

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

June 18, 2009 – 6:30 p.m.

PUBLIC HEARING - ON ORDINANCE NO. 3806 –
APPROPRIATION ORDINANCE FOR FISCAL
YEAR JULY 1, 2009 THROUGH JUNE 30, 2010
– FINANCE DEPARTMENT.

Mayor William E. Gentner called the Public Hearing to order, pursuant to proper public notice having been given. Present were Mayor William E. Gentner, Vice Mayor Kennedy, Council Members Carl McCullen, Debbie Matthews, Christa Martin, Dean Dickey and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; City Recorder Betty Modrall; and Liz Bermudez, Recording Secretary.

There being no one present in connection with the Public Hearing for Ordinance No. 3806, Vice Mayor Kennedy moved to close the Public Hearing. Council Member Martin seconded the motion. All Council Members present voted aye.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY R. MODRALL, CITY RECORDER

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PUBLIC HEARING - ON ORDINANCE NO. 3810 – AN ORDINANCE TO AMEND THE FY 2008-09 BUDGET ORDINANCE NO. 3753 AS PREVIOUSLY AMENDED, PROVIDING FOR REVISIONS TO THE GENERAL FUND – FINANCE DEPARTMENT.

Mayor William E. Gentner called the Public Hearing to order, pursuant to proper public notice having been given. Present were Mayor William E. Gentner, Vice Mayor Kennedy, Council Members Carl McCullen, Debbie Matthews, Christa Martin, Dean Dickey and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; City Recorder Betty Modrall; and Liz Bermudez, Recording Secretary.

There being no one present in connection with the Public Hearing for Ordinance No. 3810, Council Member Dickey 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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Mayor William E. Gentner called the Regular Meeting to order, pursuant to proper notice having been given. City Recorder Betty Modrall called the roll. Present were Mayor William E. Gentner, Vice Mayor Wayne Kennedy, Council Members Carl McCullen, Debbie Matthews, Christa Martin, Dean Dickey and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; City Recorder Betty Modrall; and Liz Bermudez, Recording Secretary.

Reverend Rick Elsey offered the invocation followed by the Pledge of Allegiance led by Council Member Stephenson.

APPROVAL OF AGENDA:

Mayor Gentner moved to approve the Agenda with the following changes:

1. Item 8.2, Authorize the Word of Life Ministry to reserve and use the Macedonia Recreation Center for Sunday Services and activities through June 30, 2011 at the City's approved rate for the use of recreation facilities on days that the facility is not open to the public – Remove Item 8.2 from the Agenda.
2. Item 9.1 – Resolution No. 09-24 – A Resolution to establish the maximum amount of tax relief available under the City of Columbia Tax Relief for the Elderly Low-Income Homeowners – Move Item 9.1 to Other Business and consider as Item 12.1.
3. Item 9.2 – Resolution No. 09-25 – A Resolution revising the Personnel Policies and Procedures Manual of the City of Columbia, Tennessee -Move Item 9.2 to Other Business and consider as Item 12.2.

Council Member Stephenson seconded the motion. All Council Members present voted aye.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 4, 2009.** Vice Mayor Kennedy moved to approve the Minutes of the Regular City Council Meeting of June 4, 2009. Council

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Member Stephenson seconded the motion. All Council Members present voted aye.

Item 6.2 – CONSIDERATION OF RETIREMENT BENEFITS FOR WAYNE STACY, DRIVER/PUMP OPERATOR, FIRE DEPARTMENT. Council Member Martin moved to approve the consideration of retirement benefits for Wayne Stacy. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

Item 6.3 – REAPPOINTMENT OF MR. JIMMY CAMPBELL TO THE BOARD OF ZONING APPEALS FOR ANOTHER 3 YEAR TERM. Mayor Gentner moved to reappoint Mr. Jimmy Campbell to the Board of Zoning Appeals for another three (3) year term. Council Member McCullen seconded the motion. Council Member Matthews asked how many consecutive terms Mr. Jimmy Campbell has served on the Board of Zoning Appeals. Mayor Gentner advised he has served one term. Council Member Matthews then asked if this would be his second term. Mayor Gentner advised it would be. Council Member Matthews asked if Mr. Jimmy Campbell had previously served on the Planning Commission. Mayor Gentner said he did not know. Council Member Matthews said Mr. Campbell is one of the biggest assets we have in Columbia, but he is the property owner that is involved with renting out space for the Methadone Clinic in Campbellsville Plaza. Council Member Matthews continued by saying Mr. Campbell has approached Council about starting a homeless facility in the community. Council Member Matthews advised there are a lot of zoning issues that involve him as a property owner and developer. Council Member Matthews said the City does not have a “breadth” of other individuals in our community sitting on boards and she would like to know if there is any kind of conflict in this appointment. Mayor Gentner advised that he does not see any conflict. All Council Members present voted aye on the reappointment.

CONSENT AGENDA:

Mayor Gentner asked that Item 7.6, bid award for a vehicle for the Code Administration Department and a twelve (12) passenger van for the Wastewater Department, be removed from the Consent Agenda. Council Member Martin moved to approve the Consent Agenda with the exception

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of Item 7.6. Council Member McCullen seconded the motion. Council Member Stephenson asked why Item 7.6 was being removed from the Agenda. Mayor Gentner advised he will speak about why he wanted the item removed in just a moment. All Council Members present voted aye and the following items were approved:

1. Disbursements for the month of May 2009 in the amount of \$4,929,319.45.
2. Authorization to dispose of surplus City property – Finance Department.
3. Authorize purchase approval for network routers – MIS Department.
4. Consider authorization of application to the United States Department of Justice, Office of Justice Programs, for the FY 2009 Bulletproof Vest Program – Police Department.
5. Bid Award for retread tires – Public Works Department.

Item 7.6 – BID AWARD FOR A VEHICLE FOR THE CODE ADMINISTRATION DEPARTMENT AND A TWELVE (12) PASSENGER VAN FOR THE WASTEWATER DEPARTMENT – FINANCE DEPARTMENT. Mayor Gentner moved to have the City purchase one (1) Ford Ranger off the State Bid List for \$13,363.00 and remove the purchase of a twelve (12) passenger van per the City Manager's notation on this item. Council Member Matthews seconded the motion. Mayor Gentner asked the City Manager to speak on why the bid award for the passenger van was being removed. City Manager Boyer advised the current van is nine (9) years old, but it only has 26,000 miles on it. Therefore, he recommends that Council not replace the van. Council Member Martin asked about a \$35,000.00 amount in the budget documents. City Manager Boyer explained that amount was an estimate as to how much a new van would cost. Mayor Gentner said he made his motion due to the bid analysis that Danny King gave Council. Mayor Gentner said there is an opportunity for the City to purchase a Ford Ranger R-10 4x2 pickup for \$13,363.00 from the State of Tennessee Bid List. Mayor Gentner advised staff wanted to purchase a Chevrolet Colorado 4x4 for \$18,532.00. Mayor Gentner said the Ford Ranger has a higher clearance and gets better gas mileage than the Colorado. Most importantly, the Ranger is \$5,169.00 less than the Colorado. Mayor Gentner said we need to save as much money as

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possible. Mayor Gentner placed a picture of what a Ford Ranger would look like before each Council Member. Mayor Gentner said the City should acquire this vehicle, save the additional money and at the same time meet the requirements of the department so they can continue to function as a code enforcement department. Council Member Stephenson advised at the Study Session she brought up the same issues with the Ranger versus the Colorado. All Council Members present voted aye.

ADMINISTRATION:

Item 8.1 – RATIFICATION OF CHANGE ORDER WITH LYMAN DAVIDSON AND DOOLEY, INCORPORATED FOR GEOTHERMAL TESTING – FIRE DEPARTMENT. Vice Mayor Kennedy moved to approve the ratification of the change order. Council Member McCullen seconded the motion. Council Member Stephenson had previously requested a copy of the initial testing done at the site. Council Member Stephenson said the testing was done by ESA Inc., who had recommended that all the backfill used in either the building pad, the parking areas, or the roadways should be nuclear-tested for compaction during construction. Council Member Stephenson said the report also stated that all the backfilled soils should be put in place and compacted to no less than 95% of the maximum dry density for the soil types used. Council Member Stephenson advised the report also said the testing should be performed by a third party testing company during construction of the site. Council Member Stephenson asked if this is what the City spent the \$7,800.00 on. City Manager Boyer advised that is what the money was spent on. Council Member Stephenson said these were the concerns that she had with it being in-filled land as opposed to undisturbed earth. She said it was clearly indicated in the report that boring location B-6 revealed soils that have an odor of gasoline contamination and samples were sent to a lab in Nashville and the gentleman who did the report was waiting on the results to reach an opinion on the matter. Council Member Stephenson asked if ESA had followed up with a letter of recommendation. City Manager Boyer advised the City did receive a letter and the previous property owner did mitigate the soil conditions before the City bought the property. Council Member Stephenson said the report also states the subject site has been backfilled with offsite fill consisting mainly of clay and rock fill and the subject site seems to have been prepared by dumping and filling

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with minor compaction effort. Council Member Stephenson advised that in the report, ESA, Inc. said they feel that differential settlement could occur in the building foundations and it is their recommendation that the data be used by a foundation engineer to determine the design for improved foundations. Council Member Stephenson advised ESA, Inc. also recommended that the unsuitable materials on the site be removed and backfilled with a properly monitored engineered fill and it should be done especially within the building enveloped of the proposed building. Council Member Stephenson said she is concerned about what the additional costs would be and she is concerned about settling of the foundation and how problematic that may be in the future. City Manager Boyer said the cost of the site preparation to support the foundation for the building that was designed (based on the report in front of Council and not on ESA, Inc.'s report) has been built into the design of the building and is part of the construction contract that Council recently approved. City Manager Boyer said the issue has been dealt with. All Council Members present voted aye.

Item 8.2 – This item was removed from the Agenda during the Agenda approval process.

Item 8.3 – AUTHORIZE THE MAYOR TO SIGN THE NON-EXCLUSIVE USE AND OCCUPANCY PERMIT BETWEEN THE CITY OF COLUMBIA AND THE COLUMBIA ROAD DOGS TRAVEL BASEBALL CLUB FOR THE 2009 SEASON – PARKS AND RECREATION DEPARTMENT. Council Member McCullen moved to approve the authorization for the Mayor to sign the Non-Exclusive Use and Occupancy Permit between the City of Columbia and the Columbia Road Dogs Travel Baseball Club for the 2009 season. Council Member Martin seconded the motion. All Council Members present voted aye.

Item 8.4 – REQUEST FOR AUTHORIZATION TO EXERCISE EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY (ROW) FOR THE DUCK RIVER WALK PROJECT CONCERNING TWO (2) TRACTS OF LAND ON RIVERSIDE DRIVE – WARD 5 – ENGINEERING DEPARTMENT. Vice Mayor Kennedy moved to defer the authorization for eminent domain. Council Member McCullen seconded the motion. Vice Mayor Kennedy said he was visiting the site and spoke with the man that owns the property. Vice Mayor Kennedy said he was told

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the property facing the left of the man's building was \$5.35 per square foot and on his right \$3.35 per square foot. Vice Mayor Kennedy said the property owner advised him that he is willing to work between prices. Vice Mayor Kennedy said he told the property owner that he was not a negotiator or even someone he should talk to about prices. Vice Mayor Kennedy advised he would like to defer this so the City could sit down with the property owner to discuss buying the whole property instead of a little in the front and a little in the back. Vice Mayor Kennedy said he felt that enough has not been done yet and he would like one more chance before pushing eminent domain. Council Member McCullen asked what effect the delay would have on the project. City Manager Boyer advised that, due to Federal Regulations, every time the City delays part of the property acquisitions we are delaying moving forward because no other work can be done until the City acquires all the property. Therefore, it is a minimum two-week delay. City Manager Boyer said with normal projects, work can be done on other things while completing property acquisitions. Federal Regulations do not allow that. Vice Mayor Kennedy said his understanding is the project has been going on fifteen years and he does not see what two weeks will hurt. Council Member Martin asked if all the Council Members have to vote to negotiate with the property owner. City Attorney Tisher said the motion is to defer and there would have to be a subsequent motion if the Council wishes to pursue the opportunity of attempting to negotiate the purchase of the entire tract of property. Council Member Martin asked if the negotiation would be for one piece of property. City Attorney Tisher said he would assume Council would want to negotiate the entire purchase of multiple tracts. Council Member Martin said she is asking because Vice Mayor Kennedy just said one property. Vice Mayor Kennedy said: "the whole piece of property". Council Member Martin said there are two pieces of property that Council has been discussing. City Attorney Tisher said there are actually three parcels. Vice Mayor Kennedy said he would like to defer until the next meeting to see if something could be worked out with the gentleman so they can purchase all three tracts. Mayor Gentner clarified that the Vice Mayor was asking for a deferral and then a motion would need to be made for the attempt to negotiate. Council Member Matthews said Mr. Pullen asked the City to buy his entire property. Council Member Matthews said the City has grant money to buy the eighty-foot piece of Mr. Pullen's property that is located at the very back of his property. Council Member Matthews said Mr. Pullen's property is a total of 580 feet. Council

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Member Matthews advised the City is looking to take between 80 to 110 feet of Mr. Pullen's property and the piece the City is looking at is at the very back of his property near a utility easement and right next to the river. Council Member Matthews advised that Council was told on Tuesday night the City does not have funds to buy the entire piece of property. Council Member Matthews asked Vice Mayor Kennedy if he is asking Council to negotiate for the entire piece of property or a new price for the back piece of the property. Vice Mayor Kennedy said he understood there was property at the front of Mr. Pullen's building that the City was looking at also. City Attorney Tisher advised that the project had been redesigned along the front so that it would not be necessary to take any additional pieces of property. Council Member Matthews advised all they are talking about after two years of discussion with these property owners is that we need 80 to 100 feet for the Riverwalk. Council Member Matthews advised the City is not taking anyone's home and she reemphasized that the pieces of the properties the City needs are at the very back of the property owners' properties. Council Member Matthews said the backs of the properties are an "overgrown jungle". Council Member Matthews said she believes the power lines have a 150-foot easement already at the back of the properties and the City would be within that 150-foot easement. Mayor Gentner reminded Council that the motion is defer and they need to stick to that topic. Council Member Stephenson said her understanding is that the City has grant money only to purchase the rights-of-way and not entire lots. Council Member Stephenson said that to purchase an entire lot, the Council would have to raise property taxes because the City does not have the money to purchase an entire piece of property. Council Member Stephenson said she did not know where "fifteen years" of this project came into play when the grant money was just accepted a couple of years ago. Council Member Stephenson said it was her understanding that due to restrictions per Federal Guidelines, they were prohibited from making direct contact with property owners and that is why the City had to contract with someone else to carry on those discussions. Council Member Stephenson said she is concerned about Vice Mayor Kennedy making contact with the property owner with those restrictions. Vice Mayor Kennedy said no one made any restrictions on him and if it gets to where he cannot talk to citizens about their land then he would quit. Council Member Stephenson said it is easy for Council to make inquiries and others could find out what she found out if they made inquiries. Council Member Martin asked if, when deferral is considered for the reason

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Vice Mayor has given, there would have to be additional motions because the motion to defer does not consider his reasons. City Attorney Tisher advised the motion to defer just postpones the Agenda Item to the next Agenda. If Council wanted to do something differently in terms of negotiation then it would require a motion. Council Member Stephenson advised she does not see a reason to defer the item and she is concerned about any other negotiations. Council Member Matthews said if all goes according to plan, then the ground will be broken as soon as August on this second phase. City Manager Boyer advised that staff of the Engineering Department has been saying August but he finds that hard to believe as the City has not yet purchased and closed on the property or gone through the bid process, etc. Council Member Matthews said the City has been negotiating with the two property owners for two years. City Manager Boyer said it has been less than two years. Mr. Gary Hunt of Fisher and Arnold (the design firm for the Riverwalk) said the project had to be released in phases. Mr. Hunt said they were not authorized to proceed with right-of-way acquisition until October of last year. Council Member Matthews said the process on this particular vote started at the end of April and Council has deferred this item three or four times. Council Member Matthews said the reason it has been deferred is because no one likes eminent domain. Mayor Gentner reminded Council they are drifting way beyond the motion to defer. Vice Mayor Kennedy said he could have been off on some his remarks but in terms of when the Riverwalk was actually started, he was told around fifteen years ago. Vice Mayor Kennedy said he was talking about when they started looking at acquiring property. Vote was taken on the motion to defer. Vice Mayor Kennedy voted aye and all other Council Members voted no. The motion to defer failed. Council Member Matthews moved to approve the authorization to exercise eminent domain to acquire rights-of-way for the Duck Riverwalk Project concerning two (2) tracts of land on Riverside Drive.

Council Member Stephenson read the following: “The Riverwalk Project was a project I inherited, not one that I initiated. In November of 2006, grant funding for this project was accepted from the Federal Highway Administration. Mayor Gentner and a previous council that included Vice-Mayor Kennedy, Councilman McCullen and Councilwoman Martin unanimously voted to enter into a contractual agreement with the State of Tennessee (TDOT). These were federal dollars to be administered through

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the State. Contrary to public perception, roads, water lines, sewer lines, and parks are all “infrastructure,” and the funding Columbia was granted for this project is “transportation project” funding. But, as I voiced at Tuesday evening’s study session, I needed to weigh what is being proposed (namely invoking eminent domain) to keep this project moving forward, against the commitment of federal dollars and local matching funds that would ultimately be jeopardized or permanently lost by the City of Columbia. The City of Columbia was granted a \$5.7 million dollar SAFETEA-Lu (Safe, Accountable, Flexible & Efficient Transportation Equity Act - A Legacy for Users) grant for the Riverwalk Project, and as it happens, Mayor Gentner and the previous Council accepted this grant award, and they also committed the city to matching dollars equivalent to 20% (approximately \$1.4 million dollars) of that \$5.7 million dollars. All that being said, it is important for the public to understand that the City of Columbia to date has spent approximately \$762,000.00 dollars, most of which we will be reimbursed for. Of that \$762,000.00, the City of Columbia has already spent approximately \$152,000.00, which represents a portion of the 20% match that Mayor Gentner and the previous Council committed the City of Columbia to pay. We are way too far into this project to try to back up now, not to mention the additional costs to the city that would result. The way Mr. Bowers wrote his “commentary” he made it sound like the city is ready to yank these homeowners out of their homes and take all of their land. Nothing could be further from the truth. And, yes I do represent these two property owners. But, due to restrictions per the federal guidelines of this federal grant, I and others from the city were prohibited from attempting to make any direct contact with either one of these property owners. That is why the City had to contract with someone else to carry on any discussions. I stated that eminent domain should always be used as a last resort. But let’s get all of the facts out in the open. First of all, the city is only requesting a small 10-foot wide right-of-way easement that runs across the rear of these two properties. Fair market value of these properties has been determined, and these two property owners have been offered very generous compensation for this small portion of their properties. Other property owners have agreed to accept the city’s compensation and terms. The small right-of-way we are talking about is a densely overgrown area at the very rear of their properties that is already between an existing utility easement and the river! And, this right-of-way would be a football field or more in distance away from their homes (300 feet or more away). No one has ever

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asked either one of these property owners to leave their homes, and no one has ever made any attempt to take away all of their land. This has been completely overblown and totally misconstrued. Also, no one has considered that these properties are in the floodplain, and this project will actually enhance these two properties with sidewalks, curbing, and significant drainage improvements which will in turn improve their property values. Yes, Mr. Bowers, I do represent these two property owners, and neither one has ever made any attempt to contact me. I represent them and many others. I am working hard to hopefully assure that at some time in the not too distant future, the Riverside community can regain the quality pre-eminent, premiere status it once displayed before it was destroyed and allowed to be overrun by unsavory opportunists. This project I hope will initiate Ward 5's own revitalization, which I will endeavor to carry into other parts of Ward 5 that have also been neglected over the years, such as Chantay and Hardy Acres, Jackson Heights, and many others. Downtown Columbia will also benefit from this project. It is time to raise the bar and clean up Columbia, if we ever hope to attract new investments into the city. I guarantee you, when the revitalization project begins in East Hill, College Hill, and other areas, the idea of eminent domain will again resurface. We have a choice; as a community, we can either stagnate and sit still while the world passes us by, or we can step up and do what is right. This Council needs to demonstrate leadership, not fear and cowardice. I, personally, can assure my constituents and the citizens of the City of Columbia, that I have put in long hours and I have done my homework on this one. It is never easy. Everyone is entitled to their opinion. But, Mr. Bowers, you elected to author and publicize an inflammatory diatribe that was completely devoid of pertinent, factual information that also should have been shared with the public. But you neglected to do so. Instead, you intentionally skewed and favored only one perspective; your own. You sought out only one Council member whose position you were pretty sure would reinforce your own. You completely denied the public any semblance of "fair and balanced" reporting, and you willfully represented only your own misguided conflicts. You have sir, in effect, exhibited reckless and irresponsible media reporting. What you have accomplished is this; you have permanently compromised any small minutia of journalistic integrity you may have ever had, and as a direct consequence, you have also damaged the credibility of the Columbia Daily Herald."

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Council Member Martin said she wanted to go on record saying eminent domain is something they do not like to do. Council Member Martin said that her parents experienced eminent domain a long time ago when towers were built on their farm. Council Member Martin said she had been receiving phone calls from citizens giving reason for eminent domain and reasons against it. Council Member Martin said she had a lot of information to look at and she listened to those who shared their experiences. Council Member Martin said they have had many meetings about the Riverwalk and they even had an afternoon at the Riverwalk where they walked through the terrain. Council Member Martin said she saw property that had not been taken care of that was close to the riverbank. Council Member Martin said she does not want to take anyone's house if she does not have to, she does not want to do anything with a large portion of someone's property because one day it might be her house and her property. Council Member Martin advised she is very sensitive to this matter and she hopes the people that will be able to share the possibility of this Riverwalk will be positively impacted. Council Member Martin said we are looking to take steps to allow a great project to occur in Columbia. Council Member Martin said she is sensitive to land ownership but the City needs to look at the options the law has given them and make sure we give just consideration to everything property owners have and we move forward on this project. Council Member Matthews advised that on Tuesday night Council saw many graphs about the project. Council Member Matthews advised the Riverwalk was designed to be 520 feet of a trail along the river. Council Member Matthews said when the City redesigned the project to try to avoid eminent domain, the trail changed to a 1,400 foot route which doesn't even stay alongside the river. Council Member Matthews said the property owners will still have over a football field length of their property. Council Member Matthews informed the public that the alternate plan would have the walk going close to the front the property owners' properties. Council Member Matthews spoke about the need for common sense to prevail. Council Member Matthews said the City has done everything they can to make this project work and the best thing to do is to go forward with the plan, make it a beautiful walk and add to the infrastructure and the financial base of Columbia and its scenic riverway. Council Member McCullen asked who makes up the Riverwalk Committee. City Engineer Jim Fuller said he does not know all the names of the committee members but he did mention Leslie Colley, himself, Gale Moore, Brenda Pierce, Kristi Martin

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and others. Council Member McCullen asked if they discussed the item extensively. City Engineer Fuller advised they did thoroughly go over the item and those who could not attend the impromptu meeting emailed their opinion about the eminent domain. Council Member Dickey said if the motion passes tonight, the citizens of Columbia will only remember the Riverwalk in the future as a project that was started and completed according to its original plan. Council Member Stephenson asked Mr. Fuller what the Riverwalk Committee's unanimous vote was. City Engineer Fuller advised that the unanimous vote was to proceed with eminent domain and the original plan. Mayor Gentner advised he is going to oppose this item for several reasons. Mayor Gentner said he has intimate knowledge of what was going on with the Riverwalk because he was previously the Councilperson for Ward 5. Mayor Gentner said the sidewalk along Riverside Drive is included in the overall plan; the City is just accelerating a portion of that process now rather than later. The sidewalk improvement beginning at Conant Street and Riverside Drive is part of the original plan the only change is to stay away from Mr. Pullen's property. Mayor Gentner said the sidewalk east of the existing restroom at Carter Street and Riverside Drive is new and would be needed to avoid the two property owners that do not want to sell a portion of their property for the walk. Mayor Gentner said the location of the new sidewalk would enhance the project because that is the general location of the Farmer's Market Pavilion for which the City has applied for grant funding. Mayor Gentner said further delay for the project creates problems for the project to begin in 2009. Mayor Gentner said we have 120 days of decent weather, so if Council proceeds with eminent domain then more than likely the City will not be able to do anything with the project in 2009. Mayor Gentner advised a delay could take the City out of the window for hopefully favorable bids. Mayor Gentner said there is nothing in the plan that prohibits the City from coming back later and, with property owner agreement, connect the sidewalk closer to the Duck River as originally planned. Mayor Gentner advised that the City Manager had recommended Council accept the alternate layout of the design. Mayor Gentner said there is no guarantee that the court would approve the taking of the pieces of property and there are additional dollars involved with eminent domain. Mayor Gentner said that, for the reasons he just spoke about, he is going to vote no on this matter. Council Member Stephenson said her understanding is if they go with the alternate plan and then later on try to revert to the original, there will be additional costs. Council Member

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Stephenson asked City Manager Boyer to clarify his opinion on the matter because her impression when talking to Mr. Boyer was he was relatively neutral and could go either way. Mayor Gentner read the second paragraph of the Agenda Item, which stated the following “The City Manager does not support this recommendation and recommends that the alternate layout (attached) be approved.” Council Member Stephenson advised she has read the Agenda Item, but is basing her discussion on a phone conversation she had with Mr. Boyer. City Manager Boyer said that he never said he was neutral. City Manager Boyer advised he said it was a very close call and given all the situations we have considered here (including the City Attorney’s advice about how the eminent domain process will likely play out) and all the unknowns involved, he came up with the recommendation not to use eminent domain. City Manager Boyer said he said he doesn’t have “strong feelings” either way because it is a really close call. When he considered everything, including the City Attorney’s opinion, his recommendation was to build the alternate design and move on. Council Member Matthews said she is going to say what she wanted to say with the upmost respect. Council Member Matthews said there are nights when it has been like “herding cats” at the Council Meetings. Council Member Matthews said the reason it has been like “herding cats” is due to the lack of leadership coming from the Mayor. Council Member Matthews said she is saying that with respect. Council Member Matthews advised that with the projects started in Columbia, there is a “handwringing” and “standstill” fearful of going forward. Council Member Matthews said Council needs the Mayor’s leadership to stand with the Council to say the original design on the plan is the way it needs to be done. Council Member Matthews said if the courts say eminent domain will not work then the City will move on from there. Council Member Matthews asked the Mayor to reconsider his vote tonight because the Council is looking to him for leadership. Mayor Gentner said he is providing leadership. Mayor Gentner informed Council that he provided leadership when the project was started and is still currently providing leadership. Mayor Gentner said in response to Council Member Matthews’s comment he is very disappointed. Mayor Gentner advised he takes responsibility very sincerely and he does not make a motion unless he has really thought it through based on the information that has been given to him. Mayor Gentner informed everyone that he feels his motion to vote no on this matter is leadership. All Council Members present voted aye on the motion to authorize eminent domain with the

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exception of Mayor Gentner and Vice Mayor Kennedy who voted no. Motion to authorize eminent domain passed.

RESOLUTIONS:

Item 9.1 – Resolution No. 09-24 – was moved to “Other Business” as Item 12.1 during the Agenda approval process.

Item 9.2 – Resolution No. 09-25 – was moved to “Other Business” as Item 12.2 during the Agenda approval process.

RESOLUTION NO. 09-26 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 09-22. Council Member Stephenson seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3806 – AS AMENDED - APPROPRIATION ORDINANCE FOR FISCAL YEAR JULY 1, 2009 THROUGH JUNE 30, 2010 – THIRD CONSIDERATION FINANCE DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3806 on third consideration as amended. Council Member Dickey seconded the motion. City Manager Boyer asked Council to amend the Ordinance so that the following corrections are made which include removing the Garden Street Project from the Wastewater Department Budget and the other was to add sufficient funds back into the salary account in the City Manager’s budget since it was deducted twice when they decided to remove the raises from the budget. Finance Director Patti Baltzer the Ordinance as presented includes both amendments, so no further amendments need to be made. Finance Director Baltzer advised when the attachments are approved, the changes will be incorporated in the Ordinance. Vice Mayor Kennedy said he would still like to see the Firemen and Police get a one percent raise plus the City contributing to the Retirement Plan or put overtime back into the budget.

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Mayor Gentner advised that would have to be made by a motion. Vice Mayor Kennedy moved that the City contribute to the retirement plan and give a 1% raise. City Manager Boyer advised the motion is fine but Council would have to identify funding for the motion. Council Member McCullen seconded the motion. City Manager Boyer advised they are trying to figure out the amount a 1% raise across the board would cost. Council Member Stephenson said it was her understanding that any amount of a raise for employees or adding overtime back into the budget would result in a property tax increase. City Manager Boyer said there is also the option of reducing something in the budget. Council Member Stephenson said the City would have to cut the budget somewhere else or raise property taxes. City Manager Boyer advised that is correct because the City cannot absorb the increase. Vice Mayor Kennedy said they are talking about employees and that is how he feels. Finance Director Baltzer said she does not have the amount of what a 1% COLA would cost because previously they looked at a 1% annual raise, which not all employees would qualify for due to being topped out. All Council Members present voted aye with the exception of Council Members Dickey, Martin, Matthews, Stephenson and Mayor Gentner who voted no. The motion to give the employees a 1% raise across the board failed. Mayor Gentner advised Council that they would be dealing with the original motion. Council Member Martin said she has attended all the budget meetings they have held this year and she personally believes that every attempt has been made to put together a budget that recognizes the meritorious value of every employee in the great City of Columbia. Council Member Martin said she applauds the efforts they are making in such a “different” economic setting that we are in. Council Member Martin said the employees in this City are valuable to her, Ward 3 and to the entire City. Council Member Martin advised Council has made diligent efforts to look at some critical issues due to the economic situation. Council Member Martin said they made sure to keep the City served, the citizens employed and to keep service provided to the citizens and those who chose to visit this great City. Council Member Martin said she cares about the employees and the citizens of Columbia. Council Member Stephenson said she concurs with what Council Member Martin said. Council Member Stephenson spoke about last year pushing for a 2% cost of living increase. Council Member Stephenson said Council would try to put forth COLA increases and benefits increases as best they can but this year has had extenuating circumstances. Council Member Stephenson advised

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everyone that is it also difficult for her family. Council Member Stephenson said she understands the employees' concerns about no cost of living increases, no overtime etc. and she has been there also. Council Member Stephenson said hopefully the economy will turn around. Council Member Stephenson said these aren't easy decisions; they are tough decisions and Council is accountable to the entire City. Council Member Stephenson advised she does not vote based on political gains; she weighs the issues and studies the issues before voting on a matter. Council Member Stephenson said she appreciates the City employees and the Management Team. Mayor Gentner allowed for citizen input. Mr. Chris Cummins said he was here representing the Columbia Firefighters Association Number 4381. Mr. Cummins said in the proposed budget that Council is considering would actually be taking money from their pockets. Mr. Cummins advised they (Firefighter Association members) did not want a raise. Mr. Cummins said the proposal that was brought before them was either a 3% raise or lose your FLSA which is what Council is going to vote on tonight as to whether to take that away from them or not. Mr. Cummins said the Council is just taking out of their pockets to place it in other pockets. When they come out of this, they are not going to stay the same - they will drop. Mr. Cummins advised there are employees that will lose a lot of money in the proposed budget. Mr. Cummins asked Council to take into consideration what he just said to them. Council Member Dickey said times are tough. Council Member Dickey advised the City Manager, Management Team and Council have been able to come up with a budget that does not require eliminating jobs. Council Member Dickey said he thinks that is remarkable because that is not what is being seen in the private sector; jobs are going by the wayside every day. Council Member Dickey said the budget is a job well-done and he appreciates it. Council Member Matthews said the State may have to start eliminating positions and they are looking at freezing salaries at the State level for the next three years. Council Member Matthews advised she represents Ward 2 and her constituents do not have jobs, if they have jobs they don't have holiday pay, if they have holiday pay they may not have vacation pay, they don't have sick time and they don't get a Christmas bonus. Council Member Matthews said that it would be hard to look at the citizens in her Ward and say she understands they are making sacrifices to pay their property taxes but she is going to give the employees of the City a 3% raise this year. Council Member Matthews said there is not another sector in the Country getting that. Council Member Matthews said the Fire

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Department deserves more pay then they are getting. Council Member Matthews advised the citizens of Columbia have City employees that are above and beyond any other City employees in the State and they deserve a lot more. Council Member Matthews said everyone in the City of Columbia is underpaid. Council Member Matthews gave the example of the Police Department being two dollars behind the Sheriff's Department. Council Member Matthews said Council understands and they have a goal of getting high paying jobs in the City of Columbia so the employees can get a raise in the future. Council voted on the amended Ordinance. All Council Members present voted aye with the exception of Vice Mayor Kennedy and Council Member McCullen who voted no. Ordinance No. 3806 as amended passed.

ORDINANCE NO. 3809 - AN ORDINANCE FIXING THE TAX RATE FOR THE CITY OF COLUMBIA FOR THE YEAR 2009 ON ALL TAXABLE PROPERTY AT THE RATE OF \$1.38 PER \$100.00 – CITY
THIRD CONSIDERATION RECORDER'S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3809 on third consideration. Council Member Stephenson seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3810 - AN ORDINANCE TO AMEND THE FY 2008-09 BUDGET ORDINANCE NO. 3753 AS PREVIOUSLY AMENDED, PROVIDING FOR REVISIONS TO THE GENERAL FUND – FINANCE
THIRD CONSIDERATION DEPARTMENT.

Council Member Dickey moved to approve Ordinance No. 3810 on third consideration. Council Member Martin seconded the motion. Council Member Martin spoke about items that had been discussed during their budget session. Council Member Martin said there was talk about the inexpensive items trying to be worked in within the budget confines of the department. City Manager Boyer advised that is true, but it would be under the Appropriation Ordinance (referring to Ordinance No. 3806). City

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Manager Boyer said he spoke to Chief Bishop and they can absorb the cost within their budget. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no.

ORDINANCE NO. 3811 - AN ORDINANCE TO APPROVE THE CLASSIFICATION AND COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF COLUMBIA FOR THE 2009-2010 FISCAL YEAR – PERSONNEL DEPARTMENT.
THIRD CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3811 on third consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

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

Vice Mayor Kennedy moved to approve Ordinance No. 3812 on second consideration. Council Member Matthews seconded the motion. City Manager Boyer advised Council that they received a revised version of what was distributed to Council earlier. City Manager Boyer advised there were some pages, maps that had been omitted in the previous version along with the quote on page 28 by Lee Walton concerning the SUGA Plan as related to the Fair Housing Act. City Manager Boyer advised during the Planning Commission the Mayor had moved to amend the Plan by including verbatim what Mr. Walton said about the Fair Housing Act and it had never been captured and placed in the report. City Manager Boyer advised the Plan as certified to Council should have always included the statement from Mr. Walton. Council Member Stephenson said she has a couple of concerns. Council Member Stephenson said Mr. Walton would have a corrected SUGA Future Conceptual Land Use Map for Council by the third and final consideration of the Ordinance. Council Member Stephenson said City Attorney Tisher recommended trying to get the area included in the text.

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Council Member Stephenson advised she has not looked to see where the information can be added into the text but the area of concern includes Carrington Farms, Mecklenburg, Bigby Hollow Acres, Nathanael's Crossing and other contiguous properties around those existing subdivisions. City Manager Boyer said he did not have a discussion with Mr. Walton about how to get this done, but he also does not understand where to put it in the document. City Manager Boyer said he thinks Mr. Walton's intent is to make sure he includes what Council wants. City Attorney Tisher advised if there are certain neighborhoods color-coded differently on the map then Council will need to put the neighborhoods on some type of list so when the plan goes back to the Planning Commission, it can be captured on a map. A map can't be reproduced unless Council has made the modification and sent the modification back to the Planning Commission. Council Member Stephenson moved to amend Ordinance No. 3812 to adjust the SUGA Future Conceptual Land Use Map to include the areas of Carrington Farms, Mecklenburg, Bigby Hollow Acres, Nathanael's Crossing and other contiguous properties around those existing subdivisions and to also place back on page 16 the word "single family" under Primary Land Uses in front of the words "residential neighborhoods" as it was originally presented. Council Member Stephenson asked if this is where Council Member Matthews wanted to add "multi family" as well. Council Member Stephenson said she wanted to add both single and multi family to page 16, then on page 19 under Primary Uses to add "single family" back in front of "residential neighborhoods" as it was originally presented. Council Member Stephenson said those are her amendments. Council Member Matthews seconded the motion to amend. Council Member Dickey asked why they are identifying certain subdivisions at this point when they haven't identified them before. Council Member Stephenson said she has spoken to both Dennis Cook and Lee Walton of MACTEC and explained to them that there is an area that is color-coded the same as the South Columbia Suburban Area which is high density homes. The area she just mentioned has larger lot estate homes that already exist. Council Member Stephenson said the smallest lot in the subdivisions she has mentioned is around two acres with the lot sizes going up from there. Council Member Stephenson said MACTEC agreed that those subdivisions needed to be outlined and protected because they are existing larger estate lots. Council Member Stephenson said everyone at the meeting she attended where she brought this issue up was in agreement about needing to amend the map. Mayor

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Gentner asked Council Members McCullen and Matthews if what Council Member Stephenson just spoke about was discussed at one of the Steering Committee Meetings. Neither Council Member McCullen nor Council Member Matthews knew of the discussions about the amendment to the map. Council Member Stephenson advised that it was discussed at a meeting from which both Council Member McCullen and Council Member Matthews were absent. Council Member Martin said that on page 16 and on page 19 in regards to Primary Land Uses, she wants to make sure what is in general descriptions is also in line with what is in Primary Land Uses. Council Member Stephenson said “single family” on page 16 and page 19 is already mention in the descriptions and intent and that is why she would like to place the word back in the Primary Use section on those pages. Council Member Martin asked if there are legal concerns for inconsistency like they just talked about and if single family is not on there because of the fact that they are already there. City Attorney Tisher said under “Intent” on page 16, “single family” is referenced so he doesn’t see a problem with adding that back in, but he doesn’t see a reference to multi-family and when it is place in the plan they have the right to argue it is in the plan. City Attorney Tisher said if it is in the plan but not cohesive to the plan, then the developer has a right to say but it is in the plan. City Attorney Tisher said by adding multi family, Council would be making a possible substantive change. Council Member Martin said on page 16 above Design Strategies, the last bullet says “accommodate residential development with a maximum density of four units per acre” and asked what that means. City Attorney said it means maximum of four units per acre, which could mean four single-family units or a quadplex. City Manager Boyer advised Council that they are not adopting the Trotwood Avenue Suburban Plan. City Manager Boyer read the following statement from the plan “this character area is incomplete and is included only to provide context to the SUGA analysis for this plan”. City Manager Boyer said the Trotwood Avenue Suburban Plan will not be adopted in this Ordinance as part of the SUGA Plan. City Manager Boyer said Council is trying to amend an area that is not being adopted in the SUGA Plan. Council Member Stephenson said she just tried to get the words “single-family” back in on both pages 16 and 19, but Council Member Matthews was interpreting under the word “intent” “accommodating senior housing needs” as something that would be like a multi-family senior citizen center. Council Member Stephenson advised she didn’t necessarily agree with Council Member Matthews on putting the

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word “multi-family” in on page 16. Council Member Stephenson said she is just trying to get the map and text corrected based on what the citizens in the estate lots in that area communicated to her. Mayor Gentner asked if, based on what the City Manager has said regarding the Trotwood Avenue Suburban Plan, the motioner or seconder would like to change the motion or their second. Council Member Matthews said she would withdraw her second since they won’t be voting on the Trotwood Avenue Suburban Plan tonight. Council Member Matthews advised that if Ms. Selle of the Planning Commission made the adjustments with the stricken word “single-family” to was what was presented to Council to be voted on tonight, if those were not supposed to be a part of the amended plan, then she isn’t sure why they voted on them at the Planning Commission Meeting to be sent here. If stricken at the Planning Commission and sent as a part of the document, she asked if Council needs to vote on the document since they were amendments at the time. City Attorney Tisher said the note explains it is incomplete that it is only provided for contextual purposes and it will be included in other portions of the planning process. The only portion Council is actually adopting is the SUGA portion. Council Member Matthews said on page 16, Trotwood Avenue and James Campbell Boulevard currently have apartment buildings in those corridors which are multi-family and if they don’t include it in an area that already has it then they are in danger of down-zoning an area. Council Member Matthews said they are under a new plan to define corridors in the City. Council Member Matthews said she wants multi-family to be added back in because there are multi-family units in that area and if it is not listed then they could legally be held accountable for down-zoning an area. Council Member Matthews said as part of the Comprehensive Plan for the entire County, it is their attempt to define what a corridor is and a corridor is where they are planning to have high density residential so it stays out of the neighborhoods and near the streets. Council Member Matthews said if single-family is going to be placed back in, they have to place multi-family in also because it already exists in that area. Mayor Gentner asked Council Member Stephenson to make her motion again so all of Council understands what the motion is. Council Member Stephenson advised her motion is to amend the map and to place the words “single-family” back in front of residential neighborhoods as it was and to make the amendment to the text that she cited. Mayor Gentner seconded the motion. All Council Members present voted aye with the exception of Council Members Dickey,

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McCullen, Matthews and Vice Mayor Kennedy. Motion to amend fails. Mayor Gentner said he would accept another motion. Mayor Gentner asked Council Member Stephenson for a motion to amend the map. Council Member Stephenson moved to approve amending the Ordinance to correct the SUGA Future Conceptual Land Use Map so that it outlines the larger estate lots to include the areas of Carrington Farms, Mecklenburg, Bigby Hollow Acres, Nathanael's Crossing and other contiguous properties around those existing subdivisions so it is separated from the South Columbia Suburban Neighborhood. Council Member Matthews seconded the motion. There was discussion on whether text would have to be amended in the plan to reflect the changes in the map. City Manager Boyer reminded everyone that the neighborhoods that have been named is not a complete list of the neighborhoods in that area. After some discussion, it was said that a list of neighborhoods should be given to MACTEC so that the areas would be identified in the map. City Attorney Tisher said this needs to be done now because Council is sending this back to the Planning Commission and Council cannot adopt a plan unless it is certified by the Planning Commission. City Attorney Tisher advised the Planning Commission would meet before Council meets for their third consideration. Council Member Matthews said they are voting on a map that was omitted from the original plan. Council Member Matthews said the easiest thing to do would be to vote on the omitted map. City Attorney Tisher advised if they have the map that they want to substitute then they can amend by substituting it if they are sure that it is the correct map. Vice Mayor Kennedy asked what happens if the Planning Commission doesn't get the map by the July 1st. Council Member Stephenson said she will make sure the Planning Commission will get the map. All Council Members present voted aye with the exception of Vice Mayor Kennedy to approve amending the map. Mayor Gentner said a motion is needed to consider Ordinance No. 3812 as amended. Council Member Matthews asked the Mayor and Council Member Dickey about the language that was added under Conservation Subdivision where the City would be responsible for sewer lines through the green space, which she believes it is a zoning or enforcement issue. Council Member Martin pointed out page 10 where the "Conservation Subdivision" is found. Mayor Gentner said he was attempting to make sure we have to follow the terrain of creeks and rivers in order for the City to put the necessary sewer lines in. Mayor Gentner advised he was trying to avoid what might be construed as prohibiting the ability for us to provide power,

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water and sewer to areas where we would have to go through natural open spaces. Mayor Gentner gave the example of the Rutherford Creek Project. Mayor Gentner continued by saying he wanted government utilities because he did not think private utilities need to be working on this. Council Member Stephenson had a question about the first bullet on page 23 of the SUGA Plan. Mayor Gentner said the essence of what he was attempting to do with the first bullet was to address “conservation subdivisions” and “density neutral”. Council Member Stephenson spoke about removing “density neutral” from the first bullet. Mayor Gentner advised “density neutral” can be found in other areas of the plan. Council Member Matthews moved to approve Ordinance Number 3812 as amended. Council Member Dickey seconded the motion. Council Member Martin brought attention to page 28 and mentioned Mr. Boyer informing Council earlier about the entire dialog that Mr. Walton said about the Fair Housing Act being placed in the document. Council Member Martin said she has been asked about the particular area and the expanded part that is in the document. Council Member Martin said this is a very important part of the plan and she appreciates having the entire dialogue from Mr. Walton in the Plan. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no. Motion passes.

ORDINANCE NO. 3814 - AN ORDINANCE TO AMEND THE CITY OF COLUMBIA EMPLOYEES’ RETIREMENT PLAN RELATIVE TO THE EMPLOYEE’S CONTRIBUTION – SECOND CONSIDERATION CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Ordinance No. 3814 on second consideration as amended. Council Member Matthews seconded the motion. Council Member Stephenson said she wanted to clarify for the public that the City’s contribution to the Employees’ Retirement Plan is currently 9.44% and Council is going to increase the City’s contribution to 10.5%. All Council Members present voted aye.

ORDINANCE NO. 3815 - AN ORDINANCE TO AMEND THE CITY OF COLUMBIA PRE-65 AND POST-65 HEALTHCARE INSURANCE BENEFIT FOR ELIGIBLE RETIREES OF THE CITY

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OF COLUMBIA RELATIVE TO THE
CITY’S CONTRIBUTION – CITY
SECOND CONSIDERATION RECORDER’S OFFICE.

Council Member Martin moved to approve Ordinance No. 3815 on second consideration. Vice Mayor Kennedy seconded the motion. Council Member Stephenson again clarified for the public that the City is currently contributing 5.25% and will be increasing the amount to 5.85% of the gross pension payroll. All Council Members present voted aye.

ORDINANCE NO. 3721 - AN ORDINANCE TO ANNEX
PROPERTY KNOWN AS WINDY HILL
FARM LOCATED ON THE SOUTH SIDE
OF CAMPBELLSVILLE PIKE
CONTAINING 131.89 ACRES AND
ESTABLISH THE DATE OF JULY 16,
2009 AS THE DATE OF THE PUBLIC
HEARINGS ON THE ANNEXATION
AND PLAN OF SERVICES – GRANTS
FIRST CONSIDERATION AND PLANNING DEPARTMENT.

Council Member Dickey moved to defer Ordinance No. 3721 on first consideration until the next Regular City Council Meeting. Council Member Stephenson 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 JULY

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16, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.
FIRST CONSIDERATION

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

ORDINANCE NO. 3813 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 206 AND 208 EAST 16TH STREET FROM R-6 (RESIDENTIAL) TO GCS (GENERAL COMMERCIAL SERVICES) DISTRICT AND ESTABLISH THE DATE OF JULY 16, 2009 AS THE DATE OF THE PUBLIC HEARING – WARD 3 – GRANTS AND PLANNING DEPARTMENT.
FIRST CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3813 on first consideration and to establish the date of July 16th, 2009 as the date of the Public Hearing. Vice Mayor Kennedy seconded the motion. Council Member Stephenson informed the public that she has consistently abstained on rezonings. Council Member Stephenson said she does not have an objection on the rezoning of the property but her concern is in the Ordinance under Section 4 (a) where it states: The proposed rezoning is in agreement with the general plan and any applicable local area plans. Council Member Stephenson said her understanding is the City does not have a land use plan in that area, just maps, which in her opinion does not constitute a plan. Council Member Stephenson advised she is abstaining because she believes the City is in violation of the Zoning Ordinance. Mayor Gentner said one of his concerns is the impact this rezoning would have on the residential properties near this business. Mayor Gentner said he understands that Council Member Martin has communication from the surrounding neighborhood about them not objecting to the rezoning. Mayor

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Gentner asked Council Member Martin if she could elaborate on that communication. Council Member Martin advised she has spoken with Mr. David Sandlin a couple of times regarding the rezoning. Council Member Martin said the residents that live near the business said the business has been there for some time and that Dixie Diesel is a good neighbor. Council Member Martin said Mr. Sandlin is well aware of the requirements that are in the rules and there is a petition signed by the residents. Council Member Martin asked Mr. Sandlin to contact and interact with the residents on East 17th Street. Mr. Sandlin said he could work on that. Mr. Sandlin advised East 17th Street is on much higher ground, there is a big bank, solid trees and fencing so he is not sure how familiar they are with his business, but he can go around and speak to the residents. Vice Mayor Kennedy said on East 17th Street he had spoken to a couple of the residents and they did not have any objections to the rezoning. Mayor Gentner said he understands if this rezoning is approved, there is landscaping that is required. Mayor Gentner asked the City Manager to go over the required landscaping. City Manager Boyer said it is referred to in a table, but there is a significant requirement for buffering landscaping since it is a GCS use next to a residential use. Mayor Gentner asked if the landscaping would be required for just the new section. City Manager Boyer advised he could not answer that at this time. Mayor Gentner asked for an answer when the Ordinance comes up for second consideration. Council Member Matthews thanked Mr. Sandlin for his investment in Columbia and thanked him for expanding. Mr. Sandlin advised almost all of their business comes in from other areas. Mr. Sandlin thanked the Council. All Council Members present voted aye with the exception of Council Member Stephenson who abstained.

PUBLIC COMMENT:

OTHER BUSINESS:

Item 12.1 – Resolution No. 09-24 – **A RESOLUTION TO ESTABLISH THE MAXIMUM AMOUNT OF TAX RELIEF AVAILABLE UNDER THE CITY OF COLUMBIA TAX RELIEF FOR THE ELDERLY LOW-INCOME HOMEOWNERS – CITY RECORDER’S OFFICE.** Council Member Martin moved to approve Resolution No. 09-24. Council Member McCullen seconded the motion. Council Member Stephenson

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asked if they needed to clarify what amount they are selecting for the tax relief. City Manager Boyer advised the maximum is \$75.00 and it is established within the resolution. Council Member Stephenson asked if that is the amount the City has fund budgeted for. City Manager Boyer advised that the actual amount would depend on how many people apply. Council Member Stephenson asked what happens if more people apply than what the City has for this program. City Manager Boyer said in that case, a budget amendment would have come before Council. All Council Members present voted aye.

Item 12.2 – Resolution No. 09-25 – **A RESOLUTION REVISING THE PERSONNEL POLICIES AND PROCEDURES MANUAL OF THE CITY OF COLUMBIA, TENNESSEE – PERSONNEL DEPARTMENT.** Council Member Martin moved to approve Resolution No. 09-25. Council Member Matthews seconded the motion. Council Member McCullen asked if this is the same subject that the firemen were discussing earlier in the meeting. City Manager Boyer advised these are the changes necessary to implement the budget reduction made to overtime. All Council Members present voted aye with the exception of Council Member McCullen who voted no.

Council Member McCullen advised he has given Council a copy of the draft of the Spring Hill Water Sale Agreement. Council Member McCullen said the changes that Council asked for previously are incorporated in the current draft. Council Member McCullen advised the Public Utilities Board will have a meeting on Monday, June 22nd if Council has any questions or comments that they want him to take back to the meeting. Council Member McCullen advised the meeting on June 22nd is a Study Session and the actual meeting will be on Monday, June 29th. Mayor Gentner said the Council will not have a meeting before the meetings of the Public Utilities Board. Mayor Gentner asked Council Member McCullen if the board would be taking action on the agreement at the regular meeting. Council Member McCullen advised it depends if there are concerns and he can ask for a deferral on the item. Mayor Gentner advised he reviewed the agreement and he does have some concerns and thinks that other members of Council may have concerns or questions about the agreement. Council Member McCullen said he would probably recommend deferral to the

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Public Utilities Board so that Council has adequate time to look over the agreement and discuss it at a meeting.

Council Member Matthews said the Special Called Meeting of the Columbia Power Board is a study session on Monday at 3:00 p.m. to discuss the sale of water to Spring Hill. She requested all citizens to attend the meeting if they are interested in hearing about the water sale process. Council Member Matthews said she hopes that many of the Council can attend and she has many questions and concerns and this is the time that, as a community, they can go and express their concerns. Council Member Matthews gave “Shout outs” to two real estate agents that have opened an antique store on Bear Creek Pike called the Pink Porch; she said it is fabulous. Council Member Matthews also gave a “Shout out” to Nolen’s Barbecue. She said they have the best fruit tea; it is addictive and sweet. Council Member Matthews spoke about last year’s Christmas Bonuses and how she is interested this year in supporting the local businesses. Council Member Matthews advised she spoke to Mrs. Harris at Foodland to see if they are interested in doing gift cards or certificates to participate in the City’s Christmas Bonus. Council Member Matthews said Mrs. Harris did say they were interested and they just need to know in November or early December the amount of gift certificates that would be needed. Council Member Matthews said the City needs to give the opportunity to local businesses to participate in the Christmas Bonuses this year.

Council Member Dickey said at the Study Session the methadone clinic was discussed and he would like an update on that issue. City Manager Boyer advised he met with the City Attorney, Planning Director, and Police Chief to try to formulate a strategy as to how to handle the methadone clinic issue. City Manager Boyer said they have come up with a number of things they need to research. City Manager Boyer said they need to find out more about the Certificate of Need process at the State level. City Manager Boyer passed out a printout from the Tennessee Health Services Development Agency. City Manager Boyer spoke about the listing of the board members and the description of the process on what the criteria is for a Certificate of Need. City Manager Boyer said the board will hear the application for the clinic in Columbia on August 26th at 8:30 a.m. in room 12 of the Legislative Plaza and that written comments must be submitted by August 1st. City Manager Boyer informed Council that the six page application that they

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have been given is not even close to the complete application. He advised the application is currently fifty pages long and they expect it to grow over a hundred pages due to the receipt of letters of support or opposition. City Manager Boyer said next Wednesday at 8:30 a.m., the board will have their June meeting. At the meeting, they will have on their Agenda a Certificate of Need for a methadone clinic in another part of Tennessee. City Manager Boyer said he has placed this meeting on his calendar so that he can go and see what the board does. On the Agenda, they list who files in opposition to the clinic. City Manager Boyer said in this particular case there are a number of doctors, two district attorney generals, an administrator of the drug court, volunteer treatment center, the behavioral health group etc. who have all objected to the clinic in their area. City Manager Boyer advised Council that they could go to the website on the handout and look at the full list of those who had objected to the clinic. Council Member Matthews asked the City Manager to make a copy of the top of the page for Council. City Manager Boyer said the City is trying to figure out what to do with its own regulations. City Manager Boyer said if Council wants to file a formal objection, then they need to decide what the basis of that will be after everyone reviews what the standard review is for a Certificate of Need and that does not include “we don’t want it there”. City Manager Boyer advised where the clinic goes is not a significant part of what they are reviewing; the board is looking to see if there is a need for the service in that area. City Manager Boyer said staff is working on some regulatory options to give Council. He advised the Chief of Police is going to get some crime statistics for the area in Nashville around the methadone clinic and he will place calls to Savannah, Tennessee and Florence, Alabama to see if we can get some data from there. City Manager Boyer said he is working to compile a package for Council for the next meeting with specific briefings and recommendations. City Manager Boyer advised that a position to oppose or to be in favor of the clinic has not yet been taken by the Council, but if they are going to be opposed to the clinic then they need to be thinking of Community leaders that may want to join the City in opposition. Council Member Matthews asked if the City Manager and Planning Director had a chance to review the Zoning Ordinance that has a requirement for clinics or rehab facilities to have a front and side lot of yard as well as a back yard of at least fifty feet. Council Member Matthews said in regards to what she just mentioned, she would think that would eliminate the possibility of the clinic going into Campbellsville Plaza. City Manager

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Boyer said that staff has not had a chance to look at that but it is on their list of things to review.

Council Member Stephenson said it was good to have Mike Johns back. Council Member Stephenson acknowledged the hard work of the Riverwalk Committee Members and particularly City Engineer Jim Fuller. Mr. George Nuber has donated his time and effort in the design of the Farmer's Market. Council Member Stephenson asked Mayor Gentner what his intentions are on the four Planning Commission Members who have terms that will expire on July 1st. Council Member Stephenson advised she has been getting calls from the public about the Commission. Mayor Gentner advised he will respond to that question when it is his turn to speak.

Vice Mayor Kennedy advised Council Member Matthews' "Shout outs" are getting him many calls and he will talk to her later about them. Council Member Matthews responded by telling the Vice Mayor he should feel free to do some.

City Manager Boyer advised it is groundbreaking time for Fire Station 2. He asked Council if they could do a groundbreaking ceremony on June 24th at 5:00 p.m. Council Member Matthews advised there is a water meeting regarding the Duck that is supposed to take all day. Council Member McCullen advised he would not be in town. City Manager Boyer replied that construction began today and if they do not do the groundbreaking next week, there might as well not be a groundbreaking. City Manager Boyer gave Council the option of having the groundbreaking ceremony on June 25th at 5:00 p.m. Council decided to go with June 25th at 5:00 p.m. for the groundbreaking ceremony of Fire Station 2.

Mayor Gentner said the City needs to recognize the Public Works employee who earlier this year saved the life of an elderly person. Mayor Gentner informed everyone that the City of Columbia submitted Mr. Jones's name for recognition for the Snoderly Award and when the award was read in total of what Mr. Jones accomplished, there was a standing ovation for him. Mayor Gentner said Mr. Jones is now able to be recognized Nationally. Mayor Gentner said the State Legislature has passed a bill on guns in parks and there is an option for cities to opt out of that provision. Mayor Gentner said he would like staff to look at that and get it to Council on a timely

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basis. Vice Mayor Kennedy advised that he and the Mayor had attended the TML Conference this past weekend and they attended great workshops and appreciated the opportunity to attend the conference. Mayor Gentner advised he does plan to make changes to the Planning Commission but will not do that until the SUGA plan is officially resolved because the Commission Members have put a great deal of time and energy into the matter and he wants them to have the opportunity to carry it to its conclusion.

There being no further business, the meeting adjourned at 9:19 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER