the words but when they are placed in a document of this magnitude then she personally needs to know what the exposure is whether limited or extended. She advised she agrees with many of the things in the Plan. Mayor Gentner advised Council will take some comments from the audience. Mr. Bill Wade said Mr. Campbell is right in saying a whole lot of effort went into the planning process and the residents of SUGA sat through many long meetings. Mr. Wade said Mr. Walton told him his language was standard planning language and it is throughout the draft of the Plan. Mr. Wade said Mr. Campbell told him that his word changes are not standard planning language and if they are going to have Eddie Campbell and the Planning Commission go through the entire Comprehensive Plan and change the language they are going to change the area back to pioneer days. Mr. Wade spoke about the Planning Commission ignoring evidence and just voting on what they want to do. Mr. Wade said he has not heard anyone speak about Mr. Campbell deleting “protect existing property owners” from the Comprehensive Plan, which is actually in the Zoning Ordinance. Mr. Wade advised the Comprehensive Plan is above the Zoning Ordinance, it guides the Ordinance. Mr. Wade said the language that Mr. Campbell has changed was language he first heard from Mr. Webb at Steering Committee Meetings. Mr. Wade said he isn’t suggesting that Mr. Webb directed Mr. Campbell on what changes to make. Mr. Wade said they have heard the same “malarkey” about the sewer. Mr. Wade said it isn’t about one acre per house it is about conservation subdivision planning being a very flexible concept. Mr. Wade said he would like to reemphasize that he recommends Council reject the Plan and sending it back to the Planning Commission. He said the City needs new Planning Commissioners with a different vision for the community and they need an advocate for the citizens. Mr. Heller spoke about the houses that he builds in the community. Mr. Heller advised they have never once had a problem with the inspector because they are very reasonable. Mr. Heller said the houses are better than the ones twenty-five years ago. Mayor Gentner reminded Mr. Heller that the topic of discussion is the SUGA Plan. Mr. Heller said they are “nitpicking” with “what ifs” and hypothetical problems. Mr. Heller said he bought the land because he had been buying land in the area for forty-seven years and they have never had a

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problem. He said he bought the land because it was zoned for two houses per acre. He said he wouldn't have put money into that with the possibility of Mr. Wade coming from California and saving the people on the ridge. Mr. Heller said they don't need protection from him, he hasn't hurt anyone yet, but he cannot say the say for Mr. Wade. Mrs. Alice Johns spoke as a resident who has dealt with this issue on the north side of town. She asked Council to take the opportunity to not rush through their decisions, look at what they are doing, take what they heard tonight, and go through the City to look at some developments because the landowners who are around the area also have an investment. Mrs. Johns said there is one particular area on the north side of town where the developer has been foreclosed on and the area and residents near the area have had to go back and forth with Members of Council, the Mayor, the Planning Department and the City Attorney to get them to try to just to abide by the Ordinances and things that are there. She advised there are people in the area that have bought in the area, they purchased from the developer and they don't have their fence finished, landscaping hasn't been kept up and promises were not kept. She asked that Council not let this happen in other parts of the City. Mrs. Johns said we have many good developers but there have been some situations and that is why the language was put in by MACTEC because they listened to the people and their concerns. She spoke about conservation zoning meeting somewhere in the middle and how she would like to see Council look at and develop Columbia's guidelines on conservation zoning and take the time to develop it. She spoke about a golf course being a perfect opportunity for green space. Mrs. Candace Wade urged Council to not give into fear. She asked that they raise the bar. Mrs. Wade said they have an opportunity to create a destination residential area. Mrs. Wade said those complaining of one unit per acre have built nice areas with one unit per acre. Mrs. Wade spoke about a community of rules and how Stoneybrook has had foundation problems and the builder is gone along with others. She advised the homeowners were stuck with costs to keep their houses standing. Mrs. Wade advised they have to consider what will happen to the homeowners down the line. She asked what will the ripple effects be for the entire community. She said Council needs to take the opportunity to do something large, great. Mrs. Wade said they want development but they need to protect infrastructure on Campbellsville Pike so it isn't dangerous. Mrs. Wade advised they need to think of the children all over the community. She said this is an opportunity for the City to change and to be

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a “gem” where people will want to live. She said we need change, why not be great. Mr. Bruce Peden said Council Member Martin spoke about the ramifications to the process. Mr. Peden said there is a tension between owners who want to develop their property and there is a tension between the existing neighbors who don’t necessarily want change. He said he has listened to the discussion about the word changes and from what he heard and knows under this Plan with that language it is designed for control. Mr. Peden advised the City in 2004 hired an expert consult to draft the Zoning Ordinance that had all the terms and concepts that did not exist in the City of Columbia. Mr. Peden said Council has become convinced that they have never had a Comprehensive Plan. He asked if protect existing trees means they cannot cut an existing tree down because that is what it says, it requires a Zoning Ordinance to be consistent with the Plan. Mr. Peden advised that Stoneybrook subdivision, the Ridge, etc. would not fly under the Plan because they cut trees. He said they didn’t protect the view. Mr. Peden advised with the controlled language every development can violate the Plan because you don’t give guidance you give control. He said if that is what the Council wants, a no growth plan then by all means they should pass the plan MACTEC did. Mr. Peden advised he doesn’t believe in the concept of the community developing into a half million dollar residences. Mr. Peden spoke about the unfairness of the impact the language of the Plan would have on Mr. Heller’s property as opposed to those in the audience in their existing subdivisions. Mr. Peden said in terms of demand he would go with Mr. Heller, he is out there building houses that people are buying. Mr. Peden said Mr. Wade is an expert so he needs to get investors and buy a bunch of property so they can develop it themselves. Mr. Peden advised he takes issue with Council Member Stephenson. He said the City does not have a perfect Planning Commission or Department, but she should be proud of them because they are both excellent. Council Member Matthews asked for guidance in wanting to amend the Plan to go back to the original language from MACTEC by reverting the twenty-six changes that Mr. Campbell made back to the original words. City Attorney Tisher said Council would first make a motion to amend and if the motion passes then Council would vote on the Ordinance as amended. He said if the motion to amend fails then they would vote on the original motion as it was. Council Member Matthews asked if they could blanketly say they want to make an amendment to the Plan to revert the twenty-six adjustments that Mr. Campbell made. Council Member Matthews said she is happy with all the

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changes except the twenty-six word changes. Mayor Gentner said if the motion as amended passes then the Plan is carried back to the Planning Commission and they would have to vote on it, then it would come back before Council. City Attorney Tisher advised Planning Commission would have to have a Special Called Meeting before the Council's third consideration of the item. Council Member McCullen apologized because he has had an emergency situation that he has been dealing with. Council Member McCullen asked for clarification again on what happens if they amend the Ordinance. Council Member McCullen asked if they pass the Ordinance as it is what affect does that have. City Attorney Tisher advised if it passes as is then it goes forward to second consideration. City Attorney Tisher advised Council can make amendments during any consideration. Council Member McCullen asked the impact the language will have on the land. Council Member Matthews said the original document from MACTEC had words that were used by the community, suggestions they wanted to see in the plan. Council Member Matthews said the words were adjusted at the Planning Commission Meeting along with other amendments which she is happy with, the only amendment she would like to see changed is the twenty-six word changes back to the original MACTEC suggestions that are proper planning procedures. Council Member Matthews said this doesn't mean that there will not be a tree cut, she said as a community we are going to protect and preserve what is ours and move forward with that in mind. Council Member Matthews moved to amend the document back to the original form regarding the twenty-six locations of word changes put forth by Mr. Campbell wherever they fall in the document. Council Member Stephenson seconded the motion. Council Member McCullen said he is trying to understand from the Planning Commission standpoint how the changes impact the intent of the Planning Commission. Mayor Gentner said if the motion passes it goes back to the Planning Commission, if the Planning Commission doesn't agree then a joint meeting will have to take place to resolve their differences in order for this to move forward. Mayor Gentner said the Planning Commission isn't out of the loop on this. Mayor Gentner said the Planning Commission would have the opportunity to take under advisement the changes, if this motion passes and attempt to address it and vote on it. Mayor Gentner said if the Planning Commission's Plan is not the same as the Council's plan then there will have to be a joint meeting of the two bodies. Council Member Stephenson said it was presumptuous for Council Members to assume that other Council Members didn't have

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questions and concerns about other amendments other than what Mr. Campbell proposed because she in fact does have issues with the other amendments presented by the Planning Commission Members. Council Member Stephenson said there are two places where the Mayor switched to the word “encourage”. She said she also has concerns about Ms. Selle’s amendments. There was discussion as to whether speaking about other amendments would be appropriate with a motion on the table. City Attorney Tisher asked Council Member Stephenson if she is wanting to amend the motion to amend. Council Member Stephenson asked if they are still able to have discussion before the vote is taken and before she submits an amendment to the amendment. City Attorney Tisher said they are in the process of discussion now. Council Member Matthews asked for a point of information, she asked if Council makes an amendment to the Plan than any other Council Member can make an additional amendment. Council Member Matthews asked if the amendments had to be done all at once. City Attorney Tisher said technically you amend then vote on the motion as amended. City Attorney Tisher said if Council passes the motion to amend then another motion to amend can be made to add something else if that is how Council wants to do. City Attorney Tisher advised Council will end up voting on the underline motion. Council Member Stephenson said she wanted to discuss things that she thinks is important. Council Member Stephenson advised Mr. Peden when there are complaints about the Planning Commission and Planning Department she and other Council Members get those phone calls. She feels both have significant problems in the way they function particularly in terms of enforcement. Council Member Stephenson said she represents Ward 5, which is north Columbia and it has been “burned and burned big time”. Council Member Stephenson said she has repeatedly seen failure after failure in Ward 5 in terms of enforcement and appeals brought forth to the Planning Commission. She spoke about an engineer saying to her that he doesn’t have to answer her questions he only has to answer the Planning Commissions. She said she had a contractor who said they control the City because they control the Planning Department and the Planning Commission. Council Member Stephenson advised those are the kind of things that have been said to her and others. Council Member Stephenson said when she first came to office she spoke to the Planning Director about concerns she had about the Zoning Ordinance, she said it was loaded with loop holes. Council Member Stephenson said Mr. Holderfield replied that he thought it was fine. She

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said she spoke to the City Manager numerous times and he too had voiced that the Zoning Ordinance is a document that is significantly flawed. Council Member Stephenson said she pushed for the subregs to be updated because they are terribly antiquated and inefficient. She also wanted the Zoning Ordinance to be improved upon significantly because they are our two enforcement documents. Council Member Stephenson said if she thought she could rely on the Planning Commission and Planning Department to listen to her and the public then she probably wouldn't have an issue with the wording in the document. She said it remains to be seen if the Planning Commission will agree to put words in the enforcement documents such as "preserve", "protect" and "ensure". She advised she is not optimistic, not right now. Council Member Stephenson said in Ward 5 they have had developer after developer after developer that were okay with moving forward if someone else didn't catch things that needed to be done. Council Member Stephenson said she wanted everyone to understand the perspective she is coming from. She said she hasn't gotten anywhere with the Planning Commission or Planning Department. She said the project that Mrs. Johns is talking about is where the Planning Commission was supposed to put in place performance and maintenance bonds for landscaping and failed to do so. Council Member Stephenson advised there was another project on Bear Creek Pike that sat abandoned for three years in which she begged them to place those bonds on that project because it was picked up by the original contractor. She spoke about proposed condos and townhomes that turned into apartments and rental homes. Council Member Stephenson spoke about people that invested in the condos on Burt Drive that have turned into apartments and the Homeowners Association is controlled by the developer because he is the majority owner of the rental properties. Council Member Stephenson said the developer calls the shots, there is supposed to be an active association that hasn't met once, the developer collects \$75.00 a month but there is never any meetings. She said the development out on Bear Creek Pike that was abandoned for three years had in the original preliminary plat, in the minutes, no more than five units could be rental property and no more than five could be owned by the developer. She said that never came back again. Council Member Stephenson said the Planning Commission Members totally ignored her and one of the Planning Commissioners walked down from the Chambers after he just approved letting the development go forward and said the whole thing should have been bulldozed and torn down. She said that is what she

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has to rely on. She is very concerned about that and has concerns about what Ms. Selle proposed on page 16 because she asked to leave the word “single-family” out in front residential neighborhoods. Council Member Stephenson said if the words are eliminated a noticeable disconnect is seen at the top to the bottom of the page. Council Member Stephenson spoke about Ms. Selle’s other proposal on page 19. Council Member Stephenson pointed out that the character is incomplete and is to only promote the context of the SUGA. She said the main idea of the Plan is to provide a guide that reflects a vision for future growth and development with a foundation based on character area planning and as it states at the beginning of the document character area planning focuses on the existing area characteristics. She said it is important that the Plan guides them into responsible use of land with contemporary enhancements that will improve the viability of the community. Council Member Stephenson said it doesn’t make sense to stipulate “single-family residential neighborhoods” at the top of page 16 and not at the bottom, same for page 19. Council Member Stephenson said she would like to make an amendment to Council Member’s Matthews amendment. Council Member Matthews said the sections that Council Member Stephenson is referring to is the South Central Suburban Neighborhood as well as the Trotwood Avenue Suburban Corridor, both are already annexed and zoned in the City because it says the location of this character is generally bound by Trotwood Avenue, Sunnyside Lane, Campbellsville Pike and James Campbell Boulevard. Council Member Matthews said they are already zoned and there are multifamily uses that are already zoned under the currently Zoning Ordinance. Council Member Matthews said it will conform to what is currently zoned in the area. She said taking “single-family” out will not change what is already zoned. Council Member Matthews said because they are already zoned and annexed they cannot really change anything to do with that. Council Member Stephenson advised Council Member Matthews that zoning can be changed. Council Member Matthews said placing “single-family” in there would oppose what the current Zoning Ordinance has there at this time. Council Member Stephenson said it is stating the Primary Use not the only use. Mayor Gentner asked Council Member Stephenson if she wanted to make a motion on this. Council Member Stephenson advised she did want to make a motion. City Attorney Tisher clarified that Council Member Stephenson’s motion is a secondary amendment to amend the two references that she has been speaking about.

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Council Member Stephenson said it is to amend pages 16 and 19 to place “single-family” back in front of “residential neighborhoods” since that is the Primary Use. Council Member Stephenson said she is also concerned about the two changes the Mayor made with the word “require” to “encourage” on page 14. Council Member Stephenson said she isn’t sure she likes the word “require” on page 14 and she doesn’t like the word “encourage”, she asked if there was another word they can put in place of “require”. Mayor Gentner said that can be worked on. Council Member Stephenson advised her motion to amend would just include the two pages where she would like to see the word “single-family” back in front of “residential neighborhood”. Council Member Matthews seconded the motion. Council Member Matthews read from page 19 under Primary Land Uses, she asked Council Member Stephenson if she would be comfortable using the same language from that section in the South Columbia Suburban Neighborhood. Council Member Matthews spoke about the areas that bound the character area and how they are corridors, which is for multi-family, high density residential. Council Member Matthews advised they cannot eliminate anything about “multi-family” when there is a location being the two major corridors basically saying it is a Primary Use. Council Member Matthews asked Council Member Stephenson if she would be okay with saying “single-family residential neighborhoods, parks, public institution uses, multi-family uses in accordance with the detailed master plan for the corridor” because Trotwood Avenue and James Campbell Boulevard are corridors that are defined as high multi-family, high-density residential locations. Council Member Matthews said to eliminate that option in those two corridors would really be limiting options. Council Member Matthews said the corridors can’t be restricted by saying only “single-family”. Council Member Stephenson advised she didn’t say only “single-family”, she said Primary Land Uses. Council Member Matthews said page 19 is detailed and she would like to know if Council Member Stephenson would be okay with having page 16 have the same detailing as page 19. Council Member Stephenson said she wasn’t looking to introduce new amendments, she just wanted to change an amendment back to the original form. Council Member Matthews and Council Member Stephenson continued to go over what pages 16 & 19 say. Vice Mayor Kennedy said Council could go through the entire document and find words to change, but he would like to know if Council votes on Council Member Matthews amendment tonight and it passes would they still be voting on the Ordinance or would it just go

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back to the Planning Commission. Mayor Gentner advised they would vote on the Ordinance afterward. City Attorney said first they will vote on Council Member Stephenson's secondary motion to amend, whether passed or not they will then vote on Council Member Matthews' motion to amend, and regardless of what happens with the two votes, Council will then vote on the underlining motion with amendments or without amendments depending on how the votes play out. City Attorney Tisher advised if the Plan is amended it will go back to the Planning Commission and Council can still go on with the second consideration. He said the Planning Commission would have a Special Called Meeting before Council's third consideration. Council took a vote on Council Member Stephenson's amendments. All Council Members present voted aye with the exception of Council Members Dickey, Martin, McCullen, Vice Mayor Kennedy and Mayor Gentner who all voted no. Council Member Stephenson's amendment failed. Council then took a vote on Council Member Matthews' amendment to change the twenty-six locations of the words back to their original words. All Council Members present voted aye with the exception of Council Members Dickey, McCullen and Vice Mayor Kennedy who voted no. Motion to amend the twenty-six word locations passed. Council proceeded to take a vote on Ordinance No. 3812 as amended. All Council Members present voted aye on the amended Ordinance.

There being no further business, the meeting adjourned at 9:53 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER